

MASTERY OF THE UNIVERSAL LEGAL TECHNOLOGY

Mastery of the Universal-Legal-Technology.

*A New School of Jurisprudence that Counters the Fictional
Methodologies of the Legal and Governmental Industries Today, by
Using the Objective Interpretation Procedures*

Internet-Version

The author gives full grant to make copies of this work.

For those that have placed their reputation, livelihoods, and lives on the line for the cause of fairness and justice.

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Forward

I wish I could say that this book has grown entirely out of a love for learning the law, and of a love for research. As tempting as it is to discuss the history of the Universal-Legal-Technology, which are all of my “war stories” and anecdotes; the information in this book is directed toward instructing others how to write legal documents. This book is designed to turn one into a legal writer that understands the “why” of this writing style.

As a son and a grandson of librarians, I have said for many years that librarians have the best job on the planet. A researcher is nothing without a great library. Fortunately I live in Austin, Texas, one of the best places in the United States to live if one must do legal research. For my methodology of research, at this time the internet is not good enough. Serious research that gleans information from ancient sources is still done the hard way. We Hope that will change, but for now we must work with what we have, and that means sometimes traveling to far away places.

The beautiful part about researching in a great library during this information age is that at least most of the books in the library have been placed in a computerized reference system. This is a great help to me because I can quickly find books with valuable information that would have been formerly overlooked. Thus “the usual routine” approach for the suppressors of knowledge has nearly ended. These people see themselves as protectors of a system that requires the protectors to support the government’s position no matter how insane, no matter how many people are harmed. The legal foundations of the world are about to be reset so that we can enter the twenty-first century with honesty, integrity, and disclosure with our fellow human beings. The simple fact is that more information in the hands of the public causes more accountability. So the internet has become more than a diversion; it is now quickly becoming a two-edged sword.

The information age is bringing more ease in effectively comparing the “experts,” not only those from this day and time, but also those of centuries past. We can quickly find the words of Bingham, Silving, Rehnquist, Scalia, Seldan, Posner, Drieger, Cardozo, Radan, Mellinkoff, Dickerson or any other prominent authority at any point in recorded history. The separating of the wheat from the chaff is getting easier. I see a day coming soon where all known books are electronically searchable while online. It is a nightmare situation for the intellectually dishonest, those who make a living by suppressing reality while maintaining hurtful fictions. It is a powerful tool for those of us who seek the truth, quickly to research a question and dispense with a misguided or dishonest statement, arming ourselves with the facts — from any geographical location on earth.

Recently celebrating its one millionth volume, the UT Law Library was only one of ten major libraries on the University of Texas that I used. I found wonderful information at the Perry Constanada (PCL) library, just across campus, probably the largest library in Texas. The people of the University of Texas deserve thanks for making their library system what it is today. Without the University of Texas library system, no one would have ever heard of Jeff: Sciba, since all of the gossip, shared information and the like had to be validated. For a guy like me who speaks only English and has a love of old books, the best library that I have ever visited is London’s British Library. (If anyone knows of one better, let me know, so I can visit.) Started by King George the III, one author commented that George purchased all the published books in the world up to his reign. Those old, rare books are still available to serious researchers.

All of our efforts in these libraries have been directed at the development of a systematic, logical, and reliable system of communication, and legal procedures, that force administrators, judges, and litigants to be fair in their dealings with others.

My methodology in researching any particular subject is based on the principals of information theory. That theory teaches us that Information becomes disorderly over time, not more orderly. Energy must be expended to keep information organized. Therefore, I find it imperative that all law must be researched from the point of its origin, moving forward from the beginning up to the current time, to discover the development of any legal theory or law. I have found that old, powerful laws and legal theories have become fragmented, hidden in the libraries like needles in hay stacks. A prime example is American admiralty law.

The systematic writing technique in the Universal-Legal-Technology is designed to limit an interpreter’s ability to twist and strain the words in a law suit. The language procedure is not likely ever to touch any other part of society other than where a legal transaction is, or is soon, about to take place. A Universal-Legal-Technology (ULT) writer is writing in a way that is in reaction to the weaknesses in the run of the mill legal writing. An ULT writer is avoiding all of the traps exposed through years of litigation and research. ULT is mechanical and stilted, and is not

pretty. Nevertheless, it is verifiable front to back, back to front, and in a circle. Once mastered, ULT is simpler to write and understand than the words written in the Constitution, or the Gettysburg Address. The object of writing in the Universal-Legal-Technology is clarity. The ULT writer is doing everything possible to take away any excuses for misinterpreting the written word. In total, the writing style in the Universal-Legal-Technology is an answer to the problems of what has been commonly described as the “language of the law.”

The language of the law has been written about by scholars for centuries. For hundreds of years, law professors and legal professionals had attempted to better the legal profession by publicizing the anomalies in the writing of legal papers. Scholars had written much to improve other aspects of the legal field as well. We, the ULT writers, have therefore made an accounting of the problems we found in the law, and formulated an effective solution to these problems.

In prior generations, legal authorities openly published why they did not fix the problems unearthed in their times. Their reasoning was money. ¹Since the economic systems functioned without melting down, no changes were to be made. Recently, an intelligence source told me that until the United States reaches the end of this current recession (winter 2002), that no changes will be made. When will the legal industry want to change? It needs to be done before the masses figure it out so the transition can be made smoothly. Then those in charge can look like they are out front, dealing with the issues, and doing their jobs. The legal systems of the world, in varying degrees, have all been likened to houses built upon the sand.

The legal foundations of all prudent governments must be rebuilt upon bedrock from here forward. The changes have to be made. That is the only sure way of acting responsibly to our loved ones and fellow human beings across this globe. To continue to ignore the fraudulent activity, almost everyone is at risk to being indiscriminately hung by an angry, younger generation, who could in an electronic flash, discover they have been robbed of their rights and property through a collection of crafty and systematic legal artifices amounting to fraud.

To avoid confusing the uninitiated and the lawyers, I have not quantomized the words of this book. In other words, the legal terms need to be reworded to place everyone on a level playing field. I do not suggest that this procedure be taken “as is” into the fiction, lest the litigant run the risk of suffering the wrath of the judicial system in their fiction court, on their ever-changing terms.

One last item. Subject matter, which is that part of law concerning actual cases, is not addressed. In other words, proving whether “John shot his wife,” or whether “John paid the correct amount on his taxes,” is not a part of this book. This book is a book about procedure, which is that aspect of the case concerned with the obtaining of a fair trial. The procedures outlined herein are not exhaustive, and will be updated over the coming years.

¹ Find this cite in Roscoe Pound

The History of English Legal Writing

Once a student learns the nature of the difficulties, conflicts, and subterfuge of what is called the language of the law, i.e., traditional English (discussed in this chapter), and the subjective interpretation, fictions, oaths, prerogative, and judicial discretion, (all discussed in later chapters) he can understand that the Universal-Legal-Technology style of writing eliminates all known artifices, which I can think of, that impede justice. There are most certainly more artifices than outlined in this book, and I will bring these items to light as I find them. The exposure and study of these negative devices used in the governmental and legal systems of the world can be a bit painful for those who believe, for example, that governments are benevolent, that men are basically good, or that all religions are all the same. For the rest of us who have already received our wake-up call, herein is an exciting solution. The fraudulent devices that are about to be shown the reader — will always exist. Therefore, we must continually employ the solutions to the various problems to correct the past problems of the world's legal systems permanently. To gain a historical perspective, we begin our historical investigation with the Celtic lawyers, 1200 _ 200 B.C..

The citizenry of ancient England then was largely illiterate, requiring the use of verbal recitations to make contracts. The recitations were used as a type of incantation. "The learning of the law was an unchanging ritual, with the slightest departure from the *magic* of the word_for_word accuracy a violation of tribal taboo."² "Druid Priests oversaw the Celtic mythology, which included earth gods, various woodland spirits, and sun deities, was particularly rich in elfin demons and tutelaries, beings that still pervade the lore of peoples of Celtic ancestry."³ The prevailing thought of the Celts was that man had the power to speak forth words. Words that had the power to become reality. These souls felt that man could, as God had, alter the course of events of the world and affect reality by his words.

The Anglo Saxon Lawyers, around 450 AD, had the same thought process. "Particular words — not words of inherent precise meaning, but *magical* words — were believed to stir a God or wreck a soul."⁴ Largely illiterate, the Anglo Saxons also used verbal formula as part of a ritual. "The repetition in its *exact* form — and no other — produced the desired effect."⁵ The ritualisms were this way, too, in an Anglo_Saxon court. "The ultimate appeal [was] to the supernatural, and the appeal would not work unless it is worded by the rule."⁶ Any slight stumble in speech was regarded as enough to nullify the formula. Oaths were regarded in the same light, and had greater weight than any evidence that might be produced.

As time went on, lawyers had become dependent upon formbooks, largely written by laity. Lawyers closely followed the forms used out of fear and laziness.

² Melinkoff, *History of the Language of the Law* (1963) In my opinion, this is the finest book on the language of the law ever written. Most of the authors who published books on legal writing reference *History of the Language of the Law* and urge its reading. My thanks to Art Lee for sending me this important book.

³ "Celts," Microsoft Encarta 1993_1998 Microsoft Corp.

⁴ Melinkoff.

⁵ Melinkoff.

⁶ Melinkoff.

Today's Law Writers

Today, lawyers still use forms extensively written by non-lawyers.⁷ Governments in America regularly hire people, with little training, to write the bulk of regulations.⁸ As the reader is probably already aware, this book is not demanding the mandatory use of lawyers in writing law, but is advocating a higher standard of training for all legal writers. Many regulators are tasked with a defacto legislative authority for writing the regulations by which Americans must live. The risk of creating conflicting, ambiguous law is great, since the regulators currently have ultimate interpretation powers of the regulations they create. A regulator knows he can be sloppy and get away with it. To compound the problem, the parties regulated are a captive audience, and are almost completely at the mercy of the regulators.

Laws passed by American legislatures are largely written by non lawyers, who have almost no training in legal writing, and little to no understanding of the other laws already on the books. Legislators commonly pass laws, having never read them. American governments should emulate other civil law systems of the world by employing its scholars to help draft quality legislation and regulations. Well-written laws would help decrease litigation and by that increase productivity in the economy. Writing law in the ULT, writers will use purpose clauses, to define the will of the intent of congress, and substantive clauses for setting forth rights, duties, as well as defenses and exceptions to the statute, and administrative clauses identifying the agencies responsible for creating or enforcing the regulations that implement the substantive clauses of the statute.⁹

Today's lawyers are unwittingly taught to write in ways that give the courts maximum discretion. The uses and the interpretations of verbs play a large role in the manipulation of law. Using past tense and future tense verbs, making verbs out of nouns, and the inherent lack of any substance of verbs, all play a part in the reducing of the written word into a pile of worthless, unenforceable rubbish, and reduce our laws into impenetrable smoke and mirrors that cannot be relied upon by the citizenry.¹⁰ Thus, the law is what the judges declare.¹¹ Through the possible manipulations of the verb, unwary litigants are the prey of the wealthy, and of the government.

The origins of the verb format language are cultic. The verb format has inherited *primitive word magic* from the Celts and Anglo_Saxons. Men have added to this cultic foundation: adverbs, adjectives, double negatives, terms of art, argot, poor punctuation, padding, and verbosity — causing needless litigation as far as the eye can see.

The originators of the Universal-Legal-Technology have taken the rules of English, and for the first time in the history of the English language, have applied these rules in a uniform way. Words have been analyzed down to their syllables to be sure that the words used have conveyed the thoughts intended, and to be sure that the ULT-writers have not further perpetuated the frauds and superstitions of past generations.

Not everything the traditional legal writers are taught is bad. This author has found rewarding tips from the traditional (verb)legal writers. Some materials of the verb legal writers are entirely compatible with the Universal-Legal-Technology. As steel sharpens steel, Universal-Truth-Language technology students accept and use the traditionalist's good ideas in the ULT writings. This book is written to point out the salient differences between the traditional legal writing style and the Universal-Truth writing styles. Although this book is sometimes seen as critical or picky, the author has used as many verb conventions as possible without bastardizing the Universal-Legal-Technology. In all honesty, since what is written in this book has never been done before now, we are all in a learning curve. Some aspects of this book inevitably will change. However, once a writer has digested the ULT technology and goes back to the traditional legal writing instruction manuals for a second read, the writer can see that all of the traditional writer's problems are eliminated. Large sections of the traditional English legal-writing

⁷ Melinkoff.

⁸ Dickerson, Reed. *Materials on Legal Drafting*. In the St. Paul, Minn, by the West Publishing Co. (1981). P. 353, 354.

⁹Ray, Mary Barnard; Cox, Barbra J. *Beyond the Basics, A Text for Advanced Legal Writing*. In the St. Paul, Minn, by the West Publishing Co. 1991. P. 28-31.

¹⁰ Llewellyn. *The Crafts of Law Re-Valued*. 15 Rocky Mt. L. Rev. (1942) 1, 6. "A court can find ways through or under any language you can write."

¹¹ Grey. *Nature and Sources of the Law*. Sec. 602.

manuals are devoted, for instance, to the misuse of adverbs, adjectives, and pronouns. The traditional writers have been moaning for hundreds of years about the problems of written communication. Let us now put it together and solve the puzzle of legal writing. The first detail that we will cover is the verb tense.

Parts of Speech

Never, in my wildest dreams, did I think that I would be involved in an international controversy that charges the opposition with the fraudulent use of language. Yet, if we think about it, the only things that lawyers have at their disposal to operate in the court are words on paper. We are about to learn about parts of speech from both a mathematical and a legal perspective. I first became aware of the grammar problems of this chapter through David: Miller.¹² We are going to start with the verb.

The Nature of a Verb

A verb has never had any real substance. It has been likened to a kind of electricity, or to a representation of some kind of movement, a “real action . . . rather than a state of being.”¹³ Bentham warned us that verbs “slip through your fingers like an eel, . . .”¹⁴ but a noun “may be held — modified, explained, acted upon, made precise.”¹⁵ Nevertheless, Noah Webster’s 1806 and 1828 American Dictionaries contained many departures from British usage, as well as many new formulations of verbs from nouns. Webster deflected the criticisms of his contemporaries, stating that the formulation of a verb from a noun was “. . . one of the most useful inventions in the structure of language . . .” and criticism “. . . betrayed . . . profound ignorance of the principles on which language is formed. . . .”¹⁶ Today’s legal writers have been urged to write with as many verbs as possible. “Never use a noun where a verb will do,” since nouns “slothfully signify abstractions.”¹⁷ Today, nominalizations (turning adjectives, adverbs, and verbs into certifiable nouns) have been viewed as “grammatically correct, but their overuse can make the writing stodgy or hard to read.”¹⁸ Legal writers in the Universal-Legal-Technology point out that the small mental adjustment of reading noun language rather than verb language is worth the effort, given the ease of abuse of the verb legal writing terminology.

A verb legal writer is taught to avoid the law libraries and instead rely upon the memories of experts. “I consider it almost unprofessional for a legislative drafter to do conventional research such as going to the library and looking at

¹² David is an excellent litigator and taught many people how to file lawsuits that stumped government for years. I love David like a brother. He has a good heart. However, his technology did not contain enough knowledge to complete the cycle — getting adjudication by a competent world respected authority, and then getting paid. After all, we have to be paid to make a claim that we truly have won. Much of the information on the grammar in this chapter was first pointed out to me by David. David’s discoveries came from “deductive reasoning,” but he was apparently unaware that he was not the first to discover the grammatical truths outlined in this chapter. After reading this information, the reader will conclude, that all of the grammar rules have been written about somewhere else, preceding David by sometimes thousands of years. In the later stages of our association, David’s views became counter productive to what I was trying to accomplish, and we parted ways in 2001, because of his rejection of the admiralty, insistence in embracing subjective interpretation, using fiction, accepting titles of nobility, and his continuing in the use of oaths. Also, David’s concentration of a myriad of job titles for himself — to the point we have no idea to whom we are talking; his “different” religious and scientific views, and some of his totally irresponsible utterances in public, made me separate our business completely. In short, David is an eccentric genius, similar to many famous artists of the world, who has contributed greatly to achieving justice in America.

¹³ Oates, Laurel Currie; Enquist, Anne; and Kunsch, Kelly. *The Legal Writing handbook*. In the Boston, Toronto, and London, by the Little, Brown and Co. (1993) p. 600.

¹⁴ 10 Bentham. *Works* (Bowring ed. 1843). P. 569.

¹⁵ 3 Bentham. *Works* (Bowring ed. 1843). P. 267-268.

¹⁶ Webster, Noah. *Letters*. P. 341-394, 347-349, 355 (Warfel ed.) 1953.

¹⁷ Rambo, Teresa J. and Pflaum, Leanne J. *Legal Writing by Design*. In the Duram, by the Carolina Academic Press. (2001) p. 198.

¹⁸ Rambo, Teresa J. and Pflaum, Leanne J. *Legal Writing by Design*. In the Duram, by the Carolina Academic Press. (2001) p. 175-176.

books, unless there is no alternative.”¹⁹ With all of the fraud that this author has uncovered, it is little wonder why Dickerson feels that way. I advocate that the use of experts with library research be the most effective way to gain expertise in any field of study. My advice is to use experts like a compass, not a crutch. We all have a responsibility to gain knowledge for ourselves to make sure the “experts” are not leading us around by the nose, forever keeping us from the real arguments and solutions.

Verb Tense

The highest echelons of government are the only entities that I have referenced, except the noun-writers, who make a big deal out of the lowly verb tense. The verb tense seems so benign. In the first grade, our teachers read books to us that were consistent in the verb tense throughout the book. By the fifth grade, children are taught the importance of using a consistent verb tense throughout the paragraph. Legal writers are taught to keep the verb tense consistent throughout the text, then are oddly enough taught to use different verb tenses — in the same sentence.²⁰ Except for our legal writers, few authors are consistent with their use of verb tense. Our legislatures and judges are well aware of the importance of verb tense.

A cursory examination of most any law constructed anywhere in English yields that the laws are written in all of the tenses, in every paragraph. A lawyer writes in all of the tenses, but without exception, refuses to write documents in a consistent verb tense. Every Lawyer and judge I have ever talked to concerning verb tenses absolutely falls silent, and refuses to speak a single word concerning the effects of writing exclusively in the present tense. Legal documents are more poorly written than other writings. Let us find out why.

Members of Congress in the United States have known the power of the verb tense. In 1997, U. S. Rep. Meechan (Democrat, Mass.) made his main campaign issue about term limits. After election he wrote to the House Clerk: “Should I be elected to serve more than two additional terms in the U. S. House of Representatives, I hereby resign and direct you to remove my name permanently for the Roll of Members.” In 1999, Meechan announced that he would run again in 2000. Meechan’s aid announced that the letter wasn’t binding, because “Legally, you can’t resign from a *future* Congress.”²¹

Present tense is very important, since “the law is constantly speaking, at every moment.”²² Therefore the law is speaking right now, in the present tense. What, then, is the effect of a law written in the future tense? Future tense words are for depicting “actions not yet done.”²³ Future tense wordings like *shall* place the law clearly into a future point in time.²⁴ Incidentally, the word *to* can also be construed as future tense.²⁵²⁶ When a designated future point in time comes into the present tense, and at that point we read the same future-tense words again, the future is still in the future, not in this present time. The future is never to come into the present tense. The present and the future are mutually exclusive terms. Remember, the law is always speaking, and a future tense law always applies to the future. Since the law is presently speaking, and is speaking in the future tense, there is no law in the courts. The foreign fiction flag advertises that fact. (more on that in another chapter) A future tense law has absolutely no

¹⁹ Dickerson, Reed. *The Interpretation of Statutes*. In the Boston, Toronto, and London, by the Little, Brown and Co. (1965) p. 110-111.

²⁰ Ray, Mary Barnard, and Ramsfield, Jill J. *Legal Writing: Getting it Right and Getting it Written, Second Edition*. By the West Publishing Co. (1993) p. 341.

²¹ *Reader's Digest*. “That’s Outrageous.” October/1999, p. 47, 48.

²² Driedger, Elmer-A. *The Composition of Legislation: Legislative Forms and Precedents, 2nd ed.* In the Ottawa, by the Department of Justice. (1976) p. 372.

²³ Ray, Mary Barnard, and Ramsfield, Jill J. *Legal Writing: Getting it Right and Getting it Written, Second Edition*. By the West Publishing Co. (1993). p. 339.

²⁴ Black, Henry Campbell. *Black's Law Dictionary*. In the Saint Paul, Minn., by the West Publishing Co. 1968. “[*Shall*] also implies an element of futurity.” p. 1542.

²⁵ Dickerson, Reed. *The Fundamentals of Legal Drafting*. In the Boston, Toronto, and London, by the Little, Brown and Co. (1965) p. 93.

²⁶ Black, Henry Campbell. *Black's Law Dictionary*. In the Saint Paul, Minn., by the West Publishing Co. 1968. “[*To*] excludes the terminus mentioned.” p. 1658.

present tense jurisdiction. None. Former American Supreme Court Justice Benjamin N. Cardozo explained the effect of future tense law in barefaced terms:

Men go about their business from day to day, and govern their conduct by an *ignis fatuus* [foolish passion]. The rules to which they yield obedience are in truth not law at all. Law never *is*, but is always about to be. It is realized only when embodied in a judgement, and in being realized, expires. There are no such things as rules or principles: there are only isolated dooms.²⁷

References to the fraud of the future tense dates back to the Romans. However, what about the past tense, does the past tense verb hold any tricks and traps? Past tense sentences are used for “actions completed before the current writing,” and are useful for suggesting an action is “finished and cannot be changed.” **Past tense also shows evidence of a corporation.**²⁸ ²⁹ A “federation” is by definition an unincorporated entity, but a “federated” entity is corporated. A “*union*”³⁰ of states is not a corporate entity, but that the “*United*” States³¹ is a corporation.³² Still, other than showing that a corporate structure is in existence, are there any other effects of the past tense that could possibly affect the outcome of a case? Unfortunately the literal interpretation of the statement “*I was injured*” means that an injury existed sometime in the past, but no longer exists. In short, there is no injury, and therefore no justiciability, since the cause of the action no longer exists. We have no standing to bring a case.

I must show to the reader some concerns that I have about my approach to the verb tense, and that I hope to clear up these concerns in the future by consulting with both legal and linguistic scholars. Currently, the Universal-Legal-Technology disqualifies all words in the past or future tense. Yet I can think of instances where past tense words are appropriate. The verb phrase “*is guarded*” I think is in the present tense. Others argue differently, but I see no logical reason that a person could interpret “*is guarded*” in a past tense way, since the verb *is* places *guarded* in the present tense. One way to avoid any problems is to define *guarded* in the definitions of the lawsuit, requiring *guarded* to be interpreted in the present tense. An easier way to take care of all questionable words or phrases is to make a blanket statement at the beginning of the document: *For the command of this author of this contract is for an interpretation of all words with the rules of the interpretation of the author, in a positive-sense, in the present-tense, on a level-geometric-plane.* The rules of interpretation will be discussed in another chapter. Still, for now, these rules will prevent much mischief. Now let us examine the present tense.

Again, the present tense is very important, since “the law is constantly speaking, at every moment.”³³ Since the law is speaking right now in the present tense, any present tense legal verbiage says that we have both rights, duties, and obligations — now, right now. The present tense law is enforceable. Any judge playing favorites in the court room through omission or commission, or who is manipulating a present tense law, is involved in the commission of treason (Treason is discussed in another chapter).

If we are placing law into a present tense obligation, we are required to write the law in the present tense. Legal writers are admonished to use the present tense “for a current or habitual action.”³⁴ One of the United States’ foremost legal authorities on legal writing states that “because provisions [laws] of

²⁷ Cardozo, Benjamin N. *The Nature of the Judicial Process*. In the New Haven, by the Yale University Press. (1928) p. 126.

²⁸ Black, Henry Campbell. *Black’s Law Dictionary*. In the Saint Paul, Minn., by the West Publishing Co. 1968.

²⁹ Black, Henry Campbell. *Black’s Law Dictionary*. In the Saint Paul, Minn., by the West Publishing Co. 1968.

³⁰ Black, Henry Campbell. *Black’s Law Dictionary*. In the Saint Paul, Minn., by the West Publishing Co. 1968.

³¹ Iredell, J. 3 Dall. 447.

³² 28 U. S. C. 3002(15)(A)-(C)

³³ Driedger, Elmer-A. *The Composition of Legislation: Legislative Forms and Precedents*, 2nd ed. In the Ottawa, by the Department of Justice. (1976) p. 372.

³⁴ Ray, Mary Barnard, and Ramsfield, Jill J. *Legal Writing: Getting it Right and Getting it Written, Second Edition*. By the West Publishing Co. (1993). p. 337.

continuing effect speak as the time they are read, they should be written in the present tense.”³⁵ A law is legally enforceable only in the present tense. In the present tense, government has real limitations. Provided, that is, that all of the ingredients of the Universal Legal Technology are employed. Verbs have other characteristics that make them malleable in the hands of the wrong person.

The Difference Between Weak and Strong Verbs

The kinds of verbs we use in legal writing affect the clarity of the author’s argument. However, traditional legal writers prefer to replace the “to be” verbs (is, are, has, have, hold, make, take) with more “concrete verbs.”³⁶ The problem with the more “concrete verbs” (if such a thing exists) is that verbs may give immunity to the very person that a litigant is attempting to prosecute. As it turns out, the verb is likened to a kind of marker on the page that shows where immunity begins, and the meaning of a verb used in the sentence shows the extent of the coverage of that immunity. The Universal Legal Technology writers prefer the “to be” verbs, because these weak verbs convey no immunity to the person being sued. Other verbs besides the “to be” verbs can be used in the Universal Legal Technology, but extreme care must be exercised to make sure that the verb is not conveying an action that has caused a damage of the libelant. In other words, refrain from a sentence like *“For the judge violates of the libelant’s rights,”* since a violation of a right is a cause of action against the judge. The judge received the specific immunity of “violating” the libelant’s rights. This writing is better: *“For the libelant with the knowledge is with the damage by the violation of the libelant’s rights by the judge.”* Other examples of verbs that convey immunity are words like: shot, arrest, lie, defraud, cheat, knew, etc. Again, if these “concrete verbs” are placed in the sentence after naming the actor, the specific immunity accorded is described by the verb. However, a weak verb such as “is” conveys no immunity. The weak verb is best, but not absolute. We can wiggle and use “stronger,” or even “concrete” verbs, if we convey no immunity. For instance, this writing is acceptable: *“For the term: ULT means: Universal-Legal-Technology, by the Judge: John: Doe,”* since “means” conveys no discernable cause of action for a suit, and even if somehow it did, the judge’s name follows the verb. The judge’s immunity begins where his name is placed in the paragraph. So if a careless writer goes on the paragraph naming various offences after the judge’s name, the judge is immune concerning all of those offenses. The verb is a multifaceted kind of word. Now let us turn briefly to the active and passive voice and decide the best approach to the verb’s voice.

Active and Passive Voice

To tell the truth, till recently I had never thought much about whether the active or passive voice of a verb makes any difference in legal writing. At one point I was using my WordPerfect ® \tools \Grammatik \options \analysis, and discovered that the ULT writing style uses 0 percent passive voice sentences. I later learned that generally, it is accepted in literary circles that active voice sentences are easier to understand than passive voice sentences. I later discovered a debate among the scholars about whether passive voice sentences were harder to understand or not. Though many authors recommended the use of active voice verbs, claiming that overall active voice verbs were easier to read and are more concise,³⁷ ³⁸ ³⁹ I have usually had no trouble interpreting an active or passive verb sentence. Nevertheless, I did note that the legal authors have sometimes used the passive voice when it was

³⁵ Dickerson, Reed. *Materials on Legal Drafting*. In the St. Paul, Minn, by the West Publishing Co. (1981). P. 183.

³⁶Oates, Laurel Currie; Enquist, Anne; and Kunsch, Kelly. *The Legal Writing Handbook, Research, Analysis, and Writing*. In the Boston, Toronto and London, by the Little, Brown and Company. 1993. P. 600.

³⁷ Ray, Mary Barnard, and Ramsfield, Jill J. *Legal Writing: Getting it Right and Getting it Written, Second Edition*. By the West Publishing Co. (1993) p. 330.

³⁸ Dickerson, Reed. *The Interpretation of Statutes*. In the Boston, Toronto, and London, by the Little, Brown and Co. (1965). p. 196.

³⁹ Ray, Mary Barnard, and Ramsfield, Jill J. *Legal Writing: Getting it Right and Getting it Written, Second Edition*. By the West Publishing Co. (1993) p. 343.

“undesirable to reveal the identity of the person or thing performing the action,”⁴⁰ or when it was used to de-emphasize unfavorable facts or law.⁴¹ Thus the passive voice “*a portion of the tape was erased*” covered the fact that “*a portion of the tape was erased by the secretary [accomplis] of the libelee.*” Therefore, I became a supporter of active verb sentences.

Verbs and Immunity

Probably the most important aspect about the verb must lie in the philosophical realm of the law, rather than the grammatical concerns. Judges will pull out all of the stops and rely upon any artifice they can find when it comes to their immunity. With this obstacle in mind at the beginning at any case, we must realize that our job will be to strip away at the judge’s immunity so that he will feel compelled to follow the law. For that reason, the Universal Legal Technology writer will use certified nouns, rather than piling up verbs in written documents, because nouns will be more concrete and verifiable. Sentences properly constructed using nouns will eliminate sources of immunity, by that increasing our chances of receiving a fair trial.

For example, take the common mantra we hear from government’s lawyers: *The police officer [judge, clerk, etc.] is immune from everything he does in the performance of his duties.* The word *Does* is a verb. Again, immunity is conveyed at the point where the police officer’s name is placed in the sentence and continues to the end of the paragraph. As we read a sentence, we are going through time. At the point within the sentence that we see the name of a party in a paragraph, absolute immunity is accorded the police officer from that point to the end of that paragraph. Therefore by writing as the verb writers are commonly taught:⁴² *The police officer arrested me without a fourth amendment warrant,* absolute immunity is granted to the officer for the specific act of *arresting* the plaintiff. The plaintiff’s case is dismissed. If, however, the sentence is rewritten in ULT so that the police officer’s name falls at the end of the sentence — and the case is filed according to the principles of the ULT — then no immunity at all is available to the police officer. By rewriting, the sentence reads: *For the Libelant with the knowledge is with the damage on the April/21/2001, through a breach of the obligation for the obtaining of a warrant by the police-officer: John: Doe.* This is another example of a sentence that conveys immunity: *For the Prince allows for the growth of the oppression of the people.* Rewritten, the sentence conveys no immunity: *For the growth of the oppression of the people is with the allowance by the Prince.*

Prepositions and Articles

Constructing sentences with certifiable nouns, rather than verbs, takes a little extra work because of the rules concerning adverbs, prepositions, and articles. The articles *a*, *an*, and *the* are always used with nouns.⁴³ However, we discover entries in Merriam-Webster’s Dictionary describing *a*, *an*, and *the* are also having definition entries as adverbs. Adverbs always modify verbs. To further the confusion, most prepositions also have adverb entries in the dictionary.

Interpretation difficulties of the word “*a*” also exist. “*A*” is listed in the dictionary as a noun, preposition, article, verb, or as in one dictionary,⁴⁴ “*a*” is listed also as an adjective.⁴⁵ The word *an* is either an adjective, preposition,

⁴⁰ Oates, Laurel Currie; Enquist, Anne; and Kunsch, Kelly. *The Legal Writing Handbook, Research, Analysis, and Writing.* In the Boston, Toronto and London, by the Little, Brown and Company. 1993. P. 595.

⁴¹ Oates, Laurel Currie; Enquist, Anne; and Kunsch, Kelly. *The Legal Writing Handbook, Research, Analysis, and Writing.* In the Boston, Toronto and London, by the Little, Brown and Company. 1993. P. 596.

⁴² Oates, Laurel Currie; Enquist, Anne; and Kunsch, Kelly. p. 640-641.

⁴³ Bryant, Margaret. *English in the Law Courts, the Part That Articles, Prepositions, and Conjunctions Play in Legal Decisions.* In the New York, by the Frederick Ungar Publishing Co.(1930, 1958, 1962) p. 9.

⁴⁴ Webster, Merriam. *Webster’s Collegiate Dictionary, Fifth Edition.* In the Springfield, Mass., by the G. C. Merriam Co., Publishers. (1939) p. 1.

conjunction, or indefinite article. The word *the*, commonly thought of as an article, is also sometimes an adverb. For instance, “Tom likes this ball *the* [adverb] *best* [verb].” The only way to lock the interpreter into an interpretation that the writer can control is by using certified nouns; that is by the writer’s combining of the prepositions and articles before ALL nouns. Thus, the sequence of words in a sentence is thus: *preposition article noun, preposition article noun, verb, preposition article noun*. . . . It forces the interpreter into an interpretation that the writer is using hard nouns. We are making the certified claim that the nouns in our suit are denoting facts as they exist in nature, not as fiction.

The technical problems of the English grammar were long ago revealed by Blackstone in his commentaries concerning the translation of the Latin words: “*secundam formam statuti*.” His complaint was that these three Latin words turned to seven in English: “*according* [verb] *to* [preposition] *the* [article] *form* [noun] *of* [preposition] *the* [article] *statute*.”⁴⁶ Notice that all of the nouns were preceded by a preposition/article combination. Writing with the *preposition article noun* sequence certified the noun as a noun, limiting the interpreter’s choice of definitions. We cannot say that writing this way was pretty, or was the stuff of poetry. Still, Blackstone displayed his knowledge of the technicalities of English grammar by showing the correct technique for translating verbs and nouns, certifying the grammatical usages in the interpretation of the words so that every word used in the phrase had a corresponding definition in the dictionary.

To limit the interpretation of sentences, the writer’s words are best supported when he can verify that the usages of these parts of speech. The words “by [adverb] *running* [verb]” are grammatically different when compared to: *We went* “by [prep] *running* [noun].” *To* [adverb] *serve* [verb] a complaint is grammatically different “than being my turn *to* [preposition] *serve* [noun] the volleyball.” So how do we limit the definitions of “*running*,” or “*serve*” as nouns? Again, the answer is by a preposition/article combination before the noun (gerund). The preposition/article combination is required, because if we use either the preposition without an accompanying article, or an article without an accompanying preposition, either can be interpreted as adverbs, turning the nouns into verbs. Anomalies in the English language wreak havoc on the entire interpretative process, if the interpreter needs to construe the prepositions as adverbs and nouns as verbs. The entire pleading becomes meaningless, when nouns are interpreted as verbs. Furthermore, since most nouns do not have verb entries in the dictionary, the interpretative process breaks down because the verb is lacking any definition at all. So, the pleader is engaged in the fictitious conveyance of language, a felony.

As a side note, some have wondered whether using gerunds is ok, words with *-ing* endings. Gerunds are ⁴⁷nouns, and are doubly certified as nouns when preceded by the preposition/article combination.

Adjectives

Before the time of Christ, ancient Latin grammarians were perplexed about how to characterize a noun used as an adjective.⁴⁸ Today’s traditional non legal writers have been told to ignore the grammatical problem of using nouns as adjectives,⁴⁹ while some legal writers have been discouraged from using adjectives.⁵⁰

Mellinkoff and many other legal writing instructors reveal the problems of adjectives in their publications. Adjectives usually vary a significant degree to the point that each reader is left to his own interpretation. The definition of what a *hot* cup is, has room for opinion about how *hot* the cup of coffee happens to be. Some people like the coffee so *hot* that it can cause bodily harm if spilled, and others prefer to let the *hot* coffee cool a bit before proceeding to drink it. The writer must be careful in his choice of adjectives, and do all that is possible to eliminate them. If I must use an adjective, I choose one that has little interpretative wiggle room. I also combine the adjective

⁴⁵ Webster, Merriam. *Merriam-Webster’s Collegiate Dictionary, Tenth Edition*. In the Springfield, Mass., by the Merriam-Webster, Incorporated. (1998) p. 1.

⁴⁶ Blackstone. *Blackstone’s Commentaries*. Footnote, pp 114.

⁴⁷ Gerund cite

⁴⁸ *Latin Grammar*

⁴⁹ *The Careful Writer*

⁵⁰ Ray, Mary Barnard, and Ramsfield, Jill J. *Legal Writing: Getting it Right and Getting it Written*, Second Edition. By the West Publishing Co. (1993) p. 6.

with the next noun, making a new complex noun, separated by a hyphen. For instance, I find it acceptable to use the term: *spiritual_oaths* in my paperwork since *spiritual-* has little chance of becoming a controversial issue (I also define all of the types of oaths in the definitions). I create the compound noun: *spiritual_oaths* and carry on writing the lawsuit. Other languages combine multiple nouns into a single word, eliminating the adjective problem. The Dutch word *Wijnstraat* means *Wine Street* in English. I remember one German word in a law book almost fifty-characters in length. It took almost an entire line in the header of a new chapter. The point is, that we need to use nouns and verbs rather than adjectives and adverbs,⁵¹ and use forceful nouns instead of intensifying adjectives.⁵²

Pronouns

“Pronouns can be ambiguous.”⁵³ “Pronouns are semantically degenerate. That is, while they contain some information, they do not contain enough on their own to name the individual to which they are intended to refer. Thus, pronouns are a natural source of uncertainty in interpretation.”⁵⁴ Entire sections of advice existing in traditional legal writing texts about pronouns can be deleted by simply eliminating pronouns all together.

Syllables

For legal writers, most of us were taught that every Syllable is Important, but few of us know what it means. The importance of syllables was also known to a popular English jurist, and scholar, John Selden (1584_1654), who studied at Oxford University and the Middle Temple of the Inns of Court in London. Selden entered the legal profession in 1612 and took an active part in the affairs of Parliament from 1621 to 1649. Selden’s main interest, however, was in scholarship. He became both a distinguished legal historian and a renowned Asian scholar. He was often consulted as an authority on legal and historical subjects and composed about 30 learned treatises in Latin, Hebrew, and in English. One of Selden’s most important works was *Table Talk* (1689), a record of his remarks on various subjects. In *Table Talk*, Selden remarked that “Syllables govern the world.”⁵⁵ Thus, we found our authoritative source requiring the examination of syllables, and that study entailed the study of prefixes, roots, and suffixes.

