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## Our American Common Law

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**"We the People are the rightful master of both congress and the courts - not to overthrow the [Constitution](#), but to overthrow the men who pervert the [Constitution](#)." *Abraham Lincoln***

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## Our American Common Law

by Howard Fisher and [Dale Pond](#)

[Common Law](#) is a real thing. It is a real system of laws derived from centuries of work, study and sacrifice of millions of people. It is not trivial and inconsequential as some would have you think. It is the [Common Law](#) that is most represented within Our [Constitution](#), Declaration of Independence and [Our Bill of Rights](#). These documents were designed to limit and eliminate the vicious Equity, Maritime or Admiralty Law which was what we revolted against as Our Revolution against the totalitarianism of England.

Did you know the Anglo-American system (Our system) of jurisprudence is the only one which developed out of what is called the [Common Law](#), that is, the general law of private property known in the British Isles? It is true - [Common Law](#) was designed through the centuries to secure the rights of individuals (you and me) to property and to make it difficult for property to be taken away from us by a government or governmental structure (bureaucracy) without due process of law. The [Common Law](#) was expounded over the years in hundreds of thousands of case decisions as a result of trials in which the [Common Law jury acted as the Judges](#), and in which they exercised the authority to hear and decide questions of both Law and fact. [Common Law](#) deals with legal relationships, powers and liabilities, and types of actions rather than theoretical definitions of abstract legal concepts. The [Common Law](#) was recognized by Our Founding Fathers and is the basis of all law in America today.

The [Common Law](#) recognizes the Power of Government lies in the common people and not in an elite group of power brokers. It is the terrible Equity, Maritime or Admiralty Laws (laws of contract) that steals this power from the people and centralizes it into the hands of a few power oriented men. The [Common Law](#) deals in real property whereas the Equity Laws deal in written abstractions of performance (agreements or contracts). In other words, Masters own their own property, work and destiny. We are all Masters when we truly own our own property. Slaves do not own property, they usually rent property of another and are compelled to perform upon or with that rented (tenured) property according to some *agreement or contract*.

It is from such controversies involving property that all of our [Rights](#) have come. Property is known as Substance at the [Common Law](#), and includes hard [Money](#) in the form of gold and silver coin as required by Our federal [Constitution](#) and every other State [Constitution](#) as they were all drafted to be in perfect harmony one with another.

Controversies involving these matters carry with them a Law jurisdiction, a jurisdiction in which all of our [Rights](#) are found. The Judge in a Court of [Common Law](#) is an impartial referee of the dispute, and he is bound to protect the [Rights](#) of the parties to the dispute, or he will have lost whatever jurisdiction he may have had, or claimed to have had. It is the Jury who decides whether or not the Facts of the case are valid and they also decide the Law - does it apply? Is it correct for this case?, etc. *Only judges acting under equity law can decide law...*

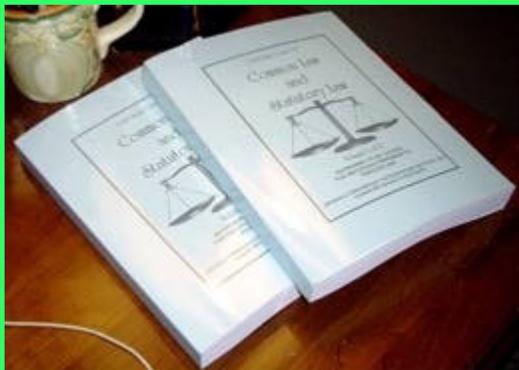
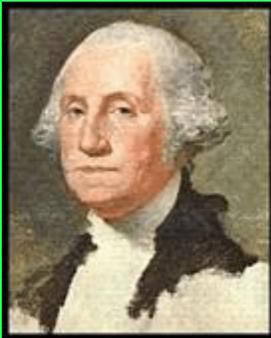
***You know you are in an Equity/Admiralty Court when an American [flag](#) is displayed that has a GOLD trim. The gold trim denotes [military jurisdiction](#) and not [Common Law](#) or Constitutional jurisdiction. Wherever this [flag](#) is flown the Constitution is NOT. [To see the civilian flag click here.](#) [Order the book here.](#)***

Gold and silver Coin are the only Things recognized at Law (within our [Constitution](#)) to be real and lawful money. [Money](#) is Substance in possession and not a Chose (thing) in action. When a debt is paid, at Law, the debt is extinguished; debt no longer exists; the debt is paid. Debt can only be paid with gold and silver Coin, or certificates redeemable on demand, at par, in gold and silver Coins. This is the legal meaning of the expression "tender in payment of debt", as found in Article I, Section 10 of the Constitution of the United States. Federal Reserve Notes are not [money](#) - they are bills/notes and/or [certificates of indebtedness](#) as each and every one of them are owed back to the Federal Reserve Bank who lent them to Us - plus interest.

