



"Those who say it cannot be done should not interfere with those of us who are doing it"© - S. Hickman

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### WAR POWERS TODAY IN AMERICA

by the principles applied in 1862  
 FALLACY & MYTH of PEOPLE BEING THE SOVEREIGN  
 and that the Constitution was created by the common man.  
 By The Informer

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In reading the Book WAR POWERS, by Whiting, who was the Solicitor General of the War Department of The United States, published in 1864, it does not come as a shock to me that we are nothing but slaves of Congress, AKA United States. Whiting was Lincoln point man and developed the basis for Lincolns justification of the War Policies. Whiting teamed up with Francis Lieber who wrote the "Lieber Code" that we are now under. James Montgomery, a present day researcher, also has written extensively on the Reconstruction Acts and the Lieber Code and how they apply to Americans to this very day. After Whiting left office, his position that he held, was never replaced.

A little prelude to the book by John Yoo, *War Powers Under the Constitution of the United States*, Author William Whiting.

An introduction by John Yoo, Professor of Law, Boalt Hall School of Law, University of California at Berkley: JD., 1992, Yale Law School; AB., 1989, Harvard University who teaches and writes in the areas of constitutional law.

Upon opening this book, the tenth edition of William Whiting's *War Powers under the Constitution of The United States* the reader may be surprised . . . . If anything, Whiting's work helps remove the blinders that a half century of controversy over undeclared wars- from Korea to Vietnam to Panama to the Persian Gulf- has placed over the eyes of the legal profession. Born on

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 Against the Grain

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March 3, 1813 in Concorde, Mass., he attended Harvard and got his law degree in 1838. As a Boston attorney, Whiting became known as so masterful a trial lawyer that, in his day, the Common Pleas Court was sometimes called "Whitings Court". The Boston lawyer began writing in support of the Lincoln administration's arrests of suspected sympathizers of the rebellion. As the war proceeded, Whiting joined the War Department as Solicitor at the request of President Lincoln himself. No doubt it had to do with Whiting's publication, in 1862 in Boston. Whatever the reason for his appointment, Whiting became the point man for the Lincoln administration on the difficult and delicate constitutional issues that arose from the war.

Whiting joined a truly exceptional group of lawyers who would create many of the theories of the independent presidency and the national security state that would reappear in the middle of the twentieth century. In addition to patent officer Peter Wilson, Whiting was joined by former cabinet member and first judge advocate general Joseph Holt, international law scholar, and Francis Leiber, and Eathan Allen Hitchcock and Henry W. Halleck, both lawyers who became generals, the latter becoming General in Chief in 1862.

In Whiting's documents he developed the legal theories that would justify Lincoln's measures to conduct the war successfully on both the war front and home front; he also took a prominent role in publicly disseminating and explaining these views.

One of the best students of Lincoln and of the Civil War, Pulitzer Prize--winning historian- Mark E. Neely, even suggests that it was Whiting's first pamphlet, *War Powers and the President*, that convinced Lincoln that as commander in chief he could abolish slavery in the rebellious states. Until reading Whiting's works, Neely suggests, Lincoln had been reluctant to issue the Emancipation Proclamation.

It is perhaps a tribute to Whiting's success that no successor was ever appointed to his position upon his resignation in 1865. His ardent support for the Republican Party continued after leaving government service. In 1868 he served as presidential elector for Ulysses S. Grant, and in 1872 he was overwhelmingly elected to Congress by the third district of Massachusetts. Death at age sixty, however, prevented Whiting from joining the legislative body that he had once worked with as a member of the executive branch.  
**End of prelude.**

Contrary to what many people believe, the term United States is NOT separate and distinct from the term United States of America, because the two are synonymous. As I stated way back in 1990 and continue to state, America is a country, and the United States is NOT a country. The United States belongs to America. Since the phrase United States OF America contains the word "OF" between the two words United States and America, proper use of the word OF means the United States belongs to America. Another rule of grammar is that the phrase United States is a particular place and not a group of states united. To become a group of states the word United would have to appear as united States. The small "u" would change the word United from a noun to an adjective. So one, to be grammatically correct, would have to write united States of America to correctly mean all 50 States. But even that is not a country. Simply writing United States of America means only Congress, AKA United States. A very simple proof is when the TV airs the State of the Union message. The President is announced as always, "I now present the President of the United States." It is never announced, I now present the President of the united States of America. To be the President of the united States of America would mean that the Governors of each of the states would not have the final say on any laws passed in that state but would have to depend on submitting anything the Governor had to sign to the President for final approval.

Since I have shown previously in my other books, through copious government documents, both of the United States and England and History, that the common people never ratified the constitutions of any of the states, much less the United States; people still believe that they created the constitutions and are, therefore, the so-called Sovereigns. This sovereign status is claimed to be that the people can tell government what and when to do anything through their perceived notion that they have representatives and these so-called representatives are their servants. This is a myth that has been told people down through the centuries. This big lie is passed from generation to generation so much so that people of all walks of life now take it as gospel truth. This myth is what has caused much dissention among the vast majority of people and even to cause infighting amongst people called "patriots", "militia" and others of like mind.

This War Powers book is just another support for my research and others such as Mr. Montgomery. I will lead into this myth by quoting this great authority on War Powers and what he had to say back in 1864. This will be very short and as I read through the book I will add to his work to further show the Fallacy and Myth.

It will be unbelievable to many, who still believe the Big Lie, that they are sovereign and somehow have control of this supposed government they alleged they created and can dispense with it when it becomes oppressive as it has today. I hope you are ready because what follows are not my words but those of the author Whiting and concurrence of all government branches. You also have to remember that we have been in a state of war with these people called Congress and the other two branches of so called government.

The United States is a belligerent government under international law of nations and the people therein. Yes you, dear reader, are the enemy subject and have never, ever, been a sovereign, and neither have your relatives dating back to 1787, UNLESS your relatives were one of the aristocracy having land and money and possibly a grant from the Crown.

Before I get into the book, and to give you what we call modern day research---Dr. Eugene Schroder did excellent research on this at the time I was also researching this material. I decided that since Mr. Schroder was doing this it would be redundant to do the same research, so I proceeded back to Lincoln to research the war powers back then. I had asked about 10 good researchers if they knew of the War Powers Acts, specifically 12 Stat 319 and none had researched it in order to give me any answers. But, I have to start with 48 Stat 1 which Roosevelt shoved through in Executive Order 2039, without Congress, on the 4th and 5th of March 1933. Then on March 9, 1933, Roosevelt convened Congress and basically told them what he did and that they had to sign off on it as he declared a national emergency. This National Emergency made the United States citizens enemies by adding them to the 1917 Trading with the Enemies Act by changing 5(b) of that Act to include Americans, which it never did before, which is you today.

The original draft was by the Federal Reserve System, NOT Congress, and can be found in President Hoover's Papers that can be obtained from any Federal Depository. On March 3, 1933, President Hoover said it was unconstitutional and refused to implement what the Federal Reserve Board drafted. Immediately after taking office on March 4, 1933, the first thing Roosevelt did after implementing what Hoover refused, was to close the banks so they could be issued licenses by the President to deal with the enemy, who was defined now to be all people in the country. Immediately after that, each State set up its own Emergency War Powers regime to coincide with the United States.

After thorough research in North Carolina by a team of 5 people, we came up with documentation between the United States, and not only North Carolina, but other States. It was to slowly induce people into obtaining licenses as now the people, being declared public enemies, had to have licenses. The documentation showed how all people that were not required to have a license to drive were now required to have a license merely to travel as a right because they were the enemies. My mother and father, both deceased, told me that they never had to get a license until 1936. This documentation also showed how speed laws were set; how federal labor laws and unemployment compensation was legislated into the States; and the most important of all the social security; touted as insurance, it was in actuality a means of licensing the "enemy" to track their commerce under the Trading Acts with the newly revised 1917 Trading with the enemy act.

This enemy surveillance is very evident today by the use of what should be termed the Social Slave number but is called Social Security. It was instituted by the President, NOT Congress as most people believe. Oh sure, Congress passed legislation so it appears they instituted it, but under the war powers only the President institutes anything of importance and Congress under the constitutional war powers takes a second seat. They, in effect, become the puppets of the Executive branch. While under the war powers, all branches that should come under the Legislative branch and even the judiciary are controlled by the executive department through the Commander-in-Chief.

Since 1933, and before then, we have always been under Executive Emergency Orders despite in 1974 all was repealed EXCEPT for section 5(b) of the Trading With the Enemy Act of 1917. You can find it alive and well in Title 12 USC 95 (a)&(b). You can also find the other emergency war powers acts still existing from 1862 which have NEVER been repealed. They have their genesis from 12 Stat 319, and are 50 USC 212, 213, and 215 and 28 USC 2461 to 2465 as statutes passed as a direct and immediate result of declared emergencies. You will see how this is done as you read through this memorandum of mine.