Prefixes are important, since they can create unintended interpretations of words. Prefixes can create negative statements. Negative statements, especially double negative statements,⁵⁶ are harder to understand than positive statements; so writers in the Universal Legal Technology are required to state things positively.⁵⁷ Double negative⁵⁸ clauses are sometimes designed to nullify the entire document. Negative wording is sometimes open to broad interpretation. Other authors also recommend that:

If possible, state even negative ideas affirmatively. . . . Negative statements are often unclear and hard to read. Especially avoid multiple negatives. Combinations of “not” and negative prefixes (e.g., “un,” “in,” “non”) are often confusing. George Orwell says, in *Politics and the English language*, that writers who prefer negative statements produce sentences like “A not-un-black dog chased a not-un-small rabbit across

⁵¹ Ray, Mary Barnard, and Ramsfield, Jill J. *Legal Writing: Getting it Right and Getting it Written*, Second Edition. By the West Publishing Co. (1993) p.116.

⁵² Rambo. p. 195.

⁵³ Ray, Mary Barnard, and Ramsfield, Jill J. *Legal Writing: Getting it Right and Getting it Written*, Second Edition. By the West Publishing Co. (1993) p.12.

⁵⁴ Solan, Lawrence M. *The Language of Judges*. In the Chicago and London, by the University of Chicago Press. 1993. P. 38, 121, 126.

⁵⁵ Seldan, John. *Table Talk*, p. 43.

⁵⁶ Gestie, Res. Article entitled: RONALD GOLDFARB, LAWYERS INDICTED FOR SLAUGHTERING ENGLISH. In the Woolsack at the University of San Diego School of Law. (1977) p. 3.

⁵⁷ Rambo. p. 174, 175.

⁵⁸ Dickerson, Reed. *Materials on Legal Drafting*. In the St. Paul, Minn, by the West Publishing Co. 1981. P. 163.

a not-un-green field.” He adds that when someone says, “To my mind it is a not-un-justifiable assumption,” he means “I think.”⁵⁹

Negative statements also violate the requirement for a positive pleading, based on the F.R.C.P. Rule 8, the obligation for the affirmative defense. A denial of the allegation is only the beginning of the formation of a defense. We are required to meet the substance of the allegation with a positive statement. For example, we have failed in our pleading requirements if we merely state a defense like: “I deny that I stole the car,” or “Defendant denies paragraph eight completely.” Instead the pleader is required to either state an explanation, or claim the right for avoiding self incrimination by stating: “I was playing Monopoly with my family at the time of the theft,” or “I claim the 5th amendment.”

In 1999, David-Miller and I stumbled upon the problems that negative prefixes have upon the meanings of words. Did the word “*inflammable*” — mean *not flammable*, or *highly flammable*? The confusion caused trucks to be simply labeled as “*flammable*.”⁶⁰ Cases about prefixes have been brought to the Supreme Court of the United States. We find that in 1954, in a ruling of the Supreme Court of the United States, that the preposition “in” means not. An “*inchoate lien is incomplete*,” but a “*choate lien*’ is a complete lien.”⁶¹

Some surprising things are discovered as we look deeply into the subject of syllables. We in America have what is called a Federal *District* Court. These courts are the lowest courts in the federal court system, (excluding the federal bankruptcy courts). The word “Federal” comes from the latin word “foedus,” meaning “Foul, hideous, revolting, vile, disgraceful, filthy, disgusting, or repulsive.” The word *District* comes from the Latin: *districtus* and *distringere*. Further break down reveals that *dis-* (prefix) means “rich, having or containing or bringing wealth.” *Dis-* is also a name of “Pluto, god of the Lower World.” On the other hand, *-trictus* (suffix) has the meaning: “nonsense; vexation, troubles; [to] behave in an evasive manner; trifle/ delay/dally; [to] cause trouble; [to] pull/play tricks.” *Distringere* means to “stretch out/apart; detain; distract; pull in different directions.”⁶² Therefore, a *Federal District Court* is a foul, hideous, revolting, vile, disgraceful, filthy, disgusting, or repulsive court of Pluto, a demon god, used to bring wealth through all sorts of nonsense, vexation, troubles, evasiveness, trifling, delays, dallying, troubles, and tricks; all employed to stretch apart, detain, distract, and pull in different directions — the parties of the litigation.

What disturbs me is that the creators of the federal district court system in 1792 were either evil, or trying to make fools of us all. Maybe they were cussing at the court in a foreign language, what a mystery. To fix this problem, we started using the term: *Di-strict-Court of the Unity-States*. Later, *Unity* was changed to *Union*, because it did not sound so controversial, like the Unity Church.

Writers in the Universal-Legal-Technology eliminate all negative prefixes and state all words, including their prefixes, in a positive sense. Additionally, we eliminate prefixes that connote different elevations other than a level playing field. The theory is to write in a way that descriptively places all litigants on the same plane, simultaneously, in the present tense, using verbs as verbs, and nouns as nouns. The resultant written picture is likened to a snapshot where all the parties involved in the case are frozen in now-time in a block of ice, open to examination by the court, and ready for the court’s judgement. Immunity is no where to be found for any party involved in the case; no one can hide; and because of the corporation aspects, the case lives forever until settled. See: *List of Quantum Terminology*, by Jeffrey: Sciba.

We also eliminate suffixes that create adjectives and adverbs, like *_fold*, *_ly*, *_ward*, *_wise*. Eliminating suffixes such as these eliminate words subject to interpretive variances.

Taking Control of the Definitions

⁵⁹ Appellate Judges Conference, Judicial Administrative Division of the American Bar Association. *Judicial Opinion Writing Manual*. In the St. Paul, New York, San Francisco, and Los Angeles, by the West Publishing Co. (1991) p. 49. See also: Ray, Mary Barnard; Cox, Barbra J. *Beyond the Basics, A Text for Advanced Legal Writing*. In the St. Paul, Minn, by the West Publishing Co. 1991. P. 44.

⁶⁰ Melinkoff, David. *The History of the Language of the Law*.

⁶¹ See: *United States v. City of New Britain, Conn.* 347 U. S. 81, 84, 86, 87 (1954).

⁶² From the University of Notre Dame *Latin Dictionary Online*.

Some wonder why the definitions to my lawsuits are so long, and keep getting longer. First, definitions in the suit are supposed to be followed by the court even if challenged.⁶³ Second, the lawsuit represents a contract, and I want to make the contract as complete as possible. My definitions define what interpretative methods the judge is to use, and how the judge is to act during the case. We define the judges' judicial ethics, as well as the ethics of all other court officers. The ULT writers are renown for correcting the language of the codes and laws. Where do we get our authority to do so? The authority is in the codes, in *Title 42 Section 1986: Action for neglect to prevent conspiracy to interfere with civil rights*. I will cite the law directly:

Every person who, having knowledge that any of the wrongs conspired to be done, and mentioned in section 1985 of this title, are about to be committed, and having power to prevent or aid in preventing the commission of the same, neglects or refuses so to do, if such wrongful act be committed, shall be liable to the party injured, or his legal representatives, for all damages caused by such wrongful act, which such person by reasonable diligence could have prevented; and such damages may be recovered in an action on the case; and any number of persons guilty of such wrongful neglect or refusal may be joined as defendants in the action; and if the death of any party be caused by any such wrongful act and neglect, the legal representatives of the deceased shall have such action therefor, and may recover not exceeding \$5,000 damages therein, for the benefit of the widow of the deceased, if there be one, and if there be no widow, then for the benefit of the next of kin of the deceased. But no action under the provisions of this section shall be sustained which is not commenced within one year after the cause of action has accrued.

As we can see, this law actually requires us to stop and correct any wrongs as we find them, or potentially suffer up to a five thousand-dollar fine. So as we find laws written improperly, we stop and correct them as we need, and place these applicable definitions in the lawsuit. Also list abbreviations and define them, and add a bibliography.

Within the definitions it is important to learn the words used by the fiction to trap us into the undisclosed adhesionary contracts with derisive terms and conditions, or "invisible contracts," as Mercier calls them. Words like *person, individual, driver, United States citizen, resident, address*, etc. all place us into a disadvantage legally, so we need to redefine them, or forbid their use, to eliminate these problems. It will take some time studying the legal dictionaries to learn the fictional triggering words. We redefine the word *person*, as a *Citizen in the party*, meaning a *live human being* as a party to the case. Since we are suing fictional corporations, we need to define the corporate fiction as a person, in other words, as a collection of people, not as a piece of corporate paper that cannot jump out of a filing cabinet and harm anyone. The U. S. Justice Department's handling of Enron is a prime example. Enron, a publicly traded corporation based in Houston, Texas is in Bankruptcy after attorneys for U. S. indicted the corporation, rather than the scoundrels that perpetrated the criminal behavior. By the way, how many years do a former corporate officer spend in jail for wire fraud, mail fraud, larceny, and conspiracy? No new laws are needed on the books to make corporate executives responsible for their actions. Then again, why not? The corporate executives of the corporation called *The United States of America* need a little accountability. According to outside auditors of the IRS, the only ledger account that is verifiable in the IRS's books is the payroll.⁶⁴ The rest of the financial statements of the IRS are pure fiction.

Fiction Definitions that Add Confusion

Some litigants that I know stumbled upon some very interesting legal definitions concerning the words *Bank, banker, clerk, judge, bailiff, ports, port authority, bounty hunter*, etc. and discovered that these words are so vague, that literally anyone can claim as many as nine different job titles in the court setting, simultaneously, and be correct. Some great stories and successes came out of their legal experiments. They discovered that the clerk in the court can act as a judge, and vice versa, that the judge can be a banker, and vice versa, and many other convolutions such as these.

⁶³ Ray, Mary Barnard; Cox, Barbra J. *Beyond the Basics, A Text for Advanced Legal Writing*. In the St. Paul, Minn, by the West Publishing Co. 1991. P. 29.

⁶⁴ Cite Congressional Report here

These people are on to something. We now know, according to court records, that the judicial system has been manipulating job titles to confuse and dominate the proceedings. What are the consequences if we accept and act according to these fraudulent definitions? We find that we do not know to whom we are speaking, and what authority he is exercising at any moment, whether the person we are talking to is acting in his capacity as a clerk, judge, or whatever. What kind of system are we participating in where one minute we are litigants, another minute a postmaster, and another, a banker? In the court, are we talking to a judge, bailiff, banker, or a clerk when we are talking to the guy on the bench in the black robe? In the later chapter on the rules of interpretation, we will see that we need to define ourselves, and keep ourselves defined. In other words, we will learn that it is a dangerous fiction to attach to ourselves multiple job titles. We will see that by employing these vague definitions, the litigants unwittingly caused their noun cases to fold like a house of cards.

All that we can say at this point in the book is that playing multiple roles in the court room setting breaks down accountability, and is a violation of the principle of division of responsibility. Playing this “fiction game,” as I call it, shows how we can bring fiction into the noun. The *court* is not a port, but it is a court. The judge is not employed by a *port authority*, and in all likeliness, the litigant is not a *seaman*. If we look at a judge’s paycheck, we discover the judge is paid by the U. S. Treasury. The U. S. Treasury is owned by the International Monetary Fund, and is completely different from the Treasury of the United States. Look on a dollar bill. A federal reserve note is a debt instrument (note) between two different parties. On the dollar bill, we see one contracting party called the *U. S. Treasury*, and the other contracting party called the *Treasury of the United States*. Each office has different fiduciaries at their head.

These litigants turned the court system upside down for a time, but when the courts realized what the litigants were doing, the litigants were kicked out of the courts. They should have redefined the terms more precisely, so that the court personnel were forced to hold one job title, as well as the litigants, adding individual responsibility and accountability — not the opposite.

Miscellaneous Details

A question asked of me is “How did you sue in a class action suit with every case being different from one another?” The answer is I used the “lowest common denominator,”⁶⁵ where I reduced all of the cases to the factors common to all. In my case, it happened to be the systematic abuse of my clients caused by conditions in the court system that hurt not only my clients, but all litigants. See the procedural chart that I put together in another chapter.

Details like type size and type face, length of line, fixed or ragged margins, are important tools for communication.⁶⁶ More on details like this in further publications.

We will now examine the legal problems that occur because of inconsistent grammatical constructions of a legal writer. The problems will begin when an unscrupulous reader deliberately interprets words in a grammatically different way, forcing those words into some usages that lack corresponding definitions in the dictionary. If an interpreter cannot find the words in the dictionary based upon the words’ grammatical sense, then the interpreter (judge) can easily justify the statement that the writing is incomprehensible. Then the judge will dismiss the case through his judicial discretion in Federal Rule of Civil Procedure 12 (b) (6): *failure to state a claim upon which relief can be granted*. We will now examine how grammar rules can make a sentence fall apart before our very eyes.

Guessing the Parts of the Speech

Let us turn now to my favorite sentence of all legal writing and analyze that sentence to discover how words are manipulated to mean something other than what is intended, to mean nothing at all, or to mean exactly what the

⁶⁵ Dickerson, Reed. *Materials on Legal Drafting*. In the St. Paul, Minn, by the West Publishing Co. 1981. P. 65, 268.

⁶⁶ Dickerson, Reed. *Materials on Legal Drafting*. In the St. Paul, Minn, by the West Publishing Co. 1981. P. 295.

average person assumes that the words mean. Any litigant in the American federal court system sees this sentence on the Federal Summons Form:⁶⁷

You are hereby summoned and required to serve upon PLAINTIFF'S ATTORNEY an answer to the complaint which is herewith served upon you. . . .

I love this sentence because it shows my point exactly about how the same words can be adverbs or prepositions, nouns or verbs, all depending on how the words are used. Now I will add the grammatical possibilities behind each word in the summons form:

You [pronoun] *are* [verb] *hereby* [adverb] *summoned* [past tense verb] *and* [conjunction] *required* [past tense verb] *to* [future tense adverb] *serve* [verb] *upon* [adverb or preposition?] *PLAINTIFF'S* [adverb, adjective, or pronoun?] *ATTORNEY* [verb or noun?] *an* [adverb, adjective, preposition, conjunction, or indefinite article?] *answer* [verb or noun?] *to* [future tense preposition] *the* [article] *complaint* [noun] *which* [adverb] *is* [verb] *herewith* [adverb] *served* [verb] *upon* [adverb or preposition?] *you* [noun or verb?]. . . .

We will now see how easy it is for a judge to turn the sentence into a meaningless pile of rubbish, by using a combination of subjective interpretation and strict grammatical rules. In analyzing the above sentence, he starts with "You are hereby summoned and required to serve" . . .

You . . . is a pronoun that potentially can mean any person, or mean an oriental person with the last-name *You*. Do not laugh, because in my local phone book has a man named *Puhong You* listed in the residential pages.

are hereby summoned . . . The word *are* can be changed into the word *is* ⁶⁸ through subjective interpretation (discussed in another chapter), giving us "is hereby summoned"; therefore the judge can say Mr. You is summoned yesterday, but needs not answer today, or in the future since the past tense summons is no longer valid. Incidentally, the *real* libelee, respondent, or defendant is never summoned.

and required . . . the past tense verb "*required*" means not required at the present or in the future.

to serve . . . Since the litigants have not taken control of the definition of the word *to*, the judge uses his "discretion" to interpret the adverb *to* with a meaning that EXCLUDES the remaining words (terminus) in the sentence.⁶⁹ He also takes *to* have a meaning that is future tense in nature. Therefore the libelee is not required to do anything described in the sentence that follows the word *to*. In other words, the judge has further evidence that no answer is required to be served upon the plaintiff's attorney in the complaint.

Now the grammar gets more complicated once he moves into the analysis of the part of the sentence that reads: *upon PLAINTIFF'S ATTORNEY an answer to the complaint*. A difficulty is caused by the confusion of whether *upon* is adverb or preposition, and whether *an* is adverb or article. If *upon* is a preposition, then *ATTORNEY* is a noun. If *upon* is an adverb, then *ATTORNEY* is a verb. In any event, *PLAINTIFF'S* is an adjective, not a noun, since it modifies the word *ATTORNEY*.

upon PLAINTIFF'S ATTORNEY . . . If the Judge construes *upon* as an adverb, then the word *ATTORNEY* becomes a verb. The dictionary does not list *ATTORNEY* as a verb, so the use of the summons form is joider with the fictional court and fictional *ATTORNEY*. Why? Because we are playing along and recognizing a verb *ATTORNEY*, which in reality does not exist. Welcome to the land of Oz. If the judge construes *upon* as a preposition, then the word *ATTORNEY* becomes a noun. Before we think we are "back in Kansas," that adjective known as a *plaintiff* does not exist in the dictionary either, so the wizard still has his power, and we are still in the land of Oz, where the smoke and mirrors rule.

⁶⁷ Form xxx

⁶⁸ Bryant, Margaret. *English in the Law Courts, the Part That Articles, Prepositions, and Conjunctions Play in Legal Decisions*. In the New York, by the Frederick Ungar Publishing Co.(1930, 1958, 1962).(P.)

⁶⁹ See "*to*" in BLD, 4TH EDITION.

an answer . . . The word *an* can be interpreted as either an adverb or article. If the Judge construes the word *an* as an adverb, then the word *answer* becomes a verb. A verb *answer* is again a joinder with a fictional court that has no law.

to the complaint . . . The word *to* is future tense, excluding the terminus (Complaint). Unless the litigant has taken control of the definition of the word *to*, the judge has a choice, he can either interpret the word *to* as inclusive of the terminus (complaint), or interpret the word *to* as excluding the terminus (complaint).

Through this short exercise we find that the judge has complete discretion about whether or not he hears the case. If one litigant is powerful and wants to litigate, the case surely continues, because the judge holds the “*summoned*” parties in default if no responses are filed. However, if a powerful litigant does not want the judge to allow the case to go on, then the judge with a wink and a nod, dismisses the case, since Mr. You was summoned, but not required to appear or file an answer concerning the plaintiff’s allegations — with the plaintiff’s verb attorney. In my experience up to this point in time, there are only two sure ways to get justice. Money and media attention. Anything else is a hit and miss situation. Conflicts between the peasants can go either way, but the thing to remember is – that it is totally the judge’s call.

Sentence Writing Using the Universal-Legal-Technology .

Now that the groundwork has been laid for the ULT writing style, let us construct some general rules for sentence writing. We discuss the preposition rules first. As discussed earlier, the only way to certify a noun is by using both the preposition and article combination before a noun. We also noticed that the sequence of the prepositions in the sentence is important, since the prepositions are the only words that reverse when interpreting the sentence in the reverse direction.

Lets look at the sequence of the prepositions. Prepositions have a natural order that if used, guarantees the proper logic when the sentences are reversed and read backwards.

□	□	□
FOR	OF	BY
THROUGH	DURING	
WITH	AS	
WITHIN		

Additionally, if we begin all of our sentences with the article/preposition, then we can also read the sentences in a circle. No matter where we start reading in the circle, the logic of the sentence holds true no matter where we start reading in the sentence, and no matter which direction we read through the sentence. A few general rules that apply to the Universal-Legal-Technology style follow:

- a. Restart the sequence of the prepositions after periods, commas, and verbs.
- b. Write two prepositional phrases before writing the verb, so the sentence will not end with a verb [dangling participle] while reading backwards.
- c. Double punctuation is not necessary, i.e., the period and colon after "G." *Jeff_G.: Sciba, F.R.C.P._RULE.*
- d. The rules for the corporation of the Cases are as follows: Fiction case numbers frequently change by different punctuation. For instance, the indictment case number is an actual case: CR 1025 AG; the MOTION TO DENY BAIL by the prosecutor changes slightly to another case: CR-1025-AG, the ORDER TO DENY BAIL by the judge changes again to: cr 1025-AG, etc. The numbers have changed completely by the end of the case. Each number creates a separate case. Each case, evaluated on its own is nothing more than a scrap. We will learn in the section on legal fictions that expanding case numbers is just another type of legal fiction. This problem is easily solved by the corporation all of the numbers into the noun case number. Example: FOR THE CORPORATION OF THE CASES: 05399381P10101-0102(sic), 05399175P10101-05(sic), 05399456P10101(sic), RT 78 400 388 833 CA, RT 78 400 388 855 CA, 05399381-P1-0101-0105(sic), 05399175-P1-0101-0105(sic), 05399456-P1-0101(sic), 9456(sic), WITH THE LIBELANTS: Paul-Michael: Smith and Myrna-Lynn: Smith WITHIN THE PROVINCIAL-COURT OF THE UNION-PROVINCES OF THE CANADA FOR THE PROVINCE OF THE ALBERTA IS WITHIN THE CASE: RT 326 280 310 CA, AND IS WITHIN THE CASE: RR 547 102 111 US.
- e. As the case progresses, track all new fiction variations of the case number and add to this section.
- f. As the case progresses into higher courts, incorporate Universal-Legal-Technology cases into the extant case.
- g. When constructing a paragraph, use the sequence described below:
 - (1) Write the (Plaintiff's) Libelant's name, for immunity at the beginning of the paragraph.
 - (2) Declare that the Libelant has knowledge of a damage.
 - (3) Bring the first breach through a constitutional right of some sort: due process, grievance, etc.
 - (4) Bring knowledge again, but this time, the knowledge is the LIBELEEE's knowledge and thinking.
 - (5) Tick off the statutory wrongs in a logical sequence.
 - (6) Explain the event that caused the breaches.
 - (7) Lastly, assign the responsibility: "*by the LIBELEEE: John Judge (sic).*"

The Nom de Guerre

- i. Where is the authority for writing my name: JEFF SCIBA? Capitalization is denoting corporate existence. "3.2. Proper names are capitalized."⁷⁰
- ii. Rome John Macadam Italy
- iii. Brussels Macadam family Anglo_Saxon"

An example paragraph: FOR THE LIBELANT: Jeffrey-Gene: Sciba WITH THIS CHARTER-VESSEL-LAW IS WITHIN THE KNOWLEDGE OF THE CHARTER-VESSEL-LAW FOR THE SANCTIONS WITH THE F. R. C. P. RULE: 16(f), FOR THE CONVEYANCE OF THE FICTION-LANGUAGE BY THE FRIVOLOUS-COMMUNICATION. FOR THE LIBELANT WITH THE TRUTH IS WITHIN THE SUIT FOR THE SANCTIONS FOR THE BREACHES OF THE F. R. C. P. RULE: 11(a): FRIVOLOUS-FILINGS, FOR THE DEPRIVATION OF THE RIGHTS OF THE C. U. S. A. F. OF THE LIBELANT, FOR THE BREACHES OF THE F. R. C. P. RULE: 10(a) WITH THE USE OF A FICTION-NAME, AND FOR THE TITLE: 18: U. S. A. LAW: §: 1342: FRAUD OF THE MAILS ON THE DATE OF THE MAY/10/2000; FOR THE TITLE: 18: U. S. A. LAW: §: 1341: SWINDLE OF THE LIBELANT IS WITHIN THE BREACH OF THE TITLE: 42: U. S. A. LAW: CH. 126: QUANTUM-CHAPTER: III: §: 12182(2)(A)(iv): OBLIGATION FOR THE ELIMINATION OF THE COMMUNICATIONS-BARRIERS, FOR THE PURPOSE OF THE OBSTRUCTION OF THE TRUTH, AND FOR THE DEPRIVATION OF THE RIGHTS BY THE F. R. C. P. RULE: 9(b): FRAUD WITH THE USE OF THE FICTION-LANGUAGE IN THE PUBLICATIONS FOR THE ENFORCEMENT OF THE FRAUD BY THE LIBELEES: John O. Smith(sic), DAVILA M. RUSH(sic), AND BY THE UNITED STATES(sic).

⁷⁰U. S. GOVERNMENT PRINTING OFFICE. *Style Manual*, January 1973, p. 23.

Interpretation as a Procedure

In 1987, My interpretative studies with the scriptures began when my pastor, Doctor “Buddy” Hicks gave me a short reprint of the rules of interpretation out of a book called *If ye Continue*, by Guy Duty. The rules were set out as an effective, yet simple, procedure. Over the years before my legal adventures, I had used these rules often and found them very helpful. These rules were so common sense, so logical, I assumed that everybody used them. Little did I know at the time that I was given the holy grail of interpretation. Once I started litigating in the courts, I knew that eventually I would want to rewrite the interpretative rules, and place them into my cases. I never felt any rush since I assumed that everyone was already “on the same page.”

One day in a conversation on the phone, one of my colleagues mentioned that King Henry VIII was involved in some very heavy legal technology, because Henry was concerned with what is now called “the King’s great matter,” that of divorcing his first wife, Queen Catherine.

All of the technologies that Henry used are accounted for in this book. For now we will concern ourselves a brief history of interpretative techniques, and then we will conduct an analysis of the three types of interpretation: subjective interpretation, the use of maxims, and objective interpretation.

Objective Interpretation

The rules of interpretation have a long history,⁷¹ and are mentioned in the writings of Socrates, Aristotle, and Irenaeus, (a Master Interpreter during the Second Century: A.D.). The rules are also mentioned during important events in human history, like the Council of Nice (324: A.D.), where the Nicene Creed originates. What the Nicene Creed shows us is great evidence of the full development of all of the rules of interpretation, and their proper use. However, the rules of interpretation are also misused well before the time of Christ. However, before we go into the misuses, let us start with Guy Duty’s templet, so that the reader understands how good interpretation is done.



The steps to Guy Duty’s interpretation⁷² procedure are as follows:

- Step: one. : The Rule of Definition,
- Step: two. : The Rule of Usage,
- Step: three. : The Rule of Context,
- Step: four. : The Rule of Historical Background,
- Step: five. : The Rule of Logic,
- Step: six. : The Rule of Precedent,
- Step: seven. : The Rule of Unity,
- Step: eight. : The Rule of Inference.

Let us look at the definitions of each step, and then see why the formula is adjusted slightly in two ways to adapt to the Universal-Legal-Technology.

Step: one. : Rule of Definition: Guy duty’s formula states that “The beginning of the interpretation of any document is with the study of words. Define the terms and keep the terms defined. The interpreter’s analysis is based only on the grammatical sense of the writing.” The problem with starting with the rule of definition is that, as we see in the previous chapter, the choice of the definition is ruled by the apparent grammar in the sentence, and the grammar can be perverted by the fraudulent thinking of the interpreter. Many a word in the dictionary has multiple entries, based on the word’s multiple grammar senses. In one sentence, we know that identical words, have altogether different grammar senses. Remember the phrase in the previous chapter concerning variations in grammar usage for the

⁷¹Duty, Guy. *If ye Continue*.(1966).

⁷² Duty, Guy. *If Ye Continue*.(1966).

same words: *To* [adverb] *serve* [verb] a complaint is grammatically different “than being my turn *to* [preposition] *serve* [noun] the volleyball.” Therefore, to bridle the thinking of a judge, or other potential opponents, the rule of logic is placed at the first step, because the goal is to force the interpreter into a position of choosing the *logical* definition of a word, when multiple entries of a word exist in the dictionary. We also want logical thinking to be used throughout the process, not after irreparable damage is done to the meanings of the words.

Step: two. : Rule of Usage. “Words and usages are rendered according to the usages of the place, society, and popular life.” In law, litigants are concerned with legal usages first, then with common usages. In the previous rule, we have decided upon which word entry to use. Now we are deciding upon which usage, inside the definition entry. For instance, is the correct usage coming from the definition’s entry number 1, 1(a), 2, 2(a), or 2(b)? We render our decision based upon how the words are normally used, in our case beginning with the word’s legal sense. Once no special legal usage is discovered, then we consider the place, society and popular life of the culture where the writing took place.

Step: three. : Rule of Context. “Respectively, words, terms, phrases, sentences, paragraphs, [elements] etc., are understood in all of their point and force from the connection to their preceding elements, and from the connection to their following elements.” Now we are expanding our thought process outwardly to connect previous words to their following words; to connect previous phrases with following phrases; to connect previous sentences with following sentences; to connect previous paragraphs to following paragraphs; to connect previous chapters with following chapters; to connect previous books or volumes with following books or volumes. This technique is effective for interpreting any writing.

Step: four. : Rule of Historical Background. “The only interest in the past is a general understanding of the history of the life and society of the writer. Interpreters are interested in the light the historical background throws upon the present.” In his book, Mr. Duty interjects a little plug for using case law. Case law is examined in another chapter to show its weaknesses. For now, just remember that in the Universal-Legal-Technology cases, the interpreter is forbidden from using the “rule of historical background” as an excuse to interject “case law,” since all cases are *sui generis*. [*Sui generis* means unique, with different circumstances and timing, with different parties, juries, judges, lawyers, all who vary in experience and motivation.]

Step: five. : Rule of Logic. “The writing appeals to our reason . . . the writing invites investigation, and . . . the writing is to be interpreted in context as any other writing, by the rigid application of the same laws of the language, and the same grammatical analysis.” That is why we move the rule of logic from the step five to the step one position, since the rule of logic uses the language and grammar rules to derive the correct context.

Step: six. : Rule of Precedent. “Interpreters must not violate the known usages of a word and invent another for which there is no precedent.”

In the Universal-Legal-Technology cases, the legislature is obligated to track litigation in the system — codifying and publishing broad and common customs, closing unforeseen loopholes, correcting mistakes, and clarifying the ambiguities in the legislator’s laws. (A rule violated by Henry VIII.)

Step: seven. : Rule of Unity. “The parts of a document are to be construed with reference to the significance of the whole.” This rule brings any inconsistencies to the surface. Every day we find inconsistencies in testimony, or inconsistencies in law. How these inconsistencies are handled depend upon where they are found.

In the chapter on the civil law versus case law, we will see that if any passages of law that conflict with one another, the legislature, not the judge, has the obligation to correct the error. Like computer programmers, the legislators have the responsibility to get the “bugs” out. Once the law is written well, litigation concerning the inconsistency is eliminated.

Step: eight. : Rule of Inference. The last step of the process is the drawing of the inference. “We reason and derive the inference from the given fact or premise.” The inference is the conclusion, based on the evidence generated by the first seven steps.

Now let us see the rules in their proper order:

Step: one. : The Rule of Logic,

Step: two. : The Rule of Definition,

Step: three. : The Rule of Usage,

- Step: four. : The Rule of Context,
- Step: five. : The Rule of Historical Background,
- Step: six. : The Rule of Precedent,
- Step: seven. : The Rule of Unity,
- Step: eight. : The Rule of Inference.

The honest application of the rules of interpretation has long term benefits, it decreases the costs of litigation and legal research, increases economic productivity of the economy, and increases the trust of the people.

Now that we understand what is called “objective interpretation,” let us now examine the two other techniques of interpretation that are both being taught and used in the judicial systems of most of the world, then the reader can evaluate which of the three methods is the best. One professor explains that according to the writings of language philosophers, “words have no inherently correct meaning.”⁷³ That may be true, but we can communicate, and as we already know, the written word can be understood. So what is the definition of the word “*is*?” In the fiction courts, the word “*is*” is whatever the pleader or judge claims!

Subjective Interpretation

An English case, decided in 1584, affects almost the entire world. It is called Heydon’s Case – and it created what is termed “The Mischief Rule.”⁷⁴ The rule tells the interpreter to first focus on the last step of the process of interpretation, and then to adjust the meanings of the words of the writing to fit a preconceived notion.

Step one. First, the judge speculates on intent of Congress by reading the statute. “By looking to the “object of the act”(the intent and purpose of the act), the interpretation of the statutes can be restricted or enlarged — in order to advance the reason for the statute (remedy) and to suppress the “mischief”(social, political, economic or other problem) that gave rise to the need for the statute.”⁷⁵ Paying more attention to the “spirit” of the law than to the letter, and having found the mischief, the judge proceeds in the case to make mischief with the words of the statutes.⁷⁶ “The judge remolds the statute by taking things out and by putting things in, in order to fit the ‘mischief’ and ‘defect’ as the judge pleases.”⁷⁷ The idea of knowing the will of the intent of the legislature, according to many respected law professors, is pure fiction. Even being suspected of supporting such folly can hurt a law professor’s reputation.⁷⁸

What is “intention?” Four types of intention are identified in my studies. An *Expressed intention* is the intention that is sometimes expressed in the statutes. An *Implied intention* is the intention that may legitimately be implied by the statutory wording. A *Presumed intention* is the intention that is imputed by the courts. A *Declared intention* is the intention that the legislature itself has said maybe or must be imputed.⁷⁹

What is commonly called “the intention of the parties” is in large measure the intention of the judge.⁸⁰ We can easily see that the intention of the legislature can mean absolutely anything that a judge desires. Yet the intent of a statute is only the beginning of a step-by-step process designed to reduce judicial exposure to any public criticism, while simultaneously accomplishing what the legislature could not do, because of constitutional constraints.

Step: two. After the divination of the will of the legislature, the judge applies his conjecture to the words of the case. Remember that the will of the intent of the legislature is pure conjecture. However, the judge’s

⁷³LeClercq, Terri. *Expert Legal Writing*. In the Austin, by the University of Texas Press. (2000) p. 111.

⁷⁴ English_Reports: volume LXXVI, King’s Bench Division V: Coke, Parts: 1,2,3,4.

⁷⁵Driedger. *The Construction of Statutes* In The Toronto, By The Butterworths, (1974).

⁷⁶Driedger. *The Construction of Statutes* In The Toronto, By The Butterworths, (1974). , p. 55.

⁷⁷Driedger. *The Construction of Statutes* In The Toronto, By The Butterworths, (1974). p. 55.

⁷⁸Dickerson, F. Reed. Statutory Interpretation, within the 50 *Indiana Law Journal*, p. 206_237(1974_1975)

⁷⁹Driedger. *The Construction of Statutes* In The Toronto, By The Butterworths, (1974). p. 82.

⁸⁰Chafee, The Disorderly Conduct of Words. 41 *Columbia Law Review*. P. 381 (1941).

conjectures, of the legislature's intent, are all the judge needs sometimes to disqualify the case. If the judge does not need to change the meanings of the words to overcome an argument, he stops the interpretation process at that point.⁸¹

But what if a judge employs the first two steps of the process and finds that he lacks the authority to make a determination that fits with the judge's idea of the intent of congress? The judge looks to what ironically is termed the "golden rule" to climb farther out of the confines of the law, yet reduce the twisting of the law as much as possible. No, this rule is NOT the Golden Rule of the Bible, which states the following: "Do unto others as ye would have them do unto you." A better name for the rule is the *Golden Screw*, because no one in their right mind would want to be subjected to the next three steps. The Golden Rule in law is designed to "overcome harsh results of a literal construction" by construing some other signification, which, though less proper, is one that the court thinks the words will bear. The "Golden Rule" is used to rewrite, expand or restrict the meaning of the statute. It is for avoiding "inconsistency, absurdity, disharmony, or inconvenience." The Golden Rule is used to rewrite the law to comply with what the judge thinks to be more reasonable by employing alteration, omission, and exception of words.⁸²

Step: three. "If the plain and simple meanings of the words of the law are obscure or ambiguous, the judge may use meanings that are only reasonable meanings." Here we see the judge climbing a bit further out of the confines of the law to make his interpretation overcome a party's legal arguments, increasing the possibility of the judge subjecting himself to public criticism.

Step four. "If the words of the law are obscure or ambiguous, and are in disharmony with the intent of the law in question, use a meaning that is something less than grammatical or less than ordinary meanings, but 'reasonably capable' of carrying the meanings."⁸³

Step five. "If the obscurity, ambiguity or disharmony cannot be resolved by reference to the intent of the legislature, object of the act, or scheme of the act, using the meanings which 'appear to be the most reasonable may be selected.'"⁸⁴

Step six. Other "techniques to evade literal meaning" are step six.⁸⁵ I have created this step as a grab bag of techniques that Judges use to justify the avoidance of "undesirable consequences" resulting from a "literal reading of clear words."⁸⁶ Judges are trained to use "sheer speculation," or a "pure[ly] speculative test."⁸⁷ Another method is to "begin with a subjective judgement, then a departure from the plain meaning of the statute can easily be justified . . . Either make a choice between the plain meaning and the invented meaning on the basis of a subjective standard of reasonableness, or the plain meaning is modified to accord with the invented intention, and, if possible a maxim or canon of construction is invoked in support."⁸⁸ When all else fails, "refuse to believe that Parliament meant what it said, and proceed to modify the grammatical and ordinary sense according to the interpretation of the judge."⁸⁹

With all of this problem solving that the judges have appointed them selves to do, better training of legal writers seems an excellent idea to avoid all of the confusion that is going on in the courts. Would not a legal writer want to understand the technique that courts use to figure out the meaning of the statute or regulation he is writing? Amazingly, the verb legal writers are taught that the rules of interpretation are unimportant to the law writing process. The problem lies in the fact that "some of the [interpretative] rules are simply not true."⁹⁰ The conflicting application

⁸¹Driedger. *The Construction of Statutes* In The Toronto, By The Butterworths, (1974). p. 53.

⁸²Driedger. *The Construction of Statutes* In The Toronto, By The Butterworths, (1974). P. 21

⁸³Driedger. *The Construction of Statutes* In The Toronto, By The Butterworths, (1974). P. 21

⁸⁴Driedger. *The Construction of Statutes* In The Toronto, By The Butterworths, (1974). P. 21

⁸⁵Driedger. *The Construction of Statutes* In The Toronto, By The Butterworths, (1974). P. 21

⁸⁶Driedger. *The Construction of Statutes* In The Toronto, By The Butterworths, (1974). P. 21

⁸⁷Driedger. *The Construction of Statutes* In The Toronto, By The Butterworths, (1974). P. 22

⁸⁸Driedger. *The Construction of Statutes* In The Toronto, By The Butterworths, (1974). P. 26

⁸⁹Driedger. *The Construction of Statutes* In The Toronto, By The Butterworths, (1974). P. 23

⁹⁰ Dickerson, Reed. *The Interpretation of Statutes*. In the Boston, Toronto, and London, by the Little, Brown and Co. (1965) p. 234.

of the rules of interpretation in the verb courts is simply a tool of a judge in his support of a pre-existing conclusion.⁹¹ Since the traditional statutory cannons of interpretation are false, they yield conflicting results.

Because of the contradictions [of current interpretative methods], some commentators believe that these cannons may be irrelevant when drafting statutes. Although courts use the cannons to resolve inconsistencies to supply omissions, the drafter “who tries to write a healthy instrument does not and should not pay attention to the principles that the court will apply if [the drafter] fails. [The drafter] simply does his best, leaving it to the courts to accomplish what [the drafter] did not.”⁹²

Legal scholars themselves point out that “current interpretative methods can be a pretext to support the outcome that the judge desires.”⁹³ One scholar put it as well as anyone.