Thomas Jefferson placed great emphasis on the concept of [Rights](#). He said we did not bring the English [Common Law](#), as such, to this continent; we brought the [Rights of Man](#) as evidenced through and by the tried and true ancient system of [Common Law](#).

***The Common Law of the States of the United States is the Common Law of England adopted by the original Constitution of the United States, so far as not modified by any alterations made by the Constitution of the State at the time of admission to the Union, and so far as not in direct conflict with the Constitution of the United States of America.***

And the [Common Law](#) of the States may not be modified, limited nor abrogated either by an act of the legislature (Congress or State Legislature) or by a ruling of some judge or by any county board of commissioners or any other servant to the people. Federal and state bureaucracies are constantly writing and presenting code, rules or statutes in an attempt to circumvent the original [Common Law](#) foundation of Our Constitution. A major part of the problem that we are in is a result of these unlawful attempts by legislatures, judges and bureaucracies to modify or abrogate [Common Law](#) and thus Our Constitution.

	<p><a href="#"><u>WANT TO LEARN COMMON LAW?</u></a></p> <p><a href="#"><u>GET THE COMPLETE HOME STUDY COURSE ON COMMON AND STATUTORY LAW</u></a></p>	
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While, in England, this Law was derived from feudal tenures in real property as held by a pyramid of proprietors (land owners) holding their rights *given* them from the King (or Crown)

on down the line. The American Revolution destroyed any and all allegiance to the British Crown, including the rights of property in land, and all feudal tenures and dues were overthrown. All [Rights](#) of property in land in the United States became [ALLODIAL TITLES in Allodial Freehold](#), existing under no lord or overlord whatsoever, including the authority of the Colony or State. *The ties that bound property use or ownership to a higher or superior power were entirely and completely severed, destroyed and made as though they never existed.*

This is the reason why our founding fathers considered that they had made every man a "King" on his own property. They got rid of the controls from the King and castle keep owners (feudalism) within property ownership.

In England, William Pitt summarized the concept of private property under [Common Law](#), as follows:

***The poorest man may, in his cottage, bid defiance to all the forces of the Crown. It may be frail; its roof may shake; the wind may blow through it; the storms may enter; the rain may enter; but the King of England cannot enter; all his forces dare not cross the threshold of the ruined tenement. "***

As a result of all of this, the [Common Law](#) of the States is founded and grounded upon substantive titles in real property. No mere legislative enactment by Congress or State Legislature nor judicial ruling by Federal or State Courts can operate to deprive the People of their [Rights](#) at Law. This includes their [Rights](#) inherent in their Allodial Land Titles and to be Merchants and/or Traders at Law on the cash basis, and their [Rights](#) to access to Courts of Law and to a jurisdiction where their [Rights](#) are protected.

In the same vein no county or city ordinance, code, rule, policy, regulation or law can override these same absolute guarantees. The same applies to corporate or private policies of business conduct which are often used to override [Common Law](#) or Constitutional guarantees. In other words, business or corporate policy cannot supersede [Constitution](#) Rights even though nearly every corporation in America ignores Our [Constitution](#) in pursuit of ever more bogus Federal Reserve Notes.

As contrasted with the [Common Law](#) of England, the system of law as practiced on the Continent of Europe (European Common Market) is called Civil Law, or Roman Civil Law, which is derived from the Law of the Ecclesiastical Chancellors. This is partly the ancient Law of Rhodes, the law of merchant traders upon commercial documents. The Civil Law is prosecuted by the Chancellor (the Kings agent); he is not an impartial referee of the dispute.

This Civil Law of Roman origin has never been part of the Laws of England and has been declared not of the Laws of the Realm by the Parliament and by many experts of England in jurisprudence, such as Coke, Blackstone and Sir John Fortescue.

***"The Common Law is absolutely distinguished from the Roman or Civil Law systems. "***  
*People v Ballard*  
155 NYS 2d 59

The Roman Civil Law has always been outside of [Common Law](#), operating on SUMMARY PROCESS, in gross violation of our [RIGHTS TO DUE PROCESS](#).

As English society developed over the years, situations were met in the [Common Law](#) for which the Courts could provide no relief by any precedent. The controversies did not involve property, or substance. The parties thus had no other recourse than to go to the King. And when they did, he delegated his first minister to solve these problems. The minister was called a Chancellor (the same title as used on the Continent) and the relief granted was called Equity. This "Equity" meant what would be fair if the [Common Law](#) principle were extended and applied to the case at hand, as the Chancellor, in his *sole discretionary judgment*, chose to do. This is the so-called "law" we see being applied by "Judge" Wapner in the well known fake TV court program. He alone decides the law and facts of each case.

