

## Plaintiff's Memorandum in Support of Allegation 01

1. Resulting from this Plaintiff's multiple Petitions, the Judicial Defendants (including THIS COURT) did not implement "*Due Process*" multiple times; therein citing "*lack of standing*" in 2004 (Exhibit 007), refusing to engage in 2012 (Exhibit 165); and multiple rejections for failure to comply with "*rules*" in 2015 (Exhibits 180, 181, 183).
2. These Judicial actions (Exhibits to be presented) conflict with OUR Fundamental LAWS and THIS COURT's Case LAW; thereby indicating misconstruction of OUR endowed Hierarchy.
3. The "*standing to sue*" **doctrine** originates in a misconceived "**Opinion**" from THIS COURT not conforming to OUR Declaration and Constitution. This single misdirecting "**Opinion**" has then been repeated with expanding archaic false embellishment into a doctrine of malpractice; becoming self-evident in this Plaintiff's detailed testimony and listed Exhibits below.

### Exhibit 004 - FUNDAMENTAL LAW #1 - OUR Declaration (1776)

4. Compiling preclusions to continuing despotism in steadfast clarity, and choosing secular language respecting all religions, OUR Founders meticulously crafted and published fundamental specifications in OUR Declaration, **OUR first American Law**, for all the world to witness.  
  
(<https://nccs.net/blogs/articles/the-declaration-of-independence-part-of-american-law>)
5. Tenacity, Integrity, Irrefutable Language, Expansive Unalienable Rights including OUR "*Station*" ("*standing*"), subservient Government's restricted assignment, and Accountability, are inflexibly encapsulated; countermanding the Judicial Defendants' unconstitutional "*standing to sue*" prejudicial dismissals of this Plaintiff's Petitions.

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## Tenacity and Integrity

6. Tenacity and Integrity of OUR Declaration are highlighted by comparison to flaws in the Magna Carta:

*“[T]he most important provision of the Magna Carta is section 39, ... the phrase ‘law of the land,’ or lex terrae, eventually became the Due Process of Law Clauses in our state and federal constitutions. What made the lex terrae provision so crucial is that here the King acknowledged that his mere dictates are not the law. He is instead subject to, and bound by, the law. In this principle is the seed of all free government, just as the opposite notion—that the will of the ruler is law—is the seed of despotism. If the ruler’s words are not ipso facto law, then that means that there must be some instances in which the ruler’s commands do not qualify as law, and we must then decide in any particular instance whether or not the ruler’s commands qualify as law. By acknowledging that not all of his dictates are law, King John’s signature on the Magna Carta likewise implicitly recognizes the objectivity of law. Something is not law just because the king says it, and that means that the people—and particularly the lawyers—are in a position to ask whether or not something the King has said qualifies as law. ... By allowing for the possibility that the ruler’s acts may be deemed unlawful, and creating room for deliberation over what is or is not the law, Magna Carta plants the seed that eventually can grow into free, open, and lawful government. ”<sup>1</sup>*

7. The King’s acceptance signature on the Magna Carta did not result in permanent security for their Society. The People under his rule sought his approval; thereby subjecting themselves to their Kings' fluctuating Moral Compass:

*“The declaration teaches that all men have natural rights prior to the formation of government; in fact, they were given those rights by their creator. Just government is instituted with the consent of the governed for the purpose of protecting these inalienable natural rights.*

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<sup>1</sup> <https://pacificlegal.org/800-years-later-the-magna-carta-still-matters/> - June 15, 2015 By MARK MILLER

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***In the Magna Carta, by contrast, the rights the people possess are granted by the sovereign. In Article 1, using the royal “we,” the Magna Carta asserts that the royal sovereign has seen fit to “grant and give to all the freemen of our realm for ourselves and our heirs in perpetuity the liberties written below.”***

*In this conception of political rule, **rights are merely exceptions** from the general grant of power held by the king. And **though** the language of the Magna Carta stresses the liberties it lays out are to be **secured in “perpetuity,”** shortly after it was signed, Pope Innocent III **annulled** it at King John's request.*

***When rights are anchored in human will rather than universal principles** and secured through political institutions based on the people's consent, they can be given and taken away at a moment's notice.*

***Abraham Lincoln** encountered an argument similar to Hannan's during the 1858 election for the open U.S. Senate seat from Illinois. Stephen Douglas, his political rival in that contest, argued that in signing the Declaration of Independence, the fathers of the revolution claimed only “that it was the birthright of all Englishmen—inalienable when formed into a political community—to exercise and enjoy all the rights, privileges and immunities of self-government in respect to all matters and things.”*

***Lincoln** denied Douglas' recasting of the meaning of the declaration and instead **held that the colonists' ultimate argument**—not just their pre-revolution arguments—**was based on principles that were “applicable to all men and all times.”** According to Lincoln, the declaration not only vindicated our separation from Great Britain, but **its principles could be applied to any nation or peoples who have toiled under the yoke of oppression.***

*Though the Magna Carta certainly opened the way for the declaration, **the declaration went far beyond the Magna Carta** in **basing its arguments on universal principles** rather than on a certain group of people pleading to a sovereign for more rights. The Magna Carta and the declaration share important similarities such as a common language and a commitment to freedom, but **in some important ways, the declaration was a decisive break from the Magna Carta.**”<sup>2</sup>*

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<sup>2</sup> <https://www.dailysignal.com/2015/06/22/how-the-declaration-of-independence-differs-from-the-magna-carta/> - June 22, 2015 By Michael Sabo, The Daily Signal

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8. From the Magna Carta, WE realize that one person's words "*are not ipso facto law*". They are pliant and can be manipulated; thereby insufficient for sustaining FREEDOM.
9. Improving upon the Magna Carta's deficiencies, OUR Founders rejected traditionally degenerative leadership; summoned their Christian principles; entwined irrefutable language; and infused **purity of intention** and **everlasting authority** throughout OUR Declaration, a secular unification<sup>3</sup> of **Church** and **State**.

*"WE, ... appealing to the Supreme Judge of the World for the Rectitude of our Intentions, ..."*

**Rectitude**: righteousness of a principle, conduct; moral virtue of intentions

*"... with a firm Reliance on the Protection of **divine Providence**, ..."*

**Divine**: of, relating to, or proceeding directly from God

**Providence**: God conceived as the power sustaining and guiding human destiny

**Secular**: "**denoting attitudes**, activities, other things **that have no religious** or spiritual basis."

**Church**: an inward **dwelling upon Morality** and "life, liberty, and pursuit of happiness"

**Morality**: "**principles** concerning the distinction between right and wrong or good and bad behavior" (HIGHEST nondenominational LAW comprehensible)

**State**: Position, Status, Standing

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<sup>3</sup> <https://www.allabouthistory.org/separation-of-church-and-state.htm>

<https://www.allabouthistory.org/separation-of-church-and-state-2.htm>

<https://www.allaboutphilosophy.org/secular-humanism.htm>

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10. OUR Declaration is a rigid Contract (written, signed, and witnessed) between the highest globally recognized Authority, "*Nature's God*", and every member of "*We, the People*" ("*we mutually pledge to each other*"), devoting "**our Lives, our Fortunes, and our sacred Honor**" (OUR whole "*Being*" - highest human collateral), underscoring integrity and commitment.
11. Carnage from OUR War of Independence is a testament to OUR Founders' **commitment to America's Principles** enumerated in OUR Declaration, **11 years BEFORE** OUR Constitution.