The judge’s motive may be “a wish to conciliate (as far as possible) the friends or lovers of the law which they [the judges] really annulled. If a praetor, or other subordinate judge, had said openly and avowedly, ‘I abrogate such a law,’ or ‘I make such a law,’ he might have given offence to the lovers of things ancient, by his direct and arrogant assumption of legislative power. By covering the innovation with a decent lie, he treated the abrogated law with all seemly respect, whilst he knocked it on the head.”⁹⁴

Subjective interpretation can be evasive and easily abused.⁹⁵ “The executive can make the shift to govern without a Parliament [legislative branch] if necessary.”⁹⁶ “Subjective interpretation tends to bring law into disrepute, and subjects the courts to political pressure,⁹⁷ and reintroduces the personal element into judicial administration.”⁹⁸

Legal Maxims

The other major verb interpretative technique that judges use is the use of legal maxims. The most comprehensive set of legal maxims that I have found comes out of a 1887 legal book. It is thirty pages of maxims. They seem reasonable on their face. However, other authors point out the inconsistencies in results when used in the courts, so I have not invested much time researching legal maxims. Legal maxims are not proceduralized. In other words, there is no step-by-step process to guide the interpreter. Maxims are simply a collection of wise sayings, so to speak. By definition, a maxim is an “established principle or proposition.”

“A principle of law universally admitted, as being just and consonant with reason. 2. Maxims in law are somewhat like axioms in geometry.”⁹⁹ “They are principles and authorities, and part of the general customs or common law of the land; and are of the same strength as acts of [a] parliament, when the judges have determined what is a maxim; which belongs to the judges and not the jury. Terms do Ley.”¹⁰⁰

Authors have written much about their voracity, or lack of it. Drieger gave the best example for maxims. A judge uses them when needed as a support for his subjective interpretation, a little like pulling a rabbit out of a hat. In the court room, the litigant is left scratching his head not knowing what has just happened to him. It all is a little over his head.

The pantheistic judges of the Roman Empire did the same thing, but they relied on the excuse that their interpretations were “will of the gods.” What person can inquire of the judge’s god to verify the “god’s will?”

⁹¹ Driedger. *The Construction of Statutes* (1974), p. 26. “If possible a maxim or canon of construction is invoked in support.”

⁹² Ray, Mary Barnard; Cox, Barbra J. *Beyond the Basics, A Text for Advanced Legal Writing*. In the St. Paul, Minn, by the West Publishing Co. 1991. P. 24, 25.

⁹³ Drieger. *The Construction of Statutes*. (1974) p. 26.

⁹⁴ Lectures on Jurisprudence (5th ed.) ,1885, II, 610.

⁹⁵ Bryce. *Studies in history and Jurisprudence*, I, 229.

⁹⁶ Corry, J. A. In an Article: *The Interpretation of Statutes*.

⁹⁷ Pounds, Roscoe. Spurious Interpretation. *Columbia Law Review*, Vol. VII., No. 6, June/1907, p. 384.

⁹⁸ Corry, J. A. In an Article: *The Interpretation of Statutes*.

⁹⁹ 1 Bl. Com. 68.

¹⁰⁰ Doct. & Stud. Dial. 1, c. 8.

Now that we understand the role in subjective interpretation in the court room setting, let us now see if we can use this knowledge to trace the use of these techniques in other cultures of the world. Then after that legal fictions are discussed, and how they are used with subjective interpretation.

The History of Subjective Interpretation

Some of the abusers of the subjective interpretation techniques are the Roman Empire, King Henry VIII, King Charles I, King George III, King Louis XV, U. S. President Theodore Roosevelt, Fuhrer Adolph Hitler, and the Soviet Union. The actual list that I have is larger. My goal is to teach enough so that the reader can spot the tell-tail signs for himself. One thing I have noticed during my investigation is that no matter how evil or despotic an executive or legislature may be, if the judges of their land will not enforce the executive or legislative despotism within the courts, the despot is ineffective and therefore fails. Conversely, if the judges are willing to carry out the desires of a despot, no ordinary man is safe in his country. It is no wonder that the world's first code of judicial ethics is recorded in the Old Testament of the Bible.

The earliest instance of subjective interpretation I have documented was with the Roman Empire, which existed from 765 B.C._324 A.D.. In the 8th century B.C., the law of Rome was still largely a blend of custom and interpretation by magistrates, of the will of the gods.¹⁰¹ The Romans used a combination of judge made law (through case law) and subjective interpretation. The Roman's abuses caused the magistrates to later loose their legitimacy because of gross discrimination against the lower (plebeian) class. The threat of revolution led to one of the most significant developments in the history of law: the [publication of the] Twelve Tables of Rome, which were engraved on bronze tablets in the 5th century B.C.

As we will see, the written disclosure to the people of the law, and the law's rules is one foundation of the republican form of government.

King Henry VIII (1491_1547), unable to have a male son, and in love with Anne Boyles, in 1527, was seeking the approval from a timid Pontiff for a divorce from Henry's Catholic wife, Catherine. The marriage of Catherine and Henry had been preceded by Henry VII's request for and receipt of Pope Julius' official approval of the marriage (in 1504). The Pope's original ruling that Henry's marriage to Catherine was legitimate, based upon the fact that the queen's former husband, Henry's brother Arthur, had died leaving the Catherine a widow. Therefore, Catherine could then biblically marry Henry. The Pope, and most of the Christian world, recognized the biblical legitimacy of the King's marriage; however, Henry was seeking to annul the marriage "as if" (a legal fiction to be discussed later) it were never consummated, since in the King's licentious eyes, marrying a brother's wife was unlawful.

In today's world all of this seems a bit trifling, but then the King was trying to avoid a treason charge, which could cause his death.

With the paid help of many of the King's best scholars, Henry VIII sent out teams all over Europe and Scandinavia to discern all of the theological and legal arguments, and all of the legal technologies available to overcome both the Word of Yahweh and the Papal Bull.

I eventually was able to uncover all of the King's techniques through his writings to Pope Clement, and through his writings to the public, outlining the major points of the King's arguments for his break with the Vatican. Ultimately, with the help of the Protestant Archbishop of Canterbury, Thomas Cranmer, a sham trial was held, and Cranmer annulled the marriage on May 23, 1533. The Pope excommunicated Henry from the Catholic Church and parliament declared Henry supreme head of the Church of England. Henry: (1) modified the grammatical sense of the words [already covered in the previous chapter], (2) ignored arguments that could not be overcome, (3) attacked false (fiction) arguments, in other words, he made arguments against matters not raised by the opposition, (4) used subjective interpretation, (5) and used fiction words.

¹⁰¹"Law," Microsoft *Encarta Encyclopedia*, by the Microsoft Corporation. 1999

Cranmer, the judge of the King's divorce case in England, agreed to the King's changes in the meanings of the words in the scriptures and pleadings.¹⁰² The Queen was tried, found guilty and confined to the tower. Later, with the same legal interpretative methods, other wives would suffer the fate of execution.

King Charles I (1625_1649) of England created what authors have called "Charles' Personal Government" through an absolute monarchy. Charles demanded favored interpretations of the law that supported his government and made it clear to his judges that their judgements must favor the government. Charles was convicted of making war on his own people (treason) by a court of questionable legitimacy,¹⁰³ and was beheaded in 1649.¹⁰⁴

King George III (1738_1820) lost America, and India, during his absolute Monarchy. George used "Pressing necessity," roughly equivalent to the War Powers Act in America. Parliament claimed omnipotence, and by royal prerogative the King created "The Civil List" by which his signature, the government took whatever thing, in whatever amount, whenever the King felt like it. The King had unrestrained power for taxation, and an unlimited power of the sword. George III was one of the two most arbitrary English Monarchs. After 30 years of corrupt rule, England almost went bankrupt.^{105'106}

King Louis XV (1710_1774) was a fine example of how fast subjective interpretation can bring down a government. Through an absolute monarchy, French King Louis XV took absolute power using a legal fiction called the "Bed of Justice," where parliament had no power in the presence of the King. In one short summer the French had completely pulled down to the ground their Monarchy, their Church, their Nobility, their Law, their army, and their Revenue. King Louis XV lost the respect of Europe. "The bad effects of our government by absolute monarchy are resulting in persuading France and all Europe that it is the worst of governments . . ." In 1750, Minister Marquis d'Argenson wrote: "Republicanism is every day gaining on philosophic minds."¹⁰⁷ In a republican government, the legislative authority necessarily predominates.¹⁰⁸

Theodore Roosevelt, U. S. President (1901_1908) was an American Socialist. Roosevelt earned the nick name: "Trust Buster" by attacking American industry, and used the subjective interpretation methodology.¹⁰⁹ He vastly increased the power of the Executive branch. Roosevelt repeatedly called for the right of the American people to "interpret" the Constitution as they saw fit, usurping the role of the Supreme Court.¹¹⁰

Adolph Hitler (1889_1945) gained despotic control of Germany with the cooperation of Nazi judges who used unrestrained interpretation of the law. The basis for interpreting the law was the vague "National Socialist ideology," in order to overcome "narrow normatism." The Nazi Constitution was not intended to impose any sort of self restraint on the exercise of power. Many doubt that a Nazi constitution was ever instituted. A lack of rules and a hostility to the law increasingly dominated the scene in Nazi_Germany.¹¹¹ The law was unabashedly and

¹⁰²Froude, James_Anthony. *History of England*. In the New-York: by the Scribner, Armstrong, and co (1875).

¹⁰³Ashley, Maurice. *The Stuarts, a Royal-history of England*. Los-Angeles. By the University of the California-press. (2000)

¹⁰⁴ Sharpe, Kevin. *The Personal Rule of Charles 1*. In the New-Haven and London, by the Yale University Press (1992).

¹⁰⁵Belsham, William. *Memoirs of the Reign of George III, V. 1_4*.

¹⁰⁶ Galt, John, 1779-1839. *George the Third, His Court and Family*. In the London, by the Henry: Colburn and Co. year

¹⁰⁷De Saint-Amand, Imbert. *The Women of Versailles in the Court of Louis: Xv*. In the New-York, by the Charles Scribner's Sons (1893).

¹⁰⁸ Hamilton, Alexander or Madison, James. *Federalist Paper #51.Feb./06/1788*

¹⁰⁹ Roosevelt, Theodore, 1858-1919. *The Works of Theodore Roosevelt, Memorial- Edition. Volume: XIX, for the Social Justice and Popular Rule (The Progressive Movement, 1910-1916.)* In the New York, by the C. Scribner's Sons (1923-26).

¹¹⁰ Roosevelt, Theodore, 1858-1919. *Outlook. New York, National Consumers' League, 1913/November/15*.

¹¹¹ Stolleis, Michael. *The Law under the Swastika: Studies on the Legal History in the Nazi Germany*. Year

wholeheartedly meant to further the aspirations of the Third Reich. Security of tenure of the judges depended upon his willingness to use “elasticity” in the law for the benefit of the community. The judiciary’s task was to “secure formally and irrevocably the guarantee of the National Socialist revolution and evolution.” The “Leadership Principle” is the faith in a human savior. The Fuhrer’s powers could be understood only “intuitively”; legal considerations were swept away because they contradicted the ‘depth and width’ of the leadership principle. The leadership principle was to be carried out within the judiciary in its absolute form. So, Hitler and the Nazi Party claimed virtual infallibility.¹¹²

Soviet Union (1917_1991). Communistic writers leading up to the Socialist Revolution envisioned a legal environment where there would be no law. The goal of the Soviets was the avoidance of the rigidity of any legal codes, by using judge_made law, to have the flexibility to meet unexpected events in the path to the future. However, this “withering away” of all law failed. Judges were authorized to use their own “revolutionary consciousness” and “revolutionary concept of justice” in creating new law, except where the judges conflicted with the imperial [national] law.

In Revolutionary Law, “The leader is the one who is responsible for the correct expression of the will of the people.” — Lenin. ¹¹³ Rights were protected only when rights are in accordance with their socioeconomic purpose.¹¹⁴

American Judges currently use subjective interpretation under the name of Textualism. Objective interpretation is called literalism, and is looked upon as “spurious.” “It [willingness to use subjective interpretation] is one of the surest indexes of a mature and developed jurisprudence not to make a fortress out of the dictionary, but to remember that statutes always have some purpose or object to accomplish, whose sympathetic and imaginative discovery is the surest guide to their meaning.” ¹¹⁵ Fuller, Lon. Legal Fictions, p. 88. There is other evidence of subjective interpretation in America: LaRue, L. H. Constitutional Law as Fiction, p. 35, 77_79, 82, 87, 90, 92, 100_104, 106, 111.

The fact that subjective interpretation existed since the Roman Empire warrants the question: Is this the reason for Christ’s condemnation of the lawyers [scribes] of His time?

Woe unto you, scribes [lawyers] and Pharisees, hypocrites! For ye pay tithes of mint and anise and cummin, and have omitted the weightier matters of the law, judgment, mercy, and faith: these ought ye to have done, and not to leave the other undone. Ye blind guides, which strain at a gnat, and swallow a camel. Woe unto you, scribes and Pharisees, hypocrites! For ye make clean the outside of the cup and of the platter, but within they are full of extortion and excess . . . Even so ye also outwardly appear righteous unto men, but within ye are full of hypocrisy and iniquity. Woe unto you, scribes and Pharisees, hypocrites! ... Fill ye up then the measure of your fathers. Ye serpents, ye generation of vipers, how can ye escape the damnation of hell? ¹¹⁶

Probably the most significant tool at the disposal of any person in the legal industry is having a command of the rules of interpretation. So important is this knowledge that the preceding writing rules can be relaxed a bit, if we can be assured that the interpreter is following the objective rules of interpretation. For those of us cringing at the proposal of understanding the finer points of grammar in our own writings, we can take comfort by using the grammar checkers within our computer word processors. The grammar checkers are unable to figure out if the sentence is semantically correct, but they do come close. Computer technology is a way to certify a word’s grammatical usage, but the writer must have a little higher literacy to interpret the results of the checker. The WordPerfect \Options \Analysis \Parse tree, or Parts of speech is a great way to resolve questions about how a words are used in sentences. If the argument about a word’s usage is important enough, obtaining information from unabridged

¹¹²Koch, H. W. *In the Name of the Volk: Political Justice in Hitler's Germany*. In the New York, by the Saint Martin's Press (1988).

¹¹³ Guins, George-C. *The Soviet Law and Soviet Society*. In the Westport, Connecticut by the Hyperion Press, Corp. 1990.

¹¹⁴ Zile, Zigurds-L. *Ideas and Forces in the Soviet Legal History*. In the New York, and Oxford, by the Oxford University Press(1992),p. 179.

¹¹⁵ Cabel v. Markham, 148 F.2d 737, 739 (2d Cir. 1945), affirmed, 326 U. S. 404 (1945).

¹¹⁶Matthew 023:023 KJV

dictionaries is a good way to support a word's usage. Not all of the rules can be relaxed, however. Verb tense, pronouns, adjectives, adverbs are always going to be a problem. Still, once we are over the hostilities presently existing against the citizenries, I personally would not risk placing my paper work into a court until I feel that the judicial officers have been bridled with the objective interpretative procedure.

Henry VIII Clauses

Henry VIII Clauses are portions of text inserted by legislatures into legislation that delegate "necessary" amendment power to the executive. Henry VIII clauses give "an executive authority power to amend the parent Act, or (usually) any other Act, in order to bring the parent Act into 'full operation.' Its widest extension is to empower the executive, "if any difficulty arises" in bringing the Act into operation, to 'remove the difficulty' by order." ¹¹⁷ Many legislators agree that Henry VIII Clauses are objectionable. "Sir William Graham Harrison, always a candid witness, agreed with Sir Claud Schuster that the clauses, however limited, are in themselves objectionable. 'I do not like them,' he added. 'From my own point of view I very much dislike having Acts of Parliament modified by rules and orders. It is an intolerable nuisance to have that sort of thing.'" ¹¹⁸

Henry VIII Clauses are used in America today. The U. S. Code is littered with H. VIII clauses empowering agency heads to amend or revoke statutes passed by congress. Example:

"Title 15, U.S. Codes: Section 76. Standards and procedures; establishment, amendment, and revocation. (a) Authority of Secretary. The Secretary is authorized to investigate the handling, weighing, grading, and transportation of grain and to fix and establish . . . , for grain shipped in interstate or foreign commerce; and the Secretary is authorized to amend or revoke such standards or procedures whenever the necessities of the trade may require."

Henry VIII clauses are very helpful to a legislature that needs someone to achieve their goals that happen to be beyond the legislature's constitutional limitations. After passage of the legislation, when the public eye has moved onto other matters, the executive agencies amend the legislation through regulatory methods. The details are usually beyond the comprehension of both the media and the general public.

¹¹⁷Allen, Carleton-Kemp. *law and Orders*. In the London (England) by the Stevens & Sons, Ltd. (1941) pp. 100, 101.

¹¹⁸ Minutes of Evidence, 48, Q. 661

Legal Fictions

A tip about legal fictions came from Chris, \$\$\$\$\$, Ph.D., a researcher for a client of mine. She had sent me a lengthy document that mentioned the phrase “of the Legal Fictions described by Jeremy Bentham.” From that phrase I began my investigation to answer the question, “What is a Legal Fiction?”

“A legal fiction by definition is a statement that must be false before the statement is a fiction. The author of a fiction may or may not have the intention to deceive. A fiction is not an erroneous conclusion. The statement_maker has knowledge that the statement is false. Maybe for the sake of expediency, the author makes a consciously false assumption; or maybe the author is aware of the inadequacy or partial truth, but cannot think of a better way of expressing the idea he had in mind.”¹¹⁹

Others define legal Fictions as “a device for attaining desired legal consequences or avoiding undesired legal consequences.”¹²⁰ Fictions include “any assumption which conceals a change of law by retaining the old formula after the change was made.”¹²¹ The result of the use of the fiction is “the expansion of law, whilst leaving it formally intact.”¹²²

The reasons why legal fictions were employed by earlier judicial officers were technology related. Forms of communication and modes of transportation made the legal structure slow to adjust. Legislation was infrequent, and the distribution of the newer laws was slow. So judges were left alone to make do. Gaps in the law left the judges sometimes with no guidance at all for the remedies they were expected to decide.

Bentham pointed out many types of fictions. Some “Language Fictions” we have created have no hope of repair, and really need no repair. For example, Bentham’s concepts of a “fictitious receptacle” include statements like *in a situation*, or *in an operation*, or *driving through a stop sign*. To Bentham, the receptacles had to be real. We may have been *in a tunnel*, and we may have *driven through a tunnel*. However, we could not literally have *been in a situation*, or have *driven through a stop sign*.¹²³ Bentham had problems with some metaphors that do not deceive. Bentham denied that people have a “Right,” “duty,” or “title” to anything. I have sometimes wondered if that view came from his non belief in Yahweh. The first precedent of man having rights came from the Bible, as well as the right of private ownership of land and things. Bentham, did however, make valuable contributions in trying to reform the legal system of England.

We should eliminate legal fictions. Some language fictions we can eliminate include those words related to motion, quantity, quality, form, and relational fictions. *Motion fictions* are words that are subject to opinion, like the words *fast*, *slow*, or *in motion*. How fast, or how slow something or someone is traveling is a matter of opinion. For instance, a frequent driver on Germany’s autobahn probably has a different idea of *fast*, than does my mother in Texas! *Motion fictions* are eliminated through the rules of the Universal-Legal-Technology. *Quantity* and *quality* fictions are opinion words like *highly*, *low*, *small*, are eliminated by being highly defined. *Form* fictions are undefined fictions with a title. For instance the “*United States*” has more than thirty definitions in the U. S. Code. “*Union_States*” has one definition, a joint-tenancy state. Form fictions are also eliminated by being highly defined.

Safe Fictions are fictions that cause no harm on the society or individual, and are understood and accepted by all of the parties in the case. “Only when a fiction is used by all parties, with their complete consciousness of the fiction’s falsity, is a fiction wholly safe.”¹²⁴

¹¹⁹ Fuller, Lon-L. *Legal Fictions*. In the Stanford, California, by the Stanford University Press. (1967) p. 6_11.

¹²⁰ Mitchell, “The Fictions of the Law,” *7 Harv. L. Rev.* (1893), 249, 253.

¹²¹ 10 Ency. Brit. (11th ed.) 319.

¹²² Pulszky, Augustus, 1846_1901. *Theory of Law and Civil Liberty*. In the London, by the T. f. Unwin. (1888).p. 431.

¹²³ Ogden, C. K.. *Bentham’s Theory of Fictions*, 1932.

¹²⁴ Fuller, Lon-L. *Legal Fictions*. In the Stanford, California, by the Stanford University Press. (1967) p.10.

For the purposes of this book, we are concerned with exposing fictions that may be used with the intent to deceive.

Fraudulent Fictions are the uses of fictions that are not known by all of the parties of the case, and follow the usual indices of fraud. One party makes a material false statement, another is induced into reliance upon that statement, or is forced under duress to accept the statement, and is harmed by the statement and suffers loss. Injecting personal biases into a case purporting to be factual are fraudulent fictions.¹²⁵ In *Everson V. Board of Education*, Justice Black denied proper respect to religion by telling a [fiction] story that implies “that religion threatens to produce disorder and persecution, and [that] an established church seems to be one of the worst calamities ever loosed upon a suffering humanity.”¹²⁶ The fact is that Jewish/Christian nations are the most prosperous, most technological advanced nations upon the face of the earth.¹²⁷

Fictional Conditions are sometimes “Implied.” That means that the judge or the pleader has no real evidence, so they make a leap and say that the condition is implied. An “implied condition” is a fiction that can sink the most formidable pleading.¹²⁸ For example, a judge makes a statement like “This pleading is ‘*deemed*’ ‘*presumed*’ ‘*taken*’ ‘*purported*’ ‘*supposed*’ to be a motion.” The purpose for such fictions is that the judges are inventing facts in the case to fit existing doctrine. Or the Judges are forcing the case into existing categories instead of the creation of a new doctrine.¹²⁹

One fictional condition is that of the “Implied powers” [of the courts]. We will cover implied powers later, but for now just remember that “implied powers are those that arise out of and are necessary to carry out the authority expressly granted and contemplated either constitutionally or legislatively.”¹³⁰

Other fictional conditions are created with constructions, presumptions, and implications. The words constructive, presumed, conclusive, implied, and quasi are all red flags that need to be examined. The following examples are all significant fictions that could place the uninitiated in deep legal trouble if the litigant does not object: Constructive knowledge, Constructive intent, Constructive trust, Conclusive presumption, Presumed intent, Implied malice, Implied condition, Implied warranty, Implied power, Quasi contract, or as written above, Inherent power of the court.¹³¹

What happens when we assume? The answer is no different from the one taught to us as a child. Assumptive fictions are common.¹³² Examples of assumptive fictions are the “As if” statements that sometimes assume major events. In *Bouviere’s Law Dictionary*, Sixth Edition, contains 194 “as if” statements. A few unsettling examples of the “as if” statements include the following:

- (1) “as if” he were the owner,
- (2) “as if” he were of majority age,
- (3) “as if” he had accepted,
- (4) “as if” they had received full value,
- (5) “as if” the acknowledgment of the execution of the same deed had been,

¹²⁵ LaRue, L. H. *Constitutional Law as a Fiction, a Narrative in the Rhetoric of Authority*. In the University Park, Pennsylvania, by the Pennsylvania State University Press. (1995). pp. 8, 26_27.

¹²⁶ LaRue, L. H. *Constitutional Law as a Fiction, a Narrative in the Rhetoric of Authority*. In the University Park, Pennsylvania, by the Pennsylvania State University Press. (1995). p. 26.

¹²⁷ Find newspaper article and cite source.

¹²⁸ Fuller, Lon-L. *Legal Fictions*. In the Stanford, California, by the Stanford University Press. (1967) p. 32.

¹²⁹ Fuller, Lon-L. *Legal Fictions*. In the Stanford, California, by the Stanford University Press. (1967) p. 68.

¹³⁰ Stumpf, Felix F. *Inherent Powers of the Courts*. Published by the National Judicial College. (1994) p. 4.

¹³¹ Smith, Jeremiah. *Surviving Fictions*. *2 Yale Law Journal*, Vol. XXVII, December/1917; Pound, Roscoe. *Spurious Interpretation*. *Columbia Law Review*. Vol. VII., No. 6; Pound, Roscoe. *Interpretations of Legal History* (1923), p. 134.

¹³² Fuller, Lon-L. *Legal Fictions*. In the Stanford, California, by the Stanford University Press. (1967) p. 36.

- (6) "as if" under an oath,
(7) "as if" he had signed.

Some fictions are nothing more than "made-to-order Law." Frequently, judges call this the "Discovery" of the Law. Feigned legal transactions create fraudulent fictions for bench legislation. "A legal transaction originally *created* for one purpose is converted to a new use, first in isolated cases, and then, through a process of imitation, institutionally."¹³³ "Projection" is a form of legislation by the courts. Rather than expanding case law into new directions, the courts are expanding legislative law. "The results obtained by it [projection] are new and were not already contained in the mind of the legislator."¹³⁴ An example of projection follows: A law written in 1803 to regulate the making of buggy whips is found to apply to carburetors of alcohol dragsters. [This is only an example!]

The judges are legislating from the bench. The court's purpose for the fiction is "a willful falsehood, having for its object the stealing of legislative power, by and for hands which could not, or durst not, openly claim it, and but for the delusion thus produced could not exercise it."¹³⁵ "The fiction is frequently resorted to in the attempt to conceal the fact that the law is undergoing alteration at the hands of the judges."¹³⁶ "We may think the law is the same if we refuse to change the formulas."¹³⁷

John Austin, (1790_1859), a British legal scholar, was influential in developing the theory of analytical jurisprudence.¹³⁸ Austin also accused judges of legislating from the bench by using fictions. The motive may be "a wish to conciliate (as far as possible) the friends or lovers of the law which they [the judges] really annulled. If a praetor, or other subordinate judge, had said openly and avowedly, 'I abrogate such a law,' or 'I make such a law,' he might have given offence to the lovers of things ancient, by his direct and arrogant assumption of legislative power. By covering the innovation with a decent lie, he treated the abrogated law with all seemly respect, whilst he knocked it on the head."¹³⁹

The dilatory effects of fictions are no longer a debate. "Generally a fiction is intended to escape the consequences of an existing, specific rule of law."¹⁴⁰ Fictions cripple legal reasoning in the name of comfort. Fictions "impair, in a general way, reverence for truth, but also diminish the respect which would otherwise be felt for the courts and for the law itself." Fictions are "the greatest of obstacles to symmetrical classification."¹⁴¹ Fictions tend to "prevent investigation as to the fundamental principle underlying a rule of law." Fictions tend "to retard the framing of a statement of the rule in strictly accurate terms." Fiction is "simply the avoiding of difficulties instead of the solution of them."¹⁴²

"The expedien[ce] of fictions . . . occasionally employed to introduce by stealth real innovations, proves only that the courts [have been] more willing to sacrifice truth than form . . . although said to be invented to 'promote justice,' they [fictions have been] object_lessons of the utility of falsehood and craft."¹⁴³

¹³³ Fuller, Lon-L. *Legal Fictions*. In the Stanford, California, by the Stanford University Press. (1967) p.76_78.

¹³⁴ Wurzel: Judicial Thinking, in the *Science of Legal Method* Ch. X, § 16, (1917), Boston, p. 350.

¹³⁵ *Works* (J. Bowring's ed., 1843), p. 243. Cf.

¹³⁶ Smith, Jeremiah. *Surviving Fictions*. 2 *Yale Law Journal*, Vol. XXVII, December/1917, p 147, 150.

¹³⁷ Cardozo. 1870_1938. *The Paradoxes of Legal Science*. In the New York, by the Columbia University Press. (1928), P. 11.

¹³⁸ See: "Austin, John, in the *Microsoft Encarta Encyclopedia 1999*, by the Microsoft Corporation.

¹³⁹ *Lectures on Jurisprudence (5th ed.)*, 1885, II, 610.

¹⁴⁰ Fuller, Lon L. *Legal Fictions*. In the Stanford, California, by the Stanford University Press. (1967) p. 53.

¹⁴¹ Main, *Ancient Law* (1st ed.), pp. 27_28.

¹⁴² Smith, Jeremiah. *Surviving Fictions*. In the 2 *Yale Law Journal*, Vol. XXVII, December/1917. P. 153.

¹⁴³ Phelps, Charles-Edward, 1833_1908. *Juridical Equity Abridged, for Use by Students*. In the Baltimore, by the M. Curlander. (1894). ss. 149, 150.

The Allegory of the Bridge

I liken the birth, life, and death of a fiction to that of a life span of a bridge, where one side of a river is the limit that the law supports, and the other side is the goal that is set to be accomplished, beyond the confines of the law.

The bridge of this allegory is engineered by a crew of people with no experience in making bridges. In fact, the crew just one day thought it high time to do so. It seemed the best of ideas. At first the bridge is weak, and the passers-by are unaware of the little weight that the bridge can carry. Because the bridge technology is poorly engineered, some of the passers-by damage the bridge, and although they had no warning signs about the bridge's weaknesses, they are nevertheless made to pay for its repair by the crew. The crew happens to be a powerful lot, and has the power of the guns to command the "recompense." The makers are smart enough to be very quiet about their extortions. After all, they happen to be the pillars of the society.

Over time, a few of passers-by object to the extortion and put up a fuss publicly, but the public is swayed by the bridge makers' exalted status, and pays the "offending" objectors little attention. "Why such a project on this grand scale must be a righteous endeavor," the villagers say. Through time the makers of the bridge are strengthening its supports. They are getting their act together. The makers find cracks in the bridge, re engineer the bridge, reinforce the bridge, until the bridge no longer needs attention. Nevertheless, the bridge looks wrong. It is not very straight or smooth, and is a two-lane eyesore. It is built with old technology. The public is extolled from time to time about the benefits of the bridge. The media yearly praises the builders for their efforts. The guard rails are not so good. Rocks occasionally fall from the bridge, necessitating emergency work by the bridge keepers, expenses for repair, and a lingering uncertainty by the public. The righteous counter the uncertainty with staged media publicity. The media, ever wary of losing their tax exemptions, never dig very deeply into the history and controversy simmering not far from public view. From time to time a few in a newer generation come along, get hurt by the bridge, and wonder why anyone would build such an inefficient, ugly, and unsafe bridge. The newcomers become acquainted with the few, and determine that the few must be helped. Their cause is personal, since many loved ones have been hurt trying to cross the bridge. The newcomers ask questions of the authorities, but receive unsatisfactory, short, condescending answers. The newcomers sense that something smells, and take up the cause.

The few want to tear down the bridge and build a better bridge, one that is safer, one that can hold more traffic, one designed with a better technology. However, the crew's influence has been passed on to other "pillars of society" that are profiting from the bridge's toll. A few in the new generation struggle to have the monstrosity torn down. Yet the few have no clue about the toes upon which they tread. They follow all of the clearly laid rules to have the bridge condemned, but none of their efforts work.

The governmental safeguards that have been in place for hundreds of years seem but a myth. The few are assured by the authorities that they are living in a land guided by the rule of law. But the law, as written, is not working. People are still getting hurt on the bridge. The few press harder and become subject to ridicule in the press. Some of the few are quietly threatened. Others stripped of their possessions in seemingly unrelated matters.

Few passers-by ever know that the bridge is paid for by the heartache and despair of all those who were the unlucky travelers in the wrong place at the wrong time. To repair the damages, the travelers having been stolen from are even made to pay for the repair of the bridge with their life savings. Some offenders' families are broken, impoverished by spending long times in jail.

The bridge, why it cost far more than would have been paid if the crew had started with a plan drawn up by professionals, and would have submitted the plan for review and approval by the authorities. If the crew had hired a skilled work force, and oversaw the building with qualified personnel, all in the society could have benefitted. The bridge works, but has it been worth the unnecessary risk [to the crew, the crew's

nominees, the passer-byes] and cost? There will always have to be other “pillars” recruited to guard against the few who come and want to tear down the bridge.

The pillars have a secret; the bridge is defective. The bridge’s foundation is faulty. In fact it is so fragile that the pillars are keeping the few away from the bridge at all costs to prevent discovery of the defect. If the truth about the bridge’s foundation ever gets out, the pillars are sure to suffer financial loss, embarrassment, and loss of social standing. There are always those few attempting to get close enough to examine the foundations of the bridge. The bridge’s foundation is a disgrace. In the few’s view, they believe that once a crappy bridge, always a crappy bridge. [Or more exactly, once a fraud, always a fraud.] The few keep working, out of a sense of responsibility, and discover that a *single stone* taken out from any place collapses the entire structure. Sound unreasonable?

Legal scholars tell us that fictions have a life span. Fictions are born, they live and then they die. The death of a fiction is not really a death at all. The death of a fiction is really a crowning achievement in fraud. After a time, the courts and the people of a society accept the fiction as a fact. However, with close examination, the weaknesses of the fiction are always apparent. “The fiction must drop out of the final reckoning.” The dropping of the fiction from the final reckoning is what Vaihinger called “the correction of a previous, intentional error.” A fiction is dead when the majority of persons have learned to make the necessary correction[s] intuitively.¹⁴⁴ In other words, once the public has been duped, the truth seems a lie. Over generations, the truth sounds so fantastic that no one believes that the authorities would pull such a grand scheme. What the people fail to understand is that the scheme (1) starts in a favorable political environment (2) is implemented on a small scale in the beginning, (3) and grows exponentially over thirty or forty years. The people with the real knowledge are relegated to the fringe. The authorities are counting upon our human nature to submit to the peer pressures of the “center,” where the truth is somewhat less important than one’s being accepted as “normal,” by their neighbor. Thus, people discard facts in instead favor their “intuition.” Ah, just as Henry, George, Louis, Theodore, Adolph, and Joe wanted.

“But, when a single step in a process of reasoning is removed from its corrective background and given a value on its own account, the inevitable result is intellectual disaster.”¹⁴⁵ Like an accounting balance sheet, once one item is misstated, other accounts become misstated in order for the accounting to balance. The people are aware that misstatements exist, but they relegate their misgivings to the back of their minds, thinking that “others understand better,” or “What could I ever do about the situation even if I did understand it?”

The tearing down of the “weak bridge” of the fiction begins with the understanding that the foreign-fiction governments are making constructive [fiction] contracts with their people. These contracts are called undisclosed adhesionary contracts with derisive terms and conditions. They hold us accountable to these fictional contracts “. . . since a knowledge of the laws, policy and jurisprudence of a state is necessarily *imputed* to everyone entering into contracts within its jurisdiction, of what surprise can he complain, or what violation of public faith, who still enters into contracts, under that knowledge?”¹⁴⁶

The verb birth certifies that the local principalities in America issue to all of those loving parents is forwarded and filed at the Department of Commerce in Washington, D.C.. This department in turn issues a document that looks like a stock certificate, and then it bundles the certificates into tracheas, selling them to international investors. The price is the present value of the taxes on the estimated future earnings of the subject, discounted to yield a profit to the investor and government. The government is contracting us into a constructive trust. Our legal personality becomes a fiction trust, while our bodies become nothing more than a slab of meat under the care of the state. We can break the legal effect of the fiction-fraud that began at our birth, by using a Universal-Legal-Technology birth certificate. More on that later.

¹⁴⁴Vaihinger, Hans. *Die Philosophie des Als Ob*, p. 197, (p. 227 The Philosophy of “As if” — English version).

¹⁴⁵ Fuller, Lon-L. Legal Fictions. In the Stanford, California, by the Stanford University Press. (1967) p. 119.

¹⁴⁶ OGDEN VS. SAUNDERS, 25 U.S. 212, at 285 (1827).

How the Legislators Will Write Honest Law in the Universal Legal-Technology

The following elements are necessary for adequate disclosure:

- (1) The lawmakers make reference to the objective and social purpose of the statute.
- (2) The lawmakers make a statement concerning the intention of the statute.
- (3) The lawmakers make a reference to the constitutional authority.
- (4) The lawmakers make a reference to the geographical limits of the statute.
- (5) The lawmakers make reference to the parties subject to the statute.
- (6) The lawmakers are forbidden from using Henry VIII Clauses.
- (7) The lawmakers are forbidden from using fictions.

Judicial Discretion

When an interesting book comes into the Tarrelton Law library at the University of Texas, a few of the book jackets are displayed in glass cases inside one of three elevators. My thanks to the University of Texas staff member that chose the cover of Tom Bingham's book in the glass case. Judicial discretion is another crucial subject to understand because it has the potential to destroy the best of cases easily.

What is Judicial Discretion?

"According to my definition, an issue falls within a judge's discretion if, being governed by no rule of law, its resolution depends on the individual judge's assessment (within such boundaries as have been laid down) of what it is fair and just to do in the particular case. He has no discretion in making his findings of fact. He has no discretion in his rulings on the law. But when, having made any necessary finding of fact and any necessary ruling of law, he has to choose between different courses of action, orders, penalties or remedies he then exercises a discretion. It is only when he reaches the stage of asking himself what is the fair and just thing to do or order in the instant case that he embarks on the exercise of a discretion."¹⁴⁷

Discretion touches on the very foundations of the law. "Absolute discretion, like corruption, marks the beginning of the end of liberty."¹⁴⁸ "To remit the maintenance of constitutional right to the region of judicial discretion is to shift the foundations of freedom from the rock to the sand."¹⁴⁹ All of the work of formulating laws and the work of passing legislation is undone in a minute by an ignorant or corrupt judge. "It must be law, not discretion, which is in command."¹⁵⁰ "But discretion, when applied to a court of Justice, means sound discretion guided by law."¹⁵¹ Maurice Rosenberg, Professor of Law at Columbia University, an American judge trainer declares his thoughts on the overuse of judicial discretion. Mr. Rosenberg states, "My general sense of the matter is that too much discretion in too many areas is now being accorded to trial judges by appellate courts. Whether that estimate is correct or not, I firmly believe that too often, discretion is strewn about quite casually, with no clear sense as to why it is conferred in the particular situation."¹⁵² Mechanisms of Judicial Discretion in America, Canada, and Australia are so relaxed in the fiction, that judicial discretion can be upheld in almost all situations. About the only saving factors for a litigant is expensive lawyers or heavy media attention.

Judicial discretion is triggered by the following phrases: "at the discretion of the court," "for good cause," "in the interest of justice," or other similar wording. Judicial discretion is authorized in different ways, by the express language in the statute or court rule, by Judicial interpretation when rules are silent to the matter, or by decisions of the common law.¹⁵³

According to the Federal Judicial center, abuses of Judicial Discretion include the following: preferring the evidence of one witness to that of another; finding some act to be unlawful, but declining to intervene, or taking any course of action contrary to the law.

¹⁴⁷ Bingham, Tom. *The Business of Judging, Selected Essays and Speeches*. By the Oxford University Press. (2000). p. 36.