There thus developed in England and America two distinct systems of law and courts, each having a peculiar and particular application and jurisdiction. Equity is a jurisdiction in which the individual does not have any [Rights](#), and one to which the individual can be subjected only if he volunteers or gives his informed consent. *In the Common Law we have recognized inherent rights whereas in the Equity Law we have no rights whatsoever except those which may be bestowed upon us by the graces of the chancellor -(judge) wholly at his sole discretion.*

In Equity there are no jury trials. The powers of the [Common Law](#) jury to hear and decide questions of both Law and Fact are exercised exclusively by the Chancellor. However, there may be "advisory juries" to advise the Chancellor of certain facts, but they are not permitted to hear any arguments regarding the Law. (Does this sound familiar today?) The controversies are decided by the Chancellor, who, besides being the Chief Prosecutor, (or Inquisitor, if you will), can go to any source he chooses, even to his own "conscience", to prove or justify his decision. In Equity, the parties do not have any [Rights](#); the Constitution is stated by the Chancellor to be "frivolous"; and any so-called "rights" in his Court are actually "privileges" granted by the Chancellor, which he can also take away. Today this all powerful person is not called a Chancellor. She/He is called a Judge and she/he operates in all levels of "courts" throughout Our Land.

During the past century, the Congress of the United States and the Legislatures of the several States, as well as the Judges have presumed to exercise the authority to "merge" the procedures of Law and Equity. This is authority they do not have, yet this, too, is part of the problem we face today all over Our Land.

When we realize that a Court of [Common Law](#) proceeds "according to the course of the [Common Law](#)", and that the parties have a [Right](#) to trial by a [Common Law](#) jury, where the jury exercises the authority to hear and decide questions of both Law and Fact, we can then *know* that if we are in a Court where the procedures have been "merged" with Equity, then we can know that we are not in a Court of [Common Law](#)! Such a court does not recognize and refuses, to We The People, our [Constitutional Rights to self and property](#).

For instance, the Constitution of the State of Iowa, Article V, Section 6, states, in part, as follows:

***"The District Court shall be a court of law and equity, which shall be distinct and separate jurisdictions, . . . ."***

Obviously, the two court systems have not been lawfully merged, and We The People do not have to accept the idea that they have been merged [simply because a judge" or bureaucrat says a code, rule, statute or regulation makes it so](#). Remember that these lesser rules and regulations MUST be in harmony with the State and federal Constitutions in order to be valid and lawful. ***Otherwise they are null and void.***

We must realize that the principles of [Common Law](#) and of Equity are those as distinguished and defined in England, before the adoption of the [Constitution](#) of the United States of America. Any modifications in definition or practice of either Law or Equity in England since the adoption of the [Constitution](#) of the United States of America have no significance, bearing or authority in the United States, since we are no longer under the jurisdiction of either Parliament or the Judges of England. Yet there are those in this country who claim that Equity jurisdiction (otherwise known as Chancery jurisdiction) in this country is the same in nature and extent as Equity jurisdiction in England!

Where the [Constitution](#) of the United States of America, or the Constitution of the State of Iowa, or of any State, mentions "law", it means "[Common Law](#)"; it does not mean any other "kind" of law! ! In addition to the above mentioned jurisdictions of Law (meaning [Common Law](#) ) and Equity, which are the only Judicial jurisdictions authorized either by the Constitution of the United States of America, or by the Constitution of the State of Iowa, or of any State, as drafted in conformance thereto, and being second thereto, there is also a private, political jurisdiction which is operative only on those who volunteer into its private domain, outside of the Constitution. It is known as Law Merchant (*lex mercatoria*) the private rule of the bankers and merchants.

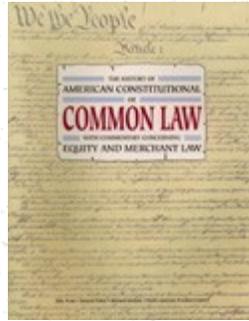
***It is this system of legal snares that has all of We The People by the throat...."***

The following booklet "Our American Common Law" is reproduced as near the original as possible, in that the words in bold or italics or underline are so in the original. The booklet contains the following sections:

- 
- [Introduction](#)
- [Our American Common Law](#)

**History and review of the American Constitution Law (Common Law)** A review of true Citizenship and explanations why America faces crisis after crisis. Common Law is about PROPERTY and RIGHTS. Written with common sense, down-to-earth suggestions for changes as a Nation and many things you can do on a personal level. Explains what is Common Law, Equity Law, Admiralty or Merchant Law and what these mean to you and your country.

- [They Stole Our Gold \(Money\)!](#)
- [Merchant Law](#)
- [Our Individual Common Law Rights](#)
- [The Story of the Buck Act](#)
- [For More Information](#)
- [What Can You Do](#)
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Law Merchant is neither Law nor Equity, but is only raw, private, political power, alien and illegal to our [Constitution](#) whatsoever, and operates outside of the [Constitution](#) .