### Exhibit 004A - OUR Declaration's Exquisitely Harmonized Verification

Symbolism underscoring Tenacity and Integrity

OUR "GREAT SEAL of the United States"

OUR One Dollar Bill showing OUR Great Seal

National Anthem

4 USC 4 Pledge of Allegiance

Gettysburg Address

OUR Declaration's Exquisitely Harmonized Presidential Testimony

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## Exhibit 004B - Universal Supreme Principles - "*Morality and Reason*"

12. Citation of "*truths*" while only referencing "*self-evident*" unequivocally affirms "***Morality and Reason***" is OUR highest intellectual grasp at perfection, **uncodified Supreme Law**; revered by some Supreme Court Judges and Leaders:

*"Besides, the Spanish law is not only contrary to ours, but is inconsistent with **the law of nature**, which is a **sufficient reason** for maintaining the supremacy of our own code."*

In re Antelope, **23 US 66**, 74 (**1825**)

*"As in our intercourse with our fellow-men **certain principles of morality are assumed to exist**, without which society would be impossible, so certain inherent rights lie at the foundation of all action, and **upon a recognition of them alone can free institutions be maintained**.*

*These **inherent rights** have never been more happily expressed than in the declaration of independence, that new evangel of liberty to the people: '**We hold these truths to be self-evident**' --that is, **so plain that their truth is recognized upon their mere statement**"*

**111 US 746**, 4 S. Ct. 652 (**1884**)

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## Exhibit 004C - America's FOUR Unequivocal Self-evident Truths (LAWS)

13. Our Founders' experience with government degeneration into tyranny is self-evident in the safeguards stipulated in OUR Declaration. Imparting MORAL fortitude in elegant simplicity, OUR Founders composed FOUR crucial, irrefragable, unmodifiable, clear LAWS sufficient to establish, maintain, and evolve a truly free Society, globally published:

**"WE hold these Truths to be self-evident, that**

Law #1A, Equality for ALL, no exceptions:

**all Men are created equal,**

Law #1B, Expansive Unalienable Rights:

**They [all Men] are endowed by their Creator with certain unalienable Rights,**  
**that among these are Life, Liberty and the Pursuit of Happiness**

Law #1C, Government's Task - Security of Rights:

**to secure these Rights, Governments are instituted among Men,**  
**deriving their just Powers from the Consent of the Governed,**

Law #1D, Accountability - the exercise of Standing:

**whenever any Form of Government becomes destructive of these Ends,**  
**it is the RIGHT of the People to alter or to abolish it, and to institute new Government,**  
**laying its Foundation on such Principles, and organizing its Powers in such Form,**  
**as to them shall seem most likely to effect their Safety and Happiness."**

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## Exhibit 004D - LAW #1B, OUR UNALIENABLE Expansive RIGHTS

14. OUR Founders' simplicity clearly portrays OUR specifications for a full, enriching life:

*"they [all Men] are endowed by their Creator with certain unalienable Rights,  
that among these are Life, Liberty and the Pursuit of Happiness - ..."*

**Endowed by their Creator: gifted** by OUR CREATOR (irrespective of religious belief)  
**at birth** (stipulated Right to Life)

### **Certain:**

**certain as the sun rising** every morning - The next phrase starts with "**among these**". There is no mistaking that "*certain*" means undeniable, factual, and beyond question; it is not used in the limiting sense.

### **Unalienable:**

**cannot be unknowingly or coercively relinquished** by any means, such as limiting or misapplied law, improper procedure, misunderstanding, ignorance, negligence, or manipulation.

### **Rights:**

legal, social, or ethical principles of freedom or entitlement, possessions endowed at birth;  
henceforth **PROPERTY**.

**Inalienable Right** – A right that cannot be transferred or surrendered; esp., a natural right such as the right to own property

**"You have rights antecedent to all earthly governments; rights that cannot be repealed or restrained by human laws; rights derived from the Great Legislator of the Universe."**

John Adams, 2<sup>nd</sup> President (1797 - 1801)



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15. OUR **RIGHTS**, endowed by OUR Creator, are EXPANSIVELY enumerated in OUR Declaration; they are UNLIMITED:

**"Among these"** [not limited to these], are **"Life, Liberty and the Pursuit of Happiness"** - all-encompassing phraseology **COMMANDING expansive meaning**; providing for each individual's unrestricted growth (imagination, creativity).

**Life** (existence): **Right** to Life originates with our parents' desires, their *"Pursuit of Happiness"*.

Once alive, WE have the Right to STAY alive until natural death.

**Liberty**: *"opportunity: independence, freedom of choice, freedom"*<sup>4</sup>. Independence from anyone else, not sustained by anyone, including Government; necessitating the **Right** to work, support ourselves, maintain independence (no forced outside obligation).

**Pursuit of Happiness**: The **Right** to pursue our spiritual essence; to grow, nourish our dreams, evolve.

*Spiritual: "relating to or affecting the human spirit or soul as opposed to material things"*

*Evolve: "gradual development of OUR species into a more complex better form"*

**"The right to follow any of the common occupations of life is an inalienable right, it was formulated as such under the phrase 'pursuit of happiness' in the declaration of independence, .... Among these inalienable rights, as proclaimed in that great document, is the right of men to pursue their happiness, by which is meant the right to pursue any lawful business or vocation, in any manner not inconsistent with the equal rights of others, which may increase their prosperity or develop their faculties, so as to give to them their highest enjoyment."** 111 US 746, 4 S.Ct. 652 (1884)

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<sup>4</sup> The Original Roget's Thesaurus of English Words and Phrases (Americanized Version) is licensed from Longman Group UK Limited. Copyright © 1992 by Longman Group UK Limited. All rights reserved

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## Exhibit 004E - LAW #1C, Government's RESTRICTED Assignment

16. Historically, infringement upon Rights is not by neighbor upon neighbor; but by governments upon everyone within their grasp. OUR Founders pinpointed historically repetitive exploitation of human weakness, and Abraham Lincoln simplified:

*"... all Experience hath shewn, that **Mankind are** more disposed to suffer, while Evils are sufferable, than to right themselves by abolishing the Forms to which they are accustomed."*

OUR Declaration

*"You can fool all of the people some of the time and some of the people all of the time, but **you cannot fool all of the people all of the time.**"*

Abraham Lincoln

17. From human imperfection comes **infringement upon OUR Rights**; wherefrom develops a system of protections, Government.

18. OUR Founders' expertise on historically degenerative governments crystalizes in **the simple**

**STIPULATIONS they DICTATED** to OUR Government:

*"... that to secure these Rights, Governments are instituted among Men,  
deriving their just Powers from the Consent of the Governed, ..."*

19. OUR Government's Assignment, ONLY assignment is RESTRICTED to Security of OUR "safety and happiness", protection from infringement upon ANY of OUR Rights.

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## Exhibit 004F - LAW #1D, OUR STANDING COMMANDING ACCOUNTABILITY

20. Our Founders' Moral Fortitude persists to negate government degeneration. Signed and subsequently sealed in bloodshed, **OUR non-amendable Declaration (11 years before OUR Constitution)** **distinctly SPECIFIES OUR Unalienable STANDING Right**, OUR AUTHORITY over Government, **COMMANDING ACCOUNTABILITY** to each and every member of "*We, the People*" **for ANY actions of Government:**

*"... to assume among the Powers of the Earth,  
the **separate and equal STATION** (synonyms: **STANDING**, Status, Position, Rank, State)  
to which the Laws of Nature and of Nature's God entitle them..."*

*"that whenever ANY Form of Government becomes destructive of these Ends,  
it is the **RIGHT of the People to alter** or to abolish it and to institute new **Government**,  
laying its Foundation on such Principles, and organizing its Powers in such Form,  
as to THEM shall seem most likely to effect their Safety and Happiness."*

*"it is their **[OUR] Right**, it is their **[OUR] Duty**, **to throw off such Government**,  
and **to provide new Guards** for their **[OUR] future Security**."*

21. **STANDING is OUR PRIMARY RIGHT** to exercise "**whenever any Form of Government becomes destructive**" (whenever Any American **perceives** ANY threat). Anchored in globally SUPREME principles, sanctioned by "*the Supreme Judge of the World*", and vested at birth, OUR UNALIENABLE STANDING is **NEVER DISPENSED** by ANY Congressionally, Executively, or Judicially purported approval, prequalification, or other conditioning; affirmed by THIS COURT:

*"Where rights secured by the Constitution are involved [all Rights are secured], **there can be NO RULE MAKING or legislation which would abrogate them.**"      **384 US 436 p 491 (1966)***

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## Exhibit 004G - OUR Traceable Chain of Authority (LAWS #1A + B + C + D)

22. **Ratified** in OUR Declaration (**1776**), **11 years preceding OUR Government's Existence**, OUR LAWS “*endowed*” by our “*Creator*” and **vested** at birth - Equality for ALL, Unalienable Expansive Rights, Government's RESTRICTED Assignment, and OUR STANDING COMMANDING ACCOUNTABILITY - specify OUR **SOVEREIGNTY** and globally unique **HIERARCHY**.

**Vested**: *Having become a completed, consummated right for present or future enjoyment; not contingent; unconditional; absolute*<sup>5</sup>

**Sovereign**: *A person, body, or state vested with independent and supreme authority*

**Independent**: *self-governing and not ruled by any other state [of existence]*

**Hierarchy**: *a system or organization in which people or groups are ranked one above the other according to status or authority*

23. Previously cited (acknowledgement by THIS COURT) in 111 US 746 (**1884**), OUR Sovereignty naturally exists upon birth in OUR Country, UNALIENABLE, beyond restriction. Divine Providence is the donor of OUR Unalienable Rights, including STANDING (OUR Sovereignty and Hierarchy) - **OUR Traceable Chain of Authority**.