This is totally under military powers of the Commander in Chief, The President. This military Rule allows the civil government to operate as it has, only it all comes under administrative directives of the Commander In Chief. This explains the reason all courts fly the Executives Commander In Chief gold fringe flag and Federal courts have stationary using the United States Executive Seal. Now that you know that, you have

been under executive Rule before and since 1933. I will now go back to the first President to institute the Emergency War Powers Act to make the people the enemy of the State. Roosevelt just made you the enemy of the banking cartel to protect them. That is why the private banking system Board can do what they want with impunity. They even wrote in the law that the signature card you sign when opening a bank account, unbeknownst to you, states in the 35 to 38 page contract they are to give to you, but don't, that you assume the debt of the United States. This is unconscionable under the commercial law that you were never informed. This is your promise, assumpsit in legal terms, which obligates and binds you to pay the debt of the United States by becoming the surety. Remember all Banks controlled by the Federal Reserve System are agents of the United States Treasury.

How many people would enter a contract like that, knowing they are responsible for the national debt? Since the Federal Reserve is a private corporation and was made the fiscal agent of the Treasury to collect and disburse money, or chose in action called federal reserve notes, is the reason the 1040 IRS Form is a return; a return of a use portion of the debt that is circulated around by the enemy, AKA the people of America. This is a very insidious scheme that people have no idea exists. In fact I have found and written on the fact that in Title 31 it states that banks can collect taxes on the 1040 form that is presented to them. I have posted this research on [www.atgpress.com/](http://www.atgpress.com/).

The first President to use the Emergency powers was Washington. He used it to institute the first private bank of the United States, which, was against all principles of the constitution, EXCEPT, when instituted under constitutional war power it became constitutional. Then in order to control the banks in each of the separate states, which Congress could not do under the Constitution in time of peace, he made districts out of each of the states. So now you had states and district states and that is how the district courts of each state were formed so the United States could now have control where it dared not tread before. Once emergency had been declared then all done under this act is constitutional. Contrary to what people believe this act DID NOT set the Constitution aside. It only operated in a different way under emergency powers.

Now with all this in mind that the Commander in Chief can operate within the Constitution when military rule under the Emergency Powers Act is invoked; we move to Lincolns time and his Solicitor General of the War Department who wrote the book

to show how common people have always been considered as nothing but mere chattel property of a group of aristocracy that was called Congress. From the beginning, this is the foundation that has caused people to slowly lose what rights they **THOUGHT** they had, but the plan was to get where we are today without a major rebellion by the people.

This almost took place in 1861 with the Southern States wanting to secede from the Union, and caused Lincoln to invoke the Emergency Powers Act in Order that he could control the Government without Congress. He did this under the guiding of the works of Whiting. Once he invoked it Congress could do nothing to stop it and the Courts, under this Act cannot stop it at all as you will see why in End Note 17.

My comments, are placed in **[brackets]** so you know they are not from the Book. All other comments and information are **end noted** so as to keep the flow of the book in order. Every jot and tittle is duplicated as in the Book. So with that in mind let us move to the Book.

## **WAR POWERS**

Chapter I--THE CONSTITUTIONAL RIGHT OF THE GOVERNMENT TO APPROPRIATE PRIVATE PROPERTY TO PUBLIC USE, EITHER IN TIME OF PEACE OR IN TIME OF WAR.

There is no restriction as to the kind or character of private property which may be lawfully thus appropriated, whether it be real estate, personal estate, right in action or in possession, *obligations for money, or for labor and service*. Thus the obligations of minor children to their parents, of apprentices to their masters, and of persons owing labor and service to their masters, may lawfully be appropriated to public use, or discharged and destroyed for public benefit, by Congress, with the proviso that just compensation shall be allowed to the parent or master. **See END Note #1**

The right to use the services of the minor, the apprentice, and the slave, for public benefit, belongs to the United States. The claims of all American citizens upon their services, whether by local law, or by common law, or by indentures, can be annulled by the same power, for the same reasons, and under the same restrictions that govern the appropriations of any other private property to public use. **See END Note #2**

THE UNITED STATES MAY REQUIRE ALL SUBJECTS TO

## DO MILITARY DUTY.

Slaves, as well as apprentices and minors, are equally *subjects* of the United States, whether they are or are not *citizens* thereof. The government of the United States has the right to call upon its subjects to do *military duty*.

**See END Note #3**

*"The general government of the United States has, in time of peace, a legal right, under the Constitution, to appropriate to public use the private property of any subject, or of any number of subjects, owing it allegiance.*

Each of the States claims and exercises a similar right over the property of its citizens.

**See END Note #4**

"The only question is, whether this power is not exclusive, see *Chirac v Chirac*, 2 Wheat. 269; *U.S. v Villato*, 2 Dall. 372; *Thirlow v Mass.*, 5 How. 585; *Smith v Turner*, 7 ib, 556; *Golden v Prince*, 3 W.C.C. Reports, 314

Congress may thus give the privileges of citizenship to any persons whatsoever, black or white. Colored men, having been citizens in *some* of the *States* ever since they were founded, having acted as citizens prior to 1788 in various civil and military capacities, are therefore citizens of the United States, see case of *Dred Scott*; which no part denies that if colored men were citizens of either of the states which adopted the Constitution, they were citizens of the United States. ... If white subjects or citizens, owe labor or service, even by formal indentures, such obligations afford no valid excuse against the requisition of government to have them drafted into the militia to serve the country."

**See END Note #5**

## INDEMNITY IS REQUIRED

"But, when individuals are called upon to give up what is their own for the advantage of the community, justice requires that they should be fairly compensated for it; . . . (Amendments, Art. V, last clause,) *"Nor shall private property be taken for public use without just compensation."*

The language of this *amendment* admits the right of the United States to take private property for public use. This amendment, being now a part of the Constitution, leaves that right no longer open to question, if it ever was in questioned.

## "PUBLIC USE"

What is "*public use*" for which private property may be taken? Every appropriation for *the benefit* of the United States, either for a national public improvement, or to carry into effect and valid law of Congress for the maintenance, protection, or security of national interests, is "*public use*."

**See END Note #6**

## REFERENCES AS TO THE CONSTITUTION, SHOWING THE WAR POWERS OF CONGRESS

The powers of the *Legislative* department in relation to war are contained chiefly in the following sections in the constitution:--

Art. I., Sect.8, Cl.11. *Congress* may *institute* war by declaring it against an enemy. The President alone cannot do so. Also Congress may make laws concerning *captures on land*, as well as *on water*.

Art. I., Sect.8, Cl 12. Congress may *raise and support armies*: *and* provide and maintain a navy.

Art. I., Sect.8, Cl.14. Congress may make laws for the *government* of land and naval forces.

Art. I., Sect. 8. Cl. 15. Congress may provide for *calling forth* the militia to execute the laws of the Union, suppress insurrection, and repel invasion.

Art. I., Sect.8, Cl. 16. And may provide for organizing, arming, and disciplining the militia, and for *governing* such part of them as may be employed in the service of the United States. The preamble to the Constitution declares the objects for which it was formed to be these: "to form a more perfect Union; establish justice; *insure domestic tranquillity*; provide for the *common defense*; promote the general welfare, and to secure the blessings of liberty to ourselves and our posterity."

**See END Note #7**

## RULES OF INTERPRETATION

"Congress may pass such laws in peace or in war as they are within the general powers conferred on it, unless they fall within some express prohibition of the Constitution. If confiscation or emancipation laws are enacted under the war powers of Congress, we must determine, in order to test their validity, whether, in suppressing a rebellion of colossal proportions, the United States are, within the meaning of the Constitution, *at war* with its own citizens? Whether confiscation and emancipation are sanctioned as belligerent rights by law and usage of civilized nations? And whether our government has full belligerent rights against its rebellious subjects."

## ARE THE UNITED STATES AT WAR?

"War may originate in either of several ways. Civil war, within the meaning of the Constitution, exists whenever any combination of citizens is formed to resist generally the execution of any one or all the laws of the United States, if accompanied with overt acts to give that resistance effect."

**See END Note #8**

"Hence it follows, that government, while engaging in suppressing a rebellion, is not deprived of the rights of a *belligerent against rebels* by reason of the fact that no formal declaration of

war has been made against them, as though they were an alien enemy-- . . . The right of a country to treat its rebellious citizens *both as belligerents and as subjects* has long been recognized in Europe, and by the Supreme Court of the United States\* See Geo.III. Ch. 9 1777; Pickering Statutes, Vol. 31, page 312; President's Proclamation, April 16, 1861 and U.S. Statute at Large , 1861, App.P. 2. It has been decided, since this edition was in type, that citizens of the States in rebellion are considered as ***public enemies, and are not entitled to sue in courts of the United States***  
See **END Note #9**

THE LAW OF NATIONS IS ABOVE THE CONSTITUTION  
Having shown that the United States being actually engaged in civil war ---- in other words, having become a belligerent power, without formal declaration of war,--- it is important to ascertain what some of the *rights of belligerents* are, according to the law of nations. It will be observed that the law of nations is above the constitution of any government; and no people would be justified by its peculiar constitution in violating rights of other nations. With this caveat, it will be desirable to state some of the rights of belligerents.