The Law Merchant is an independent, parallel system of law, like Equity or Admiralty. The Law Merchant is not even a modification of the Common Law; it occupies a field over which the Common Law does not and never did extend. Common Law deals with the Money of Substance belonging to the People (Gold and Silver Coins); while the Law Merchant deals with the law of Bills, Notes and Checks, (in other words, with negotiable instruments and commercial paper). The Law Merchant is closely allied to the Equity system of agreements and contracts which it uses extensively because the Constitutions of Our States recognizes Equity law. Equity Law is the back door used by Law Merchants (bankers, etc.) to gain access to what used to be Allodial Title or absolute ownership previously enjoyed by all Americans.

Our [Declaration of Independence](#) charges that America had been progressively subjected to "a jurisdiction foreign to our Constitution" (meaning the unwritten English Constitution), This foreign jurisdiction was a jurisdiction of lawless *ad hoc* equity derived out of the [Roman Civil Law](#) under the stark cover of such obscenities as the Writs of Assistance (which our Courts of today also claim to have the authority to issue) which allowed summary plundering of the colonists wealth and substance TO THE ADVANTAGE OF the East India Company which controlled the Parliament. (As today, it allows the summary plundering of the American citizens wealth and substance TO THE ADVANTAGE OF the banks and other financial (lending, insurance, etc.) institutions which control the Congress and State legislatures). It has been recognized and stated for over one hundred years that "we have the best Congress that money can buy" !!

These Writs, even as only one wrong perpetrated by the commercial interests in the Parliament, were given authority by an Equitable jurisdiction called a debt action in assumpsit. This action, which gave satisfaction pursuant to the customs of the Law Merchant, (having been voluntarily

entered into), had been an old debt action triable in a Court of Common Law (merely as a courtesy of the Common Law Courts, and not inherently a part of Common Law) (and triable by a Common Law Jury, as a protection to the Defendant), until lord Mansfield, Chief Justice of the Kings Bench, in 1760, arbitrarily and on his own authority, denied trial by jury in debt actions in assumpsit AND REMOVED THAT ACTION FROM THE Courts of Common Law into the Courts of Equity, where a trial by jury could not be had, and where there was merely a summary proceeding with no semblance of a "due process of Law". In other words, a merchant can, with a flick of his Pen, deprive anyone of their property without due process of Law (Common Law).  
*Sound familiar?*

This case is known as:

Moses y MacFerian  
2 Burroughs 1005

and is the case that sparked the American Revolution and caused Thomas Jefferson to say that English law since that date (1760) should not ever be used over here as Equity/Merchant laws had become an instrument through which merchants could, from then on, assume power over anyone elses property solely at their discretion and whim.

It was this Equitable debt action in assumpsit which the Seventh Amendment of the Constitution of the United States was specifically meant to outlaw, by specifically providing that

*"In suits at Common Law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved..."*

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The significance of this is pointed up by the fact that any controversy involving Money (Gold and Silver Coins) in an amount greater than twenty dollars, or any property such as real estate can only be tried in a Court of Common Law with the right of trial by jury who decides Law as well as the Facts of the case!

**Power of the Sheriff** - This means that any Mortgage Foreclosure action can be tried only in a Court of Common Law, and that the State Legislature has no Constitutional authority to provide, by statute (*statutes are not real Law but are in reality color of Law only and therefore are only binding on a voluntary or mutually agreed upon basis*), that mortgage foreclosure actions shall be Equity actions! This means that Sheriffs Sales as a result of these Equitable Mortgage Foreclosure actions are null and void! ! And that the Sheriffs have participated in criminal confiscation of real property in violation of the Constitution and of their oaths of office! !

So, it can be seen that summary and arbitrary confiscation of income and property is nothing new in American tradition and history out of an illicit (meaning unlawful and unconstitutional) Equitable jurisdiction. It is precisely this Equitable jurisdiction wherein the Chancellor enforces the combination of unconstitutional Executive and Legislative Equity which is the jurisdiction

foreign to our [Constitution](#) referred to in the Declaration of Independence. This is precisely what our American Revolution was all about and what our Bill of Rights was designed to prevent.

It is also a measure of the extent that the Bankers (both foreign and domestic) and other merchants, and their stooges, the lawyers and Judges, as well as the politicians of both major political parties, have betrayed the Public Trust and have attempted to place us in a Dictatorship of Unelected Rulers (being the "judges" and bureaucrats) !!

Thus it can be seen that there is a direct similarity of our political/legal situation today with what it was in the years immediately preceding the Revolution of 1776. Only today we have a written [Constitution](#) that spells out our [Rights](#) and our freedoms, giving us precedents, whereas two hundred years ago they did not.