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<sup>5</sup> (Black's Law Dictionary, Seventh Edition © & (P) 2000 West Group, All rights reserved)

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24. **WE command OUR Government's EXISTENCE**, their Singular Assignment (LAW #1C) - TO PRESERVE ALL of OUR ENDOWED RIGHTS (**including STANDING**); therein OUR **AUTOMATIC** UNALIENABLE Right to present ANY Grievance against OUR Government (LAW #1D); thereby providing **ACCOUNTABILITY**, **the only non-violent cure** for historic government regression. Any Society seeking to amass **the best collective Morality** (Jury Deliberation) will thrive on liberty, happiness, and inspiration; propelling Evolution.

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## Exhibit 005 - FUNDAMENTAL LAW #2 - OUR Constitution (1787)

### Exhibit 005A - Preamble - Govt's RESTRICTED Singular Assignment

25. Eleven years after OUR Declaration, exercising OUR SOVEREIGN STANDING traceable to OUR Fundamental Supreme Law of FREE Existence (OUR Declaration), OUR Founders scrupulously crafted and implemented OUR second Fundamental American LAW, OUR Constitution (OUR Employment Contract). WE (the Employer), dispensing rigid mandates, employ OUR Government (Employees); assigned to continually and forever "effect OUR safety and happiness".

26. OUR Contract's Preamble, in perfect harmony with OUR Declaration, summarizes OUR Government's primary mandate:

*"We the People of the United States, in Order to form a more perfect Union, establish justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America."*

**Liberty:** the state of being free within society from oppressive restrictions imposed by authority on one's way of life, behavior, or political views."

**Posterity:** all future generations - all descendants: all of somebody's descendants

**Ordain:** "command formally: to order or establish something formally, especially by law or by another authority (formal)

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## Exhibit 005B - Articles I, II, AND III - Rigidity, Separation of Powers

27. In separate Articles **WE specify** Legislative, Executive, and Judicial Branches; each with equal authority to secure OUR “*safety and happiness*”, each with different DUTIES and LIMITS; and **each with ACCOUNTABILITY to their Duties.**

28. Article I specifies limits of all Legislative Duties.

***"The Congress shall have Power to ... make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers [ listed specific subjects ], and all other Powers vested [ASSIGNED] by this Constitution ... "***

29. Article II specifies limits of all Executive Duties.

*“he [President] shall take Care that **the Laws be faithfully executed,** ... ”.*

**Execute:** carry out or put into effect (a plan, order, or course of action).

30. Article III specifies limits of all Judicial Duties.

*“The **judicial** Power shall extend to **all Cases, in Law** and **Equity,** ... to **controversies** ... ”*

**Case:** lawsuit, legal action, trial

**Equity:** MORALITY: fairness, impartiality, integrity, righteousness, decency, goodness, honorableness, conscientiousness, neutrality, objectivity

**Controversy:** disagreement, dispute, argument, debate, dissension, contention

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## Exhibit 005C - Article IV - ACCOUNTABILITY - REPUBLIC Specification

32. In Article IV, Section 4, "**WE**" distinctly **COMMAND**:

*"The United States [Government] shall guarantee to every State in this Union a **Republican Form of Government**, ..."*

**Republic**: "a system of government in which **the people hold Sovereign power** and **elect representatives who exercise that power**."

**Exercise**: **to implement the terms of**; to execute

**Sovereign**: A **person**, body, or state **vested** with independent and **supreme authority**

**Vested**: Having become a completed, consummated right for present or future enjoyment; not contingent; unconditional; absolute

**Independent**: self-governing and **not ruled by any other** state [of existence]

*It [A Republic] contrasts on the one hand with a pure **democracy**, in which the people or community **as an organized whole** wield **the sovereign power of government**, and on the other with the rule of one person (such as a king, emperor, czar, or sultan)".<sup>6</sup>*

33. This separate Article specification **COMMANDS Government ACCOUNTABILITY**, reinforcing OUR "Station" (STANDING), our Sovereign CONTROL over "any form of destructive government", ESSENTIAL to ensuring OUR "Safety and Happiness". OUR "**REPUBLIC**" **ACCOUNTABILITY specification**, precisely harmonized with OUR Declaration, is reaffirmed in OUR "Pledge of Allegiance"; **all should be grade school requisites** (Political Science - Civics).

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<sup>6</sup> (Black's Law Dictionary, Seventh Edition © & (P) 2000 West Group, All rights reserved)



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34. **DEMOCRACY DOES NOT PROVIDE GOVERNMENT ACCOUNTABILITY**, DOES NOT PROVIDE SECURITY against degenerative government.

### Exhibit 005D - Article VI, Cl 2 & 3 - Contractual Obligation & Trinity Crosscheck

35. Article VI Clauses 2 & 3 require every official's Sworn commitment to all of OUR Constitution's contents:

*"**This Constitution**, and the Laws of the United States ..., **shall be the supreme Law of the Land**; and the Judges in every State shall be **bound** thereby, **any Thing** in the Constitution or Laws of any State **to the Contrary notwithstanding**."*

[**undeterred** by any contradiction in any States' Constitutions or States' Laws]

**bound**: restrained, confined, **restricted**

*"The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; ...."*

36. **Every Government employee** in each Branch **has a Sworn Obligation** (or delegated responsibility) TO **"We, the People"** **and** FOR **the actions of the other Branches** (Trinity Crosscheck), in securing OUR *"safety and happiness"*.

37. ALL Government Employees are LEGALLY REQUIRED to abide by this EMPLOYMENT CONTRACT.

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## Exhibit 005E - Non-Expansive Restricted Alteration - RIGIDITY

38. OUR MANDATES are crystal clear:

*"To make all Laws which shall be necessary and proper for carrying into Execution **the foregoing Powers**, and all other Powers **vested** by this Constitution ..."*

OUR Const, Art 1, Sec 8, Cl 18

Vested: **secured** in the possession of or **assigned** - past tense, pre-existing

39. **WE provide** for refinements of OUR Constitution (OUR Employees' work product) to more effectively secure OUR "safety and happiness":

*"... amendments to this Constitution ... shall be valid to all intents and purposes, as part of this Constitution, when ratified ..."*

**Amendment: a minor change or addition** designed **to improve a text, piece of legislation**

40. Duty-bound to OUR "safety and happiness", **reinforcing the inherent RESTRICTIONS** throughout OUR Contract, "... in order to prevent misconstruction or abuse of its powers, ... **further declaratory and restrictive clauses** ..." ("Bill of Rights" Preamble) were MANDATED. **WE forbade expansion of authority** in OUR original Constitution **and re-emphasize it here:**

*"**The powers not delegated** to the United States by the Constitution, nor prohibited by it to the states, **are reserved** to the states respectively, or **to the people**." 10<sup>th</sup> Amend*

**Delegated: entrusted** (a task or responsibility) **to another person**, typically one who is **less senior** than oneself

## Exhibit 005F - OUR Constitution's Exquisitely Harmonized Presidential Testimony

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## Exhibit 005G – America's Individual Sovereign Accountability

41. **Affirmed forever in OUR Declaration** is **OUR STANDING** (Unalienable Right) to correct government degeneration, vital to securing OUR “*safety and happiness*”.
42. **Fortified** in OUR Constitution (Employment Contract, Art. III), WE mandate OUR Judiciary to deliver SIMPLE procedures which ANY AMERICAN can EASILY implement to remedy Government misbehavior whenever ANYONE perceives a need:

*“The judicial Power shall extend to **all Cases**, in Law and Equity, ... ; **to Controversies** to which the United States shall be a Party;”*

*Art III, Sec 2, Cl 1*

**Case:** lawsuit, legal action, trial

**Equity:** **MORALITY:** fairness, impartiality, integrity, righteousness, decency, goodness, honorableness, conscientiousness, neutrality, objectivity

**Controversies:** disagreement, dispute, argument

43. OUR Employees' inconsistent compliance necessitated more explicit mandates:

*“Congress [and the Judiciary, equally restricted] shall make [or enforce] no law ... abridging ... the right of the people to petition the Government for a redress of grievances”. 1<sup>st</sup> Amend*

**Abridge:** to reduce something in scope or extent

*restrict something: to deprive somebody of rights or privileges*

**Petition:** make a formal request - As a Right, a formal command

**Redress:** Relief; remedy <money damages, as opposed to equitable relief, is the only redress available><sup>7</sup>

**Grievance:** Something **thought reason enough** to complain: a cause for complaint or resentment that may or may not be well-founded

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<sup>7</sup> (Black's Law Dictionary, Seventh Edition © & (P) 2000 West Group, All rights reserved)

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44. **Petitioning** the Government for a redress of Grievances **is NOT a normal case**. Perceived Government infringement **requires UNBIASED deliberation**, which **the Judiciary cannot provide**.