¹⁴⁸ Justice William Douglas. *United States Reports*, Volume 342, p. 884.

¹⁴⁹ Lord Shaw of Dunfermline. *The Law Reports of the Incorporated Council of Law Reporting. House of Lords, Judicial Committee of the Privy Council and Peerage Cases*, p. 477.

¹⁵⁰ Lord Simon of Glaisdale, *The Law Reports, 1978 House of Lords and Judicial Committee of the Privy Council and Peerage Cases*, p. 239 G.

¹⁵¹ Mansfield. *The English Reports*, Volume XXVIII, King's Bench Division XXVII, p. 334.

¹⁵² Rosenberg, Maurice. *Appellate Review of Trial Court Discretion by the Federal Judicial Center*. Printed in the Washington, D. C. by the Federal Judicial Center. (1977). P. 27_28.

¹⁵³ Rosenberg, Maurice. *Appellate Review of Trial Court Discretion by the Federal Judicial Center*. Printed in the Washington, D. C. by the Federal Judicial Center. (1977). 28 pages.

The ancient mechanism supposed to limit judicial discretion is the judge's oath. This quote is copied exactly as it is found in the original. The reader can get a glimpse of the some of the materials that have been waded through to bring this book to the reader.

"Such as occupie Iudicial places, ought to take heede what they do, knowing (as Ieholaphat faide) that they exercife not the iudgements of Men onelie, byt of God himfelfe, whofe power, as they does participate: So he alfo is prefent on the bench with them. And therefore, it hath been alwayes the policie of Chrifitian lawes, to appoint meete formes of Religious atteftations (or Othes) for fuch Officers to take: meaning thereby, not onlie to fet God continually before their eyes (whome by fuche Othe, they take to witneffe of their promife, & call for revenge of their falshood:) but alfo to threate them (as it were) with temporall paines provided agaisft corrupt dealings, & withhall, to ftrengrhen their minds, and arme their courages, againfte the force of humaine affections, whiche other wife might allure & draw them out of the way, Upon this ground, the Statute (13. R. 2. Stat. I. ca. 7.) Which willed, that Iuftices of the Peace should be made of new in all the Counties of *England*, did therewithhall take order, that they should be fworne, to keepe and put in execution, all the Statutes touching their office: whiche albeit that it be the firfte Othe that I find to haue beene miniftred to Iuftices of the Peace, yet I think they were not unfworne before, nor at any time after, as may be collected uppon the bookes...."¹⁵⁴

¹⁵⁴ Lambard, William. *Eirenarcha or the Office of Iuftices of Peace 1581/2*, The first Booke, Cap. 10, p. 58.

The Oath

The oath is the cornerstone of authority of any judicial officer or judicial employee. We are told today that we have remedy if a judge violates his oath, but as a practical matter, for an average person, it is as easy to win the lottery as to have any judge or judicial employee prosecuted for breaching his oath. If attacking the very cornerstone of authority is so ineffective, then we must identify the sources of the problem and deal with the matter. We are about to find out the myriad of problems with the oath. The oath is no more binding than a simple contract, has ancient cult origins, and is a violation of the Christian faith.

Happily, if the believer simply accepts Matthew 5: 34_36 and he abides by these verses, this chapter can be entirely skipped! Jesus said, "But I say to you, never swear; neither by heaven, because it is Yahweh's throne 'Nor by the earth, for it is a stool under his feet', nor by Jerusalem, for it is the city of a great king. Neither shall you swear by your own head, because you cannot create in it a single black or white hair. But let your words be yes, yes, and no, no; for anything which adds to these is a deception."

My special thanks goes out to Helen Silving, Professor of Law at University of Puerto Rico, who has I think, conducted the best research on the oath, and has written the best publication on the subject in the world. In 222 pages, supported by 365 references, Silving shares a detailed look into the ancient theory and custom of the oath. My work is simply a distillation of her research.

Since the beginning of human history, we are about to see that the various theories and uses of the oath have now completed a full circle, by expanding into a multitude of different types of oaths for different situations, by changing the rules of the oath in almost every conceivable way, by administering the oath in almost every conceivable way, and by using a multitude of pains and penalties for the transgressors, varying from nothing to death. All of these paths have led nowhere.

"[T]he fact is that in the history of law the oath was by no means an incident of procedure but its very cornerstone; in deed, in remote times it constituted the totality of procedure, integrating accusation, trial and execution. As a self_curse, an act of self_executing anticipatory self_judgement, it dispensed with all these steps. Later the oath became a form of 'trial,' which excluded confession and produced the only 'truth' then known — formal truth, representing power rather than conformance to facts. Eventually, the oath generated the evidentiary institutions of confession and the guilty plea, and the oath taboo produced the privilege against self_incrimination. It is highly probable that the original functions of the oath have been transmitted to us throughout generations as part of an unconscious tradition. They thus affect our total procedure, injecting into all its steps an element of irrationality."¹⁵⁵

¹⁵⁵ Silving, Helen. *Essays on Criminal-procedure*. In the Buffalo, N. Y. by the Dennis & Co., Inc., Law Book Publishers. (1963). p. xxii

The perception of the oath by both clerics and laity are mixed, not as a matter of Biblical interpretation, but mostly since the matter has never been investigated by these groups to have an informed opinion. "Catholic and most Protestant religious authorities are not opposed to the use of the oath by the state; indeed, some favor it as an affirmation of religious influence in secular matters."¹⁵⁶ Some Christian researchers that I know see the oath as the mechanism by which a government employee is stepping out from under Yahweh's law, and is stepping under the laws of man. The early history of the oath reveals that the litigants called upon pagan gods, like Zeus. How did Oaths Originate? Oaths came about in legal proceedings because of the superstitions of ancient pagan cultures.

The meaning of the oath varied over time. During human history, the oath has been seen as an "expression of power, not truth" (p. 12), where the witnesses' knowledge or evidence is irrelevant. Verbal testimony in the oath overrides all other evidence, since the "oath decided the case" (p. 29), whether or not the contents of the oath had any validity. Some thought that the taking of an oath "Places testimony in the hands of a god himself" (p. 35), having "a religious meaning . . . ," while others thought it had "no meaning at all." (p. 43). Man has "invoked god as a witness of one's sincerity, and subject to divine vengeance in case of perjury." (p. 47). "The oath once was the 'foundation pillar of the entire legal life'; but today it is a rudimentary creature, an empty form, long since forsaken by the idea which gave it life, a plant grown stiff in the frost of religious indifference." (p. 98).

The Procedures for the Taking of the Oath have varied. At different times the oath was taken as a "solemn statement," taken upon "consecrated weapons," "cattle" (p. 23), or "upon relics." (p. 36). In some cultures, "slight deviations not tolerated" (p. 44), and "slight deviations [could] render testimony invalid." (p. 46). Other cultures existed that allowed the taking of the oath to be "sworn in accordance with rites of [the declarant's] own religion." (p. 47.). The administering of the oath has been taken both prior to testimony (p. 31), and after testimony was taken. (p. 116).

The Courts also have had their own views of the Oath. Some courts saw themselves as having "no power to evaluate [the] oath," the "issue [was] decided by oath, regardless of the facts." (p. 13). The "oath [in some courts could be] used as evidence," and "could be discounted." (p. 13). At times the declarant was held in "strict adherence to formula." "Sometimes [the oath was] admissible only in the absence of proof" (p. 30), at other times "only sworn testimony [was] taken as full proof." (p. 34). The oath has been seen as "absolutely binding upon the judge." (p. 36). In [18xx?] French "Judges [finally] began weighing the testimony" (p. 36). For other courts, the "jury was thought to be divinely endowed with a unique fact-finding ability." (p. 53). The "trial by oath [where the oath outweighs the evidence] was abolished in 1833." (p. 58_59).

Governments also had their views about the Oath. Bureaucrats recognize the fallacy of the oath. "This being the function of the oath [that God punishes man's wrong doing], it must involve the calling to mind of some superhuman moral retribution which *according to the witness' belief* is calculated to induce him to refrain from false statements and thus to avoid retribution. The turn of thought from the objective to the subjective level amounts to the fact that while the state itself has ceded to countenance the magic operation of the oath and is fully aware of its illogical nature, it, nevertheless utilizes the fallacious belief of its citizens as a medium of legal control." (p. 72_73). "By way of contract, the earlier common law hesitated to employ any deception in administering the oath. The state, of course, accepted the objective theory — that the oath was an external instrument of magic. To be admitted to an oath, an individual had to share this view. Thus nonbelievers [in magic, or conversely, Bible believers] were prevented from deceiving [testifying to] the state — taking the oath while not accepting its supernatural significance." (p. 73, emphasis mine.).

Oaths became complicated in that many types of different oaths cropped up to deal with different kinds of situations. It all became a type of rocket science. The development of the many types of oaths, and their subsequent falling into disuse of virtually every type, points to the bankruptcy of the oath itself. The many types of oaths that have existed over the millennia follow: include the Promissory (A promise), the Assertory (Asserts facts), the Conclusive, the Evidentiary (Oaths of witnesses) (p. 34), the Testimonial, the Party_oath (decided the issue), an ordeal, made by compurgators (attesting to the truth of the litigant), oath helpers (p. 23), the Suppletory (Judge to one party) (p. 35), the Decisory (Deciding the case, rec'd. judicial approval) (p. 35), the Oath of purgation, or oath of innocence (p. 66), the Prohibitory oath, the Certificate of Morality (p. 36), the De calumnia (to avoid false accusations) (p. 37), the Juramentum calumniae (objection to the competency of the witnesses) (p. 40), the Fore_oath (a

¹⁵⁶ Hegler, *op. cit.* Supra note 175, at 26, 28 n. 159.

preliminary oath of good faith) (p.57), the Kol Nidre Oath(used to nullify all other oaths during the year), and finally the Affirmation. (p. 72).

In earlier times, the oath was a sign of numerical strength. The Party_Oath was used to attest to the truthfulness of the litigant, by deciding the issue by the number of friends and family that could be mustered to take the party oath. The side with the most parties won. Similar rules were used by the Compurgators Oath (also attesting to the truth of the litigant), as well as the Oath Helpers. (p. 23). “The magic of the oath lay in its sheer external force, determined by the number of swearers or repetitions.” (p. 59).

On occasions when both sides had produced the same number of oaths, how to break the tie became an issue. The tie breakers were settled by several different methods, depending upon what time a person was lucky, or unlucky, enough to live. The issue in earliest times was done by “ordeal” (p. 23), or “trial by battle” (p. 36). “The ‘power’ of truth was established by arms and oath magic. This combination clearly points to the social rather than cognitive character of the ‘truth’ in issue, for trial by battle has been said not to have been an ordeal at all since it had aspects other than an appeal to Heaven.” (p. 60). Trial by battle later gave way to the duel, which gave way to Jury. (p. 62) duels were not ended til 1815. (p. 63).

Jury and the Oath. As the jury entered history, the legal theorists saw the jury as a “corporate association,” and the jury oath constituted the jury as the “oath community.” (p. 62). “It was the power of the oath which decided the case, and the number of jurors, like the number of compurgators, served to increase the force of the oath, and enhanced its magical or social rather than cognitive function.” (p. 62).

Children and the Oath. Today, children are administered oaths in the American court system. This seems to be a more recent phenomena, since in the past, the view was that young children have no more than “the slightest conception of any future, much less of any future punishment for perjury or other bad conduct in this life.” (p. 77).

Theory of the Oath. The oath has been thought to influence god(s), God, to influence man, to influence both man, god(s), God, to influence admissibility of factual evidence, and to overcome factual evidence. (p. 22).

The function of the oath was to provide a standard form for executing the magic ritual, which was believed to produce a just result. Therefore, observance of the ritual, rather than truthfulness of the allegation, was of the utmost importance. “Any stumbling or stammering, any variation from what has been ordained as to gesture or bodily position, is fatal; the oath is then said to have ‘burst’ and the proving party has lost his cause.” (p. 58). “Witnesses were believed to have functioned as instruments of magic.” (p. 60).

History shows that there were variances in the parties allowed to be a part of an Oath. In the earliest of times, the party oath was allowed, where a group takes a corporate oath. That proved ineffective, so later the party oath was limited, then later excluded entirely. “Oaths have been denied to certain [unreliable or adversarial] persons, because unsworn testimony may not support a judgement.” (p. 123).

Along with oaths came penalties for telling lies while under an oath. The various theories on perjury all affected the severity of its penalty. One view considered that perjury was a “false invocation of God” (p. 26), which caused divine retribution. (p. 63). In certain points in history, the state had exalted itself to take Yahweh’s place. “The state assumed what had been the status of the Divinity and of the Church, as the authority to whom truth — truth *per se* — is due, regardless of the results of a falsehood. Under this theory, which partially equated the state to God, perjury was punishable as blasphemy once was — a crime ranging next to idolatry — and hence punished severely and mercilessly.” (p. 91). According to Carpzov, perjury was a religious crime. (p. 97).

Because of the variations on the views about who was offended, the penalties for perjury have varied over time. At times, there was no penalty; no penalty, but the offender was subject to divine judgement; then came bodily torture; torture of the soul (p. 32); death of the soul(p. 32); torture of the soul by God (p. 35); church ban, denial of ecclesiastical burial (p. 35); thrown off a mountain (p. 94); or loss of the hand (p. 95).

In Italy, during the fourteenth, fifteenth, and sixteenth centuries, perjury was not punishable if it did not and was not apt to harm anyone. (p. 96).

In Germany, perjury was punishable even if it did not influence a concrete decision. (p. 98). In England, perjury was conceived to be a crime of blasphemy, ranging right after idolatry, and therefore a capital crime. (p. 99).

The ancients did have their apologies for the oath. In their view, “the value of the oath might at least superficially be said to be enhanced rather than weakened by its foundation upon a superstition, for superstitions often have a more forceful impact upon men than explicit worldly sanctions.”

The ancients also had their criticisms of the oath. The oath “failed to extract truthful statements. (p. 33). “Fichte doubted whether a statement uttered under an oath is any more reliable than unsworn testimony, if given by an untrustworthy declarant.” (p. 51). The oath “produced a pestilence of perjury” (p. 52), and was seen as a “forced confession.”

The Kol Nidre Oath is an oath that is worthy of special attention. This oath is required of Masonic Judges, who make up about 82% of the American Judiciary (and 31% of all judges that have sat upon the supreme court in the U. S.), by the Masonic Lodge. The oath originates with the Jews, being performed at the Evening Service for the Day of Atonement each year.¹⁵⁷ The oath states that: “All vows, bonds, devotions, promises, obligations, penalties and oaths: wherewith we have vowed, sworn, devoted and bound ourselves: from this Day of Atonement unto the next Day of Atonement, may it come unto us for good: lo all these, we repent us in them. They shall be absolved, released, annulled, made void, and of none effect: they shall not be binding nor shall they have any power. Our vow shall not be vows; our bonds shall not be bonds: and our oaths shall not be oaths.”¹⁵⁸

A judge who has taken the *Kol Nidre* oath has no constitutional oath, and is merely an actor on the bench, since the judge has nullified his statutory oath.

The makers of oaths found loopholes around their oaths. Friar Forrest denied Rome [under threat of death] by an oath given by his outward man, but not with the inward man.”¹⁵⁹ Queen Mary was advised to “make a protestation ‘apart’, i.e., secretly forswear [a] submission. [To avoid a death penalty] Instead she signed the document without reading it and then asked the ambassador secretly to procure papal absolution for what she had done.”¹⁶⁰

We now see that the oath has its origins as a meaningful expression of man's belief in his own magical powers and a means of social control. As man ceased to believe in his ability to dominate the course of events through supernatural media, the rationalization for the oath has changed. The notion that the oath is useful in concluding the truth has also become obsolete. In a modern sense, the oath is a violation of one's privacy, as well as a violation of man's ability to practice one's truly and sincerely held spiritual beliefs and training.

The alternative to the oath was found in the theory of false testimony. “False testimony, as distinguished from the false oath, was governed by the *lex talionis*: the false witness was to suffer, as a penalty, the same injury he attempted to inflict upon his brother.” (p. 93).¹⁶¹ The false oath as a crime was “clearly conceived as a rational social crime, predicated upon the socially dangerous consequences of the act.” (p. 93).

We can disqualify the oath and apply this simple prescription against liars. Using a Contract with an asseveration has been a part of the Universal-Legal-Technology for years. The judge has an autograph line under an asseveration contractually promising to follow the law of the lawsuit.

Writing in the Universal-Legal-Technology is better than an oath simply because others are automatically alerted to the fact that a party is presenting some legal representation. Telling lies in the Universal-Legal-Technology is insane, since no escape from the consequences is in existence. Example: John Q. Public reads a fiction advertisement concerning a product. After responding positively, at the time of the consummation of the contract, all of the legal representations are shown in a Universal-Legal-Technology contract. Because of the Universal-Legal-Technology language, John automatically senses that he is getting closer to the truth of the seller's actual claims and is no longer being “puffed.” John Q. Public reads the representations with all of the disclosures, and either accepts or rejects the contract.

¹⁵⁷ Bridge, David [et Al]. *The Jewish Encyclopedia, Volume-7*, Page: 539-546. In the New York, by the Behrman House (1962).

¹⁵⁸ Mahzor (Mahazor). *Service of the Synagogue, Day of Atonement. A New Edition of Festival Prayers with an English Translation in Prose and Verse.* In the New York: by the Hebrew Publishing Company(1926). p. 15.

¹⁵⁹ Brewer, Gairdner and Brodie. *Letters and Papers, Foreign and Domestic, of the Reign of Henry: VIII, 1509-1547, Volume 5.* In the London, by the H.M. Stationary Office (1862-1910, 1920). i, p. 1043

¹⁶⁰ Letters and Papers, xi, 7.

¹⁶¹ See: *Deuteronomy* 19: 18, 19.

The Schools of Jurisprudence

This chapter is written to answer the legal industry's philosophical questions about the universal-truth legal-technology, better to understand its adherent's ideologies, and to show how the Universal-Legal-Technology philosophy is designed to solve problems in the laws debated by the previous schools of thought. To discuss how the Universal-Legal-Technology compares with the earlier schools, thumbnail sketches of the principal schools are necessary.

The principal modern schools of jurisprudence are the natural-law school, the analytical school, the historical school, the comparative school, the sociological school, and now the Universal Legal-Technology school.

The natural-law school, the analytical school, and the historical school differ mainly in their views of the nature and origin of law and its relation to ethics.

Summaries of the schools

To the **NATURAL-LAW JURIST**, law precedes the state. "For all human laws are nourished by One, the Divine," Heraclitus, 6th century BC. By some, natural law is cognizable by pure reason. Law is applied ethics, and, in the extreme form of the theory, that which is not right is not law.

The natural-law school has its roots in Stoic philosophy and Roman jurisprudence; According to the Stoics, the whole cosmos is rationally ordered by God. The early teachers of natural law make an assumption that all men are by nature free and therefore equal,¹⁶² and that the only conceivable way of restricting the original inner freedom of one man in favor of another is through voluntary submission.¹⁶³ "True law is right reason in agreement with Nature; it is of universal application, unchanging and everlasting; [true law] summons to duty by its commands, and [it] averts from wrongdoing by its prohibitions . . . there will not be different laws at Rome and at Athens, or different laws now and in the future, but one eternal and unchangeable law is valid for all nations and for all times." Natural law became increasingly dominant in Europe from the Reformation to the close of the 18th century.

The doctrine of natural law has left an imprint both on laws and on legal science. Natural law codes, a new system of civil law, were worked out by the teachers of natural law, and this system is still prevalent in continental Europe.¹⁶⁴

Modern natural law theories were divided into two categories: religious and secular. A 1962 symposium in Vienna held that there could be no foundation for a law of nature without God.¹⁶⁵

Using deductive reasoning, the religious proponents of the natural law school make natural progressions that inadvertently play into the secularist's views: To the religious, all law is comparable to the will of God; the will of the sovereign is the will of all of the members of society; while the secularists remove Yahweh by declaring that the supreme will is the will of the state.¹⁶⁶ In Hegel's philosophy, the state has a divine character.¹⁶⁷

Most of the later proponents of the natural law during the seventeenth and eighteenth centuries were agnostic or atheistic. Hegel's *Natural law* had a profound impact upon Karl Marx's political thought. In two sentences, Hegel reasoned himself out of any form of moral imperatives in positive law. Hegel's definition of "unity" was "pure reason."¹⁶⁸ "It is obvious at once that, since pure "unity" constitutes the essence of practical reason, it is so completely out of the question to speak of a system of morality that not even a plurality of laws is possible."¹⁶⁹

¹⁶² Olivercrona, Karl. *Law as Fact*. In the London, by the Stevens & Sons. 1971. P. 11.

¹⁶³ Pufenforf 1, 6, 12; 3, 5, 3, Cf. Welzel 68.

¹⁶⁴ Olivercrona, Karl. *Law as Fact*. In the London, by the Stevens & Sons. 1971. p. 26.

¹⁶⁵ Schmolz, von Franz-Nartin. *Das Naturrecht in der politischen Theorie*. (1963). p. 117.

¹⁶⁶ Ibid. Pp. 16-21.

¹⁶⁷ Ibid. P. 39.

¹⁶⁸ Hegel, G. W. F. (1730- 1831) *Natural Law*. Translation by T. M. Knox, In the Pennsylvania, by the University of Pennsylvania Press. (1975) p. 74.

¹⁶⁹Ibid. p. 75.

Kant, Hegel's mentor, in answering the question, "What is truth?" answered that his logic paints a picture of "the ludicrous spectacle of one man milking a he-goat and another holding a sieve beneath."¹⁷⁰ To Hegel, coercion was nothing real, nothing in itself.¹⁷¹ To Spooner, all legislation whatsoever is an absurdity, a usurpation, and a crime.¹⁷²

The seed of the destruction of the natural law school seems to lie in a teaching of two different laws: the law of nature (a command by Yahweh because the command is just) and divine positive law (law laid down by the free will of God that forbids something that is not wrong in itself). The law of nature and the will of God seems sometimes to move in different directions. The proponents appear to have lacked a humbleness that supposes that they lack the technology, the facts, or the research to detect the definitive answers to their contradictory lines of thought. The secularists have exploited the difference of the law of nature and divine positive law as self-contradictory. The secularists deny any place for a Lawgiver (Yahweh) creating the law of nature.¹⁷³ The secularists correctly point out that law based on a divine fiat is irrational. In my research, Yahweh does not simply declare something wrong, there is always a good reason for the declaration. It is just that some declarations have taken us five thousand years to uncover Yahweh's wisdom, through science.

The natural law school's decline came with the breakdown of the belief in a Supreme being, and with the rejection of the Bible as an authority for making law. Hegel and other non-believing natural law proponents, which had come to dominate the natural law in the eighteenth century, caused the natural law to collapse upon itself. The efforts of Darwin and Jeremy Bentham (of the analytical school) discredited the natural law and furthered the world's steady diminution of religious belief. If law were not from God, then the common law could come from no other than the judges themselves.¹⁷⁴

Natural law is popularly taught as a haven for Christians. According to the judges, natural law is nothing more than judge-made law.¹⁷⁵ Therefore, natural law (non-codified, judge-made law that assumes no rights) is easily used by tyrants as a trap for unsuspecting people.

Some proponents of the natural law fail to see the advantages of a written, codified law. Judge-made law is often the cause of corruption and subsequent loss of legitimacy.¹⁷⁶ The removal of Yahweh from the law is an error that is self-evident. The atheistic teachers tend to have difficulty accepting the notion that truth, rights, and liberties do exist.¹⁷⁷ Those that see the law through pure reason do so to their own demise. Without proper checks and balances, man can obviously use "pure reason" to reason himself away from reality, despite the "fairness" of the reasoning. The "Pure Reasoning" of Hegel is what created communism.

To the ANALYTICAL JURIST, the state is the creator of the law. Law is the command of the sovereign power. A law commanding what is ethically wrong or forbidding what is ethically right is still a valid law, if it proceeds from the political sovereign. The use of customary law, including judicial custom, is an anomaly that should be abolished by covering the whole field of social relations with written codes.

¹⁷⁰ Kant, Immanuel (1724-1804). *Critique of Pure Reason*. A 58.

¹⁷¹Hegel, G. W. F. (1730- 1831) *Natural Law*. p. 88.

¹⁷²Spooner, Lysander. *NATURAL LAW; OR THE SCIENCE OF JUSTICE: A TREATISE ON NATURAL LAW. NATURAL JUSTICE, NATURAL RIGHTS, NATURAL LIBERTY, AND NATURAL SOCIETY; SHOWING THAT ALL LEGISLATION WHATSOEVER IS AN ABSURDITY, A USURPATION. AND A CRIME*. In the Boston, by the A. WILLIAMS & CO. (1882).

¹⁷³ Olivercrona, Karl. *Law as Fact*. In the London, by the Stevens & Sons. 1971. P. 48.

¹⁷⁴ Posner, Richard A., *The Problems of Jurisprudence*, In the Cambridge, Massachusetts, and in the London, England, by the Harvard University Press, 1990. p. 14.

¹⁷⁵ Lambert. Article entitled "The Fiction of Reason," in the book translated by Bruncken, *Science of Legal Method*, Select Essays by Various Authors, in the Boston, by the Boston Book Company. (1917). p. 272, 273.

¹⁷⁶ "The magistrates later lost their legitimacy because of gross discrimination against the lower (plebeian) class. The threat of revolution led to one of the most significant developments in the history of law: the [publication of the] Twelve Tables of Rome, which were engraved on bronze tablets in the 5th century B.C." "Law," Microsoft® Encarta® Encyclopedia 99.

¹⁷⁷ Jurists that did not believe in the concept that men have rights: Cordoza, Durguit, Max Weber, Bentham, Pteazycki, Oliver Wendel Holmes, Hohfeld, Llewellyn, Jaehner, Hagerstrom, Lundstedt, Ross, A. W. B. Simson. Others could be cited.

The theory of the analytical school was first made popular by the English philosopher Thomas Hobbes in his book: *Leviathan* (1651).

According to Hobbes, men began in an antecedent, primeval, state of warfare, out of any form of society. In this state of warfare, each man was bent solely of the gratification of his own selfish desires, without any law, except that of the strongest, where a right was limited only by physical strength. Man came together only through a contract that can no longer be found. This [unidentified] contract, called the “original contract,” was a fiction that binds men under the coercive power of the state. Hobb’s view of judges was that the judges are sovereign, even over their king.¹⁷⁸

Jeremy Bentham sought to reform the English legal system through his concept of “utilitarianism,” for creating the greatest good for the greatest number of people. Bentham wanted to shift the making of the law from the courts to the Parliament. Bentham hoped to minimize judicial discretion with parliament’s drafting of detailed legal codes covering every area of law. Bentham rejected every form of morals as a foundation of law, except the morals produced through his utilitarianism reasoning.¹⁷⁹

Bentham was also known for his rejection of the idea of Yahweh, rights, and liberties. Bentham was a proponent of the legalization of torture, brainwashing, compulsory self-incrimination, anonymous informers, abolition of the attorney-client privilege, and the jury.¹⁸⁰

The views of the analytical school, however, originated in Europe. The tendency to exalt the function of the legislator appeared on the Continent at the close of the Middle Ages and was associated with the efforts of the national states to rid themselves of the chaos of varying provincial and local customs that had taken form during the Middle Ages. This end could be attained only by national legislation and had been fully attained only by the adoption of national codes through the civil law system.

To the HISTORICAL JURIST, state and law are social products, developing side by side, each influencing the other. Man’s natural state is to live in communities, and has done so since the beginning of creation. Each human individual has obviously the power of voluntary action, and of making exertions in the external world, for the preservation of his existence, and the promotion of his welfare and happiness, he has obviously assigned him by the Author of nature, a certain limited sphere of action, within which he has physical power. Were a single individual man to exist alone on any portion of the earth, there would be no other, than this physical limit, of his power of action in relation to the external world. Nevertheless, man has not been found to exist alone. He is born, and lives in society, with his fellows, as his natural element. From his birth, and life in society, there necessarily arises a limitation of the physical power of voluntary action of each individual, having the same power of voluntary action. And the limitation of the range of the voluntary actions of individuals, so as not to interfere with the range of voluntary actions of other individuals, agreeably to a general rule of reciprocity, appears, independently of positive institution, to constitute legality, or justice in a strict sense, as predicated, not of the motives, views, and feelings, but of the external conduct of mankind.¹⁸¹

Law is created by the formulations of the wisdom of men and women. A law that commands what is ethically wrong or forbids what is ethically right is no less a law if it proceeds from the political sovereign, but, it is difficult for a lawmaker to act otherwise than in accord with the contemporary sense of right, and that laws that run counter to the sense of rightness are not likely to be enforced. Historical jurisprudence emphasizes the great part played by social custom, or case law, in developing and establishing law.

The historical school rejects any law from the Judaic/Christian teachings as having any relevance, since in their view, the laws of the old testament are directed to some particular people. (Israel) The Bible contains “no directions to mankind, for the construction of their social establishments, or for the compulsory regulation of their conduct, in their intercourse, as individuals, or as nations.”¹⁸²

¹⁷⁸Posner, Richard A., *The Problems of Jurisprudence*, In the Cambridge, Massachusetts, and in the London, England, by the Harvard University Press, 1990. p. 11.

¹⁷⁹Ibid. p. 14.

¹⁸⁰Roberts, Paul Craig, and Stratton, Lawrence M. *The Tyranny of Good Intentions, How Prosecutors and Bureaucrats Are Trampling the Constitution in the Name of Justice*. p. 32, 36-43.

¹⁸¹Reddie, James, 1773-1852. *Inquiries Elementary and Historical in the Science of Law*. Reprint. Originally published: London: Longman, Orme, Brown, Green, & Longmans, 1840. p. 100-101.

¹⁸²Ibid. p. 23.

The historical school dates from the 1814, by the German jurist Friedrich Karl von Savigny, as a reaction against natural-law ideas, as well as the analytical school of thought. The proponents of the historical school reject the analytic's "primal state of warfare" as fiction, without any historical support. Man is created with corporeal and mental wants, inclination, and faculties, many of which require the aid of, or fit him for, or strongly induce him to live in, society.¹⁸³

Riddle states that the common law will not be converted into a classified, abridged statute law until, from the operation of the common law, by which human affairs appear to be so far regulated, a nation retrogrades to ignorance, poverty, and barbarism.¹⁸⁴

Judges and lawyers form a social class of the community, and are viewed as the depositories of the law. They come to form one united body in the state, not acting, each according to his own particular views, but whatever differences of opinion they may have in detail, each following strictly the same method, and proceeding in his deductions from the same governing principles. The uniformity of the law, however freely its details may be discussed by a number of individuals, is thus preserved [in its entirety], and a communion of doctrine is thus established and maintained, not only among all the lawyers of the same age, but also among the lawyers of past ages, and of the present age, with such modification and improvements of the doctrine, as experience may have suggested.¹⁸⁵

The COMPARATIVE SCHOOL of which the leading early exponents were the German legal scholar Rudolf von Jhering and Albert Hermann Post, represents a widening of the field of investigation. Public recognition of the comparative school dates back to the year 1869 when Sir Henry Maine was appointed the first Professor of Historical and Comparative Jurisprudence at Oxford.¹⁸⁶ Each national law was studied historically and the various national systems are compared at similar stages of development. As a result of this process, the proponents were hoping that the normal course of legal development could be discovered, and that which is universal and human could be separated from that which is particular to a single nation or to a special stage of development. Jhering hoped that eventually it might become possible to write a history of the law of the world.

James Barr Ames, a law professor at Harvard, was responsible for the change in the methodology of teaching law at American universities. Ames developed and taught law by the case system, using topics, supported by case law. Within a few short years after Ames' new teaching method, all the law professors in America changed over to the case-law teaching methodology.

Using case law as a base of law rather than the constitution is one of the methods that is used by the government to move the country off of the constitution and into judge-made law. Some of Ames' beliefs are held in common belief with the communists¹⁸⁷ and Nazis,¹⁸⁸ which individual rights are to be sacrificed when running counter to the needs of the community.¹⁸⁹ Much has been written comparing the legal systems of the world, but the proponents of the comparative school have a great divergence in opinion concerning the identification of laws that could be considered universal truth. The finding of the universal truths has never occurred.

Proponents: Some leading British and American writers on comparative law were James Barr Ames, Oliver Wendell Holmes, Henry Maine, Frederick William Maitland, and Sir Frederick Pollock.

The SOCIOLOGICAL SCHOOL (1911-1950) of jurisprudence is largely a product of the 20th century. Its approach to the analysis of law differs from that of the other schools in that it is concerned less with the nature and origin of law than with its actual functions and end results. The proponents of sociological jurisprudence seek to view law within a broad social context rather than as an isolated phenomenon distinct from and independent of other means of social control. They are concerned with practical improvement of the legal system and feel that this can be

¹⁸³Ibid. p. 43.

¹⁸⁴Ibid. p. 205.

¹⁸⁵Ibid. p. 116.

¹⁸⁶Pollock, Sir Frederick. *Essays in the Law*. In the London, by the MacMillan and Co. 1922. p. 25.

¹⁸⁷Zile, Zigurds L. *Ideas and Forces in Soviet Legal History. A Reader on the Soviet State and Law*. In the New York and Oxford, by the Oxford University Press. 1992. pp. 176, 179.

¹⁸⁸Stolleis, Michael. *The Law under the Swastika, Studies on Legal History in Nazi Germany*. In the Chicago and London, by the University of Chicago Press. p. 13.

¹⁸⁹Ibid. p. 448.

achieved only if legislation and court adjudications take into account the findings of other branches of learning, particularly the social sciences.

Authors of the sociological school are sometimes antiritual in their world view. One prominent author of the sociological school, Joseph Kohler,¹⁹⁰ has some notable general remarks about a culture's "psychic" conditions that raises the question of whether the author is creating fictionalized events to support his position. On page 36, Kohler describes culture influenced by a "religious fanaticism, which leads to an undervaluation of material things and to a congregationism and communism based of complete severance from all earthly endeavors. These moods rest on the predominance of a religious emotional life in which religious conceptions, and especially the belief in a hereafter, play a large part." This author asks, "Which culture?" History has proven that communistic states are atheistic in their policies, not religious. In the eyes of the sociological school, law by its nature is superior to fact.¹⁹¹ Men have no rights.¹⁹²

Roscoe Pound (1876-1964), a law professor in Lincoln Nebraska, was the most prolific writer of sociological jurisprudence. Roscoe Pound's rise in popularity coincided with the rise of the political influences of Theodore Roosevelt during the first decade of the 1900's. Both Roosevelt and Pound saw the law as a rigid and unyielding to society's needs.¹⁹³ The law had precluded the grand experiments upon which the liberals sought to embark.

Pound described himself as a "social engineer,"¹⁹⁴ operating in an institution within the frame of government to use power to direct members of society. In Pound's view, rights and liberties (myths, superstition, and pious wishes¹⁹⁵) of men, whatever they are, were subordinate to the welfare of society.

Some of Pound's spiritual views were similar to Hegel, a secularist: "Values are relative," and "truth is a fiction."¹⁹⁶ By the 1960s Pound was completely discredited by sociologists and jurists. Yet his formulas in law and government have lived on and are used by the U. S. Government, because of some men's unending faith that government can correct all social ills. Pound provided the legal recipe for moving the United States into socialism.¹⁹⁷

Roscoe Pound's opus magnai *Jurisprudence*, five volumes in length, is a comparative categorization of the law published in 1959 and is better known by the adherents of the comparative law school.¹⁹⁸ Roscoe Pound was a 33rd degree Mason.¹⁹⁹ According to Dr. Pound, the Masonic Lodge, a separate state, is a secret institution by its very nature.²⁰⁰ ²⁰¹

The UNIVERSAL-LEGAL-TECHNOLOGY SCHOOL of thought was openly declared a separate school of philosophy in the year 2001 by Jeffrey-Gene: Sciba, and T. R. Shugrue. The Universal-Legal-Technology's proponents use highly analytical methodologies concerning the use of language in legal pleadings, coupled with the forbidding of subjective interpretation, fiction, judicial discretion, oaths, and other legal technicalities designed to thwart justice.

The Universal-Legal-Technology School of thought agrees with the natural law proponents on the beginnings of the law, that the law proceeds from the Creator,²⁰² that man's natural state is in communities, and that the beginning of law precedes the state.

¹⁹⁰ Kohler, Joseph. *Philosophy of Law, Book XII, in the Modern Legal Philosophy Series*, Edited by the Committee of the Association of American Law Schools (191m).

¹⁹¹Vecchio, Giorgio Del. *The formal Bases of Law*. In the Boston, by the Boston Book Company (1914). P. 155.

¹⁹² Ibid. p. 59.

¹⁹³Pound, Roscoe. (1877-1964) *Social Control Through the Law*. p. xxv.

¹⁹⁴ Ibid. p. xlv.

¹⁹⁵Pound, Roscoe. (1877-1964) *Contemporary Juristic Theory*.

¹⁹⁶Ibid. p. 82.

¹⁹⁷ Pound, Roscoe. (1877-1964) *New Paths of the Law*.

¹⁹⁸ Pound, Roscoe. (1877-1964) *Jurisprudence*. In the Saint Paul, by the West Publishing Co. 1959.

¹⁹⁹ Pound, Roscoe. (1877-1964) *Masonic Jurisprudence*.

²⁰⁰ Fisher, Paul A. *Behind the Lodge Door*. In the Rockford, Illinois, by the Tan Books and Publishers, Inc. 1994.

²⁰¹ Pound, Roscoe. (1877-1964) *Masonic Jurisprudence*. p. 68.

²⁰² Morris, Henry Madison (1918-) *Scientific Creationism*. In the San Diego, California. 1974. See: Morris, Henry. *What is Creation Science?* In the El Cajon, California, by the Master Books. 1987; Brown, Walter T., Jr. *"In the Beginning..."* In the Phoenix, Arizona, by the Center for Scientific Creation. fifth edition, 1989; Wilder-Smith, A. E. *Man's Origin/Man's*

The state, gaining authority through a contract,(adequately disclosed) has obligations to the fair treatment of its own people, and the foreigner. Upon close examination of the old and new testaments of the Bible, the Universal-Legal-Technology proponents find a simple overriding theme: *fairness*, and *disclosure*. The Bible says little about the specific functions of government other than that the laws need to be published, and that the rulers and judges need to be fair and just. When people are harmed, the government has coercive power to protect the offended and punish the offender, for the good of the society. Because of the vast gaps in the Bible in the concerning private and public Laws, man by his free will and authority given by Yahweh is endowed with an agency of authority to make law. Within the framework of fairness and disclosure, man has a great deal of latitude to formulate laws in a society. The proponents of the Universal-Legal-Technology do not impose their faith on others, but are with a general obligation to reveal their position. In a free market of ideas, the proponents of the Universal-Legal-Technology are with the obligation of the observance of the religious liberties of others who live under other religious tenants, if the other tenants are reciprocal in their allowance of the liberties of other tenants. The Universal-Legal-Technology members are not uniform in their religious beliefs.