*Either belligerent may seize and confiscate all the property of the enemy, on land or on the sea, including real as well as personal estate.*

**[This is exactly what they did to the woman as expressed in end note #9 and hundreds of thousands of people in this country every year]**

#### CAPTURE BY TITLE

Some persons have questioned whether title passes in this country by capture or confiscation, by reason of some of the limiting clauses of the constitution; and others have gone so far as to assert that all the proceedings under martial law, such as capturing the enemys property, imprisonment of spies and traitors, and seizures of articles contraband of war [**all drug related or other avenues the government of 1999 uses, whether guilty or not to seize such property**], and suspending the *habeas corpus*, are in violation of the Constitution, which declares that no man shall be deprived of life, liberty, or property without due process of law, Art. V; that private property shall not be taken for public use without just compensation, Art. V; that unreasonable searches and seizures shall not be made, Art IV; that freedom of speech and of the press shall not be abridged, Art. I; and that the right of the people to keep and bear arms shall not be infringed, Art. II.

#### THESE PROVISIONS NOT APPLICABLE TO A STATE OF WAR

If these rules are applicable to a state of war, then capture of property is illegal, and does not pass a title; no defensive war can

be carried on; . . . Not a gun can be fired *constitutionally*, because it might deprive a rebel foe of his life without *due process of law* --- firing a gun not being deemed due process of law.

If these rules above cited have any application in time of war, the United States *cannot protect* each of the States from invasion by citizens of other States, nor against domestic violence;.

#### TRUE APPLICATION OF THESE CONSTITUTIONAL GUARANTEES

The clauses which have been cited from the amendments to the Constitution were intended as declarations of the rights of peaceful and loyal citizens, and safeguards in the administration of justice by the civil tribunals; but it was necessary, in order to give the government the means of defending itself against domestic and foreign enemies, to maintain its authority and dignity, and to enforce obedience to its laws, that it should have unlimited war powers. The right of war and the rights of peace cannot coexist. One must yield to the other. Martial law and civil law cannot operate at the same time and place upon the same subject matter. Hence the Constitution was framed with full recognition of that fact; it protects the citizen in peace and war; but his rights enjoyed under the Constitution are different from those to which he is entitled in time of war.

**See END Note #10**

#### WHETHER BELLIGERENTS SHOULD BE ALLOWED CIVIL RIGHTS UNDER THE CONSTITUTION DEPENDS UPON THE POLICY OF THE GOVERNMENT

*None of these rights, guaranteed to peaceful citizens, by the Constitution belong to them after they have become belligerents against their own government.* They thereby forfeit all protection under that sacred charter which they have thus sought to overthrow and destroy. **[People, this was the ploy that the Roosevelt and Lincoln governments used to reign over the people of America. The South wanted to leave, not overthrow the government. The United States always talks with forked tongue and reversed the roles, as they declared the people the enemy, not the other way around].** One party to a contract cannot break it and at the same time hold the other to perform to it. It is true that if the government elects to treat them as subjects and to hold them liable only to penalties for violating statutes, it must concede to all of them all the legal rights and privileges which other citizens would have when under similar accusations;.

#### THE CONSTITUTION ALLOWS CONFISCATION

Nothing in the Constitution interferes with the belligerent right of confiscation of enemy property. **[Always remember people, that you are the enemy declared by your wonderful supposed**

**government that you, claiming to be Sovereigns, can abolish.]**

The right to confiscate is derived from a state of war. It is one of the rights of war. The right of confiscation belongs to the government as the necessary consequence of the power and duty of making war--OFFENSIVE or defensive. (EMPHASIS mine)

If authority were needed to support the right of confiscation, it may be found in 3 Dallas, 227; Vit.lib.iii., ch. 8, sect. 188; lib., ch. 9, sect. 161; *Smith v Mansfield*, Cranch, 306-7; *Cooper v Telfair*, 4 Dallas; *Brown v. U.S.*, 8 Cranch 110, 228, 229. >From the foregoing authorities, it is evident that the *government* has a right, as a belligerent power, to capture or to confiscate any and all the personal property of the enemy; that there is nothing in the Constitution which limits or controls the exercise of that right; and that capture in war, or confiscation by law, passes a complete title to the property taken; and that, if *judicial* condemnation of enemy property be sought, in order to pass title to it by formal decree of courts, by mere seizure, and without capture, the confiscation must have been declared by act of Congress, a mere declaration of war not being *ex vi termini* sufficient for that purpose.

**See END Note #11**

#### MILITARY GOVERNMENT UNDER MARTIAL LAW

In addition to the right of *confiscating personal property* of the enemy, a state of war also confers upon the government other not less important belligerent rights, and among them, the right to seize and hold conquered territory by military force, and of instituting and maintaining military government over it, thereby suspending in part, or in whole, the ordinary civil administration. The exercise of this right has been sanctioned by the decision of the Supreme Court of the United States, in the case of *California, Cross v Harrison*, 16 How 164-190. And it is founded upon well-established doctrines of the law of nations. No citizen, whether loyal or rebel, is deprived of any right guaranteed to him in the Constitution by reason of his subjection to martial law, because *martial law*, when in force, *is constitutional law*.

#### A SEVERE RULE OF BELLIGERENT LAW

"Property of persons residing in the enemys country is deemed, in law, hostile, and subject to condemnation without any evidence as to the opinions or predilections of the owner. If he is the subject of a neutral, or a citizen of one of the belligerent States, and has expressed no disloyal sentiments towards his country, still his residence in the enemy's country impresses upon his property, engaged in commerce and found upon the ocean, a hostile character, and subjects it to condemnation. This familiar principle of law is sanctioned in the highest courts of England and of the United States, and has been decided to apply to cases of *civil* as well as of foreign war.

CIVIL RIGHT OF LOYAL CITIZENS IN LOYAL DISTRICTS  
ARE  
MODIFIED BY THE EXISTENCE OF WAR

While war is raging, many of the rights held sacred by the Constitution-- rights which cannot be violated by any acts of Congress-- may and must be suspended and held in abeyance.

**See END Note #12**

BELLIGERENT RIGHT TO CONFISCATE THE ENEMY'S  
REAL ESTATE

The *belligerent right* of the government to confiscate *enemys real estate, situated in this country*, can hardly admit of a question. The title to no inconsiderable part of the real estate in each of the original States of the Union, rests upon the validity of the confiscation acts, passed by our ancestors against loyal adherents to the crown. Probably none of these States failed to pass and apply these laws. English and American acts of confiscation were recognized by the laws of both countries, and their operation modified by treaties; their *validity was never denied*. The *only* authority which either of the States or colonies ever had for passing such laws was derived from the fact that they were the *belligerents*.

THE PRESIDENT IS THE SOLE JUDGE

"It belongs exclusively to the President to judge when the exigency arises in which he has the authority, under the constitution, to call forth the militia and his decision is exclusive on all other person.

\*Such is the language of Chief Justice Taney, in delivering the opinion of the Supreme Court, in *Martin v Mott*, 12 Wheaton, 19

**[Jumping to Chapter five and reading what the true meaning of the constitution is, will be shocking to those that think what they read is what they read, and cannot infer any other meaning. No so because the Constitution is couched in technical meaning, NOT common sense meaning. This was shown when I quoted Article I Section 8 clauses.]**

TECHNICAL LANGUAGE TO BE CONSTRUED  
TECHNICALLY.

The language of the Constitution is peculiar; it is technical; and it shows on the face of it an intention to limit the technical operation of attainders, not to limit the scope or extent of legislative penalties. If the authors of the Constitution meant to say that Congress should pass no law punishing treason by attainder, or by its consequences, viz., forfeiture of estate, or corruption of blood, they would, in plain terms, have said so; and there would have been an end to the penalties of attainder, as there was an end

to bills of attainder. Instead of saying, "Congress shall have the power to declare the punishment of treason, but shall not impose the penalties of attainder upon the offender," they said, "Congress shall have the power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted."

This phraseology has reference only to technical effect of attainder. The Aworking of forfeitures" is a phrase used by lawyers to show the legal result or effect which arises from a certain state of facts.

Note. Since the publication of the seventh edition, it has been decided by Underwood, J., in the Eastern District Court of the U.S. for Virginia, in the case of *U.S. v Latham, first*, that the Confiscation Act above cited is authorized by the Constitution; *second*, that by the terms of that Act (dated July 17th, 1862, ch. 195), as modified by the joint resolution of July 27th, 1862 (No. 63), the punishment of treason is not limited to forfeiture of the life estate of the offender, and is not required to be so limited by the Constitution; but the forfeiture extends to the entire estate in fee simple.

**See END Note #13**

THE CONFISCATION ACTS OF 1862 IS NOT A BILL OF  
ATTAINDER,  
NOR AN EX POST FACTO LAW

This act is not *a bill of attainder*, because it does not punish the offender in any instance with corruption of blood, and it does not declare him, *by act of the legislature*, guilty of treason, inasmuch as the offenders guilt must be duly proved and established by judicial proceedings before he can be sentenced. It is not *ex post facto* law, as it declares no act committed prior to the time when the law goes into operation to be a crime, or to be punishable as such. It provides for no *attainder* of treason, and therefore none of the penal consequences which might have otherwise have followed them from such attainder.