The Common Law Jury members (acting as judges of the Law) were sworn to "Do equal law, and execution of Right, to all the Kings subjects, rich and poor, without having regard to any person" and that they will deny no man Common Right; but they were NOT sworn to obey or execute any statute of the King, or of the King and Parliament. Indeed, they are virtually sworn NOT to obey or execute any statutes that are against "Common Right", or contrary to the Common Law, or "Law of the Land"; but to certify the King thereof "... that is, to notify the King that his statutes are against the Common Law;.... and then proceed to execute the Common Law, notwithstanding such legislation to the contrary. The words of the oath on this point are these:

*"That we deny no man Common Rights by (virtue of) the Kings letters, nor none other mans, nor for none other cause; and in case any letters come to you contrary to the Law, (that is, the Common Law) that ye do nothing by such letters, but certify the King thereof, and proceed the execute the Law (that is, the Common Law), notwithstanding the same letters"*

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In Federalist Papers #48, Alexander Hamilton wrote in part, "No legislative act contrary to the Constitution can be valid." "The [Constitution](#) is, in fact, and *must be regarded by judges* as a fundamental law."

The Sheriff is also a servant of the People, elected and paid by and for Them; upon taking office he takes an oath to uphold the [Constitution](#) (the Peoples Law) and keep the peace. ([Wyoming sheriffs are standing tall!](#))

In [American Jurisprudence](#), on Sheriffs, Police and Constables, we find the following:

***Origin of office:*** *The office of sheriff is an ancient one, dating back to at least the time of Alfred, King of England, and the holder thereof has always been the chief executive officer and conservator of the peace in his shire or county. He is a county officer representing the executive or administrative power of the state within his county. In this country, the office is generally an elective one, and anciently in England, sheriffs were elected by freeholders of the county, although gradually, it became the custom for the Crown to appoint the Sheriff."*

Abraham Lincoln stated the following on February 12, 1865:

***"The people are the rightful masters of both Congress and the Courts. Not to overthrow the Constitution, but to overthrow the men who pervert the Constitution."***

The general misconception is that any statute passed by legislators bearing the appearance of law constitutes the law of the land. The U. S. Constitution is the supreme Law of the Land, and any statute to be valid, must be in agreement. It is impossible for both the [Constitution](#) and a statute violating it to be valid. In such a dispute, one must prevail, and that is the [Constitution](#) .

In Volume 16, [American Jurisprudence](#), 177, we find the following:

*"The general rule is that an unconstitutional statute, though having the form and name of law, is in reality no law, but is wholly void, and ineffective for any purpose; since unconstitutionality dates from the time of its enactment, and not merely from the date of the decision so branding it. An unconstitutional law, in legal contemplation, is as inoperative as if it had never been passed. Such a statute leaves the question that it purports to settle just as it would be had the statute not been enacted.*

*"Since an unconstitutional law is void, the general principles follow that it imposes no duties, confers no rights, creates no office, bestows no power or authority on anyone, affords no protection, and justifies no acts performed under it. . . .*

*A void act cannot be legally consistent with a valid one. An unconstitutional law cannot operate to supersede any existing valid law. Indeed, insofar as a statute runs counter to the fundamental law of the land, it is superseded thereby.*

*No one is bound to obey an unconstitutional law and no courts are bound to enforce it. "*

The [Constitution](#) guarantees the right of a freeholder to protect his property from Criminal Trespass.

# *Civil law or equity law is the law of the ruler;*

## *Common Law is the law of the people.*

It is the sworn duty of the Sheriff to obey and uphold the [Constitution](#) and to protect the property and Rights of the freeborn, Sovereign American individuals of the County.

County Sheriffs must be advised of the instances where unlawful acts of officials or agencies of government are committed. It is the duty of the Sheriff to protect the local citizens from such unlawful acts, even when they are committed "under color of law".

There is no lawful authority for Judges and the Courts to direct the law enforcement activities of a County Sheriff. The Sheriff is accountable and responsible only to the citizens who are inhabitants of his County. He is under Oath of Office, and need not receive unlawful Orders from Judges or the Courts. He is responsible to protect citizens, even from unlawful acts of officials of government. He should not allow his office to be used as an unlawful "lackey" of the Courts or Federal agents or agencies.

### **We Are Our Government**

Since the formation of our Republic, the local County (or Parish) has always been the seat of government for the body politic (the People). A County (or Parish) government is the highest authority of government in our Republic as it is closest to the body politic (the People) who are, in fact, THE GOVERNMENT.

The Common Law of the States is founded and grounded upon substantive titles in real property, and no mere legislative enactment by Congress, State legislature or County Commissioners. Neither can judicial ruling by Federal, State or County Courts operate to deprive the People of their Rights at Law, including the Rights inherent in their Allodial Land Title Rights.