With more than five thousand years of human experience in law, man has a wealth of information to draw from when considering what legal systems are effective and what legal systems are most easily bent to fraudulent purposes. History shows the defects and advantages of all of the previous schools of thought. The remedies of the Universal-Legal-Technology represent the using of the positive attributes of the previous schools and shedding of the fictional baggage popular at the time of their formulation.

Destiny. In the Minneapolis, by the Bethany Fellowship Inc. 1975; McDowell, Josh. *Evidence That Demands a Verdict, Historical Evidences for the Christian Faith*. In the San Bernardino, California by the Here's Life Publishers Co. 1979; McDowell, Josh. *More Evidence that Demands a Verdict*. In the San Bernardino, California, by the Here's Life Publishers. 1981; *New Evidence that Demands a Verdict*. In the Nashville, Tenn., by the Thomas Nelson Publishers, 1999; Geisler, Norman L. and Watkins, William D., *Worlds Apart, A Handbook on World Views, 2nd edition*. In the Grand Rapids, Mich., by the Baker Book House, 1989.

Comparative Study: Civil-law Vs. the Common-law ²⁰³

Studying the civil law system and the common law system is important to understand because they represent the two great legal systems of the world. The schools of jurisprudence must work within the context of either the civil law or the common law systems, depending upon where the adherents happen to litigate. We will see that the civil law system is a better system.

CIVIL LAW SYSTEM

Presence of a written code of law, is arrived at before hand. The origin of the civil law tradition is traced to the Roman Republic, a city-state that emerged in the 6th century BC and became an important commercial and military power. After the judges lost the respect of the people by the judges' abuses in their use of unwritten law, the early custom and laws of Rome were put in writing for the first time in 451 and 450 BC, being inscribed on 12 bronze tablets. The principles within these Twelve Tables are the basis for all Roman civil law.

Code is a systematic and comprehensive compilation of legal rules and principles. Civil law judges administer the codes written in advance by legal scholars and enacted by legislators. Judges are not expected to use judicial discretion or to apply their own interpretation to a case. No discovery, since the judges are conducting the discovery. A note on Jury Trials - If a potential juror is considered to be a United States Person, then such potential juror is subject to the Jurisdiction of the litigant's opposition by virtue of the fact that He/She is a United States Person (Citizen) pursuant to IR Code sect. 7701(a)(30). The potential juror becomes an "indentured person" of the government and cannot be impartial.) Think about this very seriously before requesting or having a trial by a so-called jury of your peers. It is impossible to obtain a jury of your peers because the government chooses them, culls them, and then makes sure that they are all indentured servants to the government by their relationship to the government as being professed taxpayers/social security recipients/citizens of the United States.) It appears that jurisdiction of the district court attaches at the time of the service of a warrant issued upon an indictment, and that from this time it has control of the person of the defendant, not only for the purpose of the criminal investigation, but for all matters incident thereto.

TRIAL

The judge supervises the collection of evidence (a form of discovery) and usually examines witnesses in private. Cross examination of witnesses by the opposing party's attorney is rare. A civil law action consists of a series of meetings, hearings, and letters through which testimony is taken, evidence is gathered, and judgment is rendered. This eliminates the need for a trial and, therefore, for a jury. Civil law is made by legislators who strive to supplement and modernize the codes, usually with the advice of legal scholars. Civil law judges administer the law, but civil law judges do not create law. Judicial discretion is used less often than in common law trials.

PARALLEL SYSTEM

The civil law tradition makes a sharp distinction between private and public law. Private law includes the rules governing civil and commercial relationships such as marriage, divorce, and contractual agreements. Public law consists of matters that concern the government: constitutional law, criminal law, and administrative law. In many countries with civil law systems, two sets of courts exist—those that hear public law cases and those that address matters of private law.

COMMON LAW SYSTEM

²⁰³ Sources: Schafer, Judith Kelleher, B.A., M.A., Ph.D., Professor of Law and Associate Professor of Political Economy, Tulane University; and Wales, Heathcote W., J.D. Associate Professor of Law, Georgetown University Law Center.

The common law is a term used to refer to the main body of English unwritten law that evolved from the 12th century onward. The name comes from the idea that English medieval law, as administered by the courts of the realm, reflects the "common" customs of the kingdom. Common law is based on the principle of deciding cases by reference to previously decided judicial cases, rather than to written statutes drafted by legislative bodies. Common-law judges focus more on the facts of the particular case to arrive at a fair and equitable result for the litigants. As the number of judicial decisions accumulates on a particular kind of dispute, general rules or precedents emerge and become guidelines for judges deciding similar cases in the future. Judges, in subsequent cases, are allowed to reveal new and different facts and considerations, such as changing social or technological conditions. A common-law judge is free to depart from precedent, establish a new rule of decision, or upset an established one, which sets a new precedent as it is accepted and used by different judges in other cases.

Discovery is conducted by the attorneys within the case. The judges do not participate in the discovery process, and even if the judge has knowledge that the attorneys are missing points because of their lack of experience, the judge can rule against the ignorant attorney, knowing that the correct outcome could have been different.

TRIAL

The judge controls the conduct of the court and the admission of evidence. Attorneys regularly cross-examine witnesses in the common law. After both sides have presented their evidence, the judge instructs the jury on the appropriate legal principles to be applied in determining the case. The jury then weighs the facts and applies the law, as stated by the judge, to reach a verdict or judgment. Common law is known as unwritten law, because it is not collected in a single source. Common law is derived from custom and precedents (binding judgments made by prior judicial decisions). In the common law system, the precedent itself is law. Therefore, the judges who decide which party will prevail in any given trial are also the creators of common law. The entire system of common law therefore is judge-made law.

PARALLEL SYSTEM

The most important parallel system is the equity jurisdiction. Equity has its origins in early English law, where subjects petition the monarch for justice.

Britain's abolishment of the distinction between common law and equity is with the Judicature Act of 1873. America's abolishment of the distinction between the common law and equity, maritime, and admiralty occurs in 1933. Australia abolishes the distinctions in 1917. The ultimate effect of the growth and absorption of equity jurisdiction is to expand the range of disputes gradually that are adjudicated in formal courts.

Codification of the Law

As we can now see, the greatest divide of the civil and common law systems is over the use of statutory law and case law. The historical school considers it vain to expect statutory law to embrace every situation. Man is short-sighted, and "so imperfect is human language, that even here the interposition of another intelligent power in the state, is necessary; not merely to enforce the observance of the statutes, but to interpret the statutes, to deduce the legal consequences of the enactment, and to determine what the legislature intended to enjoin, or prohibit."²⁰⁴

Major reasons why the historical proponents feel common law cannot be codified:²⁰⁵

- (1) Because of unforeseen types of cases, the law will have to be revised.
- (2) The legislatures are not fit (incompetent) for such a task.
- (3) Mistakes will be made in the codification of the law.
- (4) The legislature's defining of words is dangerous.
- (5) The proponents of the historical school find more enlightened views in the common law than in the statute law.

²⁰⁴Ibid. p. 117.

²⁰⁵Ibid. pp. 205-212

(6) The statutory law would “cramp” the principles of the common law.

(7) The codification of the law would not prevent new commentaries on the law.

“In short, codification, or general legislative enactment, while it apparently, and ostensibly, renders the law more palpable and certain, and limits more distinctly the discretion of the judge, yet, by its very fixed and unchangeable nature, precludes, in a certain measure, that gradual improvement of the law, which, would otherwise naturally take place, from the great increase in the multifarious connections and transactions of individuals, consequent upon the extension of trade and manufactures among a prosperous people.”²⁰⁶

The Historical school’s notion that law cannot be codified is absurd. The Pleadings in the courts today containing entire pages of case cites, covering a single point, are proofs of the fact that the law is already codified, but is in a practically unmanageable form. Some cases run a hundred pages, yielding a paltry two paragraphs of useful information.

As far back as 1802, cases in the United States Supreme Court have as much as three quarters of a page to make a single point. Just think of the cost of researching that many cases, some up to one hundred pages in length, for a single point. It is so much easier if the point is codified into a single law. Finding single law is far cheaper than finding thirty or so cases. The French are on the civil law system, and cases there often reference laws written at the time of Napoleon. These old laws are as good today as the day the politicians passed the legislation. If not for the computer and information technology of today, the millions of pages of case law in the United States would be bewildering to all, including the judges themselves.

Because of the sheer mass of cases in the United States Supreme Court, the Circuit Courts of the United States, the State Supreme Courts, and subsidiary courts below the state supreme courts, understanding the law on any matter is difficult.²⁰⁷ The case law in these records is contradictory in many issues litigating today. Case law is a type of “legal brew,” a mixture of different doctrines and principles. Studying the theory principles seems more appropriate and efficient, leaving the case law to the students. Case law is like sugar water. It is bad nutrition and explains why the law schools are turning out weak lawyers. All we have to do to verify the weaknesses of case law, is to study the “hornbooks,” (law student texts). James Barr Ames, a professor at Harvard Law School, noted as an adherent of the comparative school, is credited with the first systematic study of case law, teaching his students using the *case system*. All other law schools in the U. S. A. have adopted the case system.²⁰⁸ In most law school text books is the law is usually found in the footnotes. Most of the time, the entire book can be reduced into a pamphlet of useful information.

The requirement of disclosure has a strong influence on the thinking of the proponents of the Universal-Legal-Technology. History has proven that the unwritten law, or the common law, to be a cumbersome, evasive, and abusive system. A major hindrance to the codification of the law is the interest in social legislation.²⁰⁹ To the Universal-Legal-Technology school, the biblical principal of publicizing of the law “at the city gates” automatically disqualifies unwritten law, case law, or judge made law, and requires the codification of law written in advance.

Support for the codification of the law has been diverse, coming from proponents of all of the schools of law, except the historical school. The natural law school learned the lesson 2,700 years ago. Bentham, of the analytical school, sought the reform of the English legal system by the codification of the law. Pound, of the sociological school, declared that the nonprofessional considers the formulation of statements as code simply that of common sense.²¹⁰ Roscoe Pound’s exhaustive treaty on the subject has been well worth the read. Roscoe Pound’s recommendation was that the drafters of the law be knowledgeable about the law they are codifying, and that they should take their time in the drafting process²¹¹

To Pound, the defects of the case-law system are obvious. Case law yields: (a) a lack of certainty, (b) a waste of labor, (c) inconsistencies, because judges who amend the case-law system by publishing new case law

²⁰⁶ *Ibid.* p. 212.

²⁰⁷ Roberts, Paul Craig, and Stratton, Lawrence M. *The Tyranny of Good intentions*. In the _____, by the Forum. 2000. pp. 32-33.

²⁰⁸ Ames, James Barr. *Lectures on Legal History and Miscellaneous Legal Essays*. In the Cambridge at the Harvard University Press. (1913) p. 10.

²⁰⁹ Pound, Roscoe. *Jurisprudence*. In the St. Paul, Minn., by the West Publishing Co. 1959. v. 3. p. 676.

²¹⁰ *Ibid.* pp. 677, 678.

²¹¹ *Ibid.* pp. 730.

have a lack of knowledge of the law, (d) irrationalities, due to the partial survival of obsolete precepts; and (e) confusion.²¹²

Pollock, of the comparative school, described the system of case-law as a servile following of precedents tempered or supplemented by transparent fictions — a sort of hand-to-mouth scrambling work at best. It is true that the results are ill-arranged and difficult to get at. The state of English case-law as a whole might be fairly described as chaos tempered by Fisher's Digest. Hence it is assumed by a not unnatural fallacy that there must have been something bungling and unscientific in the operations by which the results themselves were produced.²¹³

To Wilcox, case law yields no garden of Eden:

[Case law] was not devised by any lawgiver. It is not like a garden which some expert gardener has planted and trimmed, but is like a thicket which has been sown by the wind and trimmed by the whirlwind, where every kind of seed that could find a lodgement has grown the best it could, and trees of beauty and utility contend with briars, weeds and underbrush. Or perhaps it may be likened unto a garment made by a bungler in remote antiquity and on which every generation since has placed some patches, until it resembles a crazy-quilt in its variety of color and texture and is without any of the harmony that ordinarily pertains to that article.²¹⁴

Venue

What is the Equity Jurisdiction? Equity is whatever the King says it is!

"Equity is a Roguish thing, for Law we have a measure, know what to trust too, Equity is according to the Conscience of him that is Chancellery, and as it is larger or narrower, so is equity."²¹⁵ "Equity and natural law are yet bolder fictions allowing a more sweeping creative activity."²¹⁶

What is Common Law? In England, King James understood the common law. "As a king I have least cause of any man to dislike the Common Law: For no Law can bee more favorable and advantageous for a King, and extendeth further his Prerogative, than it doeth: And for a King of England to despise the Common Law, it is to neglect his owne Crowne."²¹⁷

In the United States, there exist four possibilities for lodging a complaint: in the common law, in equity, maritime, or admiralty. So far we have seen that the common law is a dead end. Common law is law according to *custom*, and after we dispel all of the myths, has nothing to do with the Constitution, or the Bible. I know that the judicial industry mouths "Constitutional speak," but the Constitution is really not in a common law court. Litigators in equity are concerned with contracts, and as such, also have nothing to do with the Constitution. The maritime jurisdiction is concerned with maritime contracts, whether made at sea or on land, that is, such as relating to the commerce, business or navigation of the sea; as, charter parties, affreightments, marine loans, hypothecations, contracts for maritime service in building, repairing, supplying and navigating ships, contracts and quasi contracts respecting averages, contributions and jettisons; contracts relating to marine insurance, and those between owners of ships.²¹⁸ Nevertheless, maritime includes the laws and Constitution, but does not include cases where the government is involved. That leaves Admiralty, the sleeper. Admiralty suits are proper when the suit is for an act committed against the libellant [a libellant=plaintiff] by a government libelee. [A libelee=defendant]. The admiralty

²¹² Ibid. pp. 733-736.

²¹³ Pollock, Frederick. *Essays in Jurisprudence and Ethics*. In the London, by the MacMillan and Co. 1882. p. 237-238.

²¹⁴ Wilcox, Henry S. *Fallacies of the Law*. In the Chicago by the Legal Literature Company. 1907. pp. 3-4.

²¹⁵ Selden, John, 1584_1654. *Table Talk*: in the London: Printing for E. Smith. (1689). (p. 18)

²¹⁶ Pound, Roscoe. *Interpretations of Legal History*. In the New York, by the Macmillan Company. (1923) p. 132.

²¹⁷ Wormuth, Francis-Dunham, 1909_ . *The Royal Prerogative 1603_1649* In the Ithaca, New York, by the Cornell University Press; and in the London: H. Milford, by the Oxford University Press. (1939). p. 92.

²¹⁸ 3 Bouv. Inst. n. 2621.

takes cognizance of suits or actions which arise in consequence of *acts* done upon or relating to the sea. Admiralty covers all transactions and proceedings concerning commerce and navigation, *and* to damages or injuries upon the sea. We will see that the admiralty jurisdiction does contain the Constitution and statutory law, and if pled correctly, can strip immunity of every governmental official involved with the case.

First, we have a little more ground to cover about the nature of the fiction courts that exist in America today.

The De facto Government ²¹⁹

This chapter reveals how the government of the United States abdicated its lawful authority to govern as a de jure government. A de jure government is by the consent of the people, with a Republican form. The abdication on May 31, 1913 means that the American government is functioning now as an illegitimate de facto government, in the form as a democracy, deriving no authority to govern from the Constitution of the United States. We have below a classic sample example of how, through the using of the law as a procedure, and objective interpretation techniques, we expose the fictional weaknesses in the law.

We start with the logical premises that: (A.) It is a principle of law that a statute or law or legal procedure that is void on Constitutional grounds is void not merely from the time its nullity is discovered and proved, but from the moment of its inception. ²²⁰ In other words, the principle of law is "once a fraud, always a fraud." (B.) The Constitution of the United States is written in English, and according to objective interpretation, we give legal definitions a top priority since the nature of the document is legal. (C.) We must take the Constitution of the United States is internally self-consistent, unless we find a conflict that needs to be resolved. [Therefore, any 'interpretation' of the English meaning of the words and phrases of the Constitution, which results in internal inconsistency, is a subjective interpretation.] (D.) Without ratification of a proposed amendment to the Constitution of the United States, the original Constitution remains in force as unamended.

(1) Throughout the Constitution of the United States and the Federalist Papers, the word "States" and the word "People" are consistently used to refer to two separate and distinct political entities with two separate and distinct political needs and objectives.

(2) Article I Section 1 of the Constitution of the United States provides and requires that "All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and a House of Representatives."

(3) Article I Section 2 of the Constitution of the United States provides and requires that "The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

(4) Article I Section 3 of the Constitution of the United States provides and requires that "The Senate of the United States shall be composed of two Senators from each State, chosen by the legislature thereof, for six years; and each Senator shall have one vote." So we see that the Congress of the United States is to consist of the Representatives of the People and the Representatives of the States in congress (the word essentially means "together"). The election of the Senate by the House makes up the classic Republican form of government.

(5) Article five of the Constitution of the United States reveals that the only means of lawfully amending the Constitution of the United States. As a limitation on what provisions of the U.S. Constitution may be amended and under what circumstances, Article 5 of the Constitution of the United States reads ". . . that no State without its consent, shall be deprived of its equal suffrage in the Senate." So we see that the separate representation of the States in the Senate, and representation of the People in the House of Representatives, is important to the founding fathers; for if even one State fails to ratify a proposed amendment that would work to deprive the States of their equal suffrage in the Senate, the proposed amendment fails of ratification.

(6) Congress attempts to amend the Constitution in 1913, to cause the Democratic form of government, which is a form that has the potential to degenerate into what we now have today: mob rule, and a lack of security of the assets of the Citizens, and a situation where all of our government officials are held hostage by the electorate and are required to create government giveaways to stay elected. The Proposed Amendment Seventeen (1913) to the Constitution of the United States, Clause 1, if ratified, redefines "Senate of the United States" as "two Senators from each State, elected by the people thereof." So, if the States, as two separate and distinct political entities from the People, are deprived of their equal Representation in the Senate, then they are deprived of their equal suffrage (vote) in the Senate.

²¹⁹ Source: *The Avalon Project*

²²⁰ 16 Am Jur 177

(7) According to their legislative records, UTAH and DELAWARE each withheld their consent to being deprived of their equal suffrage in the Senate by voting to reject the proposed Seventeenth Amendment. According to their legislative records, eight other States withheld their consent to being deprived of their equal suffrage in the Senate by taking no action at all on the proposed amendment. Therefore, the proposed Seventeenth Amendment was not ratified pursuant to Article 5 of the Constitution of the United States, and the proposed Seventeenth Amendment was and is void, and carries no force or weight or obligation of law since the moment of its inception. (May 31, 1913) So, no Senator of the United States has been chosen by the legislature of any State pursuant to Article I Section 3 of the Constitution of the United States since May 31, 1913. Therefore, (A) no "Senate of the United States" as defined by the Constitution of the United States has existed since the first individual in 1913 usurped the office of "Senator of the United States" without having been chosen pursuant to Article I Section 3 of the Constitution of the United States; (B) no "Congress of the United States" has existed since then; (C) no "legislative powers" have been granted or vested in any institution since then.

Without "legislative powers" delegated to government by the People, any law or statute or code or administrative regulation purportedly "passed" by anyone is but mere "color of law" -- not pursuant to the Constitution of the United States, not binding, not having any lawful force or weight of law, void. We see that no legislation (law or statute) has been lawfully passed by any "Congress of the United States" since 1913.

(8) Article II Section 2 Clause 2 of the Constitution of the United States provides and requires that the President "shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided for, and which shall be established by law."

Since no 'Senate of the United States' as defined by the Constitution of the United States has existed since 1913, therefore, no treaties have been made, no ambassadors, public ministers, consuls, judges of the Supreme Court, or other officers of the United States have been appointed since 1913.

(9) Since no "Congress of the United States" has existed since 1913, no "legislative powers" have been granted or vested in any institution since then; no legislation (law or statute) has been lawfully passed by any "Congress of the United States" since then; no treaties have been made, no ambassadors, public ministers, consuls, judges of the Supreme Court, college of electors of presidents and vice-presidents of the United States, by the Act of Congress of January 23, 1845, or other officers of the United States have been lawfully appointed since 1913.

(10) The EXECUTIVE, LEGISLATIVE, and JUDICIAL Branches of the government of the United States as established by the Constitution of the United States are dormant, and vacant. *The offices exist, the lights are on, but nobody is in any de jure public office in the land.* The current existing government of the United States is a de facto government deriving no just or lawful authority from the formal Consent of the People conveyed by the Constitution of the United States, but deriving its (unjust and unlawful) authority from the informal acquiescence and capitulation of the People in the face of intimidation, coercion, oppression, and economic power. All the people have to do is take it back, and hold a proper election.

Legislative Courts

In this chapter, I will show the reader that the courts are organized as legislative administrative courts, and with a twist of legal fiction, operate as judicial courts. I first became aware of the fact that the courts are legislative courts through a very well documented legal lecturer, John Nelson. However, most all of this research is from this author. We will see how titles of nobility (attorneys are Esquires) became legal, how the courts successfully are usurping important executive powers, and how the government is at this very moment in a declared state of war.

We have been taught all of our lives in the United States, that the Federal courts are organized under Article Three, Section Two of the Constitution of the United States. However, the evidence dating back to the formation of the courts in 1792 has all along been telling a different story.

We do not know why, because the meetings were not recorded,²²¹ but the representatives then organized the lower courts under congressional authority, and never gave the courts *judicial* authority. The Supreme Court, as

²²¹ Harvard Law Review

best that I could tell, was properly formed under Article Three. Perhaps organizing the lower courts under Congress' authority was a reactionary measure. Maybe they thought they would have better control if the courts were answerable to Congress. The founding fathers had just been through the living hell of the American Revolution against the corrupt King George III, who had used his judges to oppress the colonies. It is very possible that the founders had a fear that the executive and the judicial branches could again fall into the deep corruption that had caused the Revolution in the first place. We have already seen that King George I ruled by the judges. George the 1st was so bold that he disbanded parliament. The Latin meanings, covered in a prior chapter, of the name of the *federal district* court indicates a hostility towards the union's national court system by its makers. Another scenario I have contemplated, is less charitable. Maybe there were enough royalists with sufficient power to restart the nobility class system in America. Or maybe they were afraid that the masses could overtake the wealthy and strip them of their possessions. We may never know.

The federal judicial system is "organized under the 'coefficient' [or elastic] commerce clause of Article I."²²² Remember the fictional word *elastic* is used in Nazi writings. The commerce clause is so vague that most of the social legislation in America today is organized under it. That is why the government is so determined to place everyone's legal status in commerce. If we are in commerce, we are eligible for all of the benefits, and obligations, that the fiction government has to offer. These lower courts, the federal and appellate courts have no judicial authority.²²³ Therefore, the federal courts are *administrative legislative* courts, with no judicial power.²²⁴ The only authority that can be granted under congress is administrative, if the courts are organized under Article one, or under Article Four, depending upon whether a court's situs is in the states, or is in a territory of the United States, such as Guam, Puerto Rico, American Samoa, etc.²²⁵ The proper kinds of courts that congress can set up are related to import/export, the territories, \$\$\$, and @@@@.²²⁶

Then how did the Federal Courts receive the apparent power that they now possess? The answer was found in the fictional notion of "Inherent" Powers. Inherent powers became a powerful idea, because the courts have not come to a universal definition of "inherent powers." "Despite [the court's] extensive exercise [of inherent powers], learned writers have described the concept as 'shadowy' and 'nebulous,' or as a 'problem of definition that has eluded or bedeviled many courts and commentators for years.'"²²⁷ None of the Powers of the Courts have been legislated. The authors at the National Judicial College mentioned the rational of "I think, therefore, I am."

"The 'inherent powers' of a court are an expressed quantity and undefinable term, and the courts have indulged in mostly loose explanations concerning it. Undoubtedly, courts of justice possess powers that [are] not

²²² Congressional Research Service. *Constitution of the United States of America, Analysis and Interpretation*. See Art. 1, Section 8, clause 18, on pp. 370_372.

²²³ Wright, Miller & Cooper. *Federal-Practice and Procedure: Jurisdiction*. 2d: §§: 3503 & 3526.

²²⁴ *FRC v. General Electric*, 281 US 464, 50 S.Ct 389, 74 L.Ed. 969. When enforcing statutes, all courts are mere extensions of the involved administrative agencies for superior reviewing purposes and the "judges" of such courts are "mere clerks" of the involved agency. See also *Keller v. PE.*, 261 US 428, 43 S.Ct. 445, 67 L.Ed 731; *Thompson v. Smith*, 154 SE 579, 583, 71 ALR 704 (1930); *Pan Ref. v. Ryan*, 293 U.S. 388 (1934); The law governing federal administrative law existed at the State level antecedent to the creation of the federal entity known as the USA (United States). ...See *Nuclear Data v. US*, 344 F.Supp. 719; *DPS v. Camp*, 279 F.Supp 675 affd. 406 F.2d 837, rev. o.g. 90 S.Ct. 827, 397 US 150.

²²⁵

Balzac v. Porto Rico, 258 US 278 (1922), 42 S.Ct. 348. ...The United States District Court is not a true United States court established under Article 3 of the Constitution to administer the judicial power of the United States therein conveyed. It is created by virtue of the sovereign congressional faculty, granted under article 4, section 3 of that instrument, of making all needful rules and regulations respecting the territory belonging to the United States. The resemblance of its jurisdiction to that of true United States courts, in offering an opportunity to nonresidents of resorting to a tribunal not subject to local influence, does not change its character as a mere territorial court. The inferior district courts created by congress are all legislative courts.

²²⁶ Cite legislative court authority cases here

²²⁷ Stumpf, Felix F. *Inherent Powers of the Courts, Sword of the Judiciary*. (1994) Published by the National Judicial College.

given by legislation and which no legislation can take away. These powers spring not from legislation but from the nature and constitution of the tribunals themselves.”²²⁸

Through the smoke and mirrors of the fictional magic of the concept of inherent powers, the courts reason that from “structural necessity,” legislative courts are transformed from *administrative legislative courts* under Article I or under Article IV, into Article III courts with *judicial* authority. “All courts must have, it is reasoned, ‘from structural necessity’ the inherent powers to do those things that are reasonable and necessary for the administration of justice within the scope of their jurisdiction, absent contrary legislation or constitutional limitations. This is evidenced with statutorily created courts, which have been endowed with the inherent powers of constitutional courts, e.g., municipal and justice courts.”²²⁹ So here we see that the fictional roots of inherent powers permeate all the way down into the lowest courts in the land. It is all “Alice in Wonderland.”²³⁰

The courts also have granted themselves power to govern and regulate the bar and practice of law, contrary to the states’ constitutions, further evidence that the Constitution has no place in the fictional courts. The current practice of the courts’ governance and regulation is a separation of powers issue. “Inherent powers have been the source of authority asserted by appellate courts to regulate the legal profession . . . Most courts assert that the inherent regulatory power is exclusive . . .”²³¹ Yet the state Constitutions give the power of enforcement of the laws of the state to the *governors*. For example, let us look at the Texas Constitution, Article 4, Sec. 10: “Execution of Laws; Conduct of Business with Other States and United States. He [the Governor] shall cause the laws to be faithfully executed and shall conduct, in person, or in such manner as shall be prescribed by law, all intercourse and business of the State.” Here we see the truth that the Governor is responsible for making sure that the laws are faithfully executed, not the judiciary.

With nothing more than hot air, the court controls nearly all aspects of the executive branch of government. Through inherent powers, the courts are regulating (an executory power): the power to punish for contempt, sanctions; the power to make rules; the power to govern and regulate the bar and practice of law; the regulation, admission, practice, discipline and disbarment of attorneys, the appointment of counsel and his compensation, the management and regulation the court system, the discipline of judges, the control over management functions of judicial system, and the adoption of code of judicial ethics.

After America’s independence, attorneys were not allowed to practice inside the courtroom. Their functions were limited. They could prepare contracts, but the non-attorneys were the people allowed to practice in the courts. All attorneys in America have been Esquires. The only dictionary recognized in American courts that I know of has been the Black’s Law Dictionary.

This is what it has to say: “Esquire. In English law. A title of dignity next above gentleman, and below knight.”²³² If we examine titles of nobility of England, we find that both gentlemen and knights are titles of nobility. I personally have nothing against an entitled person, but our social contract specifically states that “No title of Nobility shall be granted by the United States; and no Person holding any office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title of any kind whatever, from any King, Prince, or foreign State.”²³³ Furthermore, “No state shall . . . grant any Title of Nobility.”²³⁴ That is the law.

Could there have been something in the intent of the founding forefathers that this author is not accounting for? If we examine the evidence by two of the signers of the Constitution, their publicly stated intent is the formation

²²⁸ *State v. Superior Court*, 275 P.2d 887, 889 (Arizona, 1954)

²²⁹ Stumpf, Felix F. *Inherent Powers of the Courts — Sword and Shield of the Judiciary*. Published by the National Judicial College. (1994) P. 8.

²³⁰ R.N. Satter. *The Rights of Incompetents to Counsel and in Trial*. “WE STEP OUT, THROUGH, THE LOOKING GLASS OF FICTIONAL GOVERNMENT, INTO THE BRIGHT LIGHT OF TRUTH AND REALITY. AT THAT SAME MOMENT THE MACHINERY(D) OF OZ, THE WONDEROUS, IS EXPOSED AND WE DISCOVER THAT WEAK, SPINELESS, TRAITOROUS DULOCRAT SERVANTS HAVE USED PSYCHOLOGICAL WARFARE UPON US TO INTIMIDATE AND DISTRACT THE SOVEREIGN FROM TRUTH.” 11/29/91

²³¹ Stumpf, Felix F. *Inherent Powers of the Courts — Sword and Shield of the Judiciary*. Published by the National Judicial College. (1994) P. 8

²³² *Black’s Law Dictionary*, 4th Edition.

²³³ *United States Constitution*, Art. 1, Section 9, Clause 7 [in the original].

²³⁴ *United States Constitution*, Art. 1, Section 10, Clause 1.

a Republican form of government with an “absolute prohibition of titles of nobility, both under the federal and the State governments, and in [the] express guaranty of the republican form [of government] to each of the latter.”²³⁵

Apparently, there had been public concern and debate about the subject of nobility, since “[t]he prohibition with respect to titles of nobility is copied from the articles of Confederation and needs no comment.”²³⁶ Another founding father, Alexander Hamilton, considered the forbiddance of titles of nobility an important aspect of the Republican form of government. Mr. Hamilton had no “intention” to create an entitled class in the newly formed country.

“It may well be a question, whether these are not, upon the whole, of equal importance with any which are to be found in the constitution of this State. The establishment of the writ of habeas corpus, the prohibition of ex-post-facto laws, and of TITLES OF NOBILITY, TO WHICH WE HAVE NO CORRESPONDING PROVISION IN OUR CONSTITUTION, are perhaps greater securities to liberty and republicanism than any it contains. . . . Nothing need be said to illustrate the importance of the prohibition of titles of nobility. This may truly be denominated the cornerstone of republican government; for so long as they are excluded, there can never be serious danger that the government will be any other than that of the people.”²³⁷

To be clear on the subject, Mr. Hamilton later reiterates his position:

The additional securities to republican government, to liberty and to property, to be derived from the adoption of the plan under consideration, consist chiefly in the restraints which the preservation of the Union will impose on local factions and insurrections, and on the ambition of powerful individuals in single States, who may acquire credit and influence enough, from leaders and favorites, to become the despots of the people; in the diminution of the opportunities to foreign intrigue, which the dissolution of the Confederacy would invite and facilitate; in the prevention of extensive military establishments, which could not fail to grow out of wars between the States in a disunited situation; in the express guaranty of a republican form of government to each; in the absolute and universal exclusion of titles of nobility; and in the precautions against the repetition of those practices on the part of the State governments which have undermined the foundations of property and credit, have planted mutual distrust in the breasts of all classes of citizens, and have occasioned an almost universal prostration of morals.²³⁸

To be objective in my reporting, today’s monarchies in Western Europe, with their titles of nobility, seem fair-minded people. Having visited in Europe and England for more than eight months, I find they do a very good job of maintaining continuity and order, transmitting good morals, and providing excellent shows and attractions for the tourists. In England today, Creationism is taught in the public and private schools. In Belgium, and in much of Europe, abortion is outlawed, and Christian schools are funded with taxpayers’ money. The Western European Monarchies are gentler with their people than the American government is with theirs. Police have less *verbrato* in Europe than in the United States, and are more like regular people. Even factoring in other European governments, which are not monarchies and are more aggressive, the Europeans are literally more free than the Americans, as evidenced by comparing European jailing rates with America’s savage jailing record. America, Russia, and Belarus (where there is no democracy²³⁹) tower above the rest of the entire world in prisoners per capita, with America leading the pack.²⁴⁰ America’s lowering crime rates are probably more a condition of changing demography(fewer young men around) rather than being tougher on crime.²⁴¹ The European Monarchies, try to stay out of everyone’s

²³⁵ Madison, James. *Federalist No. 39. Subject: The Conformity of the Plan to Republican Principles*. Date: January 16, 1788.

²³⁶ Madison, James. *Federalist No. 44. Subject: Restrictions on the Authority of Several States*. Date: January 25, 1788.

²³⁷ Hamilton, Alexander. *Federalist No. 84. Subject: Certain General and Miscellaneous Objections to the Constitution Considered and Answered*. Date: May 28, 1788.

²³⁸ Hamilton, Alexander. *Federalist No. 85. Subject: Concluding Remarks*. Date: May 28, 1788

²³⁹ Article: *Trouble Next Door*. Newsweek Magazine. In the New York, by the Newsweek International. 12/August/2002. P. 16.

²⁴⁰ Source: International Centre for Prison Studies, King’s College London

²⁴¹ “After quadrupling its imprisonment rate in just 30 years— America now has 700 people in every 100,000 under lock and key, five times the proportion in Britain, the toughest sentencer in Western Europe— the world’s most aggressive jailer must now confront the iron law of

hair, though these monarchies tend to be far more left leaning. The people living in European monarchies generally are happy, and do not fear their governments. With all of the hell the Europeans have been through, directly caused by the secularist views of Hegel, Marx, and others of their ilk, the role of faith in Europe is firmly ensconced. Even the European Republics have a hand in transmitting moral values. "The German constitution says all children have a right to religious education, and in Länder (states) such as North Thine; Westphalia about half of all kindergartens are organized by the church, though they are 60% financed by the state."²⁴² The Europeans have learned their lessons well. They are sensitive to the Church. According to a very conservative and like-minded European, the monarchies today are seen by their people as a safety valve that they can go to correct bureaucratic wrong doings. Kings and queens have few official powers in government, but they have strong influential powers over their governments. Today, the Democratic form [the Republican form of government no longer exists in America] of Government in America does a very poor job of transmitting good morals. The government is counter productive concerning morals, and anti-intellectual. Contrary to the phrase "we cannot legislate morals," law is all about morals, what is right and what is wrong. Did we legislate against murder, extortion, kidnaping, rape, assault, theft, larceny, ect.? Did we, as a society, at sometime or another, decide that private ownership of land is proper? In these obviously ancient laws, by whose authority did the ancients decide concerning what is morally right or wrong? Our only objective, it seems to me, is to make sure of which rule book is used, and whether or not we have an authentic copy. An objective investigation of that sort is not that difficult, unless the reader lives in Saudi Arabia, where no intellectual debate is allowed. Whether a person is a believer or not, there are excellent, hard-hitting materials published in that subject area. In debates in parliaments and congresses across the globe, politicians are legislating this and that, because they are publicly stating the intent to remedy legal situations that they claim to be morally wrong. Where is the highest authority for declaring right and wrong? As a procedure, for the believers, all paths start with the Divine; for the secularist, all paths start with man's conscience and reason. In American law, the legal authority of the Judaic/Christian writings has the lowest legal value in the courts of any legal writing.²⁴³ I think this is why the Americans tend to be a bit rougher than the Europeans. American taxpayer-funded teachers cannot even recognize or lead a prayer to Yahweh, who created all that is in existence. Instead, they have to teach fictional accounts of creation. Researchers, to obtain government grants, cannot recognize any science that references the existence of Yahweh, or any scientific truth supporting the Biblical account of creation. America is a marvel of ingenuity and adaptation. Never in history has a country done so much for humanity. Nevertheless, before we make our conclusions on her structures from a legal perspective, we need to look a bit closer.

War as a Legal Base for Social Engineering

Other legal declarations have become favorite vehicles that move America off the constitution and into a fiction. Declarations of war and declarations of emergencies are synonyms.²⁴⁴ America has been at war since the American Civil war, and this war machine has never been turned off. The American Civil war has never legally ended, nor has World War II. To the contrary, the war mechanisms are periodically renewed.

In the last century, Franklin Delano Roosevelt declared war on the depression on March/9/1933, with Emergency Proclamations: 2039, and 2040. Incidentally, the United States, Canada, and Australia, are all feigning their own wars with periodic emergency declarations. In America for instance, we are supposedly in a war on drugs, poverty, illiteracy, etc. In the U.S.A. the emergency is codified at title 12 U.S.C. 95(a) and (b). Clinton continued the war with P.E.O. 12919. There are many other "emergency" proclamations since all emergencies automatically expire at the end of the second year, unless the emergency is still pending, is extended, or unless the emergency is considered resolved by congress, or ended through a proclamation by the president.²⁴⁵ All of the rules for the

imprisonment; that those who go in almost always come out." Article: Too Many Convicts, in *The Economist*. London, by the Economist Newspaper, Ltd. August 10th 2002.

²⁴² *The Economist*. August 10, 2002. (P.24)

²⁴³ Cite Texas Statutes

²⁴⁴ Black's Law Dictionary

²⁴⁵ Office of Chief Counsel, Maritime Administration. *Compilation of Maritime Laws January, 1997*. In the Washington, D.C., by the U.S. Department of Transportation Maritime Administration.

president concerning his declarations of emergencies, his powers and authority, his reporting and record keeping responsibilities, and the procedures he is to follow for the end of a National emergency, are covered in the National Emergencies Act at 50 U.S.C. 1601 et. seq.