ACT OF 1862, SECTION VI, DOES NOT PURPORT TO  
PUNISH BY TREASON

If the death penalty is not inflicted on the guilty, and if he be not accused of treason, no question as to the validity of the statute could arise under this clause of the constitution limiting the effect of attainders for treason. No objection could be urged against its validity on the ground of its forfeiting of confiscating all the property of the offender, or of its depriving him of liberty by imprisonment, or of it exiling him from this country. . . .But the crime punished by section 6 is not the *crime of treason*; and whether there be or be not a limitation to the power of the legislature to punish that crime, there is no limit to its power to

punish the crime described in this section,\* . See Note, page 111  
United States v Latham.

Though treason is the highest *political* crime known to the codes of law, yet wide spread and savage rebellion is still a higher crime against society; . . .

**See END Note #14**

#### STATE RIGHTS AND SECESSION DOCTRINES IN THE JURY ROOM

The jury are by law judges of the law and the fact, according to the opinion of many eminent lawyers and judges. Whether this be so or not, their verdict, being upon the law and the fact, in a criminal case, they become in effect judges of law and fact. Suppose that a judge presiding at the trial is honest and loyal, and that the jury is composed of men who believe that loyalty to the State is paramount to loyalty to the United States; or that the States had, and have, a lawful right to secede from the Union. [**Did not the Declaration of Independence give that lawful right? Think again.**] Whatever of the opinions of the judge presiding in the United States courts might be on these questions, he would have no power to root out from the jury their honest belief, that obedience to their own laws of their own seceding State is not, and cannot be, treason. [**Now you are going to see how they have destroyed the jury to gain a conviction in 99 percent of the cases, say IRS cases, so that the courts control the outcome under the doctrine of the Military Rules of War, and the jury be damned.**] The first step towards securing a verdict would be to destroy the belief of the jury in these doctrines [**sounds like jury tampering**] of State rights, paramount State sovereignty, and the right of secession. To decide the issue, according to the conscientious judgement of the jurymen upon the facts and the law, would require them to find a verdict against the United States

#### SYMPATHY

But this is not the only difficulty in the operation of this statute. The grand jury and the petit jury are to be drawn from those who are neighbors and possibly friends of the traitor. [**remember, a traitor is a "political" enemy as defined by the Solicitor himself and you are a "political enemy" today**] The accused has the further advantage of knowing, before the time of trial, the names of all the jurors, and of all the witnesses to be produced against him; he has the benefit of counsel, and the process of the United States to compel the attendance of witnesses in his behalf.\* Statute of April 30, 1790, Sec.29. How improbable is it that any jury of twelve men will be found to take away the lives or estates of their associates, when some of the jurymen themselves, or their friends and relatives or debtors, are involved in the same offense!

**[This is why the government stacks the jury. Now we are going to get to the meat of jurisdiction in IRS cases. I have stated all along and written about it extensively that all revenue is under admiralty, but very few will listen. Well read the next statement of the Solicitor.]**

LAWS ARE MOST EFFECTIVE WHICH REQUIRE NO  
REBEL  
TO ADMINISTER THEM

Those sections of the act of 1862, empowering government to seize rebel property, real, personal, and mixed, and apply it to the use of the army, **[today it is the local police using seized property]** to secure the condemnation and sale of seized property, so as to make it available, and to authorize proceedings *in rem*, conformably to proceedings in admiralty or revenue cases, are of a different and far more effective character.

**See END Note #15**

Some persons have turned their attention to certain passages in the amendments relating, as was supposed, to this subject. Let us examine them:

Article IV. "The right of the people to be secure in their persons, houses, papers, and effects against *unreasonable* searches and seizures shall not be violated".

This amendment merely declares that the right of being secure against UNREASONABLE seizures or arrests shall not be violated. It does not declare that NO ARRESTS shall be made. Will any one deny that it is *reasonable* to arrest or capture the person of the public enemy?

If all arrests, reasonable or unreasonable, were prohibited, public safety would be disregarded in favor of the rights of individuals. **[So much for people who believe the rights of the individual supersede the public AKA Government rights. Now I ask you, Are you Sovereign?]**

Not only may military, but even civil, arrests be made when reasonable. Emphasis the Solicitors.

**[48 Statutes at Large 1, very specifically declared the people of America public enemies, whether of the banking cartel or otherwise, it was already done by Lincoln. Now to prove public enemies have no rights that are protected by the infamous Bill of Rights is this passage in the Book.]**

OBJECTION THAT ARRESTS ARE MADE WITHOUT

## INDICTMENT

The Fifth article of the amendments to the Constitution provides that-- **[I let the reader obtain a copy as it is quoted here in the Book]**

This article has no reference to the rights of citizens under the exigencies of war, but relates only to their rights in time of peace.

OFFICERS MAKING ARRESTS NOT LIABLE TO CIVIL  
SUIT OR CRIMINAL PROSECUTION

That military arrests are deemed necessary for public **[definition for "public" means government only]** safety by Congress is shown by the act of March 3, 1863, ch.81, wherein it is provided that no person arrested by authority of the President of the United States shall be discharged from imprisonment so long as the war lasts, and the President shall see fit to suspend the privilege of the writ of *habeas corpus*.

## MILITARY ARRESTS LAWFUL

The laws of war, military and martial, written and unwritten, founded on the necessities of government, are sanctioned by the Constitution and laws, and recognized as valid by the Supreme Court of the United States.

Arrests made under the laws of war are neither arbitrary nor without legal justification.

In *Cross v Harrison*, Judge Wayne, delivering the opinion, (16 Howard, 189, 190,) says:

Early in 1847 the President, as constitutional commander -in-chief of the army and navy, authorized the military and navel commanders of our forces in California to exercise the belligerent rights of a conqueror, and to form a civil government for the conquered country, and to impose duties on imports and tonnage as military contributions for the support of government and of the army which had the conquest in possession. No one can doubt that these orders of the President and the action of our army and navy commanders in California, in conformity with them, were according to the law of arms &c.

So in *Fleming v Page*, (9 Howard, 615,) Chief Justice Taney says:

"The person who acted in the character of collector in this instance, acted as such under the authority of the military commander and in obedience to his orders; and the regulations he adopted were not those prescribed by law, but by the President in his character as commander-in-chief."

It is established by these opinions that military orders, in accordance with martial law or the laws of war, though they may be contrary to municipal laws; and the use of the usual means of

enforcing such orders by military power, including capture, arrest, imprisonment, or the destruction of life and property, [**such as those in the Waco incident and others throughout the country**] are authorized and sustained upon the firm basis of martial law, which is, in time of war, [**and national emergency that we have been living under all our lives**] constitutional law.

#### END OF PART ONE OF WHITINGS WAR POWERS

##### **End Note #1**

Now people, are you still sovereign? Did common people write such a Constitution that would destroy the children so they could be taken by Congress without your consent? I think not.

##### **End Note #2**

And you think that the people who fought for freedom would have written and ratified such a power to a group of mere men, Congress, by way of this Constitution that you so dearly love? Are you stating to realize something is amiss?

##### **End Note #3**

Now if you are Sovereign why do they call all subjects?

They italicized the words, not I. Without a shadow of a doubt you are slaves to Congress. Do you have to wonder anymore why the state can take your children and you are powerless to do anything about it? And the common people wrote and believe in a Constitution that would allow a group of men called Congress to have so much power when they just fought for freedom? I dont think so, and in fact it has been proven in every original constitution that no common man had a say in drafting any Constitution. The proof can be found in every State archive Building by obtaining the original writings.

Was not Patrick Henry correct when he stated in the June 7th 1788 Convention that the Constitution, "Among other deformities, it has an awful squinting: it squints toward monarchy. And does not raise indignation in the breast of every American? Your President may easily become King. . . The army will salute him Monarch: your militia will leave you and assist in making him King and fight against you. And what have you to oppose this force? What will then become of you and your rights? Will not absolute despotism ensue?"

And what of James Wilson when he voiced, "Henry looked upon "that paper" as the most fatal plan that could possible be conceived to enslave a free people." Ok, so what does commit you to the wrath of Congress? It is stated in the Book in big italic letters, which you all should look in a grammar dictionary to see what italics mean.

##### **End Note #4**

As stated, the people are "SUBJECTS" of the Government just

like the "subjects" of English Rule and the words in italics that control you as subjects are *allegiance*. *Allegiance* can be found in many ways. People are pledging the Pledge of Allegiance; claiming to be a citizen of either a State or of the United States; registering to vote; claiming to be a "resident" in the state of the forum; signing a signature card at the bank that obligates you to accept the debt of Congress so you are bound by contract to pay, thereby becoming a "subject".; claiming that the Constitution is yours; claiming the Constitution was designed by people like you and that is the law that you must abide by. All are presumed to be allegiance. Now did this apply to all, even colored people? Why yes, and this Book proves that the Constitution CREATED slavery, and that it took away the rights of citizenship of the colored people. Now, those people that argue that the 14th Amendment made the colored people free might be correct, but it also made the white people slaves when relying on the 14th Amendment, even though they became slaves to the establishment when declared enemys of the "State". Therefore, the blacks just traded masters as the belligerent power, the Congress, controlled them as enemy property as no money was paid to the original slave holders (just compensation) according to the constitution in time of peace. After all it was Congress that took the blacks in 1787 and by recognizing them as property of the slave holder actually instituted slavery of all blacks that once were "citizens" having all the rights and privileges they had before the Constitution was enacted by those in power.