45. Petitioning is an Unalienable Right, not a request. It is OUR Authority (SOVEREIGN) formally commanding Judicial (subservient) assembly of a Forum for impartial "*hearing*" of ANY American's perceived loss ("*Grievance*") - HIS PERCEIVED adverse IMPACT upon HIS "*life, liberty, and pursuit of happiness*" by ANY Government misconduct.

46. **Petitioning countermands ALL** connived excuses for inaction:

*"Where rights secured by the Constitution are involved [ALL Rights], **there can be no rule making or legislation which would abrogate them.**" Miranda v Arizona, **384 US 436** p 491 (1966)*

**Abrogate**: *repeal or do away with, repudiate, revoke, repeal, rescind, overturn, overrule, override, annul, cancel*

### Exhibit 005H - Judicial Sworn Obligation - Properly Functioning Republic

47. In a properly functioning Republic, **Church** ("*Morality and Reason*") **and State** (STATUS) **are inseparable**. "*Morality and Reason*", acknowledged by THIS COURT as the highest humanly comprehensible law, affirms **God is the only authority above** "We, the People"; **all other authority** (including statutes, case law, and doctrines) **subserves** OUR SOVEREIGNTY.

48. In a properly functioning Republic, **OUR "Unalienable" Rights**, including STANDING, are purposefully **beyond Government manipulation**. OUR Sovereignty is only revocable upon conviction of a crime.

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49. In a properly functioning Republic, **every Government employee is obligated** (through delegation) to each and every member of "*We, the People*" for infringement upon OUR "*Safety and Happiness*".
- EACH Branch is accountable for ALL actions of ANY Branch.
50. In a properly functioning Republic, ANY American who perseveres the writing of a Petition (**perceived Government infringement**) is exercising his Divine Right to be "HEARD" without censorship; thereby warranting Judicial veneration.
51. In a properly functioning Republic, **a Petitioner's** PERCEPTION of Government infringement is an alleged intangible **loss, beyond any Government employee's authority to qualify or quantify**. OUR expectations to reach OUR desires and dreams are future dimensions of spiritual evolution individually triggered at various crossroads in life.
52. In a properly functioning Republic, **OUR Courts**, THIS COURT included, **are mandated to process ALL Petitions** against Government.
53. In a properly functioning Republic, **OUR Judiciary expedites** ANY American's Petition; with **simple procedures to quickly resolve** Government Abuse, averting **potential repetition or escalation**.
54. In a properly functioning Republic, the registering of a Petition should result in a barrage of HELPFUL guidance and available no-charge Attorneys to assist in expeditious resolution.
55. In a properly functioning Republic, **OUR Judiciary administers a simple Forum**; a civilized environment for intellectual battle, where Might DOES NOT EQUAL Right.

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*Forum: "a place, meeting, or medium where ideas and views on a particular issue can be exchanged"*

56. In a properly functioning Republic, **the "Grievance(s)" is (are) openly aired**. The **litigants exchange ideas** while **Judges umpire** this intellectual boxing match, maintaining orderly fairness.
57. In a properly functioning Republic, **Juries of OUR peers** (not Government employees) isolate the litigants from the outcome. **Impartial Jurists** (members of "*We, the People*") **deliberate** upon presented arguments, **infusing OUR expectations and desires**, not Government employees' political agendas, power addictions, or job influences.
58. In a properly functioning Republic, Juries, NOT JUDGES, decide Government misconduct and assess value of inflicted injury. Jury "*Opinions*" impart OUR Moral and Reasonable Expectations, with consequences (just compensation) for noncompliance, reinforcing OUR Employer/Employee relationship and stressing OUR Employees' primary Assignment.
59. In a properly functioning Republic, **Juries, NOT JUDGES, enforce Government Accountability** with timely correction, especially one instance, ideally the first instance; precluding repetition or escalation; formally recording in public records (Case Law in **OUR** Library) OUR highest insight to educate Government and OUR "*posterity*".
60. In a properly functioning Republic, **Juries complete OUR specified balance of authority** to rectify ignorance, misunderstanding, and corruption; thereby minimizing healthy government's impact on OUR lives while **effecting [OUR] Safety and Happiness**".

## Plaintiff's Memorandum in Support of Allegation 01

61. **A properly functioning Republic promotes** (“*hears*”) individual desires and dreams rising above the norm, valued enrichment shared amongst all for the advancement of society:

*“The Congress shall have Power ... **To promote the Progress of Science and useful Arts**, by securing for limited Times to Authors and Inventors **the exclusive Right** to their respective Writings and Discoveries ...”*

*OUR Const Art I, Sec 8, Cl 8*

62. **A properly functioning Republic secures** “**Safety**”, “**Happiness**”, and “**Equality**” for “**ALL MEN**” by fairly “**hearing**” Grievances from **anyone**: the profound as well as the compliant, the innovative as well as the historian, the few as well as the many, the sick as well as the healthy, the poor as well as the rich, the meek as well as the bullies. A single Sovereign Grievance, properly redressed, averts millions of Grievances (Tyranny).

63. Only a properly functioning Republic: **teaches** that individual experience (single Sovereign Voice) invites debate and creativity; instills new ideas or better ways; inspires the masses; elevates expectations; **cleanses** internal corruption and absolves historic error; **exemplifies** morality; restores patriotism; and advances a reputation **fostering** GLOBAL UNITY and EVOLUTION.

### Exhibit 006 - “*Bill of [Infringements] Rights*” (1791)

### Exhibit 006A - Bill of Misdirection

64. OUR Declaration pinpoints OUR invisible enemy, Government exploitation of Tolerance:

*“... all Experience hath shewn, that Mankind are more disposed to suffer, while Evils are sufferable, than to right themselves by abolishing the Forms to which they are accustomed.”*

## Plaintiff's Memorandum in Support of Allegation 01

65. Paramount to exploitation is **underrated misdirection**. Anesthetizing repetition of subtle misdirections, escalating and compounding over decades, induces toleration. WE acquiesce to eventual **grievous degeneration as OUR paralyzing norm**.
66. Fortifying OUR Employment Contract (Constitution) to thwart resurgence of Government abuse, OUR first TEN Amendments, collectively named "**The Bill of Rights**", inserted additional **emphasizing mandates** UPON GOVERNMENT to perform as **WE** direct, summarized in its Preamble:
- "... in order to prevent misconstruction or abuse of its powers [Government's], that further declaratory and restrictive clauses should be added ..."*
- "... And as extending the ground of public confidence in the Government, will best ensure the beneficent ends of its institution [Government's]."*
67. To ensure "*public confidence*" in OUR Government, ten Amendments stress Government's habitual infringements upon specific Rights. Many describe exactly the abuse we are still enduring 244 years after seceding from this same tyranny (identified in OUR Declaration).
68. Contrary to this misdirecting title ("*The Bill of Rights*"), NONE of these 10 Amendments creates or regulates any of OUR Rights. Emphatically, each safeguards against potential GOVERNMENT INFRINGEMENT upon specific Rights.
69. A **non-deceptive**, concise title ("*Bill of Infringements*") **WOULD HAVE accurately conveyed** Government's limitations, thereby ensuring OUR "*safety and happiness*", Government's primary assignment.



## Plaintiff's Memorandum in Support of Allegation 01

70. With just **one wrong word**, one subtle inaccuracy, "*The Bill of Rights*" title subverts OUR Constitution's rigid restrictions and breeds tyrannical dispersal of OUR Rights; thereby instigating infringement threatening OUR "*safety and happiness*".
71. Subtly spreading below, Judicial misdirections repetitively promote misconception of Government control over OUR Standing (Sovereign Unalienable Rights). **UNALIENABLE** requires no invocation, just Government preservation:
- "There can be no question that one who files a return under oath is a witness **within the meaning of the Amendment**."* *Sullivan v US*, 274 US 259 (**1927**)
- "**The Fifth Amendment provision** that the individual cannot be compelled to be a witness against himself cannot be abridged."* *Miranda v US*, 384 US 436 (1966)
- "The information revealed in the preparation and filing of an income tax return is, **for Fifth Amendment analysis**, the testimony of a 'witness' as that term is used herein."* *Garner v US*, 424 US 648 (1976)
- "There is no tax exception to the Fifth Amendment... We need not consider how or in what manner **the 5th Amendment may be invoked** as a defense for failure to file tax returns."* *U.S. v. Troescher*, 9th Circuit Court of Appeals, November 7, (**1996**)
72. Preying on Human Nature, cultivating OUR apathy, subtle misdirections escalate Government deterioration; thereby threatening OUR crucial, unique Societal Structure securing OUR "*safety and happiness*".