For the average person, this is all unbelievable. Remember we are talking law, and in the fiction, the legal world does not necessarily have to reflect the real world. What is war? War is the hostile contention by means of armed forces, carried on between nations, states, or rulers, or between parties in the same nation or state. Hostilities are possible without firing a single shot. A war can be declared, or it can be undeclared. Some wars are of a private nature: one between private persons, lawfully exerted by way of defense, but otherwise unknown in the civil society.

In America, the “war” is declared as an “emergency.” However, the word “war” is also used frequently. The wars on poverty, drugs, terrorism, are all pushing the peacetime, constitutional state farther off into the future. In most legislative documents, the last paragraph usually references the suspension of the rules due to some undisclosed “emergency.” The word *emergency* is a speedy vehicle to suspend the constitution. To make a smoke screen, the constitution is referenced in the courts, but the judge is usually the only person in the room that understands that the constitution has no application in today’s American law.

The Geometry of the Courtroom setting, and Law of the Flag

We now must learn about the “geometry” of the courtroom. David: Miller first brought this information to my attention. Each courtroom is a neutral *territory*,²⁴⁶ all over the globe. As such, each courtroom is international in character. The laws governing the courtroom are controlled through the law of the flag. If we place an American flag in the courtroom, the American law applies. If the flag in that same courtroom is a Japanese flag, Japanese law applies.

Suppose two Japanese litigants are in America and they have a controversy under Japanese law, they can allow an American judge to adjudicate the case in America. With a simple notice through the Federal Rules of Civil Procedure, the flag in the courtroom is simply changed to a Japanese flag, and the case proceeds. For the time that the Japanese flag is flying in the courtroom, that territory is Japanese.

How far does any particular jurisdiction physically extend through the law of the flag? Does the flag’s jurisdiction extend outward to the street, or into the neighborhood? The boundary of the territory is fixed by a “*fence*,” called a court bar. Under the rules of four cornering, the law of the flag extends only to the four corners of the room where the flag is placed. So in the court, the law extends only to the perimeter of the court bar. If the flag is planted on the lowest level of the geometric plane of the court, is the flag’s jurisdiction extending up onto the judge’s geometric plane. No. Is the flag’s jurisdiction extending up into the higher geometric plane of the witness box? No. What if the entire courtroom is on the same plane, and the judge places his desk and himself on a sheet of plywood, is the judge in the same legal jurisdiction? No. The only way that these different planes can be in the same jurisdiction is to have a flag on each plane. The American courts with different geometric planes are specifically forbidden in the constitution. “No new States shall be formed or *erected* within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.”²⁴⁷ The definition of *erect* in the Black’s Law Dictionary states that to “erect” is to build with wood. The old style English court, where the judge, witnesses, and clerks are on the same plane, is a properly constructed court. Spectators’ seats are on higher levels, ascending toward the back, so that the judge can see the audience.

We also need to understand the laws of boxing. If we look to the legal dictionary and look up the word *box*, we find that anything boxed is strictly removed. Thus, the jurors, and the witnesses, are strictly removed from the courtroom. All of the different geometric planes are used as a device to avoid “joinder,” where all of the parties are on the same, level, playing field. Therefore, the judge has immunity, the witnesses did not produce evidence, and the jury is irrelevant. No wonder we have heard of judges overruling a jury’s verdict in high profile cases. The only relevant player is the court stenographer, who is always on the same plane as the attorneys, plaintiff, and defendant.

²⁴⁶ Territory:

²⁴⁷ Constitution of the United States. Article IV. Section 3.

In the judge's minds, all of the subterfuge referenced to this point is made legal, because of their notice made to us by a legal disclosure sitting in the courtroom. This disclosure is through a fiction flag in the courtroom. Their disclosure is through a bastardized flag, "captured," by the executive branch, or by military ornamentation, on the flagpole. However, before I prove all of that, let us see what the flag is supposed to look like when we enter a constitutional courtroom. Our objective is to establish the constitutional law in the court. Even in times of war, if a constitutional flag is in the court, the constitution of the flag's country applies.

The United States has many different types of flags, streamers, and banners. The key word to look under is *heraldry*. They have military boat flags, the national flag, the casket flag, and the flag of the United States. The flag of the United States is described in the United States Codes under Title 4, sections one and two. It is the only flag in the U.S.A. that gives notice that the Constitution is the law within the court. The dimensions of the flag of the United States are described in Presidential Executive Order 10834, where the dimensions of the flag are a 1 x 1.9 ratio, with the union jack, the blue area, being 40% of the fly. (Length) With the flag ratio in mind, is a 3 x 5 flag usually sold at the stores a "Flag of the United States"? The answer is no. A flag with the 3 x 5 dimensions is the National Flag of the United States, and is its military flag. Military personnel have no rights, and therefore need no constitutional flag. The Flag of the United States has the dimensions of 3 x 5.7, or the big one has the dimensions of 10' x 19.' Most of the big flags over the car dealerships are 10' x 19' cemetery flags. The blue field is less than 40% of the fly. According to Title 36: U.S.C., Ch. 10: §: 175: (a-j), no markings of any kind, including fringe, are authorized on the flag of the United States. Army Regulation 240_10 is the regulation that allows for the fringe, but only for a court marital. With all these different flags, what if more than one flag is in the same room? Which one has the highest legal priority? According to Army Regulation 840_10, the Flag of the United States has the highest priority, and all other foreign flags, including the national flag (since it is foreign to the flag of the United States), have the lower priority. So, without any obstructions of a judge, we can take a title four flag into the court, and get the case adjudicated according to the constitution.

Why We Are in the Admiralty Jurisdiction

Many a student has asked me why I file all of my documents in the admiralty jurisdiction. All of the “pro se” litigants have been sternly warned by their like-minded friends that such filings have been known to get people arrested and thrown in jail, since supposedly the admiralty gives the judge unparalleled judicial discretion in this venue that is supposedly without a constitution. In 1997 I had purchased a book about the admiralty jurisdiction called *Are you Lost at “C.?”* from Pastor Richard Standering, in Cincinnati, Ohio. Pastor Standering, one of the best IRS information persons in the United States had just started selling the book, but he had no outstanding opinion of it at the time. I read it, and not really understanding the book, placed it on my shelf to gather dust.²⁴⁸ About a year later, my local partner, Bob Shugrue, called me and relayed to me that Standering had recently used the procedures of the book in four cases and had won all of them. Immediately I called Standering to look into his results. After explaining the theory, I realized that the material was from the book sitting on my shelves. Pastor Standering made the most incredible remark when I asked him what the court tries to do to his clients in the courtroom. “Oh, Pastor Standering said, “They just try to talk us into agreeing to move the case out of the admiralty, and into the civil venue.” If I have learned anything about litigating claims against the government, it is that where I need to go is where the judges do not want me to go, even if I do not entirely understand why. I liken it to the military term of “pressing into the fire,” as the safest approach. Retreat usually gets one caught in crossfire, and death is the result.

²⁴⁸ Pastor Standering also has a great collection of ancient Bible reprints that are great buys and great gifts for family. Place address here.

I thought, "If they do not want me in the Admiralty, that is probably the best place to be." Then followed weeks of investigation, and all of the information I uncovered was far better than expected. I documented that the Admiralty is under Article III, where the constitution and statutory law both apply! In December of 1999 in Hawaii, we filed the first federal case. Over the next few weeks, what came from the other side was deafening silence. As usual, we placed the other side in default. However, soon the other side was up to their own tricks again. Something was missing. I later uncovered four other important issues that legally bind up the judicial officers into either following the law, or walking the plank. Now, with further understanding, I have learned that in the admiralty, the state waives its immunity seven different ways, through the Suits in Admiralty Act (three ways), through the Bills of Lading Act, through the Admiralty Extension Act, through the Foreign Sovereign Immunity Act, and through the Public Vessels Act.²⁴⁹

To place a pleading within the admiralty, the jurisdictional statement needs to reference 28 U.S.C. 1333 or 1337. Tax Cases need to reference 28 U.S.C. 2461 and 2463, since all tax revenue cases are done through the admiralty, and are disguised as civil proceedings. Additionally, in the caption of the suit a reference such as "within the admiralty" is required to hold the court accountable. The courts in the United States have always been open since 1789 to receive admiralty documents, and are still required to do so by authorization of 5: Stat. 516, Ch. 188, §: 5 with the enactment date of August/23/1842, with the authority of the act of the September/24/1789: Chapter: 20.

The Suits in Admiralty Act²⁵⁰ is a law where the United States specifically waives its immunity in three situations: (1) If the admiralty suit involves a vessel [key word] of the United States. Once we look into the definition of the word *vessel*, we will discover that any of the actors working for the United States are vessels, enabling us properly to apply this provision within our case. In *Benedicts on Admiralty*, one finds that the description of a vessel is so vague, that anything can be a vessel. "We are all vessels; human bags carrying "sea water." "Our blood has the same specific gravity as sea water."²⁵¹ In the Bible, a woman is described as the "weaker vessel." (2) Cases that involve cargo belonging to the U.S.. Within the context of our case, when the cargo [the paperwork] of the United States harms us, the United States gives us a blanket waiver of immunity, or three, if the United States could be sued in the admiralty if it were a private party. Since we are going into an international jurisdiction, (a set aside, fenced territory) every time we go into the court, we are entitled to sue the United States in the admiralty if the United States were a private party.

The Bill of Lading Act²⁵² is another handy piece of legislation that helps level the playing field, by imposing liability against carriers that misplace, or misdeliver our cargo(paperwork). Cargo can literally be anything. All manners of things are shipped internationally, from cigarette lighters to books. So we are not making any sort of stretch to say our paperwork is cargo. If the bill of lading sufficiently describes the cargo, the carrier is liable for damages caused by mis delivery. A bill of lading is nothing more than a document given to the shipper that gives instructions where the cargo is to be delivered, and what the cargo looks like. For the bill of lading to be effective, it must describe the cargo being transported sufficiently so that the shipper can identify the cargo enough to be held responsible, when the shipper delivers the cargo somewhere else.

A classic case occurred in the 1800s where an American fruit producer sent many barrels of apples from Georgia for delivery in New York. Since the barrels were not sufficiently identified in the bill of lading, and since the barrels were not adequately marked, the shipper was not held responsible when the apples were delivered to Belgium!

The Bill of Lading Act includes a criminal penalty, because the losses suffered by the customers of the shippers can be very great. We use a bill of lading in all of our lawsuits. The bill of lading describes the cargo (the lawsuit), and tells the court clerk to carry the suit into the admiralty jurisdiction of the court.²⁵³ The clerk is a public vessel, and the carrier. My bill of lading identifies the cargo as the lawsuit, by describing the suit's postal registry number that I have placed on the front page, by describing the paperwork as having an American flag on the paperwork, etc. The bill of lading creates a liability for which the damaged party can recover in a suit if the documents are diverted into another venue. If a carrier is found wanting in due diligence concerning the delivery of the cargo, the liability attaches at the time of the diversion of the documents. The bill of lading therefore takes away the immunity of clerks and judges, if the cargo is not delivered into the admiralty court, and adds criminal penalties for compliance failures.²⁵⁴

²⁴⁹ *Benedicts on Admiralty*

²⁵⁰ Title: 46: U. S. A. Codes, Appendix, Chapter 20 §§ 742-749.

²⁵¹ Leonard Tesoro, M.D.

²⁵² Title: 49: U. S. Codes, Chapter 147 § 14706,

²⁵³ Title 49 U. S. Codes, Chapter 801 § 80113

²⁵⁴ Title 49 U. S. Codes, Chapter 801 §: 80116.

The Admiralty Extension Act ²⁵⁵ extends the admiralty jurisdiction inland. All states by law have access to the sea. Therefore any land locked country has an easement, so to speak, across other countries in order to get to the sea. All states have an admiralty jurisdiction in all of their courts, and they hate admitting it.

The Foreign Sovereign Immunity Act. ²⁵⁶ Any foreign sovereigns are liable for damages while doing business in the United States. This provision has application since the foreign sovereign — the judges, clerks, etc. — that operate on the behalf of a defacto foreign fiction government. Officials are liable for the damages that they commit while doing business in the country.

The Public Vessels Act ²⁵⁷ is another of the admiralty provisions that are helpful to the litigants of the Universal-Legal-Technology. Since the libelant has been damaged by a judge, police officer, prosecutor, court clerk, or other public vessel, the libelant is authorized to sue for the damages in the venue of the admiralty jurisdiction. Again, the Public Vessels Act is a law that specifically waives any immunity of the government.

The Post Office and the International Postal Union

The role of the United States Post Office and the Universal Postal Union became a factor in our lawsuits because of several bankruptcies that the United States has been through over the history of the country. When one declares himself a bankrupt, that person is no longer legally competent to conduct his affairs. The court becomes a fiduciary, and appoints a trustee to oversee the affairs of the bankrupt. It does not matter if the bankrupt is a common man, or a nation; except that a nation still has a right to conduct war. Typically the average person anywhere in the world thinks of their Postal System as a part of, and subservient to, their government. However, the postal system in the United States has a different legal history than one would expect.

The Post Office and Judicial Courts were established *before* the seat of the Government. On Thursday, Sept. 17, 1789 we find written, "Mr. Goodhue, for the committee appointed for the purpose, presented a bill to amend part of the Tonnage act, which was read the first time. The bill sent from the Senate, for the temporary establishment of the Post Office, was read the second and third time, and passed. The bill for establishing the Judicial Courts . . . , for establishing the seat of government . . ." ²⁵⁸ Other references to the Post Office support my theory of the founding forefather's views:

POST OFFICE. A place where letters are received to be sent to the persons to whom they, are addressed.

2. The post office establishment of the United States, is of the greatest importance to the people and to the government. The constitution of the United States has invested congress with power to establish post offices and post roads. Art. 1, s. 8, n. 7.

3. By virtue of this constitutional authority, congress passed several laws anterior to the third day of March 1825, when an act, entitled "An act to reduce into one the several acts establishing and regulating the post office department," was passed. 3 Story, U. S. 1825. It is thereby enacted, 1. That there be established, the seat of the government of the United States, a general post office, under the direction of a postmaster general. ²⁵⁹

We need to take notice where the commas are placed on that last sentence. "That there be established, the seat of the government of the United States, a general post office, under the direction of a postmaster general." When I set off a clause with commas, I make sure that the sentence makes sense without that clause. Taking out the set-off clause, we read, . . . "the seat of the government of the United States under the direction of a postmaster general."

The creation of the Post office occurs before the creation of the seat of the government, and is placed in authority *over* the seat of government. What is the effect of these legal techniques? The stated position of an object and the sequence of events play an important role in the Universal-Legal-Technology. The effect is that the Government's later bankruptcies in 1859 and 1929 have no legal effect upon the solvent Post-Office. We can make a case that the formation of the Post-Office before

²⁵⁵ Title 46 U. S. A. Appendix, Ch. 19-A § 740.

²⁵⁶ Title 28 U. S. codes § 1605

²⁵⁷ Title: 46: U. S. Codes Chapter: 22:§: 781.

²⁵⁸ *Gales and Seaton's History* [H. of R.], p. 928.

²⁵⁹ Bouvier, John. *Law Dictionary. Adapted to the Constitution and Laws of The United States of America And of the*

the formation of the government's operations is a stroke of dumb luck. Perhaps it is ingenious, since communication has a higher value than government itself. If any government fails, the people still have a need to communicate with one another to form a new government. And to this day, the Post-Office is still solvent and operational, ready to fulfill its duty to help the people in their communications; to set a new government should a complete break down of the existing governmental structures occur in the United States. Sounds like a very good back up plan.

The formation of the Universal Postal Union in 1874 has another legal effect that is very important to the Universal-Legal-Technology. The Universal Postal Union unites member countries into a single, worldwide postal territory.²⁶⁰ We have already learned that any litigant is going into international jurisdiction every time he goes to any court. Since the litigant needs to establish that his papers are official, he uses a dollar postage stamp on the face of the first page. The stamps also invoke postal statutes and the Universal Postal Union jurisdiction. Currently in the U. S., the stamp of choice is the "fox" U. S. dollar postage stamp. The stamp is not drawn in a box, making the forty-five-degree lines unnecessary. The litigant does, however, need to autograph across the stamp, then date the autograph, for two reasons: to comply with postal regulations concerning private mail carriers, and to make a continuance of evidence that the process (paper work) is mail. The continuation of evidence is less of a factor, since the definitions of "mail" and "delivery" can include a clerk at a grocery store handing a customer a receipt for groceries.

The legal writers were forced to make the definitions wide enough to encompass the private rural carriers, and private advertisers that have placed advertisements on our doorsteps, or in our hands. I have thought about this issue a lot, and I did not find any other better alternative. Any loophole would have devastated many consumers, and caused a plethora of other laws to be enacted to cover the loophole.

Additionally, on the back of the first page, we authenticate the authority of the Post-Office with an endorsement, and simultaneously authenticate our identity by placing a postage meter stamp, from a postage meter machine that we have purchased in advance, on the lower quarter of the back of the first page. All commercial papers have endorsements to authenticate their authenticity. Again, we autograph across the meter stamp, and date. The postage meter stamp is better than a regular stamp, and stamps are said to have rendered seals superfluous.²⁶¹ The purchase of a meter machine requires identification in case the meter machine is tampered with or is stolen. The meter number on the meter stamp can be traced back to the owner (litigant), and therefore authenticates the endorser better than any seal.

What are we doing by placing our paper work into the jurisdiction of the Universal Postal Union? To answer that question, we need to look at the structure and finance of that organization. The official aims and purposes of the Universal Postal Union (UPU) are two: to form "a single postal territory for the reciprocal exchange of correspondence"; and "to secure the organization and improvement of the postal services and to promote in this sphere the development of international collaboration."²⁶² "The organization of the circulation of the international mail is based on the freedom of transit, . . . as a result, therefore, only by enduring absolute freedom of transit can the effectual universality of the postal territory be attained. * * * Freedom of transit is guaranteed throughout the entire territory of the union. Administrations may exchange, through the intermediary of one or more of their number, both closed mails and open mail according to the needs of the traffic and the requirements of the service."²⁶³

"Starting in 1878, the union created a category for territories which were recognized as non independent but which were given all the rights of union membership afforded to clearly independent countries."²⁶⁴ So the members of the union have been operating as sovereign, independent countries, and their currency is based on the gold French Franc. Gold is the acceptable form of money in international jurisdictions, or paper backed by gold.²⁶⁵ When we purchase postal money orders, the money order is backed by gold, not the fiat "money" called Federal Reserve Notes. The FRNs, as some

²⁶⁰ 1997 *Encyclopedia Britannica*

²⁶¹ Collon, Dominique, Editor. *7000 Years of Seals*. In the London, for the Trustees of the British Museum, by the BRITISH MUSEUM PRESS. 1997. p. 153.

²⁶² *Universal Postal Union*, p. 73.

²⁶³ *Universal Postal Union*, p. 74.

²⁶⁴ *Universal Postal Union*, p. 80.

²⁶⁵ The backing of paper does not necessarily have to be gold, it can be anything real at market value like timber, oil, minerals, metals, land, etc.

call them, are based instead on a promise to pay a debt. The debt is based only upon the “full faith and credit of the United States,” and lacks any intrinsic value.

“Some of the obligations in the convention can, in some states, be introduced into domestic practice without involving a nation’s legislative process or without even reaching the desk of the chief executive.”²⁶⁶ The Union also “sets forth the principle that postal administrations are responsible for loss of, theft from, or damage to, insured items, and then goes into detail about exceptions to the principle of responsibility, cessation of responsibility, how the sender is indemnified, and the manner in which responsibility is apportioned between postal administrations.”²⁶⁷ “There was only one instance, according to the Belgium delegate, where the bureau would have any power even approximating the right to intervene in the affairs of administrations, that is in the arbitration of disputes, but in this instance the bureau could act only when requested to do so by an administration.”²⁶⁸ The Functions of the International Bureau for the Universal Postal Union include acting “as a clearinghouse for information concerning postal matters. It also functions as a clearinghouse for international postal accounts and as a conciliator and arbitrator in disputes over postal matters between administrations.”²⁶⁹

So what we are doing, by placing the postage stamp on our admiralty paperwork and endorsement on the back of the first page, is using the authority of the sovereignty of the longest surviving, solvent, governmental authority in the United States. Through the admiralty, we are taking the Post-Office and the judicial system back some two hundred years, and simultaneously creating a new territory with all the rights of union membership afforded to clearly independent countries. We are establishing the laws in this new territory with the paper work that we have filed. As we will see later, we are also correcting the errors of the founding forefathers; in that we are also bringing the equal rights that they neglected to give to all the people in the United States. We are eliminating all of the legal deficiencies that handicap the sovereign status of us, the people, within the court. We are guaranteed that all of the parties in the case: the clerk, judge, bailiff, and litigants have the freedom of transit in the admiralty court. If the clerk, judge, or other official fails to deliver our documents as directed, or delay them, or obstruct them, that person is faced with several penalties within the postal statutes and admiralty statutes. The final advantage is that if we are obstructed, because of the transitory nature of the action, we are in the admiralty and can take the case offshore for adjudication in any court in the world.

²⁶⁶ *Universal Postal Union*, p. 96.

²⁶⁷ *Universal Postal Union*, p. 103.

²⁶⁸ *Universal Postal Union*, p. 186.

²⁶⁹ *Universal Postal Union*, p. 195.

The Apostille

In 1999 my local partner, T. R. Shugrue, had been experimenting with what is called the redemption process, by which a litigant takes control of his "strawman," the legal fictional character that binds us to the foreign-fiction-government. It is the strawman prosecuted in the fictional courts, and the physical man is only a slab of meat that takes the consequences for whatever action is taken against the strawman. The process involves obtaining a document from the state called an "apostille" for authentication purposes. One Friday morning, Bob brought an apostille over to show me what it looked like, since I was having difficulty understanding what the instrument was all about. That same morning a client and lawyer, John Kelly Crow, e-mailed an FAQ off an official web site from the Hague that detailed the legalization of international documents' country by country. On that same morning, a friend of mine in California, Cal Hutcheson, had stumbled upon the same information and wanted to add this authentication process to his litigation; since we are literally entering another country every time, we go into court. The apostille information coming from so many unrelated places at one time seemed providential to me. So after I conducted a thorough investigation, we included it in our procedure and passed the information to all of our like-minded friends.

In earlier times during the history of finance, international authentication of documents was a rather difficult task. Different countries had different legal requirements, which if were followed, meant that the documents were considered self-authenticating any where in the world. Fortunately, the task has become much easier, through the Hague Legalization Convention. The task is still not completely uniform, but, through the Hague, all of the participating countries have disclosed their particular procedures, and these procedures are published on a web site. In most jurisdictions, a special certification called an "apostille" must be affixed to the document by a competent authority. The apostille is a preprinted form prescribed by the Convention,²⁷⁰ and has the function as international authentication. In America, the apostille is nothing more than a single page, issued by the state, that verifies that the notary used, at the time of autographing a document, had the authority to notarize the document in the first place. Before filing a document, the litigant needs to have all documents notarized and apostilled. Again, this process is necessary since the litigant is going into an international jurisdiction every time he files a case. Apostilles can be placed on certified copies of court documents (discussed later), whether in state or federal court. In a federal court, one clerk certifies the document, and another issues the apostille. In a state court, the court clerk issues the certification, and the litigant must go to the secretary of the state and have all certified copies apostilled. In Canada, the procedure is a little different. The net effect is that the documents are authenticated internationally, in the foreign-fiction courts. In Cal Hutcheson's first case, the judge, apparently realizing that we had recognized the international character of the court, turned pasty white during a hearing when he saw the apostille attached to his paperwork. That pasty whit skin told us that we were on the right track.

If the federal court refuses to apostille the documents, the documents can be sent to Washington, D.C. for authentication. The Washington procedures are a bit complex. The process starts at the Justice Department, where the federal judges', and clerks' signatures are kept on file. Department personnel check the signatures, then certify their authenticity. The clerk then forwards the documents to the Attorney General, who personally signs that the clerk at the Justice Department has the authority to certify the federal court clerk's signature. The justice department does not issue the apostille. After the certification, the documents are forwarded to the Department of State, who then issues an apostille. After the apostille issuance, the documents are sent back to the litigant about two weeks later. See the appendix for exact instructions and form letters.

The following page illustrates the verbiage of an apostille in the state of Texas.

²⁷⁰ See a copy of the apostille certificate in Volume 7, Department of State, Foreign Affairs Manual, Section 847.

The State of Texas
Secretary of State

APOSTILLE

(Convention de La Haye du 5 Octobre 1961)

- | | |
|---|--|
| 1. Country: | United States of America |
| This public document
2. has been signed by | Delores A. Austintleco |
| 3. acting in the capacity of | Notary Public, State of Texas |
| 4. and bears the seal/stamp of | Deolres A. Austintelco, Notary Public, State of Texas,
Commission Expires: 10-23-04 |

CERTIFIED

- | | |
|---|----------------------|
| 5. at Austin, Texas | 6. on April 24, 2001 |
| 7. by the Secretary of the State of Texas | |
| 8. Certificate No. N-249268 | |
| 9. Seal | 10. Signature |

Henry Cuellar
Secretary of State
ST/sjs

Amnesty

Now we have had a painting, a back drop, so to speak, drawn for us of several important factors affecting the legal basis of the American, Canadian, and Australian governments. We have been shown the thinking behind their common law judges, revealing the basis of why they rule as they have, and of the geometric dimensions of the courtroom that have affected litigants in these countries. We have seen why this back drop has been close to the truth; yet has not been the truth. We also have discovered the legal implications of these factors, and why they have always needed correction. A childhood friend of mine, and lawyer, a few years ago said to me, "Jeff, you think too hard."

Nevertheless, after reading the preceding chapters, the reader can see that matters I write about are not that difficult. They are just strewn about in so many different legal books that probably the only people aware of them are the law professors, governmental legal writers, politicians, government prosecutors, and the judges. Few of these people have all of the pieces of the puzzle in their minds. Some of these people, even ones with all of the pieces, are my allies. They *want* the changes to occur. Most all of the common people have their own little pieces of the puzzle. Yet we have incomes, families, and credentials to protect. So, the normal person automatically counts the cost, and does nothing. Millions have tried, and have lost everything dear to them, their homes, families, and some their lives.

For God's sake, do not go out there and start lynching everybody in sight in a position of authority. We are all guilty — all of us, me included. Sorry folks, the only ones we can legitimately let off the hook are the children and the mental incompetents, the rest of us all know something about the fiction. Even the ignorant are guilty, because of their willingness to remain in their ignorance.

I want us to think about something very carefully. We see that the common law based, subjective interpretation using, de facto style fictional government is the worst of all legal structures. Yet, America is still the most powerful and helpful country on the planet. America did not become great massively swindling its own people. They are smart enough to limit themselves to shear the sheep quietly, and bully the rest beyond the view of the media. Vattel, in his book, *The Law of Nations*,²⁷¹ tells us what happens to evil governments over the long haul. The people of a country lose their allegiance when they realize that their government is evil. Over the long haul, an evil government either is overrun from outside, an *explosion*, or falls apart from the inside, an *implosion*. During an explosion, the population does little to help against an outside force, because they figure that their plight is probably better with the invaders. The implosion occurs when the people become so disenchanted with their oppressors that the people withhold their efforts to keep the government and economy in business. Oppressive governments have a difficult time attracting capital from abroad, can generate little capital of their own no matter what the natural resources, and suffer from "brain drain," where the best and brightest leave for better lives elsewhere. None of these characteristics fit America.

We cannot say that America's legal structure accounts for America's goodness. We see from all that we have absorbed in the preceding chapters that the foundations of American law are pure deception. Then why is America the greatest country that has ever existed in the history of humanity? Does America have another factor causing the prosperity? Does America have some counter balance that generally overrides the legal structure? If so, what is this counter balance? If so, why is this counter balance overlooked? Is the counter balance overlooked by omission or commission? One factor generally ignored by the media is the role of faith in America, and when faith is brought up in the media, it is generally down played. Still, is it the Leader of most of the hearts of the American people that is causing America's prosperity? The leader to whom the author refers is not the President, nor anyone looked up to by the media. Many Americans are owned by, and honor, the Creator. Is this Creator blessing the Americans? Is this factor applicable in all of the other Judaic/Christian nations of the world, where a requisite number are willing to conform with what the Creator wants to see in their lives? Is it clear by this part of the book that the current American government has not made the country great? Is it the people, in their receipt of the providential blessings that makes America great? Let us then look further to make the point more clear. If there are blessings from a Creator, it seems an obligation that the Law Maker reveals the rules of the game, right? What are the procedural rules of these blessings, and where are they found? Are not obeying the Biblical Commandments, Statutes, and Judgements the requisite rules for obtaining the blessings chronicled in Deuteronomy 28? Is the Greek meaning in the word *Law* in Matthew 5:17-18,²⁷²

²⁷¹ Cite Vattel here

²⁷² Matthew 5:17-18? Think not that I am come to destroy the law, or the prophets: I am not come to destroy, but to fulfil. For verily I say unto

simply referring to the Commandments, the statutes, and the judgements? If we compare the rules for obtaining the blessings, with the facts in any atlas that breaks down the countries by economics, literacy, technology, and by faith, do we find evidence that these rules are in effect? Conversely, can we also quantify the curses of Deuteronomy 29 in any country, including any that are Christian dominated, that is living against the moral laws of Yahweh?

This highest governmental structure, called "God's Moral Government"²⁷³ was taught in the first-year of college in early American History.²⁷⁴ Can it be that God's Moral Government, whether we believe, or do not believe in Yeshuah, has affected every culture and economy on the planet?

Even though the American government can turn as evil as the old Soviet Union in a matter of months. It generally has not. Is it partly because of the conscience(faith) of the rulers, and partly because of the gun ownership of the people who know their Bibles and Constitution that the more oppressive are obstructed? Would the Americans, if pushed too far, toss away an oppressive government, and replace it with one better? The conscience of a human is influenced by many factors, but, can it be that the greatest overriding factor to the motivation of a believing person in America is being accountable before the judgement seat of Yeshuah(Jesus)? The liberals hate to admit that any average Sunday in America has many times the attendance and viewer ship of any championship sport in the world. As the reader is probably already aware, I am prepared for the shriek of the liberals about my audacity even to question that one faith is better than all the rest. The evidence is out there in the world atlases,²⁷⁵ whether they like it or not.

Under the influence of the Indians and their demon worship, how much happened in America to advance the standard of living for man? What was the effect of the American Indian concept of land ownership, when land cannot be owned? How can people organize to create a functioning society if the land underneath cannot be purchased and the investments of the owners protected? If the Indian population had continued to grow, imagine what the American continent would look like today with say two hundred million roaming Indians, all chopping down trees daily for firewood, and shooting every wildlife animal in site? This continent may have avoided an environmental disaster, where much of America today would have probably looked more like the Sahara Desert.

Is it the imported European religious influence that rocketed the American continent into the superpower status? Or are the natural resources the ingredients to making America great? The United States ranks fifty sixth in arable land and permanent pastures, 137th in permanent crops, and is the third most irrigated land on earth. America imports much more than it exports, yet has the third highest gross domestic product per capita on the planet.²⁷⁶ Then how do we explain the poverty of India and Africa? Both countries have more natural resources than the United States. Why is Iraq, with all of its tremendous natural resources, full of poverty?

What about the Buddhist's belief in a natural moral law, did this belief act as a check and balance in the lives of their adherents? In China and other parts of the orient, did Confucius's Golden Rule of "Do not do unto others what you would not want done to yourself," have a positive influence upon that society? Is the belief that the ruler should cultivate moral perfection in order to set a good example to the people, responsible for that China's three thousand year longevity? Did Confucius policy that "in education, there is no class distinction," impact the orient? Conversely, did the communist's banning of religion in China in 1949 negatively affect the people? And has the subsequent support of formal religion in 1978, and the later freedom of religious belief and protecting of legitimate religious activities in 1982 attributed to China's emergence into the world scene as a recent economic powerhouse?

How can we say religious beliefs do not matter? Religious beliefs have economic costs and benefits, just as any other decisions we make in life. Isn't there an economic cost, when Indians are starving, while their cows are eating well and wearing jewelry? How can we say religious beliefs do not matter, when hundreds of thousands of young boys are sodomized, because the religion of their society makes courtship and marriage so difficult, that men assault children? What is the cost of the diseases caused by the drinking of raw blood in Africa? What is the cost of a religion, which shuns a western world education, teaches that assimilation into western society is treason to Islam, and disallows the education of its women? What is the cost of sickness caused by insects that the people were forbidden to kill, since the insect might be a reincarnated relative? What is the economic cost of a law requiring the cutting one's hand off for stealing, say a sum of money? What is the

you, Till heaven and earth pass, one jot or one tittle shall in no wise pass from the law, till all be fulfilled.

²⁷³ Also called the *Law of Nature*, by legal authors.

²⁷⁴ Dr. Buddy Hicks.

²⁷⁵ Cosme Corp. *3D World Atlas*, on CD-Rom. 1999

²⁷⁶ Cosme Corp. *3D World Atlas*, on CD-Rom. 1999

cost to the surviving families of people who have died, being victims in a cult sacrifice, or eaten by cannibalistic headhunters? Is some particular teaching within the voodoo religion the problem that is causing the wide spread corruption, promiscuity, sexual transmitted diseases, death, and poverty in Haiti? How does Haiti stack up economically and spiritually against the smaller Bermuda? Race is not the answer. Can we agree that the world view of a country's people, their collective belief system, carried into the inner-workings of their governments, and is exercised by their leaders? Can we agree that over the long haul, the choices of the people and the people in their governments, either produce prosperity or poverty? The point is this: our beliefs *do* matter, and in a material way. Government is not a neutral machine that just inexplicably falls on bad luck, or prospers without reason. Government is a collection of people, who, during the performance of their duties are acting according to their world view. Most countries have a choice in their leadership, and are without excuse. Other countries need help extricating themselves from their rulers, or their rulers need assistance in straightening out their country's difficulties. If something can be done, great. Humanity is better off for the help.

However, the helpers need to be careful not fall prey to risking themselves, or their own citizens in the process, especially with the fiat monetary system. We can run the risk of inflating the international currency, the dollar, out of any value. Argentina's irresponsibility recently became known. The government officials there deliberately ran their own governmental finances into the ground, because of politicians who could not get elected without large government giveaways to the masses, and payoffs to large political constituents. The government of Argentina must have been counting upon international intervention to make it all work. I applaud those international authorities that refrained from giving in to Argentina's folly.

America is not even close to perfect, far from it. What is the economic effect on America of letting its secularist's bully the governmental system into withholding the source of moral values? Can it be the hyper interpretation of the constitution's "separation of church and state," the reason that over the last thirty years the Americans have become more rough as individuals, some with no moral codes at all? "America's homicide rate is five to seven times higher than the rate in most industrialized countries, according to Marc Mauer of the Sentencing Project in Washington, D.C."²⁷⁷ Americans are more tense than their European counterparts. Americans are more afraid of their government than the Europeans are afraid of theirs. What is being asked in all of this geographic, economic, and legal questioning, is what evidence exists about America that explains what accounts for America's prosperity and goodness? The American government in a few months can turn more despotic than George the third's administration. Legally, the law is already in place. Can it be that the answer is in the values of the Americans? Do these values touch on morality? Still, what is different about the American values? Can it be that on balance, enough of them are pushing for good that the blessings of Deuteronomy 28 still exist, though less in abundance? A lot of Americans still know Yahweh, and they know what He wants, even though they face of all of the obstacles to receiving good information about morals.

For this chapter, the crucial point is this: exhibit some forgiveness in our officials; most of the judicial officers and governmental politicians have made more good decisions than bad, or America would not be great. We just need to tighten them down a bit, make them more accountable before it is too late, so the economy, from a legal stand point, will be more fair and efficient. The savings should filter through to every corner of the economy. This will help raise the standard of living of all of us, and therefore improve the outlook for future generations.

Before any journalist accuses me of going on a Crusade, let the record reflect that these questions and comments about religion are meant in a spirit of helpfulness, and as an invitation not a command. Some of us recognize that the farther we deviate from what little was set forth in the scriptures, the more it will cost our societies in terms of economic and social pain. Homosexuality, adultery, fornication will never be punished biblically, and AIDS, other sexually transmitted diseases, divorce, and other detrimental social consequences will always be with us. That is all. My duties are completed by pointing out the evidence that some legal systems are in need of repair, and to that end, discussing the law intelligently without discussing morals is impossible. We will be accountable for this information when we stand before the judgement seat. We can accept the real law, compare it with man's law, so we can quicken our learning, and move forward positively. We are not advocating the starting of a theocracy. We are advocating that our elected officials pay better attention so we do not end in the ditch, as in previous generations. Whether the world comes around and accepts Yeshuah is up to them. For those who are gritting their teeth at this point, I simply conclude with, as my partner Bob: Shugrue loves to say, "Have a nice day."

Since my objective is the improvement of the legal structures of the world, the last thing I want is to create anarchy. Amnesty is the only solution to move forward with a clean slate. What is amnesty?

²⁷⁷ *The Economist*. August 10, 2002 (p. 37)

"Amnesty is an act of oblivion of past offences, granted by the government to those who have been guilty of any neglect or crime, usually upon condition that they return to their duty within a certain period. * * * Amnesty is the abolition and forgetfulness of the offence; pardon is forgiveness . . . an amnesty on the contrary, has the effect of destroying the criminal act, so that it is as if it had not been committed, as far as the public interests are concerned. * * * Amnesty may be granted either before judgment or afterwards, and it is in general given to whole classes of criminals or supposed criminals, for the purpose of restoring tranquillity in the state."²⁷⁸

The unleashing of this technology to millions of offended people is beneficial only if the systems are given the breathing room to adjust to the new conditions. We cannot eliminate all those that lack calluses, as in Bolshevik Revolution in Russia, or kill all those wearing glasses, as did Pol Pot in Cambodia. Killing or imprisoning the professional class is stupid as today's Texas Penal System. Texas imprisons 1% of its population, yet has far worse crime statistics than New York.²⁷⁹ The judges now in place know how to perform their jobs correctly; after all, they have to know the truth to operate in the fiction effectively. We have to reset the government by having new elections. For now, the conditions placed on the judges are that, in exchange for their joinder, they receive amnesty for their past acts in the fiction. The amnesty covers only those acts concerning the subject of this book, or any other legal devices yet uncovered that have caused our disability. It does not cover things like murder and crime, or things outside the context of a legal, public, national, war. I am on the road as I write these words, so the wording is a little imprecise.