The Book shows the misinformation used by people claiming that only white people were citizens. It also shows that the word citizen was used well before the 14th Amendment, as seen in the quotes below.

#### **End Note #5**

Hence the President and Congress via the Constitution took away the rights of the colored people by declaring them property. The Constitution, that you people reading this; believe that you are sovereign; believe that common people drafted and ratified the Constitution; believe that you own your property; believe that you are not subjects of a group of men called Congress, or that of legislators of the states; believe the Bill of Rights protects you; believe the Constitution is the supreme law of the land. Well let me tell you that your beliefs are 100 percent wrong. What if I told you that this Book states that treaties and International law of Nations are supreme over even the Constitution drafted by the aristocracy of this country and that even the states succumb to these treaties and International Law?

This Book proves it. This Book had an advisory board of eight professors and eminent lawyers carrying L.L.D.; J.S.D.; S.J.D.;

J.D., M.A.L.S.; F.R.B and Ph.D. to authenticate its contents that was written by the Solicitor General of the War Department of the United States. The Constitution that you claim you love so much, took away natural rights of man via the war power and congressional right in time of peace.

### **End Note #6**

I end Chapter one of the Book on this note. The above are only parts gleaned from Chapter one of this 342 page book. Chapter one is only 31 pages. The word "Public" means government only and not the mass of people. It is limited to Congress or State Legislators. You common people have no representation whatsoever. All Congress people do is represent the United States corporation claiming they represent you in the district state that Washington created under the War Powers clause in 1791. In this chapter it explains the specific parts that are war powers clauses and they are; Article I, Section 8, Clauses 11, 12, 14, 15, and 16. The Book also states that, "The preamble to the Constitution declares the objects for which it was framed to be these"-- then it is quoted. I now quote from another authority. Third edition of Cases in Constitutional Law, by Cushman & Cushman. In here they quote the Supreme Court in U.S. v. Curtiss Wright Export Corporation, 299 US 304, 1936. "As a result of the separation from Great Britain by the colonies, acting as a unit, the powers of EXTERNAL sovereignty passed from the Crown not to the colonies severally, but to the colonies in their collective CORPORATE capacity as the United States of America." I purposely emphasized the words because the Crown was still the sovereign INTERNALLY because of his corporate colonies mineral rights that he still controlled. This is found in Mr. Montgomerys works on [www.atgpress.com](http://www.atgpress.com). The fact that the United States is a corporation, see 28 USC 3002 (15), is why the United States can seize property of anyone whenever the need arises. The evidence for this is found in:

16 USC Sec. 831x

TITLE 16

CHAPTER 12A

Sec. 831x. Condemnation proceedings; institution by Corporation;  
venue

-STATUTE-

**"The Corporation may cause proceedings to be instituted for the acquisition by condemnation of any lands, easements, or rights-of-way which, in the opinion of the Corporation, are necessary to carry out the provisions of this chapter. The proceedings shall be instituted in the United States district court for the district in which the land, easement, right-of-way, or other interest, or any part thereof, is located, and such court**

**shall have full jurisdiction to divest the complete title to the property sought to be acquired out of all persons or claimants and vest the same in the United States in fee simple, and to enter a decree quieting the title thereto in the United States of America."**

The corporation spoken of is the United States or any of its created corporations that take land under eminent domain, such as the States or any corporation they form in which they own 51 percent or more of that corporation.

**End Note #7**

So in time of war, which a national emergency falls under, even though no shooting or invasion has occurred, then all the Constitution that you so dearly love and would die for, is the very same document that allows all the presidents since Washington to; declare the first emergency powers act to institute the first Bank of the United States in direct contradiction to the Constitution in time of peace; Lincoln who made the people the enemy of the United States and its Union Members, the States; Roosevelt declaring the national emergency in 1933 under the war powers act and the trading with the enemy act; to the present President Clinton to control you as citizen/subjects/ slaves with the system designed and drafted by the landed aristocracy in treaty with the Crown. That is why the Solicitor, Whiting, stated that International Law of Nations and Treaty rein supreme and not the Constitution when emergency powers are invoked. This I exposed by court cases in my book *The New History of America*. The Big Lie is now even more evident and I have just scratched the surface of the first chapter of eight, in this book of *War Powers*, by Whiting.

In the second chapter we find the Congress has the power under the war power clauses to write statutes in aid of the President "in the final and permanent conquest of a public enemy." I cannot impress upon the reader the words conquest and public enemy and I implore you to study these words on your own in any library and to save you time, Mr. Montgomery has posted much of this documentation on the web site previously mentioned. This Book pertains to the time of the civil war but has far reaching consequences in the principals it spells out.

**End Note #8**

Right here is proof that if Congress pass laws that are repugnant to human rights, and there has been a total erosion of many, many freedoms of Americans, as you well know, then Whiting is stating that the people, who are perceived by people themselves to be Sovereigns, are without any such power to correct the law or laws repugnant to their rights. If the people were truly Sovereigns as

they claim, no such section in the constitution created by the common man would exist. For if in doing so, the people would have declared that they elected another King or dictator, and to thwart these rights the people claim as sovereigns, all the President or Congress has to do is invoke the emergency powers Act. Such was done in 1933 when people demanded their money from the banks that stole all their money. You know, the ones that you have signed the signature card agreeing to accept the National debt? This right to seek a return of money deposited in the banks for safe keeping was thwarted by Roosevelt to protect all the banks, which, included his friend Rockefeller who owned the Chicago bank and would lose all his holdings if forced to return the people's money that was rightfully theirs. This was called suppression by government because they were suppressing a rebellion of the people to claim what was rightfully theirs from a private banking system that was now under the supposed control of the United States as it acted as the agent for the United States when the United States did away with a truly Independent Treasury by the Act of 1920 in the year 1921, making the PRIVATE federal reserve system the fiscal agent of the United States.

#### **End Note #9**

Although this Book deals with the Civil War, the principles laid out are for any emergency declared under the War Power clauses, not just the Civil war of 1860's, but Roosevelts invoking of that Act, which to this day still exists. So the following must be read with this in mind when considering that a majority of people say there is no more constitution. There is a Constitution, as it is constitutional for what the government does to you today under war powers---like take your land as most people in confrontation with farm land or wet lands would agree; confiscate car, home and whatever under the war on Drugs with out due process of any law that would exist in time of peace; license and number all people to track the public enemies, that being you. It would behoove the reader to seek the definitions of belligerent in both legal and standard dictionaries. The United States, as belligerent, IS the de facto government although constitutional, when people read the definitions closely.

I am at this point, inserting what came off the Internet of the hearings before Congress, of just one evidence of the confiscation of hundreds of thousands every year, that, in time of peace and not under war powers, would have never taken place. When reading this keep in mind what you have already read and are about to read after this actual happening.

**Introductory statement at the Judiciary Hearing, July 22, 1996. Rayburn Building.**

**To: House of Representatives / Committee on the Judiciary /  
Civil Forfeiture Reform**

**I sincerely appreciate this opportunity to speak to you in person about my mother's experience with the abuse of our national civil forfeiture law, a law which ignores due process, encourages abuse by police and prosecutors, confiscates property from innocent law abiding citizens and threatens our sacred honor with the tyranny of a police state. My mother is an 85 pound, 75 year old hardworking frugal lady, who chose to squirrel away any extra money she had rather than buy herself any of the things most people consider necessities. Although she has bought a few residential rental properties, she still tears Kleenex in half to stretch her money, and settles for eating half sandwiches rather than run up her grocery bill. She has never taken a vacation or missed a day's work in the business, but neither has she ever been to a shopping mall. She's always lived as though the next Great Depression would happen any day. By 70, she managed to save around \$70,000 which she kept in her house because her Depression experience taught her not to always trust banks.**

**In December of 1989, the U.S. Government came to my mother's home and took her savings from a floor safe in her basement. Three months later, they seized her home and two rental properties she owned (20 men). You need to know my mother was never charged with a crime, and the police acknowledged she was never part of my brother's marijuana ring conspiracy. Mom's biggest sin was allowing the adult son she loved to live next door to her. After my brother was indicted, he fled town. The government suspected she **PROBABLY** had allowed him to use her property illegally, and **PROBABLY** been given cash earned by him illegally. As you know, asset forfeiture laws only require probable cause to seize property. Once property has been seized it is the owner's burden to prove innocence to the government. When this happened to Mom, I thought "innocent until proven guilty" would apply in her case and she would immediately get her cash back. Trusting the government, I didn't even hire an attorney then for that matter. I soon learned later that under the Constitution a citizen isn't afforded innocent until proven guilty in civil forfeiture cases. She wasn't considered innocent and the government didn't have to prove anything. The \$70,000 they took from mom was mostly old bills dated from the 60's and 70's and was covered with mold and mildew. The safe was rusted shut and had to be drilled open. Tragically, the FBI did not keep her cash in an evidence locker, but deposited her money into a bank, co-mingling it with other people's**