The [Constitution](#) of the United States of America, Article III, Section 2, authorizes Courts of Law and Courts of Equity; Judicial Equity is authorized; but nowhere does the Constitution of the United States of America authorize a single bit of either Federal Executive branch of government Equity jurisdiction, or Federal Legislative branch of government Equity jurisdiction. In other words, the promulgation and enforcement of Presidential/Congressional/Judicial edicts, dictates, rules, regulations or policies whether directly or through any Federal agent or agency such as the FBI, CIA, EPA, OSHA, [IRS](#), etc. or with the aid and assistance of State or local lackeys is unauthorized.

For instance, the Constitution of the State of Iowa, as drafted in conformance to the [Constitution](#) of the United States of America, and being second thereto, Article V, Section 6, authorizes Courts of Law and Courts of Equity; Judicial Equity is authorized; but nowhere does the Constitution of the State of Iowa authorize a single bit of either State Executive branch of government Equity jurisdiction or State Legislative branch of government Equity jurisdiction.

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The Federal Bill of Rights was drawn and adopted to guarantee an estoppel (or bar) to the abhorrent Federal Executive and Legislative Equity jurisdiction, and therefore, the State Bill of Rights is also a guaranteed estoppel against any actual or de facto abhorrent State Executive and Legislative Equity jurisdiction; this is an abhorrent and oppressive Equity, because it purports to be able to administer, adjust and deny said Common Law Rights without first pursuing the appropriate remedy at Common Law and thus denying due process. Equity administration is in fact theft of Our Rights and a vicious dictatorship by those who exercise it.

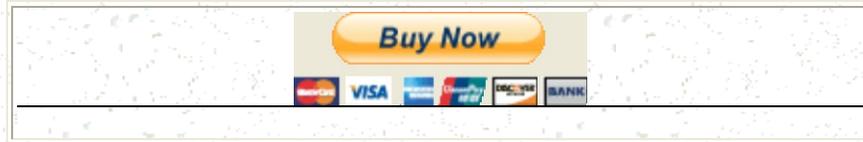
In other words, Federal, State and County governments, both Executive branch and Legislative branch, must be at Law working within the Common Law), and may not impose any form of Equity jurisdiction upon the People, by compulsion, fraud or otherwise, without their knowledge and informed consent; otherwise any such enactments become and are nullities and do not exist at Law, because the Rights of freeborn, Sovereign American individuals would be violated if they were to be forced to obey them.

If any agency of the Federal, State or County government, including the court, would act as if it were Principal, and Freeman, against its true Principal, the People, this would be an inversion of the legal principle of Sovereignty of the People. By so acting, any agency of the government, including the court, would be a pretender to the power, and as a pretender, its acts would be a nullity and would not exist, at Law; that is to say, that it would be null and void, and of no force and effect, at Law. That, in fact, it would not be government at all, but would be a private, criminal operation, imposing a rule of force, fraudulently pretending to be government, since, in this country, the only legitimate function of government is to protect the Rights and freedoms of the People. Such acts are not unlike the privately owned and operated Mafia who demands our money (taxes, fees, etc.) in exchange for them not committing violence against us or our property. Sound familiar?

*Each freeborn, Sovereign American individual has the authority and the Right to deny and to disavow all Equity jurisdiction, and to refuse to acquiesce to the jurisdiction of Courts of Equity, or to Equity jurisdiction of any Executive or Legislative branch of government agency or agent, State or Federal or County.*

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The [Constitution](#) of the United States of America, Article IV, Section 4, guarantees a Republican Form of government to every State.

The definition of a "Republic" is as follows:

**"Republic:** A state in which the sovereign power resides in a certain body of the people (the electorate), and is exercised by representatives elected by, and responsible to, them; "

Websters Collegiate Dictionary, Fifth Edition .

The Courts of Iowa are nullities, and do not exist, either at Law or in Equity, because unelected State Judges have no jurisdiction at Law or in Equity, over any one or any thing, being in direct violation of each freeborn, Sovereign American individuals Right to a Republican Form of Government; which in this case is his Right to have an Elected Judge. This also includes the Right to Separation of Powers, because the Governor, as Chief Executive of the State, has no Judicial Power to delegate to an appointee. The Governor is of the Executive branch and has (lawfully) no say or jurisdiction within or over the Judicial branch.

The Governor of this or any other State is not a Chancellor (appointed by a King or dictator), nor are any officials appointed under him authorized to exercise any Judicial powers. There can be no delegated power in Chancery law to be executed under the alien, outlawed and illegal [Roman Civil Law](#), unless agreed to by the freeborn, Sovereign American individual.

That evil and alien jurisdiction, the de facto Equity jurisdiction of the [Roman Civil Law](#), allows judges to enforce the unlawful summonses of [IRS](#) agents, Highway Patrol Officers, city policemen, building inspectors, OSHA agents, FDA agents, and the agents of all other equally unlawful regulatory bodies of so-called government, who attempt to impose a jurisdiction in which the Rights of freeborn, Sovereign American individuals are unrecognized and violated.