### Exhibit 006B - Principles of Statutory Construction, Prelude to Transgression

73. **Prolonged, subtle, compounding misdirections** are either precisely crafted disinformation schemes or incredibly coincidental, multiple negligent miscommunications. **Either inflicts the same grievous harm.**

## Plaintiff's Memorandum in Support of Allegation 01

74. Transparently stacked one atop another for generations, misdirections became commonplace **flawed customs and principles** spawning blindly practiced **deficient doctrines**. Implemented purely by Judicial misconceptions and/or antiquated habits, **tainted Case Law** now contaminates OUR Libraries and shreds American Morality.
75. **Principles of Statutory Construction** are Judicial fabrications called a variety of aliases ("*rules*", doctrines, principles, precedents, canons, and practices); some are traceable to Latin phrases and Old English common law antiquities **predating** and **subverting OUR Fundamental LAWS**. These disharmonious thought processes favor Legislative autonomy over Judicial equality, reflecting past Governments, not OUR unique trinity-balance; thereby manifesting faulty Case Law Opinions effecting this Plaintiff's Allegations. Some of these "*principles*" can be found at:
- [https://isb.idaho.gov/wp-content/uploads/canons\\_w\\_commentary.pdf](https://isb.idaho.gov/wp-content/uploads/canons_w_commentary.pdf)
- Some of these "*principles*" are summarized below:
76. Clear Laws need NOTHING. The Legislative Defendants are obligated to write precise statutes expressly for OUR "*safety and happiness*".
77. Ambiguity drives interpretation. "**Engaging in statutory construction**" to "**determine legislative intent**" is equivalent to bandaging flawed Legislative work product by conceding Judicial Sworn Obligation. **Ambiguity and interpretation are the fuel for manipulation of LAW; therefore the enemy** of OUR "*safety and happiness*". "*look[ing] to rules of construction*" is reversion to the past, repetition of History; not advancement of OUR Founders' "new age". Repetition of History is not what OUR Country is about:

## Plaintiff's Memorandum in Support of Allegation 01

*"Fourscore and seven years ago our fathers brought forth, on this continent, a new nation, conceived in liberty, and dedicated to the proposition that all men are created equal. Now we are engaged in a great civil war, testing whether that nation, or any nation so conceived, and so dedicated, can long endure."*

Gettysburg Address, Abraham Lincoln

78. Just as Territorial Jurisdiction tacitly applies to ALL LAW, the Defendants' Sworn Obligation is paramount; both are tacit statutes to be harmonized with all Judicial decisions; yet most of THIS COURT's "*principles*" prioritize and clairvoyantly conjure Legislative intent while neglecting OUR "*safety and happiness*".

79. If a statute's intent is unclear, its subjective implementation endangers; thereby becoming defective Legislative work product to be Judicially nullified, not manipulated.

### Exhibit 006C - Origin and Development of "*stare decisis*"

### Exhibit 006D - Controversy of "*stare decisis*"

### Exhibit 006E - Negligent Practices - "*Stare Decisis*" Blind Repetition

80. Compounding all other misdirecting doctrines, principles, precedents, and practices is the doctrine of "*Stare Decisis*", which originated under English common law, relying on cases decided as far back as the 14th Century.

81. Latin for "to stand by things decided", "*Stare Decisis* is the doctrine of precedent". More accurately stated - the doctrine of Blind Repetition of History.

Doctrine: "a belief or set of beliefs [NOT cited LAW] held and taught by a Church, political party, or other group"

## Plaintiff's Memorandum in Support of Allegation 01

**Precedent**: "*a principle [NOT cited LAW] that requires judges to follow the rulings and determinations of judges in higher courts, where a case involves similar facts and issues*"

*"This informal norm directs judges to follow legal rulings from prior cases that are factually similar to ones being decided. It is the defining feature of American courts, and lawyers, judges, and scholars recognize it represents the most critical piece of American judicial infrastructure."*

82. "**Factual similarity**" is a prejudicial prefiltering abrogation shortcutting unique facts unveiled during debate and bypassing the unbiased deliberation on detailed presentation.
83. This "**defining feature of American courts**" is to dwell in English law under a tyrant's rule which WE denounced in 1776. By this doctrine, Judicial decisions archaic to OUR Fundamental LAWS are blindly **repeated**.
84. "*Stare Decisis*" is NOT LAW. It is the **Judiciary's BELIEF** in REPETITION of **self-fabricated** "*principles*" based on "*rulings and determinations*" which predate, or lack ANY traceability to, OUR Fundamental LAWS; self-evident in the absence of clear citations.
85. Judicially fabricated "**Principles**" **IMPOSE NO REQUIREMENT** upon Judges. **WE REQUIRE** Judges to honor their Sworn Oath, abide by OUR Fundamental LAWS, and follow OUR MANDATES.
86. "**Stare Decisis**" **DOES NOT EXIST** in OUR Declaration or Constitution; yet it is an escalating practice (Exhibit 006D) in nation-wide life-altering adjudications, vaporizing OUR Fundamental LAW and flooding OUR Library with falsehoods.

## Plaintiff's Memorandum in Support of Allegation 01

87. While **claiming** to promote "**predictability**", "**consistency**", "**development of legal principles**", and the "**integrity of the judicial process**", "the Supreme Court will usually defer to its previous decisions **even if the soundness of the decision is in doubt**" (EVEN IF WRONG). Integrity and consistency require that there is NEVER DOUBT in decisions concerning UNALIENABLE Rights.
88. "**A benefit of this rigidity** is that a court need **not continuously reevaluate** the **legal underpinnings of** past decisions and **accepted doctrines**".
- (a) The Judiciary rigidly prioritizes EFFICIENCY, NOT LEGALITY; very ADVANTAGIOUS in the aiding and abetting of Government misconduct
  - (b) EFFICIENCY is best served by suppressing Government misconduct asap
  - (c) "**not continuously reevaluate**" - not bother to correct past errors or improve
  - (d) "**accepted doctrines**" - Subjugating, untraceable color-of-authority
89. "**Predictability helps clarify constitutional rights for the public.**" OUR crystal clear EXPANSIVE Sovereign Unalienable Rights (OUR Declaration) need no judicial clarification. It is Government employees who need clarification, not the Public; to accurately implement OUR primary MANDATE - SECURE ALL RIGHTS. This proclaimed "*predictability*" clarifies nothing; it masks Government's repetitious Dereliction of Duty to OUR Security.
90. "Stare Decisis ... discourages litigating established precedents, permits erroneous decisions to continue influencing the law, and encumbers the legal system's ability to quickly adapt to change" (all abrogations to litigating Grievances).

## Plaintiff's Memorandum in Support of Allegation 01

91. "Although courts seldom overrule precedent, Justice Rehnquist explained that stare decisis is not an *"inexorable command."* On occasion, the Court will decide not to apply the doctrine if a prior decision is deemed unworkable. In addition, significant societal changes may also prompt the Court to *overrule precedent*; however, any decision to overrule precedent is exercised cautiously." OUR Fundamental LAWS always overrule Judicial rule-making.

92. In 204 US 331 (1907), Judicial delusion fabricated this negligent misdirection:

*"The actions are essentially against the United States, which may not be sued without its consent."*

The "power of federal courts" is GRANTED by "WE, the People", emphatically commanded by UNALIENABLE Right and secured under OUR Constitution by Judicial Duty and Sworn Obligation; thereby MANDATED "to hear ALL cases or controversies" concerning Government Abuse.

93. In 403 US 602 (1971) below, Judicial Negligence is extenuated by embellished delusion. There is no faltering "verge of the precipice". Unalienable Rights are crystal clear. Fundamental LAWS are crystal clear. There is OUR Security OR there is misdirection abetting Infringement.