**money and thus destroying her evidence and proof of innocence.**

**The morning government agents banged on Mom's door telling her they were there to seize her home, it included the local police, County Sheriff's Dept., U.S. Marshall's Service, several FBI agents, and IRS agents (about 20 in all). All this force to take some property from one, innocent, unarmed, law abiding 70 year old, 85 pound woman. I immediately called our family attorney and he met me at Mom's house. It had previously been said to me by an agent, "They want to take everything your mother has a make her tell what she knows about your brother, and maybe it will make him come back, too !"**

**When I arrived at Mom's home she was in a daze. One agent had a camcorder going on her as she sat there in her old negligee at 8:00 AM. She said she asked the agents where she was suppose to live and was told, "I don't care where you go, but you have a half-hour to pack up and get out !" Thankfully, our attorney was able to reach an agreement that allowed Mom to "rent" her own house from the government until the case went to trial. The horror of the forfeiture squad invading her home still brings regular nightmares to mom 6 years later. I did everything in my power to convince the government agents that they were making a huge mistake and that mom was not a criminal. To them that didn't matter. Since they COULD seize her property, they did. An agent said to me, "When I first took this case to my boss, he said not even to mess around with it, that it was just another stupid marijuana case, until I showed him how many assets we could get!" I spent many, many cooperative and truthful hours trying to convince them that this was insane, and finally realized it would cost me more going to trial than her properties were worth. I eventually made a settlement with them and Mom got to keep a little of what she worked her whole life for. They took most of it, including her dignity and love for our government.**

**I am here for my mother and our Country. It is too late to help her case, and besides, I had the government sign a paper that they could never bother her again. I want to make sure they can never do this to another mother with a bad kid. I have been on this crusade since I saw a Readers Digest article in 1992, titled, Is It Police Work or Plunder, about nationwide forfeiture abuse and Congressman Hyde's effort to reform this law. I bought a computer, joined an Online Internet Service and have been e mailing thousands of unaware citizens to educate them about this barbaric civil forfeiture law.**

**Nobody thinks it is right when they learn how it is used, except prosecutors who do not want a proof provision in the law. One prosecutor told me, "Citizens don't need a proof provision, those in charge of a case are perfectly capable of determining who is guilty!" That statement, I was told by a Constitutional law professor, is the definition of tyranny. I love the America I knew growing up in the 40's and 50's, but am scared to death of the police state this Country could become with more and more laws allowing forfeiture. IT HAS TO STOP. Our Founding Fathers put their lives on the line against tyranny and cavalier attitudes. In my opinion, no real or personal property should be forfeited except in criminal cases. Eliminate this ridiculous, insane, corrupting law, or re-write it to include meaningful proof, fairness and compassion. It is ruining people's lives and is just another national disgrace. Thank you.**

**Note: Mom eventually took her own life over this matter.**

### **End of testimony**

Now please read the rest of this Book more closely or go back and refresh your memory before reading further. This could very well happen to you. This man, speaking for his mother, has no idea he is talking to the proverbial foxes guarding the status quo to see that it is kept in tact and paying lip service to correct what they know cannot be corrected unless the President declares, #1 a repeal of 12 Stat 319. #2 a repeal of 12 USC 95 (a) & (b). #3 A repeal of section 5 (b) of the Trading with the Enemy Act as written in 48 Stat 1, AND, abolishing the District States the Washington created to gain control over the people of the States in 1791.

### **End Note #10**

Now one must remember, that present day law is in reality military law that allows the civilian authorities to apply the rules of war upon belligerents, the domestic enemy, YOU. One must also remember that the United States has declared war upon its citizens by the act of 12 Stat 319 and 48 Stat 1, which, to this day, has never been repealed by Congress. The fact that Title 12 USC 95 (a) & (b) has declared the people of America "public enemies" still exists, proves it is a "domestic war" upon which President Roosevelt acted at the behest of the Federal Reserve. We have become the belligerent enemy to the belligerent United States. Now mind you that we did not declare war against the United States but rather the United States declared an imperfect war upon the people of America. There is no public declaration as if we were a foreign power as Japan was in 1942. No, there is a subtle declaration in 48 Stat 1 and 12 Stat 319. People find this hard to believe until they read for themselves all these statutes and United

States Codes and regulations I have quoted herein. The law speaks for itself quite clearly and after reading them it would be impossible for anyone to deny this fact. Belligerents we are, and with that in mind I return to the Book.

#### **End Note #11**

This is exactly how and why the IRS operates, the BATF operates, the DEA operates and all those other alphabet agencies of government, even down to child services. And, remember the IRS is nothing but hired private collectors by the IRS District Director to collect for the private federal reserve system, the debt owed to the International Monetary Fund by the United States, that caused you to become the "enemies" in 1933 by 48 Stat 1, which was written by the Board of Directors of the Federal Reserve. You also must remember at the beginning of this quoted Book, it is said by Whiting, that minors can be taken in time of war from their belligerent parent, or have you forgotten so soon?]

#### **End Note #12**

The following proves that you never owned your property and if you did, it can still be taken, evidence the woman's plight in end note #9. So much for the argument that even the King may not enter your house although the cold, wind, rain, etc. etc. may. And so much for the argument that you are sovereign and the government takes a back seat to your wishes. Remember, reader that you have been declared the "enemy" by those officials of government, namely, Congress and the presidents, who you claim to be your servants. The confiscation acts have not been repealed and have been in force since 1787. Is it not now evident that the common man, wishing to be free, would have set up such a government if he were Sovereign?

#### **End Note #13**

How does the U.S. government or the States seemingly get around this attainder or ex post facto law when; seizing property of the farmer; people that they want the land for national parks; wet land violations that they dream up; seizures of all kinds of property under "drug war laws" whether innocent or not without due process? The reasons are found in War powers, which are constitutional. If you are not found guilty of treason the validity of any statute passed by Congress, or for that matter the State legislatures cannot be questioned, only if you are so charged with treason, and, therefore, what you thought was a protection does not become a protection under the constitutional operation of military rule by civil authorities under war powers acts. You will understand by what is stated by Whiting in returning to the body of the Book

#### **End Note #14**

So now you know that treason is ONLY a POLITICAL crime,

how is it that we, the people of America, have become the enemies of the POLITICAL establishment? The answer is very simple after reading my book *The New History of America*. The political aristocracy who wrote the Constitution did not intend for the masses to take part and become sovereigns as you so think that you are. No, neither you nor your ancestors ever were a party to the contract called the Constitution of any of the colonies nor of the United States. I have quoted the case in my *New History of America* from which I quote only a small part here, " to this: that the States, in making the Constitution, intended to give up the power of self preservation."

Lastly, the Court at page 491, said this of the People who made the constitutions,

"The people of the States who made the Constitution, considered themselves as the sovereign, and the Government as the subject. They were the principal- it the agent. That this is also true none will dispute."

We all know it is not us people who made the Constitutions but the select few as stated by the Court at page 520, to wit;

"But, indeed, no private person has a right to complain, by suit in court, on the ground of a breach of the Constitution. The Constitution, it is true, is a compact, but he is not a party to it. The States are the parties to it. And they may complain. If they do they are entitled to redress. Or they may waive the right to complain." END OF QUOTE.

The only way to control the masses is to institute constitutional war powers to institute a different, but constitutional, set of parameters upon the people. Once the war powers are adopted they can change the statutes to fit the ends they want to achieve. They do it slowly so as to not give a clue to the masses. The war powers act of 1862 now allowed the President and Congress to constitutionally change the statutes that guaranteed the people, in juries, to rule on both the law and the facts. Not only were the statutes changed that took away to power to judge the law but it also took away the right to be judged by your peers. The meaning of peers will be very evident when reading the next part of Whiting's Book and shows why today you have no such protections because the enemy can have no such protections. Even to the point that the jury is not aware of the slow indoctrination over the years that they really do have the right to judge the law, but not under the Rule of Necessity in the Rules of military Rule.

#### **End Note #15**

Since I have been talking about these acts of seizure and so has

the Solicitor, I think it only fair to produce those codified statutes that were born by 12 Stat 319 and never repealed, showing that the war powers and military rule still exists. If the war against the people, by the government were over, these laws would have been repealed.

Notes on Title 50, Section 212

SOURCE

(R.S. Sec. 5308.)