On one hand, our sense of justice cried out to punish the perpetrators of the murders in the World Trade Center attack, but, I saw no reason for prosecuting government officials, for instance, for not declaring war in Vietnam. The undeclared war of Vietnam had classified the war as a "police action." Although the Americans did not declare war against North Vietnam, the Viet Cong certainly did not think that American military personnel were going over there to have tea. Our troops were going over there to kill people and break things: to stop communism. The communists made an adequate defense, and fifty-three thousand of the Americans were lost. By the way, I'm told that the Viet Cong knew all of our troop movements, and how much ammunition the Americans carried in advance. Undoubtedly, the governmental officials made an error for calling the Vietnam war a police action.

Are prosecuting the American politicians for crimes against humanity the right thing to do? Get real. My intent here is to protect the civilian populations against systematic legal attacks by their governments, when the civilians have not received adequate disclosure of the effect of a government's emergency declarations. My other intent is to protect societies from basic violent criminal behavior. Any person committing those acts is to be punished, because they are beyond the scope of the legal frauds committed in the judicial and governmental systems. War is sometimes a legitimate course of action but not a license to commit barbarous acts.

Baring the qualifications above, there is no provision in the amnesty for revoking of the amnesty. In other words, we cannot revoke the amnesty, claiming a mistake of the contract. The amnesty does not cover intentional illegal acts committed against the litigants during or after the case. The judges are thought to be acting within the scope of their duties during the case, and it is up to the litigants to point out any errors. No immunity exists for any person in the case, so the judge is in the position of having to protect all of the litigants. As usual, if the case is closed, the Federal Rules allow for the opening of the case if mistakes, errors, fraud, or neglect, is later found.

²⁷⁸ Bouvier's Law Dictionary

²⁷⁹ Article: Too Many Convicts, in *The Economist*. London, by the Economist Newspaper, Ltd. August 10th 2002. (P. 15)

Amnesty Asseveration

FOR THE COUNSEL OF THE LIBELANT, AS THE CO_CREATOR OF THE UNIVERSAL-LEGAL-TECHNOLOGY, IS WITH THE AUTHORITY FOR THE GRANTING OF THE AMNESTY, AND IS WITH AN OFFER OF A BARTER/SWAP OF THE AMNESTY OF ANY JUDGE (FOR THE JUDGE'S_PAST_ACTS), FOR THE JUDGE'S_PERFORMANCE IN THE CONFORMITY WITH THIS UNION_STATES_TREATY (CONTRACT). FOR THE ACCEPTANCE OF THE AMNESTY IS WITH THE AUTOGRAPHS FOR THE ASSEVERATION FOR THE VOLUNTARY_JOINDER WITH THE CONFORMANCE WITH THIS CONTRACT BY THE PARTIES. FOR THE ASSEVERANT, FOR THE AMNESTY, IS WITH THE KNOWLEDGE THAT ALL UNIVERSAL-LEGAL-TECHNOLOGY- ASSEVERATIONS ARE WITH THE POWER FOR THE NULLIFICATION AND VOIDANCE OF ALL POLITICAL_OATHS, STATUTORY_OATHS, KOL-NIDRE-OATHS, OR OF OTHER VERB_OATHS, SAVE THE OATHS OR ASSEVERATIONS BY A PARTY IN MATTERS OUTSIDE THE CONCERNS OF THIS CASE, AND IS WITH A LACK OF THE HAVING OF ANY AFFECT IN THIS CASE. FOR THE ACCEPTANCE OF THE OFFER OF THE AMNESTY IS WITH A TIME_LIMITATION OF THE THREE-DAYS AFTER THE LIVERY OF THIS AMNESTY-CONTRACT.

Using the Law as a Procedure

Using law as a procedure can be more easily understood through discovering what comes first, and thinking about cause and effect. In the procedure, *life* comes first, since we must be alive to think. Then as we develop, we gain *thinking* capacity. We come to have an *awareness* of our surroundings and learn basic life skills. We take on more knowledge and discover that we have a limited capacity to *influence* our surroundings. We notice very early that a cry for our mother gets her undivided attention. Soon we are exercising our *will* to do things like crawl around the house, or kiss the puppy. We learn that life has *cause* and *effect*. We learn that a healthy tug on a puppy's tail can be harmful to our fingers, and the puppy's tail.

Life is a procedure and our thinking becomes very important. In the legal system, thinking decides life and death. Our thinking has cause and effect, and our will causes us to act, or not act, according to our thinking. We are not machines driven from without. We think, then it is our will, hopefully tempered with self-control, that causes us to act, or not act. Our thinking in a court of law is what is on trial. If we drop a friend's video camera off a bridge, the act of dropping the camera is not on trial. What is on trial is our thinking. Is the dropping of the camera a deliberate act? Or is it because we innocently stumbled across a back pack that we had not seen below our feet? If we dropped the camera deliberately, then we are subject to prosecution for a crime. If we stumbled, in the absence of any neglect, no crime is committed. It is our thinking being weighed in the balance of justice, not the loss of the camera. Cause and effect plays a large role in the Universal-Legal-Technology.

If we have broken a camera by dropping it, do we quickly tell our friend? Or do we do nothing and hope for the best? We are required to stop and correct our wrong, and minimize the damage. Any failure to stop and correct activates further legal procedures against us. Once the first breach has occurred, we either dig the legal hole deeper, or stop further wrongdoing and accept responsibility.

The risk involved here has certainly been calculated by the governments. They have properly understood our desire to avoid melting down the governmental structures of the world. That in itself is a source of the obstinance of the system. They have known all along that amnesty is the life rope they are to seize upon to extricate themselves from the river of legal problems they will be swimming in when the fiction bridge of the allegory has collapsed. The horror of our possessing the very embarrassing knowledge contained in this book is a little much to swallow for these outwardly "righteous" pillars of society.

Cause and effect also tells us what breaches of the law have been committed. If a person commits an act, what is the effect? What other laws have been breached? On the following pages is a table of laws used by the adherents of the Universal-Legal-Technology.

Justiciability

How do we know that we have a case that is "ripe" for adjudication, or justiciable? It is the responsibility of the litigant to declare all that is necessary to prove that the litigant has the standing to be in court in the first place. These facts can be as plain as the nose on our fact, but if these obvious facts are not pleaded, how is a judge to be accountable? For instance, declare that *there is a controversy* (no controversy, no reason to adjudicate). Declare that *if the controversy is left unresolved, the controversy will damage a person*. Because if the case is not adjudicated and a person is not harmed because of the lack of adjudication, there was no reason to be in court in the first place. We also must show that we have standing because of an injury we have sustained in fact and that the people we are suing are the cause. We must also state that the case will be adjudicated in adversarial context.²⁸⁰ For more on the subject, look up George Mercier on the net. After reading this book, reading the Mercier material will verify much of what this book says, from a judge's perspective.

²⁸⁰ Mercier, George. *Invisible Contracts*. On the internet, by a private publication. (1986).

FOR THE CITES OF THE LAW.

□ = in the truth □ = FOR THE.

* = □ BREACH OF THE LAW.

~ = OF THE.

□ = WITHIN THE.

AS THE TITLES OF THE CITES OF THE LAW.

Title: 42: U. S. A. Codes: 1986	□ Knowledge □
F. R. C. P. RULE:60(b)	□ Discovery □
F. R. C. P. RULE:9(b)	□ Fraud, mistake, etc.
F. R. C. P. RULE:26(e)	□ Publication in the Court □
Title: 42: U. S. A. Codes: 1986	□ Lack~Diligence [Neglect]
5: Stat. 516: Ch. 188: §: 5	□ Admiralty-Courts: Open
Vienna-Conv. Law~Treaties: Art: 18	□ Obligations of a Treaty
Vienna-Conv. Law~Treaties: Art: 26	□ Performance~ Treat with the good-faith
Title: 46: Ch. 18: §: 190-194	□ Bill of the Lading
Title: 49: Ch. 801: §: 80113	□ Failure~ Identification ~Cargo (Libel)
Title: 49: Ch. 147: §: 14706	□ Diversion of the Cargo (Libel)
Title: 49: Ch. 801: §: 80116	□ Criminal-Fraud~ T. 49: Ch. 801:§: 80113
Title: 46: Ch. 22: §: 781	□ Public-Vessels-Act
Title: 28: §: 1605	□ Fgn.-Svriiegn Freedom~Prosecution-Act
Title: 18: Ch. 83: §: 1703	□ Mutilation of the Documents
Title: 18: Ch. 83: §: 1701	□ Obstruction of the Mails
Title: 18: Ch. 83: §: 1702	□ Delay of the Mails
Title: 18: Ch. 83: §: 1708	□ Theft of the Mail Matter
Title: 18: §: 641	□ Peculation/theft
Title: 18: §: 642	□ Peculation/theft by the tools
Title: 18: §: 643	□ Accounting for the public-money
Title: 18: §: 646	□ Depositing of the registry-moneys
Title: 18: §: 648	□ Wrong-use~public-funds: Custodian
Title: 18: §: 649	□ Not-depositing of the moneys
Title: 18: §: 650	□ Not-safeguarding of the deposits
Title: 18: §: 651	□ False-certification of the full-payment
Title: 18: §: 653	□ Wrong-use~public-funds: Paymaster
Title: 18: §: 661	□ Stealing □ admiralty-jurisdiction maritime jurisdiction
26: C.F.R.: 601.72(a)-1	□ Pub.~Govt.'s-Organization
Treaty-Publication	□ Subjective-Interpretation
Treaty-Publication	□ Use of the Fictions
Title: 18: U. S. A. Codes: 1001	□ False-statements
Title: 18: U. S. A. Codes: 1002	□ False-papers
Title: 29: U. S. A. Codes: 701(C)(2)	□ Policy for the rights □
Title: 29: U. S. A. Codes: 706(8)(a)	□ Disability □
Title: 42: ch. 126: 12182(2)(A)(iv)	□ Elimination~Communication-barriers
F.R.C. P. RULE: 26(D)	□default of the discovery □
F.R.C. P. RULE:12(b)(7)	□ Breach ~obligation □ Joinder
F.R.C. P. RULE:12(b)(6)	□ Failure of not stating of a claim □
F.R.C. P. RULE:12(b)(5)	□ Insufficient-Service □
F.R.C. P. RULE:12(b)(4)	□ Insufficient-process □
F.R.C. P. RULE:12(b)(3)	□ Venue □
F.R.C. P. RULE:12(b)(2)	□ Personal-Jurisdiction □
F.R.C. P. RULE:12(b)(1)	□ Subject-matter □
F.R.C. P. RULE:11(b)	□ Frivolous-filings
Title: 18: 1342 4242444	□ Fiction-name
Title: 18: 1341	□ Frauds and Swindles

F.R.C. P. RULE:10(a)
F.R.C. P. RULE:17
Title: 26: 6203
Title: 26: 6065
Title: 19: 1509
Title: 31: 3711(b)(1)
A.R.~F.R.C.P. Rule: B
A.R.~F.R.C.P. Rule: C
A.R.~F.R.C.P. Rule: (E)(4)(F)
Title: 28: §: 3014
F.R.C. P. RULE: 9(b)
Title: 42: 1985(3)
Title: 18: 1961
Title: 42: 1985(2)
Title: 42: CH. 21: 1983
Title: 42: 1983: NOTE: 39
Title: 42: 1983: NOTE: 319
Title: 42: 1983: NOTE: 337
Title: 18: 241
Title: 18: 242
Title: 18: 872
Title: 18: Ch.73:§: 1512
Title: 28: §: 1359
Title: 4: §: 3
□ C. U. S. A. A. F. by the art. 13
□ C. U. S. A. A. F. by the art. 2
□ C. U. S. A. A. F. by the art. 3
□ C. U. S. A. A. F. by the art. 11
□ C. U. S. A. A. F. by the art. 7
□ C. U. S. A. A. F. by the art. 1
□ C. U. S. A. A. F. by the art. 5
□ C. U. S. A. F. ART. 4:§:3:
□ C. U. S. A. F. ART. 1:§: 9:
□ C. U. S. A. A. F. by the art. 4
□ C. U. S. A. A. F. by the art. 8
□ C. U. S. A. A. F. by the art. 6
□ C. U. S. A. F. Art III
Title: 28: §: 1746
Title: 18: CH.79- 1621
State: Statutes
Title: 18: 2384
Tort
Title: 28: §:1343
Title: 42: Ch.126:12182(b)(2)(A)(iv)
Title: 28: Ch. 21: 455 §: (a)(b)(1)
Code~Conduct~Judge: Cannon: 1
Code~Conduct~Judge: Cannon: 2
Code~Conduct~Judge: Cannon: 3(A)1
Code~Conduct~Judge: Cannon: 3(A)4
Title: 28: §: 454
Title: 18: §: 1201
Title: 18: §: 1202
Title: 18: Ch. 50-A: §: 1091
F. R. C. P. RULE: 16(f)
Treaty-Publication
U.N. Charter: Art. 1

□ Name of the Party □
□ Admiralty: Real-Party in the suit
□ Assessment □ (I.R.S.)
□ Affidavit in the truth (I.R.S.)
□ Autograph~ agent □(I.R.S.)
□ Acting on a Fraud-claim (I.R.S.)
□ Attachment and Garnishment (I.R.S.)
□ Solemn-Statement (I.R.S.)
□ Show-Cause (I.R.S.)
□ Debt-collection-procedures
□ Fraud
□ Deprivation of the Rights
□ Racketeering-activity
□ Obstruction of the Justice
□ Personal-injury
□ Deprivation of the Rights
□ Custom & Policy
□ Policy: & Custom
□ Conspiracy, under the color ~ law
□ Deprivation of the rights
□ Collusion/ Coercion
□ Obstruction of the justice
□ Loss~Jurisdiction by the Collusion
□ Desecration ~ flag~ U. S. A
□ Forbiddance~ Slavery, people: Sovereign
□ Right of the carrying of the Arma □
□ Forbiddance of soldier-quartering □
□ Judicial-Power □
□ Forbiddance of the Case-Law
□ Language, Speech, grievance □
□ Right of the Silence, Due-process □
□ Bar~Erecting ~ planes in the courtroom
□ Forbid~Titles of the Nobility
□ Warrant, privacy □
□ Bail, forbid~cruel-punishment □
□ Speedy-Trial, compulsory-process-witness.□
□ Art. III: Trial in the Admiralty
□ False-Testimony
□ False-Testimony
□ Perjury
□ Seditious-conspiracy
□ Barritry
□ Equal-protection of the law □
□ Bias/Partialness against a Handicap
□ Bar~Judge with a Personal-Bias
□ Honesty, Freedom
□ Compliance with the Law
□ Domination by another Party
□ Right of the Hearing of the Claim
□ Judge for the acting as an attorney
□ Kidnaping
□ Ransom
□ Genocide
□ Fraud
□ Treason
□ Maintenance ~ Global-Peace

- | | |
|-------------------------------------|---|
| U.N. Charter: Art. 2 | ▫ Equal- Rights |
| ▫ I.C.C. Crime against the Humanity | ▫ Systematic-Oppression |
| ▫ I.C.C. Crime against the Humanity | ▫ Elimination of the Fundamental-Rights |
| ▫ I.C.C. War-Crime | ▫ Right of the Fair-trial ▫ |
| ▫ I.C.C. War-Crime | ▫ War against the Civilians |

We will now need to back up to the beginning of the chart, and start afresh concerning the procedural approach to the breaches of the law. We will start at the beginning of a controversy, when it first arises. Then we will follow through all of the procedures in the preceding table so we can get a better grasp of how to apply law as a procedure.

The Error Correction

As a controversy arises, the first law that applies is Title 42, section 1986, of the United States Codes, which states that if we have knowledge of a wrong, we are required to stop and correct that wrong. Remember the famous legal phrase concerning President Richard Nixon? The mantra is very true, "What did you know, and when did you know it?" Suppose an agency of the state informs a person that in the eyes of the state, he is liable to pay some kind of fine, or do some kind of service for the government, like spend the next two years in the penitentiary eating starchy foods and avoiding becoming a girly boy. The government's request may be in the form of a civil summons into some court, an information by a prosecutor, or an indictment by a grand jury. The request is from a fiction court, and its writing uses the standard fiction verbiage. The person's first response is to notify the government that the government is incorrect, and that it needs to stop before any further harm is committed against that person.

Setting the Stage

In our paperwork, before jumping into the charges of the lawsuit itself, we must first begin with some remarks, showing that the case is Justiciable. We state that we have life (in other words, we are not corporate fictions), that we have knowledge, a will, and are therefore entitled to receive our rights. We state, for justiciable reasons, that we are in a controversy, that we have the law in the court in a form of a contract, that we are being physically or psychological coerced, in a controversy with the libelees. We must also declare ourselves with the status as the neutral-parties, within a state of the peacetime. If we do not declare our peaceful status, in a state of peace time, then the courts can take cognizance that we are combatants, or belligerents, in a state of war. Being in a state of war against the state nullifies all of our rights. Since we are neutrals, we have a right of safe passage through the warring state. We have all of the rights of the law, including international law, and the laws of the nations. We further declare that the judge's acceptance of the asseveration within this case is for the creation of an obligation, for the maintenance of the law, and for the containment of any conflict during any evasion of the obligations of the law by the libelees.

After making the above statements, we are ready to start the procedure for demanding that the government stop and correct their wrong through four pieces of law. We begin with Title 42, section 1986, that the litigant has knowledge that the court is committing some kind of wrong, then we use F. R. C. P. Rule 60(b) because we have discovered fraud, or neglect. We have to use a special pleading authorized by F. R. C. P. Rule 9 (b), because we have an obligation periodically to inform the other parties under F. R. C. P. Rule 26 (e) of the wrong, for the Title 42, section 1986: stopping the wrong. This sequence is always necessary before jumping into the rest of the pleading, and is very handy for correcting any errors that the litigant has committed. Never be afraid to enter error corrections into the court, since the biggest errors occur when we fail to stop and correct.

The Vienna Convention on Law of Treaties

In international law, the laws are found in Benedict's on Admiralty. As it turns out, the big hammer in international law is by the combination of the admiralty statutes, the postal statutes, and the *Vienna Convention on the Law of Treaties* into a procedure. The Vienna Convention's law of treaties is an international procedure concerning the making, accepting, executing, enforcing, and terminating international treaties. What is a treaty? According to Bouviers' Law Dictionary, the only dictionary used by the United States Congress:

"A treaty is a compact made between two or more independent nations with a view to the public welfare treaties are for a perpetuity, or for a considerable time. Those matters which are accomplished by a single act, and are at once perfected in their execution, are called agreements, conventions and pactions. 2.) On the part of the United States, treaties are made by the president, by and with the consent of the senate, provided two-thirds of the senators present concur. Const. article 2, s. 2, n. 2. 3.) No state shall enter into any treaty, alliance or confederation; Const. art. 1, s. 10, n. 1; nor shall any state, without the consent of congress, enter into any agreement or compact with another state, or with a foreign power. Id. art. 1, sec. 10, n. 2; 3 Story on the Const. _1395. 4.) A treaty is declared to be the supreme law of the land, and is therefore obligatory on courts; 1 Cranch, R. 103; 1 Wash. C. C. R. 322 1 Paine, 55; whenever it operates of itself without the aid of a legislative provision; but when the terms of the stipulation import a contract, and either of the parties engages to perform a particular act, the treaty addresses itself to the political, not the judicial department, and the legislature must execute the contract before it can become a rule of the court. 2 Pet. S. C. Rep. 814. Vide Story on the Constitut. Index, h. t.; Serg. Constit. Law, Index, h. t.; 4 Hall's Law Journal, 461; 6 Wheat. 161: 3 Dall. 199; 1 Kent, Comm. 165, 284. 5.) Treaties are divided into personal and real. The personal relate exclusively to the persons of the contracting parties, such as family alliances, and treaties guarantying the throne to a particular sovereign and his family. As they relate to the persons they expire of course on the death of the sovereign or the extinction of his family. Real treaties relate solely to the subject-matters of the convention, independently of the persons of the contracting parties, and continue to bind the state, although there may be changes in its constitution, or in the persons of its rulers. Vattel, Law of Nat. b. 2, c. 12, 183-197.

These references concern the de jure American government. They were written in 1856. We have already seen that, concerning the de jure government, the lights are on in the buildings, but no one is there. There is no legitimate President to set forth a treaty, and no legitimate congress to approve treaties. None of the black robed judges in America are legitimate. So what are we to do? We still have a controversy that needs adjudication, and the courts are still open according to the law.

We must approach the legal transaction by contract. We, the Universal-Legal-Technology students, are in a state of peace, within the laws of the de jure government, and the federal judges and state judges are acting on behalf of a de facto government in their personal capacities during this state of war. We can hire them to perform their job, but we need a legal mechanism to trigger the contract, making them come over into the peacetime constitutional venue. If we look to international law, we find the triggering mechanism in the Vienna Convention on the Law of Treaties.

The Means of expressing consent to be bound by the treaty, according to the Vienna Convention is by autograph [signature], ratification, acceptance, approval or accession, or by any other means if so agreed. Since the normal route of making a treaty is impossible, I stop and correct the wrong in my definitions in the suit. I make the rule that the acceptance is by acceptance and silence. Once the paperwork is filed, the conditions for the acceptance of the contract are met after three days²⁸¹ of silence. As we will see in the chapter on treason, judges are required to accept all cases coming in the door; otherwise, they are automatically in treason. Judges are hired to perform a job, and are bound to perform their duties to avoid stealing their salaries. Similarly, the Vienna Convention views a treaty in the same manner. It is called a *Pacta sunt servanda*,²⁸² or "pact into slavery." Every treaty in force is binding upon the parties of the treaty and must be performed by them in good faith. The best news is that once a treaty is accepted, a party may not invoke the provisions of its internal law as justification for its failure to perform a treaty.²⁸³ The Vienna Convention Procedures include a requirement that the treaty be transmitted to the Secretariat of the U.N. for registration.²⁸⁴ Once the treaty is registered, it is

²⁸¹ Cite title 15 three day rule here.

²⁸² Vienna Convention on Law of Treaties. Article 18

²⁸³ Vienna Convention on Law of Treaties.

²⁸⁴ Vienna Convention on Law of Treaties. article 80, and UN Charter, Ch. XVI, article 2,

enforceable at the world court.²⁸⁵ Even if a party has contracted itself into slavery, the party is bound to perform, unless fraud can be demonstrated at the conception of the contract.²⁸⁶ Conflicts with a nation's domestic law cannot be used as an excuse to vacate a treaty.²⁸⁷

Now we have a good description of the legal structures in the court, and we are now shifting our concentration to view the legal consequences of the court's obstructions against our lawsuits at the time we make a contract with the court by the filing of a case. The court personnel have the knowledge that the judicial system and government are foreign-fictions, and the court personnel have an oath to that fiction. Their only course of action is to obstruct and dismiss our cases. They are hoping that we eventually go away, never to be heard of again. So we begin this section of the book with an examination of the transaction of filing the case, because what is done later in the case is a result of what happens at this stage. In another chapter, we will deal with the specifics of what has occurred to bring the case in the first place; that is, how procedurally the law is procedurally broken to create the justiciability for filing the case against a government.

The litigant walks into the clerk's office of the court with a Universal-Legal-Technology case, in the present tense, with the proper punctuation, bound in a book(see: *Libel* definition), and authenticated for international law. The paperwork has a stamp on the face of the first page, and is cancelled by our autograph, with a date, according to postal statutes.²⁸⁸ In the header the litigant mentions the postal registry number that is to be his case number. On the back of the first page, an endorsement and seal is placed, in the form of a postal meter stamp that is autographed and dated. The stamp, the registry number, and the endorsement, each can activate the jurisdiction of the de jure government of the Post Office, and the international jurisdiction of the Universal-Postal-Union. The litigant has a Postal Money Order, backed by gold, made out to a de jure court, to pay for the adjudication of the case. The litigant has a title four flag on his left breast, and the case has a title four flag on the top of the first page, identifying the law that is to be used during the case. Under the header is a bill of lading, commanding the court clerk to deliver the document into the admiralty de jure court. Immediately under the bill of lading, is verbiage that turns the case into a corporation, meaning that the case will never die, until the settlement of the case. Below the corporation of the case is the litigant's contract with the court, called a treaty publication.

The treaty publication is a section that identifies all of the terms and conditions with which the case is to be handled. The treaty identifies the means of consent, that the case is incorporated, that the case is to be heard in the admiralty, that the litigant is capturing the court into the higher jurisdiction of the de jure government, through the law of the flag, that the case is to be decided using the objective rules of interpretation, and the rules, cannons, and laws in the back of the lawsuit, and that the paperwork nullifies all of the judge's oaths. The treaty publication also states that the adherence to any oath by the judge nullifies his eligibility to hear the case, and that any breach of the contract by any of court officers or employees is treason.

The procedural sequence of making contracts is (1) competence of the contracting parties, (2) legality of the subject matter, (3) offer, (4) acceptance, and (5) consideration. The contract procedure number one, the competence of the parties, is placed first in the sequence; since the competence of a party alone destroys any claim that a contract exists, if proven. Competence also touches on life, will, and rights. Without life, will, and rights, making a contract is impossible. The (2) legality of the subject matter is second, because even if the subject matter of the transaction is legal, if one the parties is not competent, the contract is nullified. The sequence continues with offer, acceptance and consideration. We will not entertain all of the facets of contract law, just that which applies to the litigant's case. We start the filing process.

A litigant, competent in his authority to file a lawsuit (a legal activity), approaches the court clerk in the courthouse and presents the case for filing, stating that the case needs to be filed in the admiralty. This presentation is the offer. The clerk accepts the paperwork, and places a fiction-case number and fiction court stamp on the face of the first page. The instant the paperwork is in her hands, it is considered filed.²⁸⁹ As the clerk assigns the case number in the fiction, the litigant has the obligation to point out the clerk's error. A "Clerks omission to make proper endorsement on paper left with him does not prejudice rights of party filing it."²⁹⁰ Once the error is pointed out, any claim that litigant has accepted a counter offer to accept the fiction jurisdiction is avoided, if ever enforceable in the first place. The clerk stamps all of the litigant's copies with a fiction number and fiction court stamp, identifying the case as filed in the fiction court. If the litigant can get away with it, he

²⁸⁵ UN Charter, Ch. XVI, article 102, paragraph 2

²⁸⁶ Vienna Convention on Law of Treaties, Article 18

²⁸⁷ Vienna Convention on Law of Treaties, Article 18

²⁸⁸ Title 39, Ch. 6 § 601

²⁸⁹ Hughes v. Atlantic Ref. Co., (Sup.1968) 424 S.W.2d 622.

²⁹⁰ Blackburn v. State ex rel. Echols, (CivApp.1934) 72 S.W.2d 627.

breaks the fiction court's file stamp, by autographing across the court's file stamp box. "Breaking the box" is not always possible, since some clerks at this point go ballistic, and call the Marshals and their guns to surround the litigant for intimidation purposes. The clerks constantly make "counter offers" to move the litigant into the fiction. No matter how badly a person screws up the detailed procedures that are not discussed at this point, the consideration, the postal money order, saves the day. The acceptance of the consideration occurs once the transaction is fully negotiated by competent parties concerning a legal transaction. Through all of the negotiation, the litigant has maintained, in the face of the intimidation, the litigant's order to take the case into the admiralty-jurisdiction of a de jure government. The acceptance of the postal money order, made out to the de jure admiralty court, overrides the entire verbal counter offers. It has been said never to accept the court's receipt; that in the courts' view, the litigant's physical acceptance of the receipt is acceptance of a contract with the foreign-fiction jurisdiction. If that is so, where is the disclosure that a receipt is intended to be a contract? Any transaction with a value of over Z500.00 requires a written contract to be enforceable. The litigant's case is worth millions, so the statute of frauds applies. Not only is the litigant's money order made out to the de jure court, but the litigant's bill of lading and treaty publication also overrides the supposed acceptance of the fiction jurisdiction through the acceptance of court receipt. The court receipt merely acknowledges money paid, and denotes the fiction case number. In the context of this transaction, I find that the receipt is only a secondary document, authenticating the payment of the litigant's money for their services. Is that a contract? No. The receipt and stamping only create evidence that a contract exists. Our litigant has evidence that a contract exists, and he has a lot more evidence than a receipt. First, the litigant *wrote* the contract. The contract, with all of its terms and conditions, is on the first two pages of every copy of all pleadings. Parol evidence, or oral testimony of witnesses, is inadmissible to contradict a written agreement, unless the contract itself can be overturned by fraud or mistake. Is the clerk making a mistake? No. The clerks are trained. They are performing their jobs according to the dictates of their senior judge. Looking further into the evidence, the litigant has a load of items to prove his intent, and all the court has in its possession is the file stamp and cash receipt. Under what flag is the contract made? Is it the desecrated national flag of the foreign fiction, or is it the title four flag of the de jure government? Two flags are present in the clerk's office, the de jure and the fiction. Which flag has the higher legal value? The de jure. We know from the Army Regulations that the de jure flag wins, not the de facto foreign-fiction flag. The litigant is also using summons forms rewritten for the de jure court.

Does the file stamp and court receipt constitute evidence of a voluntary acceptance of a counter offer? Or, do the file stamp and receipt merely authenticate the court's obstinance and mis delivery of the litigant's documents? The court cannot even begin to make a substantive argument of the litigant's voluntary acceptance of their counter offer. The litigant is given no legitimate choice of courts, no alternative from which to choose. Our litigant is simply on the receiving end of the court's ramming their fiction fraud down the litigant's throat by duress, without a single letter of anything that resembles a contract with terms and conditions, and has no evidence that the litigant has accepted the counter offer, by the mirror rule, and is reversing all of the authentication of what he has done.

A judge once told me, "You have brought this case into this court voluntarily," referring to the fiction-court. No, I have not. I have a grievance that needs adjudication. It has to be filed somewhere. I file in a de jure court, and the actors in the fiction-judicial system steals the case. Does the litigant have another alternative outside the fiction courthouses? Try convening a grand jury of the people, or convening a court of the people, outside the fiction judicial system. Discover how fast that lands a person in jail, complete with lambasting, derogatory, front-page news coverage!

The weight of the evidence that the litigant's contract is the real contract is loaded in the litigant's favor. He has filed in the correct jurisdiction in the header of the litigant's paperwork. He has a title-four flag on the litigant's paperwork. Our litigant has a golden colored bar across the top of the page, signifying the admiralty. He has correctly placed the verbiage "within the admiralty-jurisdiction," on the right side of the header. Our litigant has stated the name of the de jure admiralty-court on the top of the header. He instructs the clerk to take the case into a de jure admiralty court, both verbally, and in the bill of the Lading. Our litigant has a treaty publication that publicizes the litigant's will with the court, and with the libelees in *every* pleading he files in the case. He has an admiralty jurisdictional statement. The litigant's fees and postage are paid, and the litigant's authentication process for what he is doing is better than any federal or state attorney practicing anywhere in the nation. The litigant is summoning the libelees into the admiralty, with his admiralty summons forms. Our litigant is fully publicizing his volition, or will of intent. After seeing cases from across the nation, no where in twenty-six states has anything come close.

What would it legally take to reverse all of this authentication and join with the fiction? The litigant would have to strike all of the treaty publications and the clerk and litigant would have to initial each strike on each page

on each copy of each pleading. The Litigant would have to surrender his flag, by taking the one off his breast, and by cutting it off the top of each pleading. The litigant would have to strike the gold bar, which signifies the admiralty, strike the words “within the admiralty,” strike the jurisdictional statement and rewrite, and the clerk and litigant would have to initial each pleading. The litigant would have to rewrite, or cancel the bill of the lading, and initial each pleading along with the clerk. The litigant would have also to tear off all of the stamps, front and back of the first page, and initial each pleading with the clerk. The litigant would have to pay for the case with Federal Reserve Notes. His check or non postal money order would be made out to the U. S. District Court. The litigant would have to issue fiction summons forms for the *defendants*. Then the mirror rule could stand, and the judicial system could make a case that the litigant made contract with the fiction. Huh!

No, the fiction-jurisdiction file-stamp and the fiction court-receipt do not create a contract. Again, the “mirror rule” states that the litigant has to agree to the same terms and conditions in order for the counter offer to be valid. But, since the court clerks take the money specifically paid to the de jure admiralty court, they are capitulating and abandoning their counter offers. They take the gold-backed Postal Money Order. The contract is made the instant the consideration is paid, before the issuance of the receipt. No where in law does it say that a receipt is a necessary step to create a contract, or that a receipt is a contract. Some times the receipt is the only *evidence* that one has to show that a contract has been formed, but it is only a piece of evidence that states that consideration has been paid. Where is the contract? The contract is *in the lawsuit*. The receipt and file stamp is merely evidence that displays the obstinance and theft of the litigant’s court documents into the fiction. The court employees, who by law are independent of the judges and under the direction of the executive branch, are instead acting under the direction of the judges, and are mis delivering the admiralty court documents into an administrative venue.

Before anyone accuses me of playing a fiction, let us consider that the post office regularly uses private carriers to deliver the mail. Clerks working for private post offices providing private post office box addresses regularly handle mail, and are subject to the same postal regulations concerning mis deliveries that a postal employee is subjected. Having their names, we can instantly charge the court personnel with *theft of the public documents*,²⁹¹ in the admiralty jurisdiction²⁹² because the clerks are converting the case into a fictional private administrative case to protect the judges. The clerks are using counterfeit court stamps [*counterfeiting*]²⁹³ because the clerks have not prepared an admiralty-noun-court stamp, or have not hand written the punctuated, de jure admiralty-court in place of the stamp. The clerks are participating in the *theft of the public money*,²⁹⁴ and *larceny*, since the public is told they are paying for de jure courts,²⁹⁵ and instead have received fiction administrative courts. By taking monies for the de jure admiralty court, and placing the monies in the fiction, the clerks are participating in *conversion of the public funds*,²⁹⁶ and are in the *failure of protecting registry funds*,²⁹⁷ *wrong-use of the public funds*,²⁹⁸ *conversion of the public funds by the payment officer*.²⁹⁹ The clerks also have breached their obligation to *protect the public monies*.³⁰⁰ Since the admiralty documents have postage attached, the postal statutes concerning the obstruction of the Mails are activated. The postage stamps also act as a continuation of evidence that the court documents are mail. The clerk’s *ruining of the libelant’s documents*, *obstruction of the mails*, *misdirecting the mail*, and *theft of the mail matter* is a breach of Federal Postal statutes.³⁰¹ Finally, since the litigant paid to have the case adjudicated in a de jure public forum, and since the clerks took the mail into a private establishment, the clerks can be charged with theft of the mails. Remember, the statutes state that the de jure admiralty court is always open.³⁰²

Knowing that the court will obstruct me, this author and clients have sometimes filed a habeas Corpus a few days after filing the first pleading, demanding the clerk’s authority and judge’s authority for stealing the documents. We will cover the habeas more in detail later, since it may also be used in a different way later in the case.

The Bill of the Lading Procedures

²⁹¹ Title 18 USA Codes: 641

²⁹² Title 18 USA Codes: 661

²⁹³ Title 18 USA Codes: 642

²⁹⁴ Title 18 USA Codes: 641

²⁹⁵ U. S. Printing Office. *Government-Organization-Manual, U. S.*

²⁹⁶ Title 18 USA Codes: 643

²⁹⁷ Title 18 USA Codes: 646, 648

²⁹⁸ Title 18 USA Codes: 648,

²⁹⁹ Title 18 USA Codes: 653

³⁰⁰ Title 18 USA Codes: 650

³⁰¹ Title 18 USA Codes: 1703, 1701, 1702, 1708

³⁰² 5: Stat. 516, Ch. 188, §. 5.

A proper bill of lading describes the cargo adequately. If the cargo is not described well enough, then the bill of lading is unenforceable.³⁰³ However, since we are careful students, our bill of lading creates a liability³⁰⁴ for the amount of the losses,³⁰⁵ and that liability attaches when the documents are mis delivered.³⁰⁶ We have authorization to sue for the damages³⁰⁷ made by the carrier³⁰⁸ and the employees are criminally liable.³⁰⁹

Public Vessels Act Procedures

When we are damaged by a public vessel, we are authorized to sue by Title 46 USA Codes Chapter 22 § 781 in the venue of the admiralty by the Title 46 USA Codes Chapter 22 § 782.

Fictitious Conveyance of Language

What happens when a company advertises certain claims that it knows to be completely false? In state law, we typically call it deceptive trade practices. What happens when we act upon these public statements and are harmed by them? We have cause to file a case against the perpetrators. All organizations within the government are required by 26: C.F.R.: 601.72(a)-1 to publish how the organizations are organized, and the nature of the organization. In our case, we have plenty of evidence pointing to the fact that there is a lack of public disclosure concerning the true nature of the organization that is demanding monies or prosecuting us. We have further evidence that the court's organization is just as fraudulent, since they all are organized as legislative foreign fictions, using subjective interpretation, legal fictions, and the like. Furthermore, combined with their use of verb language, we can charge them with breaching Title: 18: U. S. A. Codes: 1001, for their false-statements, and charge them with a breaching Title: 18: U. S. A. Codes: 1002 for their false-papers against us. The organizational structure of the system, the false statements and false papers are designed to place us at a legal disability. So we claim our handicapped status of Title: 29: U. S. A. Codes: 706(8)(a), and charge them with breaching Title: 29: U. S. A. Codes: 701(C)(2): the Policy for the rights of the handicapped, since the government is obligated in Title: 42: ch: 126: 12182(2)(A)(iv) to make efforts to eliminate communication barriers that hinder the handicapped. Notice the word "policy." In Russia, a policy is likened to a king's prerogative. According to Mercier, a *policy* has a higher value than the law itself. It is the same in America, since no act against a public policy is legal, though the act may not be against the law.

Judicial Codes of Conduct for Judges and Judicial Employees

In the government, every person working for the government has a job description. Since we are suing judges and court personnel, I thought it prudent to see what a judge, bailiff, or court clerk's job description might be, and within minutes, I had obtained off the internet two different sets of canons of ethics. The set of canons for the judges is called the Code of Conduct for the Judges of the United States of America. The other set, called the Codes of the Judicial Ethics for Judicial Employees is for all of the other court personnel, including the Marshals, bailiffs, etc. We usually leave the court personnel alone since they are dominated by the judges. The breaches of the code of conduct for the judges occur once the judge refuses to let the clerk issue our summons. It may happen later, when the judge first takes any action in his fictional capacity. We charge the judge for breaching his obligations, to be honest and to have opinions free of external pressure, to comply with the law, to avoid being dominated by another party (your adversary), and to avoid having a personal bias. If the judge gives us jail time, since we cannot reproduce while in custody serving our time, the judge is committing genocide. Additionally, if our notices are ignored, or if our summonses are squashed, participate in discovery is impossible, and we are obstructed in our attempt to obtain the information we need to help our case. Therefore, we also charge a breach of F.R.C. P. RULE: 26(D) for default of the discovery.