*"We have already noted that modern governmental programs have self-perpetuating and self-expanding propensities. These internal pressures are only enhanced when the schemes involve institutions whose legitimate needs are growing and whose interests have substantial political support. Nor can we fail to see that in constitutional adjudication some steps, which when taken were thought to approach "the verge", have become the platform for yet further steps. A certain momentum develops in constitutional theory and it can be a "downhill thrust" easily set in motion but difficult to retard or stop. Development by momentum is not invariably bad; indeed, it is the way the common law has grown, but it is a force to be recognized and reckoned with. The dangers are increased by the difficulty of perceiving in advance exactly where the "verge" of the precipice lies."*

## Plaintiff's Memorandum in Support of Allegation 01

94. Judicial misconceptions foster baseless "*RULES*" subverting OUR Fundamental LAWS; therein birthing false "*precedents*". Mesmerizing diversionary mantras ("*our democracy*", "*lack of standing*", "*frivolous lawsuit*", and "*tacit admission*" [entrapment]) mask prejudices and promote repetitive abandonment of Sworn Obligation and Due Diligence; thereby undermining OUR "*Due Process*".
95. The Judiciary is supposed to comprise OUR most revered minds to lead American Morality; yet only primitive repressive mentality blindly directs these repugnant practices.
96. This is the putrefaction of OUR Judiciary; transgressions obstructing America's Evolution, replicating historic government deficiencies, disavowing Sovereignty and Hierarchy, obliterating OUR "*republican form of government*", and depriving this Plaintiff of his AUTOMATIC UNALIENABLE STANDING RIGHT to redress his Grievances (documented in numerous Exhibits).

### **Exhibit 006F - Origin of "*Standing to Sue*"**

### **Exhibit 006G - Subversive Practices - "*Standing to Sue*" Doctrine**

97. Below, THIS COURT's misdirection manifests without any traceable chain of Authority, **long after** OUR Declaration (**1776**) and OUR Constitution (**1787**); therein subverting OUR ENTITLED AUTOMATIC UNALIENABLE STANDING RIGHT enumerated in OUR Declaration, OUR Republican form of Government, and OUR 1<sup>st</sup> Amendment; thereby setting a precedent for tyranny and contaminating OUR Library:

*"The actions are essentially against the United States, **which may not be sued without its consent.**"*

Kansas v. United States, 204 US 331 (**1907**)

## Plaintiff's Memorandum in Support of Allegation 01

98. Repetitious defiance of OUR Fundamental LAW solidified the *"The Standing to Sue Doctrine"*, historically perceived as **originating** from the consolidation of two Cases, 258 US 126 and 262 US 447. Within these cases, subject matter and outcome are secondary to the misdirecting Opinions of THIS COURT now abrogating OUR Fundamental RIGHTS in OUR Library.

99. In these **1922 / 1923** Cases, **long after** OUR Declaration (**1776**) and OUR Constitution (**1787**), **OUR Judiciary cast aside** *"Morality and Reason"*, **reneged** on its Sworn Obligation, **defied OUR Fundamental Laws**, and **fabricated an UNCONSTITUTIONAL RULE**:

*"The general right of a citizen to have the government administered according to law and the public moneys not wasted does not entitle him to institute in the federal courts a suit*

***to secure by indirection a determination** whether a statute, if passed, or a constitutional amendment about to be adopted, will be valid."*

- (a) *"**The general right of a citizen** ..."* is synonymous with OUR *"**Entitlement**"*. OUR Declaration and Judicial Sworn Obligation (Constitution) **NEGATES** *"does not entitle him"*.
- (b) THIS COURT's prejudice towards non-entitlement equates *"**the public moneys not wasted**"* to Deprivation of Unalienable Rights, when it is Government waste of time and public moneys spent not adhering to OUR Contract (defective work product) which threatens OUR *"safety and happiness"*; thereby requiring expensive trials to correct. To blame the cost on the victim and then use it to disqualify "Standing" is **absurdly immoral**.
- (c) *"**to secure ... a determination**"* of any perceived Government misconduct of any kind is Constitutionally specified as an UNBIASED **JURY** deliberation (*"**as to THEM shall seem most likely**"*); **NOT a Judicial autocratic undermining** of a proper Forum.

100. Below, THIS COURT magnified their previous misdirections, compounding the **blind repetition** of *"stare decisis"* (Exhibit 006C) with **false embellishment**; thereby concocting a color-of-law *"**doctrine**"* usurping OUR Fundamental LAWS:



## Plaintiff's Memorandum in Support of Allegation 01

*"Standing to sue doctrine" refers to a legal principle where a party is entitled to have a court decide his/her merits of the case. Under this doctrine, a party is entitled to obtain judicial resolution. In the U.S., there are many requirements that a party must establish to have standing before a federal court. The following are some of the requirements recognized under the doctrine: 1 Injury; 2 Causation; 3 Redressability. ...*

101. Scrutinizing each false embellishment exposes **multiple self-evident misdirections** resulting in Judicial prerogative circumventing Judicial Obligation:
- (a) A **"doctrine"**, no matter what it's named, is a **belief**. Containing NO TRACEABILITY to OUR Fundamental LAWS, it is NOT LAW (ref Exhibit 006B).
  - (b) This *"Standing to sue **doctrine**"* perpetuates a Judicial **belief** of fabricated "legality" contrary to OUR Declaration's Tenacity and Integrity, *"Morality and Reason"*, and self-evident truths; wherein **OUR UNALIENABLE Standing Right** is affirmed.
  - (c) This *"standing to sue doctrine **refers to a legal principle where...**"* is **camouflaged deflection with circular redefinition**. From nonexistence appears its name (*"Standing to sue doctrine"*), immediately deflecting attention (*"refers to"*) to an unnamed *"principle"*; thereby also previously nonexistent. A *"principle"* is not a LAW.
  - (d) This *"principle"* details its own definition immediately following *"where ..."*. All of the embellishment following *"where"* provides NO TRACEABLE CHAIN OF AUTHORITY.
  - (e) Additional embellishment, the **unsubstantiated** adjective **"legal"**, provides more misdirection without citing one snippet of authority. This elaborated *"legal principle"* is **legally baseless**.
  - (f) *"where a party is **entitled to have a court decide** his/her merits of the case"* demeans OUR Entitlement, bypassing unbiased Jury Forums with Judicial prejudice; thereby displacing Constitutionally mandated Obligation with preferentially dispensed Judicial Autocracy.
  - (g) *"**Under this doctrine, a party is entitled to obtain judicial resolution**"* magnifies previous compounding misdirection with repetition, disavows OUR Entitlements' origin, and asserts Judicial domination.

## Plaintiff's Memorandum in Support of Allegation 01

- (h) "In the U.S., there are many requirements that a party must establish to have standing before a federal court" is blatant Judicial disregard for OUR Fundamental LAWS, characteristic of kangaroo courts. The only LAWFUL requirement for ENTITLEMENT of STANDING "in the U.S." is birth or naturalization.
- (i) "The following are some of the requirements recognized under the doctrine" dictates a fluctuating barrage of criteria, **RULES barricading OUR Right** to Petition, "recognized under the doctrine"; thereby defying OUR Constitution's mandates.

*"Where rights secured by the Constitution are involved, there can be NO RULE MAKING or legislation which would abrogate them."* Miranda v Arizona, 384 US 436 p 491 (1966)

102. Another "Opinion" from the aforementioned Cases which fabricated this "doctrine":

*"The court rejected the suits on the basis that neither plaintiff suffered particularized harm, writing: We have no power per se to review and annul acts of Congress on the ground that they are unconstitutional. The question may be considered only when the justification for some direct injury suffered or threatened, presenting a justiciable issue, is made to rest upon such an act. ... The party who invokes the power must be able to show not only that the statute is invalid but that he has sustained or is immediately in danger of sustaining some direct injury as the result of its enforcement, and not merely that he suffers in some indefinite way in common with people generally.*

103. Elaborately streaming more false embellishment, the above overflows with **more self-evident misdirections**:

- (a) "particularized harm" is a **personal** element of a Grievance; against Government, it requires UNBIASED Jury deliberation, not lifetime immunized Judicial prophetic denial.
- (b) "We have no power per se to review and annul acts of Congress on the ground that they are unconstitutional" renounces Judicial Obligation (OUR Const, Art III, Sec 2), defies OUR Fundamental LAWS (3 **Equal Authority** Branches), and sabotages Accountability, crucial to securing OUR "Safety and Happiness".