That evil and vicious [Roman Civil Law](#) allows the judges to have We The People arrested, jailed, and property taken away from us, or our property to be criminally trespassed upon and destroyed; all without a Common Law Trial by Jury, or just compensation, or due process of law. These violent acts by unelected dictators are committed often over simple idiocies such as "willful failure to file" a paper or failure to properly fill out a form or unknowingly not following some obscure and stupid procedure, rule or regulation.

Under the Common Law (Our [Constitution](#)), no bureaucrat can dictate what happens to Our liberty or Our property. The only entity that can determine punishment (pass sentence) upon a freeborn, Sovereign American individual is a lawfully constituted Common Law Jury.

Aiding and abetting the [IRS](#) (foreign agents to the States) and similar agencies in enforcing their unlawful summonses, fraudulent liens and assessments constitute an enforcement of the alien and evil [Roman Civil Law](#) and is in fact *fascist totalitarianism*.

Compelling a freeborn, Sovereign American individual to do anything, except upon the verdict of a Common Law Jury, constitutes an enforcement of the alien and evil [Roman Civil Law](#) and is in fact *fascist totalitarianism*.

***Thomas Jefferson has been credited with the warning how the judicial branch of government would usurp the authority of the Executive and Legislative branches of government and turn the country into a judicial dictatorship.***

He was right - it has happened.

### **They Stole Our Gold ([Money](#))!**

***"All of the confusions and distress in America arise, not from defects in their Constitution, not from want of honor or virtue, so much as from the downright ignorance of the nature of coin, credit [paper money] and circulation."***

*John Adams (1781)*

So began admonishments to us from 200 years ago by one who knew what awaited his countrymen (us). What has happened to Our money is criminal. In fact, it is beyond criminal and nearly beyond credibility. Just after World War II America had nearly one billion ounces of gold coin in circulation and untold millions of ounces of silver coins. These metals in circulation represented real undiluted debt-free capital. It was ours and we owed no one anything for it. This \$400,000,000,000 pool of liquid capital belonged to private American citizens and represented the wealth of our great nation. What happened to all this wealth?

Before most of us were born [money was a real thing](#). It was gold and silver coin as specified by Our Constitution, the founding law of Our country:

#### ARTICLE 1, SECTION 8

*"The Congress shall have the power ... to coin Money, regulate the value thereof"*

#### ARTICLE 1, SECTION 10

*"No State shall ... coin Money; emit Bills of Credit (paper money); make any Thing but gold and silver Coin a Tender in Payment of Debts."*

In other words no federal or state government was permitted, by law, to mint or issue anything other than gold and silver coins as lawful money. Neither are they permitted to accept or pay debts with anything other than gold and silver coin. What? Where did all this paper come from and what is it if it isn't Money? Listen up - this gets real interesting...

Well guess what happened? If you are lucky enough to have any money in your pocket take it out and examine it. On the front (near the portrait) of the bill you will find the words: "This note is legal tender for all debts, public and private". Across the top of the bill you will read the words: "Federal Reserve Note". Nowhere on this bill are the words: gold, silver or money. This is because this bill is not money as defined by Our [Constitution](#) (see above). It is not money at all. It says what it is - it is a *note* issued by a private, tax-exempt, for profit bank - the Federal Reserve Bank(s). Which are all owned privately by people living outside of America.

A note is: a paper acknowledging a debt or promising to pay (also called note of hand); also a certificate, as of a government or a bank, passing current as money. The portion "passing current as money" means passing from one person to another and generally accepted as money. This implies that it is not money but is only *accepted as money*. It is the Constitution that defines what real money is: it is gold and silver coin. The bill in your pocket is in actuality an instrument of debt - it is owed to somebody - The Federal Reserve Banks and their foreign owners.

***"Money is not only a medium of exchange, but it is a standard of value. Nothing can be such standard which has not intrinsic value, or which is subject to frequent changes in value."***  
*Justice Fields (1883)*

Now so much for definitions. What does paper or metal money have to do with anything? Are you working harder now and enjoying it less? Are you really better off now than when you began working so many years ago? Are your children making it better or worse than you did when you started out? Why does it take two people working very hard to not make ends meet worse now than when one was working in the 50s and 60s? The answer to this question lies in the money. Our money has become nearly worthless. Remember back in the late 60s a new Volkswagen bug cost less than \$2,000. Today that same car (with a different body) cost about \$7,000. These are the same dollars you have in your pocket. A soda pop cost a nickel back then and now how much is the very same item? Herein lies the evilness of paper money. The Federal Reserve Banks (and their stooges) can print as much of it as they want whenever they want. This flooding the market (your pocket) with more and more cash is called fractional reserve banking when coupled with the local banks privilege of signing money into existence whenever they want more to lend some to you.