³⁰³ Title 46 USA Codes Ch: 8 § 193

³⁰⁴ Title 46 USA Codes Ch: 8 § 194

³⁰⁵ Title 46 USA Codes Ch: 8 § 183

³⁰⁶ Title 46 USA Codes Ch: 8 § 190

³⁰⁷ Title 46 USA Codes Ch: 8 § 187

³⁰⁸ Title 49 USA Codes Ch. 147 § 14706

³⁰⁹ Title 49 USA Codes Ch. 801 § 80116

The Staircase of the F. R. C. P. Rule 12(b)(7-1)

The F.R.C. P. RULE:12(b)(7-1) is likened to descending down a staircase. Once we descend each stair step from rule seven to rule one, we have no way of turning back without the court's permission. What we are learning here many lawyers do not understand, so read carefully. The best place to supplement our learning is in *Corpus Juris Secundum* under the heading "appearances." We are not going to address all of the possibilities of these rules. This information is simply a thumb nail sketch so that we can get a handle on the importance of these rules. Study the verb literature very closely to get a better picture than in these paragraphs. After sixty years, the Supreme Court still periodically hears controversies over these rules. Our cases simplify these rules in the definitions. It is a surprise that rules as simple on their face have developed into the rocket science that they are at this time. If the rules are that defective, they should have been rewritten a long time ago. In one recent decision, the court required that Federal Admiralty pleadings are served on the Attorney General by registered mail. The important thing I want to get across is that once we have *appeared*, we have given jurisdiction to the court. When the parties enter the case, the first requirement is for the parties to join into the case, even the judge. If a judge is not in joinder, he cannot take any actions in the case. If one party objects to joining he must make his arguments to that affect, and refrain from discussing or entertaining anything further, lest the litigant waives the objection and give jurisdiction to the court. When the judge makes his first move, without joining first, we can charge him in breach of his obligation in F.R.C. P. RULE:12(b)(7) to Join with the other litigants. Once all the parties have joined, the next responsibility of the judge is to examine the claims of the libellant, to see if, on the pleading's face, an issue potentially can be litigated. This is F.R.C. P. RULE:12(b)(6). If a judge cannot find a legal matter that can be litigated, the judge can dismiss the case for the litigant's Failure for not stating of a claim upon which relief could be granted. The annotated version of the Federal Rules also states that all a litigant need do to place a case in the admiralty is to write the words: *In the Admiralty* in the header.

Another interesting thing goes on with 12(b)(6). Most lawyers love to file a "Motion to Dismiss," using this rule. What is a "Motion?" A motion is used in Parliamentary law, and is "the formal mode in which a *member* submits a proposed measure or resolve for the consideration and action of the meeting."³¹⁰ Are we members of a parliament? No, so in the definitions, we forbid any motions in the case. We use instead "requisitions." What is a "Motion to Dismiss?" The "Motion to Dismiss" pleading is descriptively called the "*You cannot sue me because I am ugly*" pleading. The "motion to dismiss" is not an answer, so if the judge does not dismiss our case against the other party, the other party defaults, and we are entitled for the clerk to enter a judgement against the other party. The motion to dismiss is the most risky of all avenues to take, since the pleader admits all of our factual allegations. In other words, they have no dispute about the events that led to the case. The pleading is saying in effect, "You are right, I am ugly." It also means that the other party has waived his objections to joining. So if the party files an answer, denying all of our allegations, and then files motion to dismiss, have a block party! They joined in the noun by the motion, perjured themselves by filing the answer denying all of our allegations, and then later the opposition *admits* to their perjury and all factual allegations by their filing the motion to dismiss. In a typical motion to dismiss, the pleader is stating that no law has been broken, ("You cannot sue me because I am ugly.") and is also stating that whatever we are charging maybe ugly, but what happened is legal. ("My looks may be gut wrenching, but it is legal to be ugly.")

Another objection, is the objection through the F.R.C. P. RULE:12(b)(5) for *insufficient service of the process*. This "*process*" is a code word designed to mislead the outsiders. Process in 12(b)(5) is the pleading of the litigant. If we make this objection, we are joining in by rule 12(b)(7), admitting that on the face, that a case exists where relief can be granted 12(b)(6), but we are objecting that the case was not properly served upon us. Maybe the process (court documents) went to an old address, or came to us in the first class mail, or through Federal Express. With whatever the objection by this rule, the defect in service is being claimed, we have not been properly served.

The rule F.R.C. P. RULE:12(b)(4) *insufficient process* is more confusing. Within the context of this rule, *process* is not referring to the pleadings. Within this context, process is describing the requirement that the litigants prove to the court that the other litigants have been served, and how. After we have a process server, sheriff, or marshal, or mail carrier deliver a copy of the pleading to another party in the suit, the moving party is required to go back to the court and give an original document to the court clerk, that proves that everyone has been served. The clerk puts this proof of service in the court file. The proof of service is a second copy of the summons form for each litigant, and in our cases more often than not, the original pink, registered delivery-

³¹⁰ *Black's Law Dictionary, 4th Edition*

receipt stapled to the back. If the service was personal, in other words delivered by hand, then the back of the summons' form is completed by the process server with the date, time, server's name, and how served. All of this information is required to be placed in the court file, before we can get on the docket for a hearing. We have one hundred and twenty days to complete this part of the cycle. Making an objection using 12(b)(4) waives: joinder, failure to state a claim, and service.

Sometimes litigants object based on F.R.C. P. RULE:12(b)(3) venue. Maybe the case belongs in another court, district, or whatever. Making an objection by this rule waives all of the preceding objections.

Litigants also can object by using F.R.C. P. RULE:12(b)(2) to claim that the court lacks personal jurisdiction over the litigant, like Melosovic did in the World court. The problem is that he also went to the F.R.C. P. RULE:12(b)(1) Subject matter of the case(he defended himself by claiming a lack of knowledge about the slaughtering thousands of people), by making a defense for himself, and *waived all* of the other objections possible. That is why the court proceeded and that is why Melosovic is now on trial in the International Criminal Court.

If the libelant is smart, has not joined with the fiction, has not made any procedural mistakes concerning service, process. If the libelant is in the correct venue, has given jurisdiction to the noun, (not the verb) and has not discussed any of the subject matter case in the verb, then the libelant has just hit a home run — right out of the ball park. If the other parties file motions, verb subject matter pleadings, then they are filing F.R.C. P. RULE:11(b) Frivolous-filings, because the libelees are in joinder, but are filing in the wrong court to defraud the libelant. Furthermore, if they use all uppercase styling of our names, they are intentionally addressing their pleadings to the fictional "strawman," and are using Title: 18: U. S. A. CODES: §: 1342: Fiction names against us to Title: 18: U. S. A. CODES: §: 1341 cause a Fraud and Swindle. By not using upper and lowercase lettering,³¹¹ with punctuation, they are in breach of F.R.C. P. RULE:10(a): proper name of the Party, and in breach of F.R.C. P. RULE: 17, since only the real party of interest can be sued in the admiralty.

Internal Revenue Service Procedures

The average individual is utterly intimidated by the voluminous six thousand plus pages of the IR Code. The code is so vague, confusing and impossible to understand that even commissioner Roscoe Egger, Jr., I.R.S., told an audience on November 30, 1984, in Baltimore that

"Any tax practitioner, any tax administrator, any taxpayer who has worked with the IR Code knows that it is probably the biggest 'mishmash' of statutes imaginable. Congress, various Administrations and all the special interest groups have tinkered with it over the years, and now a huge assortment of special interest and pet economic theories have been woven into the great hodgepodge that is today's IR Code."³¹² Even President Reagan has attested to the fact that the Code is impossible to understand (for the average citizen). The President said in a 1984 Associated Press (AP) release: "The government has the nerve to tell the people of the country, 'you figure out how much you owe us - and we can't help you because our people don't understand it either - and if you make a mistake, we'll make you pay a penalty for making the mistake.'" For this author, what was taught in a full year of taxation at the university level, and more teaching to pass the Certified Public Accountancy Exam, is quite different from what was written in the law. It is not that most of what was taught was wrong, but what was *not taught* is what was most disturbing.

For instance, does the average lawyer or accountant have the knowledge that the enforcement laws of the "voluntary" taxing system are really enforcement laws designed to go after companies regulated under the laws of the Bureau of Alcohol, Tobacco, and Firearms?³¹³ In the fiction, a lie is a fact until rebutted, so the IRS place codes that, until rebutted stands as fact, in what is called an Individual Master File. Those codes describe fictitious types of work on all of us. For instance, my wife and I were described as suspected drug dealers.

At the administrative level, the IRS attorneys quietly show the federal judge the codes, and when the trial is conducted, the litigant mysteriously loses his case. The judges are themselves in fear of being run through the gristmill, if they rule in the common man's favor.³¹⁴ So the decisions 999 times out of a thousand go the government's way. Combined with all of the legal devises learned to this point that is how "voluntary" becomes a *mandatory* task. After my formal education in taxation, after studying thousands of tax cases, and after spending about three thousand hours studying tax law, this author is nauseated at the deception of the

³¹¹ U. s. printing office. Government styles manual

³¹² IR-84-123, 11-30-84.

³¹³ Department of Treasury Order 120-01, June 6, 1972.

³¹⁴ Cite 1954 case

American tax system. The system is utterly broken, with no hope of repair. Having said all of this, let us put the American laws into a procedure and watch the IRS collection process fall into intellectual disaster.

Now what is about to be pointed out in this section is simply what the law says. The judges have already manufactured case law to nullify all the law on the books completely. So do not rely on the law and go out there and stop paying taxes! When it comes to the IRS, the law does not matter. As one former IRS tax examiner told me, "The law is just words on paper. We just follow the procedures told to us by our superiors, and that changes weekly." The only thing that matters until the IRS is gone, is that the novice agrees to their fiction, fill out their tax forms as best as he can, and perjure himself when he signs the bottom line, stating that he has completed the forms to the best of his knowledge. Believe me, it is a small price to pay compared with the "education" that the lover of the law will receive by his reliance thereupon.

According to the law, where is the process supposed to start, and what else is supposed to happen? What the law states that the IRS is to do first, is the assessment to achieve a legal seizure or garnishment, *if* we really are dealing in a mandatory situation. I say "if," because few of us are doing things BATF related. I do not mean *self assessment*, either.³¹⁵

The assessment is found in the BATF laws of Title: 26: 6203. What does this assessment look like, and how is it processed? Under section 6203 an assessment will be made by recording the liability of the taxpayer in the office of the Secretary or his delegate in accordance with rules or regulations prescribed by the Secretary or his delegate. The date of assessment is the date the summary record is signed by an assessment officer. ***³¹⁶ Taxes shown due on returns, deficiencies, delinquent taxes, penalties and interest and additions to taxes are recorded as "assessments." The assessment is an administrative determination that one is indebted to the Government -- in effect, it is a judgment for taxes found due.³¹⁷ The assessment is filled out on a FORM: 23-C, Assessment Certificate. It must be certified³¹⁸ by signature³¹⁹ by the assessment officer and dated. The date of assessment is the date the summary record is signed by an assessment officer.³²⁰ The assessment certificate is the legal document that authorizes issuance of notices and other collection action.³²¹ The completed form is retained in the Service Center case file as a legal document to support the assessment made against the taxpayer. This status notice is reissued to update the status notice file. The Internal Revenue Service makes a notice of assessment and demand for a tax under Section 6303(a), using the FORM-17, Notice of an Assessment and Demand for Tax. If the taxpayer wants proof of the assessment, he can request "A Certificate of Assessment and Payment (4340 Form) that holds as presumptive proof of the validity of the assessment." This satisfies the requirements of 26 U.S.C. 6203, that the taxpayers are provided upon request with proof of the assessment³²² . . . "A tax assessment is presumptively correct."³²³ . . ."Once a Certificate of Assessment has been established, the taxpayer has the burden of going forward and the ultimate burden of persuasion" . . .,³²⁴ and . . . "Mere conclusory denials do not satisfy the dual burdens of proof and persuasion, and should be pierced upon a summary judgment motion" . . .³²⁵; . . ."In order to prevail, a plaintiff, must show not only that the Commissioner's determination in the certificate of assessment (4340 Form) was erroneous, but also his correct tax liability." . . .³²⁶

Once the administrative process is completed (and this process is never properly completed against non-BATF taxpayers), the IRS is ready to take us to court. In the American law, the IRS is operating in the admiralty. Two jurisdictional statements are available to the IRS for collection of taxes, in title 28: U. S. A. CODES 2461(a-b): Mode of recovery, . . . whenever a forfeiture of property is prescribed as a penalty for violation of an Act of Congress and the seizure takes place on the high seas or on navigable waters within the admiralty and maritime jurisdiction of the United States, such forfeiture may be enforced by libel in admiralty but in cases of seizures on land the forfeiture may be enforced by a proceeding by libel which shall conform as near as may be to proceedings in admiralty. In title 28: U. S. A. CODES 2463 we find that our property is deemed to be in the custody of the law and subject only to the orders and decrees of the courts of the United States having jurisdiction thereof. During a case, the litigant has already lost his property and does not even understand it.

³¹⁵ Dubuque Packing Co. v. U.S., 126 F.Supp. 796, 807 (N.D.Iowa 1954)

³¹⁶ Treas. Reg. sect. 30116203-1 (1955).

³¹⁷ 9 Mertens, Federal Income Taxation sect. 491.186 (1965).

³¹⁸ TITLE: 26: U.S.A. CODES CH.61: §: 6065

³¹⁹ Title: 19: U.S.A. CODES 1509

³²⁰ (26 C.F.R. Sec. 301.6203.1).

³²¹ IRM 3(17)(46)2.3

³²² U.S. v. Dixon, 649 F.2d 1978.

³²³ U.S. v. Janis, 428 U.S. 433, 440 (1976)

³²⁴ U.S. v. Lease, 346 F.2d 696 (2d Cir 1965)

³²⁵ U.S. v. Prince, 348 F.2d 746, 748 (2d Cir 1966)

³²⁶ Lewis v. Reynolds, 284 U.S. 281, 283 (1932)

If an agent of the IRS proceeds without taking all of the above steps, the agent is breaching Title: 31: 3711(b)(1) by Acting on a Fraud-claim. The IRS, to enforce an assessment properly, goes into court using procedures A.R.~F.R.C.P. Rule: B for Attachments and Garnishments. During the process, the IRS agents are required to use rule A.R.~F.R.C.P. Rule: C, and declare under an oath that the taxes are owed during a show cause hearing under A.R.~F.R.C.P. Rule: (E)(4)(F). If their case is proper, the judge then issues an order to attach or garnish the taxpayer. Are any of the above procedures followed by the IRS? The procedures are never used that I can tell. Furthermore, the subsequent Federal Debt-collection-procedures under Title: 28: §: 3014 are completely ignored.

Procedures of a Systemic Nature

Now what happens when those in authority subject their fellow man to fictitious conveyance of language, subjective interpretation, legal maxims, Henry VIII Clauses, legal fictions, abusive judicial discretion, the shifting sand of common-law, aids in the perpetuation of a de facto government and legislative courts, uses war as a legal base for social engineering, deceives us with the geometry of the courtroom setting and law of the flag? What happens when those in authority attempts to keep us out of the Admiralty Jurisdiction, violate The United Nations Law, ignore the Vienna Convention on Law of Treaties, violate the Judicial Codes of Conduct for Judges and Codes of Conduct for Judicial Employees, fail to join us with F. R. C. P. Rule 12(b)(7) in the Constitutional venue? What happens when these actors allow the Internal Revenue Service to violate their own procedures? They are committing F. R. C. P. RULE: 9(b) Fraud. Sound reasonable?

For what purpose would a person knowingly (title 42 § 1986) do such a thing? For whatever reason, to hold their beloved system together, they are committing: Title: 42: 1985(3) Deprivation of our Rights. They are not alone in their endeavors. Therefore, they are engaging in a Title: 18: 1961 Racketeering-activity, for their Title: 42: 1985(2) Obstruction of the Justice, causing a Title: 42: CH. 21: 1983 Personal Injury, and a Title: 42: 1983: NOTE: 39 civil Deprivation of the Rights, by their Title: 42: 1983: NOTE: 319 and NOTE: 337 Custom & Policy of their Title: 18: 241 Conspiracy, under the Color of Law, causing the Title: 18: 242 criminal Deprivation of the Rights, Title: 18: 872 Collusion/ Coercion, for the Title: 18: Ch.73:§: 1512 criminal Obstruction of the Justice, ending with a Title: 28: §: 1359 Loss of the Jurisdiction by their Collusion, all under the Title: 4: §: 3 Desecrated flag.

The U. S. Constitution as a Procedure

All of the breaches of the laws up to this point affect our constitutional rights. The first amendment to the constitution affected is Amendment thirteen, the Forbiddance of Slavery. This amendment states that all people have the same Sovereignty. We are all on a level playing field, and this status is first in the procedure since it touches on life, will, and rights. The second amendment is the Right of the carrying of the *Arma*. We say *arma*, since *arms* are not in the legal dictionary, but *arma* is, and has the same meaning. In a literal sense, the "right to bear arms" can mean a right to wear short sleeve shirts, or right to possess bear's arms. The second amendment is placed next in the constitutional procedures, since it touches on the preservation of life, and personal defense if the government gets out of hand.

The third amendment follows next, since defending ourselves would be very difficult if the government forced the citizenry to house, or feed soldiers in our homes. Bouviers' definition of *quartering of soldiers*, limits the definition of quartering: "By quartering is understood boarding and lodging or either. *Encycl. Amer. h. t.*" He apparently saw the same weakness that this author did in the amendment, and closed the loophole by defining *quartering* to avoid another literal definition of "quartering," which is a step in the animal slaughtering process. We can be glad he noticed this and took the time to add the sentence above into his dictionary, because by using the slaughter house interpretation, the soldiers could still come right on into our homes and have a nice long stay at our expense. Without Bouviers' definition, we would simply be limited to not eating the soldiers for dinner! In the third amendment I have also planted a good little controversy should President George Bush follow through on his "eleven million informants" legislation. Should the legislation be approved, these eleven million informants are going to be used for reporting possible terrorist activity. That sounds good, until we stop and realize that few laws have remained on the books without being expanded by fiction and other devises. Who knows what activity these eleven million people are eventually going to be required to report? George Bush probably is unaware that the Shaw of Iran did the same thing in the 70's. It cost him everything. People became so distrustful of each other, not knowing who the snitches are, that families came to distrust even other

household members. As a solution to this problem, the Iranian people rebelled against the Shaw, and Iran has been a dump of a country ever since.

After the life and defense of life issues that arise no matter how well the government can protect us, we need to be able to take our grievances into a real court that recognizes the Constitution. The court must have judicial power and the laws of the Union. Therefore, the next amendment is the eleventh amendment. The eleventh amendment has some problems in its literal interpretation as well, so we must restate it. The 11th amendment states the following:

“The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.”

In other words, the *article three* judicial power that contains the laws and Constitution is not being interpreted to extend to the common law, or equity. The rest of the verbiage simply identifies all of the disqualified who cannot take advantage of the judicial power of article three: (1) a person (however defined) of the United States, (2) a state of the United States, (3) a Citizen of the United States, (4) Citizens of another State, (5) Citizens of a Foreign State, (6) subjects of any Foreign State. So can we think of anyone that is left that can enjoy the judicial power in the common law or equity venues? Yes we can. The eleventh amendment eviscerated article three, section two in the Constitution. That leaves cases affecting *Treaties, Ambassadors, other public Ministers and Consuls, Cases of admiralty and maritime Jurisdiction*, to Controversies to which the United States shall be a Party, between *Citizens* of the same State *claiming Lands* under Grants of different States. So the 11th amendment retained the judicial power to cases involving government bureaucrats, the government itself, and land grant cases. Bummer. It is no wonder that some journalists call the United States a plantation. I therefore restate the eleventh amendment to mean that we have a right to the judicial power. Finished.

The restatement of the 11th amendment reactivates Article III, section two in the Constitution that states:

The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority; to all Cases affecting Ambassadors, other public Ministers and Consuls; to all Cases of admiralty and maritime Jurisdiction; to Controversies to which the United States shall be a Party; to Controversies between two or more States; between a State and Citizens of another State; between Citizens of different States; between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

Wow, what a great idea!

Somewhere in the Constitution, we have to stop and correct the wrong concerning common law. The common law, with its heavy reliance upon case law, has been a fast track for abusive judges, fails as a long term solution to providing stable, well-written laws. Therefore we restate Amendment VII, simply to forbid case-law.

Now we have recognized our rights on a level playing field, our right to defend ourselves, kept the soldiers(informants) out of our houses, began instituting judicial power into all of the court venues, opened an admiralty court system that is based on the Civil Law, rather than case law. The next step then is the first Amendment, regarding the right of free speech, the right of the noun language, and right for the redress of grievances. In Amendment five, we have the right of the Silence, and a right of due-process. In Article: 4: Section 3, we have a forbiddance of Erecting geometric planes in the courtroom, and in ART. 1:§: 9: we forbid Titles of the Nobility. With Amendment 4, we require proper warrants, and establish our right of privacy. Amendment eight requires a reasonable bail and forbids cruel and unusual punishments. Amendment six requires a Speedy-Trial, and compulsory-process for obtaining witnesses in our favor. Now we are ready for the Article III, section 2 Trial in the Admiralty. Should the litigant's opponents fail to join and remain in the fiction, the preceding paragraphs in this section are the order in which the constitutional laws are broken.

Trial Procedures

At this point, the court papers have been filed, everything is set for the first paper signed by any other litigant or judge, or for a hearing. If the other side does not join, and their lawyers file fiction papers in a fiction court, or the judge files a paper in his fictional capacity into a fiction court, whatever; if they remain in the fiction, the papers or testimonies are false, in breach of Title: 28: §: 1746 False-Testimony (remember, the oath and perjury are disqualified), and are committing criminal false testimony within Title: 18: CH.79- 1621. Even in the fiction, the State Statutes have perjury statutes that can be converted to false-testimony and charged against another party. Failing to stop and correct their wrongs, the other litigants are committing a Title: 18: 2384 Seditious-conspiracy, and the lawyers are committing Barritory. Remaining in the fiction also is a breach of the Title: 28: §:1343 Equal-protection of the law, a breach of Title: 42: Ch.126:12182(b)(2)(A)(iv) for being Bias/Partial against a Handicap, and the judge is automatically barred from hearing the case because of his Title: 28: Ch. 21: 455 §: (a)(b)(1) Personal-Bias against us. This personal bias is a breach of the judge's Code of Conduct, Cannon: one, the requirement that the judge be Honest, and Free, using his own opinions. The judge has also breached Cannon: two, the requirement for the judge's Compliance with the Law, and Cannon: 3(A)1, by the domination of the judge by another Party. The judge has also breached Cannon: 3(A)4 the Right of the Hearing of the Claim, and finally, judges often act prejudicial against us in the court, entering testimony, prosecuting us from his stand, breaching Title: 28: §: 454, by acting as an attorney. If an arrest has been made by the fictional actors, the arrest constitutes Title: 18: §: 1201 Kidnaping, the bail is a Title: 18: §: 1202 Ransom, and jail time is Title: 18: Ch. 50-A: §: 1091 Genocide, because we are not able to reproduce while in jail. If we can prove a single point in our case, most, if not all of the breaches amount to F. R. C. P. RULE: 16(f) Fraud. Any person related to the case: the other litigants, judge, lawyers, other court and law enforcement personnel, are committing Treason. Remember that the others are in a state of war. The non combatants are the only ones deserving of constitutional rights.

Treason

Treason can only be charged during wartime situations. The endless emergency declarations make available the option for us to use the treason procedures. The information here comes from case law, so one of my allies won a bet that I could use case law without violating the principals of the procedures. Looking back, I could have done it a little bit better, and this is how I would handle the situation again. If a certain area of case law is rich in precedent, usually two things are going on. First and most usual, judges are publishing decisions concerning the same issues, repeatedly. If we find that little projection, and if then the judges have settled the issue well, we can codify the issues in the definitions of the suit, using them as law. In my suits, I just controlled the definitions of the words, and defined the acts of treason in the body of the suit.

Treason is committed during war time. The typical federal judge has taken as many as five oaths to uphold the Constitution by the time he sits on the Federal bench. The oath creates an obligation to maintain the constitution.³²⁷ The judge has a contract to hear all cases that come before him.³²⁸ When a judge fails to take jurisdiction when required,³²⁹ or when a judge takes jurisdiction against the law,³³⁰ then the judge is voiding and undertaking to subvert the constitution.³³¹ The judge is making [silent undeclared] war against the constitution.³³² What are the Effects of Treason, in other words, what happens legally to a Judge who commits treason? The judge becomes a trespasser of the law, by the willful commission of a tort. The judge's treason strips the judge of his official character.³³³ Treason places the judge in his private capacity, stripping the judge of his immunity.³³⁴ A state has no power to impart any immunity to a treasonous Judge. The judge loses all jurisdiction;³³⁵ his orders are void.³³⁶ Guilt falls on all that aid and abet.³³⁷

³²⁷ Art. VI, § 3, Constitution of the U. S. A.

³²⁸ *Cohens v. Virginia*, 6 Wheat, 264, 5 L. Ed 257, (1821).

³²⁹ *Ibid.*, and 6 Wheat, 404, 5 L. Ed 257, (1821).

³³⁰ *Ibid.* 404, 5 L. Ed 257, (1821).

³³¹ *Cooper v. Aaron*, 78 S. Ct. 1401

³³² *Cooper v. Aaron*, 78 S. Ct. 1401

³³³ *Scheuer v. Rhodes*, 94 S. Ct. 1683 (1974).

³³⁴ *Ibid.*, 94 S. Ct. 1683 (1974).

³³⁵ *The People v. Brewer*, 328 Ill. No. 16986, Dec 21, 1927, p. 473, 482, 483.

³³⁶ *In re Sawyer et al.*, 124 U. S. 200, 1888; *The People v. Brewer*, 328 Ill. No. 16986,

Dec 21, 1927, p. 473, 482, 483; *Elliott et al. Vs. Peirsol et al*, Supreme Court, 1828.

³³⁷ *Gordon v. Frizzell*, 20 ILL. 291, 1870; *United States v. Murphy* 768 F. 2d. 1531 (1985).

The Requisition

The requisition (Demand Section) section of the lawsuit is where we demand to know five things that are necessary for the judge to answer to justify his moving in the case without joinder. Your Honor, (1) "Show me where I am wrong." (2) "Show me why my pleadings are frivolous." (3) If the judge states that he cannot understand the pleading, then "show me the authority to move in the case." "Knowledge is essential to understanding; and understanding should precede judging."³³⁸ (4) "Show me your jurisdiction." (5) "Show me that you have a right to breach my rights and not suffer the consequences for your actions."

Be careful to ask for gold or silver coins to avoid accepting fiction money. If we accept their fiat moneys, then they can just immediately take it all back, then throw us in jail. As for how much money we ask for, start with Z 75,000 for each breach and double with each pleading, up to Z 500,000. Ask for direct damages, damages for the deprivation of the rights, 18% per year interest until settlement of the suit, and for security protection.

The Habeas Corpus

Entire law books are written about the Habeas Corpus, an important document existing since the thirteenth century. The habeas' development came as a response to the King's prolific jailing of pheasants for years without a trial, for the purpose of taking their lands. Yes, the Habeas does belong in the admiralty jurisdiction.³³⁹ The Title 46 Habeas Corpus is a demand for the judge's authority to steal the paperwork into the fiction, ignore the paperwork, or hold a hearing, etc. After the court makes its first blunder, file the Habeas. The habeas accomplishes the following:

- (1) Makes the judge produce his authority.
- (2) Stops all proceedings until answered in full.
- (3) Places the judge in treason if the judge moves in the case, after not answering.
- (4) In treason, the judge loses all jurisdiction.

With treason out of the way, we have no further legal business in the local court. Since we are in the admiralty, we can take the case to any court in the world for adjudication. The more well respected the court, the better the quality of commercial paper(judgement) after the process is completed.

Filing Instructions

We "double file" all of our documents in a procedural case. A procedural case has no evidence for most of the allegations, since the allegations are based upon logic. A pleading is NOT evidence, and evidence is NOT a pleading. Therefore, make an exact original of the pleading before filing. Mark this extra original "EVIDENCE" and file at the courthouse. Get certified copies of pleadings and evidence for all libelees, have the documents apostilled, and serve using registered mail, or process server.

The United Nations Law

The de facto foreign-fiction government entered into many treaties, but never in their wildest dreams did they think any of the treaties would come back to bite them as has the Charter of the United Nations, and the Vienna Convention on Law of Treaties. The American governmental politicians have seen themselves as the head of a huge corporate plantation, with the President as the C.E.O. at its head. The United States after all, created the U.N. The U. N. was intended to be a rubber stamp of the will of the U. S. The United Nations was also set up as a sovereign country. So it was only a matter of time before it became more independent in its actions.

The United States, with its war based legal system, is in breach of two articles of the United Nations Charter. Art. 1, § 1 is the requirement for all member nations to commit to the "maintenance of the global

³³⁸ Jay Bruns Baking Co. V. Bryan 264 21 Sup. Ct. 504 at 520 (1924) dissenting opinion.

³³⁹ See: Pugh, Edward_F. *Forms of Procedure in the Courts of Admiralty of the United States of America*, together with an Appendix Containing Forms of Maritime Contracts, Etc., and the Rules of Practice in Causes of Admiralty, Prescribed by the Supreme Court. Philadelphia, by the T. &J. W. JOHNSON & CO. (1903).

peace." In its wartime capacity, the government continually acts against its own citizens with acts of aggression, not to mention it bullies other governments of the world. The second article, Art. 1, § 2 is the requirement for the "advancement of peace." In reality, the government's action is a breach of the peace. Some may point out that the American's creation of the United Nations is illegal, and that the government lacks authority to make such a treaty. This all is true, however, even though the treaty has its origin by a de facto government, I can still charge them with these articles, since my adversary has to join with me in the admiralty in order to make his case of innocence. No joinder, no defense. The United States, Canada, and Australia have never joined, so figuratively speaking, I am merely taking the opportunity to deliver a couple of free shots in their gut, pointing out their hypocrisy; and then charge them damages for it, in order to make the governments stop and change their ways.

By the way, the United Nations needs to join with the Universal-Legal-Technology, since that is the only way, that I can think of, where they can now exist legally.

International Criminal Court Procedures

The International Criminal Court is in a prime position for handling Crimes against Humanity. Since the crimes listed above are against sovereigns, as a class of people, the crimes rise to the level of crimes against humanity with the systematic oppression and domination of the private citizens. Also, crimes against humanity can be charged for the elimination of the fundamental rights for the widespread attack against the sovereign citizens. The actors can also be charged with war crimes because of their widespread elimination of the rights, and for the domination of the private-citizens by the libelees. Other charges are available such as genocide, torture, and denial of a fair trial.

There has been a lot of concern about giving over sovereignty to a court on the other side of the Atlantic, in Europe. The opponents claim that the American citizens, the American military, American businesses, and American politicians would be held hostage to a politicized court. The American President, George Bush, has stated that his concerns are about the Military currently in Kosovo. The British prime Minister, Tony Blair, has publically stated that no evidence exists that give much credence to the concerns of the United States. I personally have the view that the American government has not done the job that they have claimed. After all I have over one hundred clients that have all been screwed. It is the World Court that came to our rescue, not the American government. There is only one class of citizens that they are worried about, and that is the politicians. They are the ones who have done nothing, and who have had the greatest ability to do something about the current situation we are in. They point out a lot of scary scenarios concerning the giving up of sovereignty. I find all of this a little hard to believe. If the Universal-Legal-technology is accepted, then the judges have no immunity. Any untoward thing that they want to visit upon their brothers is going to be visited upon them. Much fewer cases are going to be needed to go up, because all of the judges below them are going to be more careful.

Judgement

Procedure for the verb ruling on the Universal Truth

- (1) The judges using the verb format accept the case.
- (2) The judges using the verb format sign the amnesty agreement.
- (3) The judges using the verb format decide whether the merits of the language are correct.
- (4) If the language is correct, the judges in the verb format recognize the Universal Truth.
- (5) The judges using the verb format declare the Universal Truth as the winner.
- (6) The judges using the verb format sign the Universal Truth judgement in the favor of the Universal Truth.
- (7) The judges move into the Universal Truth with the knowledge that the Universal Truth is correct.
- (8) The judges using the Universal Truth then declare that the world has a lot of work to do in the correction of contracts and law.

APPENDIX-A
List of prefixes and suffixes

A. FOR THE LIST OF THE PREPOSITIONS WITH THE NEED OF THE CHANGE:

a-, ab-, abs-, an-, ante-, cata-, cath-, cat, de-, dif-, dis-, e-, ec-, es-, ex-, extra-, hypo-, il-, im-, in-, infra-, ir-, n-, ne-, non-, not-, off-, out-, post-, pre-, prae-, preter-, re-, red-, retro-, se-, sine-, sub-, subter-, suc-, suf-, sug-, sup-, sur-, sus-, un-.

B. FOR A LIST OF THE PREPOSITIONS THAT ARE WITH THE PROPERNESS BY THE Mr. Sciba:

af-, be-, dil-, inter-, mal-, mis-, on-, op-, rep-, req-, si-.

1.Suffixes

i.Minimize or eliminate the adjective endings: _able, _ible, _al, _ial, _ical, _ant, _ent, _ient, _ar, _ary, _ate, _ed, _en, _er, _est, _ful, _ic, _ile, _ing, _ish, _ative, _itive, _less, _ous, _eous, _lse, _ious, _y.

§Note: some of these endings are acceptable as nouns. Hint: If the word is preceded by an article/preposition combination, the word is still certifiable as a noun.

2.Suffixes

i.Minimize or eliminate the adverb endings: _fold, _ly, _ward, _wise

ALL MATTERS IN THE COURT SETTING ARE ON A LEVEL PLAYING FIELD, SO THE PREPOSITIONS MUST REFLECT THAT FACT.

ABOUT, ACROSS, AGAINST, ALONG, AMONG, AROUND, AS, AT, BEFORE (careful!), BETWEEN, BUT, BY, CONCERNING, CONSIDERING, DURING, FOR, IN, INTO, LIKE, NEAR, NEXT, OF, ON, ONTO, OPPOSITE, PLUS, ROUND, SINCE, THAN, THROUGH, THROUGHOUT, TILL, UPON, WITH, WITHIN, OUT OF QUANTUM PREPOSITIONS THAT ARE USED TO DESCRIBE FACTUAL SETTINGS HAVING NOTHING TO DO WITH THE COURT SETTING. Ex.: As a party was traveling down the mountain to the store, the party was accosted by the accused.

ABOVE, AFTER, BEFORE, BEHIND, BELOW, BESIDE, BESIDES, BEYOND, DOWN, etc.

TWO OR MORE WORD PREPOSITIONS

ALONG WITH, BECAUSE OF, IN THE PLACE OF, IN THE CASE OF, AS WELL AS, AS FOR, BY MEANS OF

APPENDIX-E
List of Prepositional Synonyms and Their Opposites³⁴⁰

Prepositions	Synonyms	Antonyms ³⁴¹
as	in, under	<i>out, over, by, of</i>
at	in, to, on, of, about, under, over, through, from,	<i>by, in</i>
between	by, in, either, among	<i>by, for</i>
by	with, up to, in, to <i>on, to, onto, up,</i> through, according to, along side, by way of, near	<i>at, above, in, for</i>
during	throughout, within, at, over, mid, midst, duration of	<i>against, before, after, by</i>
for	as, to, through, in, with, at,	<i>by, against</i>
in	within, as, during, at, with, by,	<i>by, of</i>
into	to, for	<i>by</i>
of	from, with, to	<i>for, against, to</i>
on	upon, above, in, <i>by</i> with, at, to, during, of, for	
of	off, by, about, from, away, before, on.	<i>to, with, by, on, off, for</i>
Through	across, beyond, by, about, by way of	<i>around, over, under, for</i>
till	to, toward, before, up to	<i>by, of</i>
with	as, of, in, on, for	<i>over, by, of</i>
without [do not use]	in, out, to, with, not with	<i>of, in, by</i>

³⁴⁰ Bryant, Margret. *English in the Law Courts, the Part That Articles, Prepositions, and Conjunctions Play in Legal Decisions*. In the New York, by the Frederick Ungar Publishing Co.(1930, 1958, 1962) pp 1- end.

³⁴¹ Antonyms generated by: Jeffrey-Gene: Sciba
Regardless of geometric-planes

Appendix-F Determining Out-of-quantum Prepositions

1. Therefore, eliminate all negative prepositions:

i. Negative_prepositions: a_, an_, dif_, il_, im_, in_, ir_, n_, ne_, non_, not_, un_.

2. Prefixes

i. Eliminate prefixes that connote positions out, above, below, behind, and in front of the level playing field of the universal-Legal-Technology court room.

§ The libelant wants his opponents *here*, *now*, with him *on the same geometric plane*. Eliminate:

ii. ab_, abs_, [from, away]

iii. ante_ [before]

iv. cata_, cath_, cat, de_, [down, downward]

v. dis_, [apart]

vi. e_, ec_, es_, ex_, extra_, [from, out]

vii. hypo_, [under, beneath]

viii. infra_, [below]

3. Eliminate the Prefixes that Indicate Non_Joinder in Time and Space

i. off_, [from]

ii. out_, [out]

iii. post_, [after]

iv. pre_, prae_, [before]

v. preter_ [beyond]

vi. re_, red_, retro_, [back, backward]

4. Eliminate the Prefixes that Indicate Non_Joinder in Time and Space

i. se_, [aside, apart]

ii. sine_, [without]

iii. sub_, subter_, suc_, suf_, sug_, sup_, [under, beneath, inferior]

iv. sus_, [to keep up]

v. sur_, [over, above]

5. Sentence Writing Using the universal-Legal-Technology

i. Examples of possible sequences of the order of prepositions in the sentence structure:

§ FOR_OF_BY,

§ FOR_OF_DURING_BY,

§ FOR_OF_FOR_AS_BY.

§ FOR_OF_BY_WITH_OF_BY

§ WITH_OF_BY_THROUGH_OF_BY_IN_OF_BY, WITH_OF, FOR_BY.