## Plaintiff's Memorandum in Support of Allegation 01

- (c) "**The party who invokes the power**" is any Sovereign American who Petitions (exercises his Fundamental Entitlement, his Unalienable Right).
- (d) "[The Party] *must be able to show*" - must be ACCORDED THE OPPORTUNITY to present the circumstances of his perceived harm to an unbiased Jury in a proper Forum for his Petition against Government.
- (e) "**The question may be considered**" is not a question and **not for Judicial contemplation**. It is finitely deemed a "*controversy*" in OUR Constitution; wherein OUR "*Standing to sue*", OUR Traceable Chain of Authority (self-evident Fundamental RIGHT endowed by Nature's God), **mandates Jury Deliberation** under Judicial Officiation, NOT prejudicial denial under Judicial allotment.
- (f) "*only when the justification for some direct injury suffered or threatened, presenting a justiciable issue, is made to rest upon such an act*" is political gibberish; thereby masking Judicial Abandonment of Sworn Obligation.
- (g) "*not merely that he suffers in some indefinite way*" asserts Judicial clairvoyance to conjure, prejudice, and restrict; thereby dictating individual perceived harm and toll.
- (h) "*not merely that he suffers in some indefinite way in common with people generally*" demeans suffering of any kind; disavows challenges to widespread Government misconduct, therein posing a Security threat to Anyone's Posterity; characterizes a callous tyrant; and sabotages American Morality.

104. **STANDING** "*to institute in the federal courts a suit*" **WHEN WE REQUIRE** is eloquently expansively enumerated in OUR Declaration, fortified in OUR 1<sup>st</sup>, 9<sup>th</sup>, and 10<sup>th</sup> Amendments, and AUTOMATICALLY mandated; thereby invoking Judicial Officiation (OUR Const, Art III, Sec 2, Cl 1) and an UNBIASED JURY (OUR Const, 7<sup>th</sup> Amend) **Forum** to deliberate ALL "*merits*" and outcome, for ANY Government infringement CASE (OUR Republican form):

"... **to assume** [*undertake*] among the Powers of the Earth, **the separate and equal STATION** [*position, standing, etc*] to which the Laws of Nature and of Nature's God **entitle them** ...

## Plaintiff's Memorandum in Support of Allegation 01

*all Men ... are endowed by their Creator with certain unalienable Rights, ... among THESE ... that to secure these Rights, Governments are instituted ..., deriving their just Powers from the Consent of the Governed*

*that whenever any Form of Government becomes destructive of these Ends, it is the RIGHT of the People to alter ... and to institute new Government, ... as to them shall seem most likely to effect their Safety and Happiness."* *OUR Declaration*

*"Congress [and the Judiciary] shall make no law ... abridging ... the right of the people ... to petition the Government for a redress of grievances".* *OUR Const, 1<sup>st</sup> Amend*

*"The enumeration in the Constitution, of certain rights, **shall not be construed** to deny or disparage others retained by the people.* *OUR Const, 9<sup>th</sup> Amend*

***The powers not delegated** to the United States by the Constitution, nor prohibited by it to the states, **are reserved** to the states respectively, or **to the people**.* *OUR Const, 10<sup>th</sup> Amend*

*"... certain principles of morality are assumed to exist, without which society would be impossible, ... These inherent rights ... in the declaration of independence, ... 'We hold these truths to be self- evident' ... 'that all men are endowed' ... 'by their Creator with certain inalienable rights.'--that is, rights which cannot be bartered away, or given away, or taken away, ... and that among these are life, liberty, and the pursuit of happiness; and to secure these'--not grant them, but secure them--'governments are instituted ..." Butchers' Union slaughter-House v. Crescent city livestock landing,* *111 US 746, 4 S.Ct. 652 (1884)*

*"Where rights secured by the Constitution are involved, **there can be NO RULE MAKING or legislation which would abrogate them.**"* *Miranda v Arizona, **384 US 436** p 491 (1966)*

## Plaintiff's Memorandum in Support of Allegation 01

*"The general rule is that **an unconstitutional statute**, though having the form and name of law, **is in reality no law**, but **is wholly void and ineffective for any purpose**; since its unconstitutionality dates from the time of its enactment... In legal contemplation, it is as inoperative as if it had never been passed... Since an unconstitutional law is void, the general principles follow that it imposes no duties, confers no rights, creates no office, bestows no power or authority on anyone, affords no protection and **justifies no acts performed under it**... A void act **cannot be legally consistent with a valid law**. Indeed, insofar as a statute runs counter to the fundamental law of the land, **it is superceded** thereby. No one is bound to obey an unconstitutional law and no courts are bound to enforce it." 16 Am Jur 2d S177, late Am Jur 2d S256*

*"Moreover, the fact that a statute has been construed and applied for a considerable period of time **does not necessarily render it free from constitutional attack**, and acquiescence over a period of many years **will not render an unconstitutional statute valid**."*

*16A Am Jur § 183*

## Plaintiff's Memorandum in Support of Allegation 01

105. **"Burden of Proof in such CASES"** REQUIRES a Judicial Forum; whereby **"those who have imposed the restrictions"** (the Defendants) MUST justify ANY PERCEIVED infringement, no matter how prolonged, to an UNBIASED JURY ("We, the People"):

*"Not all legislation is entitled to a presumption of validity. It has been held in some jurisdictions, for instance, that **when a statute proposes to deny, modify, or diminish a right** or immunity secured to the people by a clear and explicit constitutional provision, the presumption in favor of **the constitutionality of statutes no longer applies**; instead, a contrary presumption arises against the validity of such statute ..."* 16A Am. Jur. 2d § 169

*"Observation: The principle that one challenging the constitutionality of legislation bears the burden of proving its unconstitutionality **does not apply to statutes or ordinances restricting** speech and other **fundamental rights**; inasmuch as **the burden of proof in such cases rests with those who have imposed the restrictions.**" 16A Am Jur 2d 198 @ pg 85 – ref Rosenburger v. Rector and Visitors of University of Virginia, 515 US 819, 115 S. Ct. 2510, 132L. Ed. 2d 700*

106. "... the current doctrine is that a person cannot bring a suit challenging the constitutionality of a law unless the Plaintiff can demonstrate [sufficient pre-qualifying criteria]" prior to an UNBIASED proceeding. The demonstration of any criteria, any perceived harm allegedly **caused by ANY members of government**, is the exact subject matter to be argued, which **cannot be objectively deliberated upon by ANY members of government; thereby RECUSING the Judiciary** from any pre-filtering "merits" while **commanding OUR Constitutionally specified Judicially Officiated Forum for fair presentation** of both sides of the dispute, and **deliberation by Jury** (members of "**We, the People**") on ALL "merits" to achieve **unbiased remedy** (OUR Expectations).

## Plaintiff's Memorandum in Support of Allegation 01

107. Having no traceable chain of authority surpassing OUR UNALIENABLE Natural "*Standing*" endowed by Nature's God, and derived purely from Judicial "*rule making*" word manipulation, this "*standing to sue*" Doctrine/Principle/Precedent/Practice is **annulled by THIS COURT**:

*"Where **rights** secured by the Constitution are involved, **there can be no rule making or legislation which would abrogate them.**" Miranda v Arizona, 384 US 436 p 491 (1966)*

108. In the Cite immediately above, all it takes for evil to prevail (Morality Disintegration) is for good Men to haphazardly communicate subtle falsehoods. "*Where rights secured by the Constitution are involved*" subtly misdirects twofold:

- The first miscommunication is that OUR Constitution defines OUR Rights. ALL RIGHTS are secured by OUR Constitution.
- The second suppresses "*rights*" which aren't enumerated therein as nonexistent, not secure, or can be abrogated.

109. Due Diligence to OUR Society's Security mandates MORAL Opinions such as:

*There can be no rule making or legislation which would abrogate ANY RIGHTS.*

110. **Powerful misdirection pervades** the Judicial Defendants' "*Standing to sue*"

Doctrine/Principle/Precedent/Practice; wherein OUR ENTITLED AUTOMATIC UNALIENABLE STANDING RIGHT to Accountability vaporized between 1776 and 1922/1923 into a **judicially** restricted, qualified, and sparsely dispensed **permit**:

*"This case [1922/1923] is considered the beginning of the doctrine of standing. **Prior to it the doctrine** [OUR Declaration **1776, Unalienable Entitlement**] was that **all persons had a right to pursue a private prosecution of a public right.**"*

[https://en.wikipedia.org/wiki/Massachusetts\\_v.\\_Mellon](https://en.wikipedia.org/wiki/Massachusetts_v._Mellon)

## Plaintiff's Memorandum in Support of Allegation 01

111. At the birth of America, OUR Declaration affirmed "*OUR Standing to sue*" Right; and **it has never changed. OUR Constitution grants no authority to alter this Fundamental Right.** Cases against Government which have been rejected without processing, dismissed for "*lack of Standing*", or dismissed prior to Jury Resolution (excepting settlements), are public records of Judicial Negligence and Abuse of Power.