#### CODIFICATION

R.S. Sec. 5308 derived from act Aug. 6, 1861, ch. 60, Sec. 1, **12 Stat. 319.**

Title 50 Sec. 212. Confiscation of property employed to aid insurrection

Whenever during any insurrection against the Government of the United States, after the President shall have declared by proclamation that the laws of the United States are opposed, and the execution thereof obstructed, by combinations too powerful to be suppressed by the ordinary course of judicial proceedings, or by the power vested in the marshals by law, any person, or his agent, attorney, or employee, purchases or acquires, sells or gives, any property of whatsoever kind or description, with intent to use or employ the same, or suffers the same to be used or employed in aiding, abetting, or promoting such insurrection or resistance to the laws, or any person engaged therein; or being the owner of any such property, knowingly uses or employs, or consents to such use or employment of the same, all such property shall be lawful subject of prize and capture wherever found; and it shall be the duty of the President to cause the same to be seized, confiscated, and condemned.

Notes on Title 50, Section 213

SOURCE

(R.S. Sec. 5309; Feb. 27, 1877, ch. 69, Sec. 1, 19 Stat. 253; Mar. 3, 1911, ch. 231, Sec. 291, 36 Stat. 1167.) -COD-

#### CODIFICATION

R.S. Sec. 5309 **derived from** act Aug. 6, 1861, ch. 60, Sec. **2,12 Stat. 319.** Act Mar. 3, 1911, conferred the powers and duties of the former circuit courts upon the district courts.

#### AMENDMENTS

1877 - Act Feb. 27, 1877, inserted "may" after "any district in which the same".

Sec. 213. Jurisdiction of confiscation proceedings

Such prizes and capture shall be condemned in the district court of

the United States having jurisdiction of the amount, or in admiralty in any district in which the same may be seized, or into which they may be taken and proceedings first instituted.

Notes on Title 50, Section 215

SOURCE

(R.S. Sec. 5311; June 25, 1948, ch. 646, Sec. 1, 62 Stat. 909.)

CODIFICATION

R.S. Sec. 5311 **derived from** act Aug. 6, 1861, ch. 60, Sec. 3, **12 Stat. 319.** -CHANGE-

CHANGE OF NAME

Act June 25, 1948, eff. Sept. 1, 1948, substituted "United States attorney" for "attorney of the United States". See section 541 of Title 28, Judiciary and Judicial Procedure, and Historical and Revision Notes thereunder.

Sec. 215. Institution of confiscation proceedings

The Attorney General, or the United States attorney for any judicial district in which such property may at the time be, may institute the proceedings of condemnation, and in such case they shall be wholly for the benefit of the United States; or any person may file an information with such attorney, in which case the proceedings shall be for the use of such informer and the United States in equal parts.

Now this is not the only place that seizure is found. I now move to 28 USC.

FEDERAL RULES OF CIVIL PROCEDURE

**Admiralty and maritime rules of practice** (which included libel procedures) were superseded, and **civil and admiralty procedures** in United States district courts **were unified**, effective July 1, 1966, see rule 1 and Supplemental Rules for Certain Admiralty and Maritime Claims, Appendix to this title.

**Sec. 2461.** Mode of recovery

(a) Whenever a civil fine, penalty or pecuniary forfeiture is prescribed for the violation of an Act of Congress without specifying the mode of recovery or enforcement thereof, it may be recovered in a civil action.

(b) Unless otherwise provided by Act of Congress, 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.**

**Sec. 2462.** Time for commencing proceedings

Except as otherwise provided by Act of Congress, an action, suit or proceeding for the enforcement of any civil fine, penalty, or forfeiture, pecuniary or otherwise, shall not be entertained unless commenced within five years from the date when the claim first accrued if, within the same period, the offender or the property is found within the United States in order that proper service may be made thereon.

**Sec. 2463.** Property taken under revenue law not repleviable

All property taken or detained under any revenue law of the United States shall not be repleviable, but shall be 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.

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 26 section 7434.

**Sec. 2464.** Security; special bond

(a) Except in cases of seizures for forfeiture under any law of the United States, whenever a warrant of arrest or other process in rem is issued in any admiralty case, the United States marshal shall stay the execution of such process, or discharge the property arrested if the process has been levied, on receiving from the respondent or claimant of the property a bond or stipulation in double the amount claimed by the libellant, with sufficient surety, to be approved by the judge of the district court where the case is pending, or, in his absence, by the collector of the port, conditioned to answer the decree of the court in such case. Such bond or stipulation shall be returned to the court, and judgment or decree thereon, against both the principal and sureties, may be secured at the time of rendering the decree in the original case. The owner of any vessel may deliver to the marshal a bond or stipulation, with sufficient surety, to be approved by the judge of the district court, conditioned to answer the decree of such court in all or any cases that are brought thereafter in such court against the vessel. Thereupon the execution of all such process against such vessel shall be stayed so long as the amount secured by such bond or stipulation is at least double the aggregate amount claimed by libellants in such suits which are begun and pending against such vessel. Similar judgments or decrees and remedies may be had on such bond or stipulation as if a special bond or stipulation had been filed in each of such suits.

(b) The court may make necessary orders to carry this section into effect, particularly in giving proper notice of any such suit. Such bond or stipulation shall be indorsed by the clerk with a minute of the suits wherein process is so stayed. Further security

may be required by the court at any time.

(c) If a special bond or stipulation in the particular case is given under this section, the liability as to said case on the general bond or stipulation shall cease. The parties may stipulate the amount of the bond or stipulation for the release of a vessel or other property to be not more than the amount claimed in the libel, with interest, plus an allowance for libelant's costs. In the event of the inability or refusal of the parties to so stipulate, the court shall fix the amount, but if not so fixed then a bond shall be required in the amount prescribed in this section.

Security; special bond

**Sec. 2465.** Return of property to claimant; certificate of reasonable cause; liability for wrongful seizure

Upon the entry of judgment for the claimant in any proceeding to condemn or forfeit property seized under any Act of Congress, such property shall be returned forthwith to the claimant or his agent; but if it appears that there was reasonable cause for the seizure, the court shall cause a proper certificate thereof to be entered and the claimant shall not, in such case, be entitled to costs, nor shall the person who made the seizure, nor the prosecutor, be liable to suit or judgment on account of such suit or prosecution.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 26 section 7328.

I now proceed to IRS cases to prove the above and what Whiting stated about revenue and admiralty being the same jurisdiction for collection and seizure. He did say that under the war powers "in rem" proceedings are used. His reasoning was adopted by the Supreme Court in 1863.

United States v. One 1966 Chevrolet Pickup Truck, 56 F.R.D. 450 (1972);

"A proceeding **in rem** is governed by the Supplemental Rules for **Certain Admiralty** and Maritime Claims, a supplement to the Federal Rules of Civil Procedure, 28 U.S.C. (hereinafter Supplemental Rules), See Rule A, Supplemental Rules;"

And this next case, United States of America, Libelant v \$3976.62 In Currency, One 1960 Ford Station Wagon, 37 F.R.D. 564; Key 31. "Although presumably for purpose of obtaining jurisdiction, action for forfeiture under Internal Revenue Laws is **commenced as proceeding in admiralty**, after jurisdiction is obtained proceeding takes on the character of civil action at law,

and at least at such stage of proceedings, Rules of Civil Procedure control."

"On August 14, 1964 a 'libel' of information' (see Supreme Court **Admiralty Rule 21; 28 U.S.C. Sec. 1355; 26 U.S.C. 7323**) was filed by the United States Attorney."Ibid 565.

Further proof is gleaned from Benedict on Admiralty 7th Edition. Quoting from Benedict on Admiralty, 1850;

"Its necessary effect [the Act] was, however, to start the courts on that system of practice, and really to impose upon them, in admiralty and maritime cases, the civil law practice, as that under which they must **continue** to administer justice, even after the expiration of that act, until further provision could be made."

Section 105 states;

"The Purpose of the Constitutional Grant--The Essential Harmony of the Maritime Law. The grand purpose of the Constitution was to unify the several States [**several meaning separate**], the whole people, in their national, international, and interstate relations and **all other purposes were subordinate and ancillary to this.**"

Section 123 states;

"The commission to the Governor as Vice-Admiral was very full, granting, in language so clear that it cannot be misunderstood, an admiralty jurisdiction as wide and beneficial as the most zealous supporters of the English Admiralty ever claimed for it."

This is the type of court that exists today and why we cannot bring a pure Article of the Bill of Rights argument in a contract court of the law-merchant in their civil law under war powers act of 1862. Benedict states at Section 5 that,

" \* \* \*the civil law was held to be the law of admiralty, and the course of proceedings in admiralty, closely resembled the civil law practice."

Remember, in 28 USC 2461, it states **as near as may be to admiralty?**

Revenue comes under commerce and is basic to the jurisdiction of the admiralty/maritime court. Evidence the fact every judge states you can't bring the Constitution in his court. You can't bring in the Seventh Article of the Bill of Rights. Why? Because it is evident after reading Benedict on *The American Admiralty, Its Jurisdiction and Practice*, 1850, Chapter XIII section 195, to wit: "So the seventh amendment is limited to suits at common law,

which does not include either suits of equity, or of admiralty and maritime jurisdiction".

The American people are not under common law or any other law but Emergency War Powers.