### JUDICIAL SUBVERSION OF STANDING

112. After years of failing to find a lawyer who would take an "*income tax*" case on "*contingency*"; not financially able to directly hire any; and rejected by many in fear of retaliation; this Plaintiff was forced to spend years researching how to legally protect his Property.

### Exhibit 007 - 1<sup>st</sup> Fed Case 04-30080-MAP, Apr/2004 - Nov/2005, 2 Denials

113. This Plaintiff's first attempt, Federal Court Case 04-30080-MAP, filed pro se on or about 04/26/2004, was dismissed; basis cited as "*lack of standing*". This Plaintiff could not comprehend WHY ANY JUDGE would seemingly contradict Fundamental LAW for ANY GRIEVANCE AGAINST GOVERNMENT. This Plaintiff's lack of knowledge at that time is NO EXCUSE for Judicial subversion of his **UNALIENABLE** RIGHTS.

114. In their **first denial** of "*Due Process*" (08/24/2004), documented in this Plaintiff's Case, with complete disregard for Unalienable Rights, pro-se litigation, and inexperience, the Judicial Defendants acted prejudicially:

- (a) failed to notify this Plaintiff of an (unauthorized) **Magistrate** Judge's filed "Report and Recommendation" containing many false preconceptions; claimed this Plaintiff FAILED to object; claimed its "substance ... is correct in all particulars"; then used it as a basis to dismiss all defendants and the case, never providing an UNBIASED Forum;



## Plaintiff's Memorandum in Support of Allegation 01

(b) dictated inapplicable "taxpayer" regulations trivializing Constitutional Rights in rejection of "Standing"; and failed to enforce "burden of proof" upon the Defendants;

*"Observation: The principle that one challenging the constitutionality of legislation bears the burden of proving its unconstitutionality does not apply to statutes or ordinances restricting speech and other fundamental rights; inasmuch as the burden of proof in such cases rests with those who have imposed the restrictions."* 16A Am Jur 2d 198 @ pg 85 – ref *Rosenburger v. Rector and Visitors of University of Virginia*, 515 US 819, 115 S. Ct. 2510, 132L. Ed. 2d 700.

(c) thereby subverting this Plaintiff's Unalienable "Standing" Right to sue OUR Government.

115. In their **second denial** of "Due Process" (10/26/2005), documented in this Plaintiff's Case, after this Plaintiff filed his "Objection to Premature Dismissal", the Judicial Defendants reopened and again closed this case repeating their findings; thereby again subverting this Plaintiff's Unalienable "Standing" Right to sue OUR Government.

116. This demonstrates Breach of Constitutionally assigned Duty and publicly Sworn Obligation (Breach of Contract), Negligence, and Depraved Indifference or Willful Blindness; thereby aiding, abetting, and prolonging the Treasury Defendants' ongoing escalating Abuse against this Plaintiff; and thereby complicit in causing this Plaintiff's "injuries in fact" and damages.

**Exhibit 001 Tab - MA ATB C287460-06-COR Case (2007 - 2008)**

**Exhibit 008 - Published Book - "A Spirit's Cry for Freedom" - 2012**

117. While still researching, not yet comprehending all of the Defendants' tricks and unable to obtain "Due Process", in desperation, this Plaintiff wrote and published his book in 2012 to the Court of Public Opinion.

## Plaintiff's Memorandum in Support of Allegation 01

### Exhibits 164, 164-1, 164-2, and 165 - 2<sup>nd</sup> Fed Case Denial, Dec/2012

118. On 12/14/2012, this Plaintiff filed in person a Criminal Complaint in Springfield Massachusetts at the United States Attorney's Office, following their procedure and attaching abundant detail ((Exhibits 164-2 and 164-3). The US Defendants' "Complaint Sheet" (Exhibit 164-1) states:

*"While we prosecute allegations of violations of Federal criminal laws, **this office does not conduct investigations independently of these agencies. We will be happy to forward the information you have provided to the appropriate agency.** ... **Your information will be given to** the appropriate state, local, or Federal agency for review and possible investigation."*

119. On or about 12/14/2012, U S Attorney Carmen M. Ortiz / Assistant U.S. Attorney Karen Goodwin sent or caused to be sent by mail a signed response to this Plaintiff's Complaint, stating:

*"**There is not a procedure** in the federal system for an individual to file criminal charges."*

*"Please be advised that **our office represents federal agencies and officials** when they are sued by private individuals."*

*"Accordingly, **we are returning your materials to you.**"*

120. Bluntly contradicting their "Complaint Sheet" and **refusing to act**, the US District Attorney rejected this Plaintiff's Complaint and has never actioned it; thereby depriving him of his Unalienable Right to "Due Process".

### Exhibits 178, 180, 181, and 183 - 3<sup>rd</sup> Fed Case, THIS COURT's 10 Denials, Nov-Dec/2015

121. In THIS COURT's **ten denials** of "Due Process" (multiple refusals to act in 2015), the Judicial Defendants (including THIS COURT's 9 Judges) again repetitively subverted this Plaintiff's Unalienable "Standing" Right to sue OUR Government.

# Plaintiff's Memorandum in Support of Allegation 01

## A. Summary

122. **The gravity** of this Plaintiff's Allegation is the Mariana Trench of Government Abuse perpetuated by THIS COURT's political rhetoric:

*"We have already noted that **modern governmental programs have self-perpetuating and self-expanding propensities**. These internal pressures are only enhanced when the schemes involve institutions whose legitimate needs are growing and whose interests have substantial political support. Nor can we fail to see that in constitutional adjudication some steps, which when taken were **thought to approach "the verge,"** have become the platform for yet further steps. **A certain momentum develops in constitutional theory** and it can be a "downhill thrust" easily set in motion but **difficult to retard or stop**. Development by momentum is not invariably bad; indeed, it is the way the common law has grown, but it is a force to be recognized and reckoned with. The dangers are increased by **the difficulty of perceiving in advance exactly where the "verge" of the precipice lies.**"*

403 US 602 (1971)

123. History has proven, and THIS COURT acknowledges that where there is a "precipice", there is habitual gravitation to misdirection ("**modern governmental programs have self-perpetuating and self-expanding propensities**"). Hindsight, albeit late, is History's offering for Evolution; it identifies and emphasizes error mandating correction, not repetition and/or depraved indifference.

124. Any "**thought to approach the verge**" in any controversy should have been a red flag calling forth Sworn Obligation to OUR Security, not complicity with Congress or the Executive.

125. Human spirit has proven that "*where there is a will, there is a way*". Despite ill "will" in other Branches, OUR Judiciary's first responsibility (primary Sworn Obligation) is to OUR Security; thereby a directive to anticipate and preclude the "*verge of the precipice*" in ALL Opinions.

126. "**A certain momentum develops in constitutional theory**" prioritizes Judicial manipulation.

## Plaintiff's Memorandum in Support of Allegation 01

127. When it comes to OUR "*safety and happiness*", there is no such thing as almost secure. Regarding the abuse of OUR UNALIENABLE RIGHTS (Fundamental LAW), there are no loopholes; "*difficult to retard or stop*" is Dereliction of Duty. Rhetorical excusals are Judicial Negligence.
128. "*the difficulty of perceiving in advance exactly where the "verge" of the precipice lies*" vanishes in the insightful synchronicity of OUR Fundamental LAWS with Morality; therein unclouded by any political, social, or economic agendas.
129. Reviewing OUR Founders' precision in OUR Fundamental LAWS, this Plaintiff's Grievances carry Sovereign (**highest Status**) Employer Authority over any Government (**subservient Status** Employee) perceived misconduct; thereby clearly **immune to any judicial relegating impediment**. The Constitutional Duty and Sworn Obligation of the Judiciary **mandates AUTOMATIC STANDING and UNBIASED "Due Process"** for ANY Grievance composed in any clear and Publicly comprehensible manner, especially crucial when the Judiciary is complicit (Allegations detailed herein).
130. In each of the aforementioned Petitions, the Judicial Defendants, instead of helping this Plaintiff secure his Rights, abused his lack of legal experience; disavowed his Standing; and denied his Unalienable Right to "*Due Process*": to cross-examine, to present evidence, and to deliberation by an **unbiased** JURY; thereby demonstrating Breach of Constitutionally assigned Duty and publicly Sworn Obligation (Breach of Contract), Negligence, and Depraved Indifference or Willful Blindness; thereby aiding, abetting, and prolonging the Treasury Defendants' ongoing escalating Abuse against this Plaintiff; and thereby complicit in causing this Plaintiff's "*injuries in fact*" and damages.