American Ins. Co. v Canter, 1 Pet. 511, 545 (1828). "A case in admiralty does not, in fact, arise under the Constitution or Laws of the United States."

Most people would not understand why such a case would not come under the Constitution. The reason being when in war, and proceeding in admiralty, International law and treaty law takes over. It is stated in Chapter two of Whiting's Book that the Law of Nations, which is International law, rules over the Constitutions. One of the International laws is that of Treaty with the United Nations. So try as you might to oust the United States from the UN treaty, as long as we are the enemy and the United States the belligerent power running the show you will never, under international law that we live under, obtain your goals.

Benedict states at section 204;

"In such cases, the question before the court, is not whether the court has jurisdiction, but whether the party have right; it is not a question in abatement, but a question of the merits of the action. `If the cause is a maritime cause, subject to admiralty cognizance, jurisdiction is complete over the person as well as over the ship. It must in its nature be complete, for it cannot be confined to one of the remedies on the contract, when the contract itself is within its cognizance'." The quote he used is from 12 Wheat 460; 7 Howard 729 Boyd's proceedings.

Whether the party have the right? Yes. As enemies of the State, you have no rights that you call unalienable. And the case for that is called, The Sally, 8 Cranch 382, 384, wherein the court stated; "By the general law of prize, property engaged in the illegal intercourse with the enemy is deemed enemy property. It is of no consequence whether it belong to an ally or a citizen; the traffic stamps it with a hostile character, and attaches to it all the penal consequences of enemy ownership".

In The Shark, (1862)page 218 the court states,

"All persons doing business with the enemy, whether citizens of the United States or citizens of the other belligerent nation or neutrals, are as to their property to be deemed enemies."

Therefore, with all this knowledge as to why you are deemed the enemy, this case called The Julia, (1813) falls right into what

Whiting stated in 1864 about the enemy having no rights.

"No contract is considered valid as between enemies, at least so far as to give them a remedy in the courts of either government, and they have, in the language of the civil law, no ability to sustain a *persona standi in judicio*."

Now you know why people charged under the revenue laws that are in court have a 99 percent chance of losing; have no right to present the law or regulations to the jury, as that has been eliminated slowly since 1867; to claim and show a defense; are 99 percent of the time denied all motions that would have to be ruled in their favor. AND, when having a claim against the United States they always institute a Rule 12(b)(6), that claims YOU have not stated a cause in which relief can be granted. This is so because the enemy in rebellion, the cash cow of the United States, the so called "tax protestor", can never overcome. The IRS can seize property of all types without any due process in the courts before they take the property as explained in Whiting's Book continued after you read this endnote. Also, for those people who believe that if you revoke all signatures and get out of banking and social security, get rid of all contracts with the government that you are free. Not so, because you are still the neutral under the emergency (war) powers act. You could claim to be the highest exalted ruler from another country, but as long as you stay in this country under the belligerent power, you are the subject of this government. This is a fact that no one can deny. The "neutral" speaks to the fact that your presence in the state or country makes you an enemy, so to argue you are not subject, because you have removed yourself from banking or social security, holds no water to the conqueror holding the guns, or I might add to international law.]

### **End Note #16**

Yes, the habeas corpus is a PRIVILEGE and NOT a right, and it is granted by government in time of peace. It can and has, for all intents and purposes, been suspended. This is evident by the fact that between 1957 and about 1990 only 3 percent of all habeas corpus have been granted. Now, all this material so far has proven one thing. That is, the people of America who thought they were sovereign; who thought government was their servant; who thought the Constitution was their doing; who thought the Bill of Rights were written for them; who thought the constitution was there to protect them; who thought that white citizens were always above the blacks; who thought the term "citizen" did not show up until after the Fourteenth Amendment; who never realized that blacks voted, held office, held military commissions before the 1787 Constitution; who did not realize that the 1787 Constitution

enslaved the black people by considering them property by the institution of Article I, Section 2, Clause 3; who thought the constitution was over all treaty law or International law of nations; who thought we were living in times of peace; who do not believe they are considered "public" enemies; who believe that they are free, are sorely mistaken. So let us move along in the Book and destroy some more myths. One has to remember that this Book was written during Civil war and talks about military law, the **principles** apply to this very day, even though you do not see uniformed officers behind the desks of the alphabet agencies of government, although you do see quasi military presence in the form of a police officer that is termed "law enforcement." They are no longer peace officers.]

### **End Note #17**

Turning to Whiting's separate section Titled, *The Return of the Rebellious States to the Union*, we see the mindset of government, our enemy, as so aptly stated by Albert J. Nock in his book, *Our Enemy, The State*. It shows that the people of the South and the North became enemies of the United States, AKA Congress, because the southern states could not be admitted back into the Union and have disabilities different than the north. So Congress over rode President Johnsons veto of the war powers after Johnson decreed the war powers over, and then Congress declared that in order to have all states on equal footing they would continue the emergency war powers to include all the people in the States of the Union to be enemies, subject to the confiscation acts of 12 Stat 319. The section on Reconstruction of the Union shows that the southern States were forced into submitting to the United States, thereby showing, for all to see, that the Constitution is of "No Authority" as stated by eminent Jurist Lysander Spooner.

The South had sought to be free from the Union as expressed in the Declaration of Independence and the Constitution, that whenever government ceased to be what it was supposed to be, they had the right to secede. Such was not the case and shows the fraud of the Constitution for what it is. For if the abuses could not be remedied the South sought to only do what the Constitution stated, and that was to form a new government, but not touch the present government of the North. They did not want to overthrow the old government. This also proves that the Treaty of 1783 still is supreme over the Constitution which the treaty created. This I brought forth in my book *The New History of America* by quoting from the First Circuit Court of the United States operating in North Carolina in 1796. Before closing Part one I might add that the emergency power can continue absent any war that started it. The case for one to read on this is *Woods v Miller*, 333 U.S. 138; 68 S.

Ct. 421; 92 Led 596 (1948). This dealt with the rent control act that was declared unconstitutional by the District court. It was appealed directly to the Supreme court and it reversed the District courts judgement, declaring that because although the war was over the rent act was a direct and immediate cause when invoking the war powers/Emergency powers of Congress and therefore was constitutional and could continue as it likened it to "police power". Justice Jackson concurring stated, "I think we can hardly deny that the war power is a valid ground for federal rent control now as it has been at anytime. We still are technically in a state of war."

Therefore, the emergency powers invoked by the Congress in the Reconstruction Acts and Roosevelts Emergency Powers Acts are still "technically" alive and well and have never been repealed by Congress. One more nail in the coffin of the MYTH that the common man is Sovereign is the fact that when the case of Ex parte Milligan was heard it was a conclusion that the Court would find the Reconstruction Acts unconstitutional because of the establishment of the military government throughout the South. The court did not. Then two years later the case of Ex Parte McCardle came before the Supreme Court. McCardle was a southern editor of a Newspaper. He used the statute designed, ironically, to protect the rights of Negroes and federal officers in the South. The Court unanimously agreed that the statute gave it jurisdiction in McCardles case. Then with McCardle's case already concluded, Congress undertook to block a decision of the Court by repealing the law by which jurisdiction to hear McCardles appeal had been conferred. The repeal occurred and McCardle lost. What happened is that Over 100 years since Ex parte McCardle, the action of the Congress in lopping off of the appellate jurisdiction of the Supreme Court in order to forestall an unwanted decision has been generally regarded as a regrettable legislative assault upon the independence of the Court-- a precedent which it was hoped would not be followed.

This shows the power that Congress and the President has under the war powers. This is why there is no separation of the departments of government under emergency rule. This is why the Supreme Court of today, cannot rule against the emergency war powers in effect. The Court is controlled by Congress, CONSTITUTIONALLY, under the War Powers Clause of the Constitution. I would say, in conclusion, of Part one, that the Congress has continued its Sovereignty by invoking the War Powers and Reconstruction Acts starting March 2, 1867, so that they may invade and strip the rights of the people so as to gain more control than they had in time of peace under the Constitution. The Congress are the ultimate administrators of not only the District Courts in time of peace, but has the control of the

allegedly separate branch called the Supreme Court under War Powers. This only further proves that the common man was never a Sovereign to begin with, despite all the hoopla and conjecture that he is. By the term "common man" it is meant the man on the street, the laborer. Washington, Jefferson, Hamilton, John Jay, etc., etc, were not the "common man". They were aristocracy, had money, had land, all had holding in the mother country, England, and were what was called the landed people. They were the People spoken of in "We the People" in the preamble, not the Acommon man". The fact that grammatically the third word in a sentence, being capitalized, denote a specific class when it is capitalized, therefore, **P**eople did not include the "common man".

If indeed it meant all the people it would have read "We the people". Pull any English Grammar book and you will see for yourselves what I say is correct. The lip service and spin doctors have done a wonderful job of hiding the true character of the common man for all these years, that being, he is a subject here in America, the same as he was a subject under the Crown, only here he is called a "citizen". There is no difference. This was proven in my book *The New History of America*, which, was written with documented facts that were worded as if I wrote it all without documentation, except for the direct quotes.

END of PART ONE