**It is a fantasy that Our government prints (issues) money.**

It really works like this: The US Congress desires to spend (that's how they stay in office) more money to buy our votes. There is a problem here as there is no money because the Congress of 1913 gave their own Constitutional right to coin real money away to a bunch of foreign bankers - the Federal Reserve Banks. The Congress must request the Federal Reserve to issue and then lend them (Us) some Federal Reserve notes. The privately owned, tax exempt Federal Reserve Bank lends these notes to the U.S. Government (you and me and our children and neighbors). The tax-exempt Fed only pays the U.S. Treasury about 3 cents per bill for these (regardless of denomination) as printing cost. But when we get these funny pieces of paper we have to pay the full face value back with our blood sweat and tears PLUS ANY INTEREST the thieves think is appropriate for them. Guess what didn't happen in this transaction? The thieving Fed never printed the interest! So we can maybe pay back 100% of what we borrowed but there are no

more Fed notes to pay the interest! Every time Our government employees borrows more from the private Fed we get further and further into debt - a debt that can never be paid!

***"The burden of debt is as destructive to Freedom as subjugation by conquest."***

*Benjamin Franklin*

In the beginning we paid this bogus and illegal debt with real money - gold - until it was all gone on March 9, 1933 when [Roosevelt literally, willfully and without due process of law took the gold away from the American citizen \(Us\) and gave it to the bunch of thieves at the Fed in exchange for paper.](#) Paper which could only do one thing - put us further into irretrievable debt. Why put America into deeper and deeper debt? Reread Franklins quote in the previous paragraph. The idiotic process continued until 1968 when they took the balance of our silver to pay for even more of these worthless notes.

***"If Americans ever allow banks to control the issue of their currency, first by inflation and then by deflation, the banks will deprive the people of all property until their children will wake up homeless."***

*Thomas Jefferson*

On June 5, 1933, as a result of a prearranged banking crisis, the Congress of the United States passed House Joint Resolution No. 192, suspending the Gold Standard (they did not abolish it), which means they disestablished the fixed content of the Gold Dollar and took away the Law jurisdiction of the U. S. Standard Dollar Lawful Money. In effect, the entire country, every State and every freeborn, Sovereign American individual, became insolvent and was effectively put into bankruptcy, making it impossible for each State and each individual to either pay their debts, at Law, or to be paid, at Law. This was, in actuality, a criminal act of usurpation of the sovereignty of We The People, by Congress.

## **Merchant Law**

Instead of being able to demand payment at Law, or to make payment in Standard Gold Dollars as Lawful money, or the equivalent Treasury currency, redeemable on demand, at Par, We The People were forced on to the credit of the private banks, the Federal Reserve Banks and the commercial banks, and began to pass around their debt instruments, as though it were real money, making use of their debt-claims for the money, and thereby, by the operation of House Joint Resolution No, 192, into an alien and unlawful Federal Executive Equity Jurisdiction, known as *lex mercatoria*, or the Law Merchant, which is the private rule of the bankers, and from which jurisdiction our forefathers fought, and won, a revolution to be free, and from which jurisdiction our Constitution and Bill of Rights protects Us.

When you can pay your debts in Standard Gold Dollars, you operate on a cash basis in a Federal Common Law jurisdiction based on Article I, Section 10, clause 1, of the Constitution of the United States of America regarding tender in payment of debts. This is the General Federal Common Law jurisdiction deriving from the Union, which the Bill of Rights was designed to protect, particularly the Seventh Amendment which guarantees the Right of Trial by Common Law Jury in suits at Common Law where the value in controversy shall exceed twenty dollars.

But, when you pass around evidences of debt as if it were the money itself, you are passing around the debt-claims for the money, and you no longer have a jurisdiction at Law, where the individual has access to his Rights, but you are in an entirely different court, or jurisdiction. You are in an Equity jurisdiction, one in which the individual does not have any Rights. And this is the practical effect which Congress intended to bring about by passing House Joint Resolution No. 192. Even one hundred years ago it was stated that "we have the best Congress that money can buy".

***"Paper Money is Theft!"***

*George Washington*

By the operation of House Joint Resolution No. 192, individuals, and States, have been compelled to "perform services", in order, not to pay (no one could "pay" anymore because there was no real money with which to "pay"), but to "discharge obligations" to pay.

What is called "fractional reserve banking", with irredeemable paper, creates multiple demands upon a common substance. That is, banks can issue or create "money" simply by making a ledger entry. These newly created dollars (ledger entries) are "backed" by the same few dollars already held on deposit. In fact a bank, can "create" 20 dollars for every one on deposit, lend them to you, collect the principle and interest and then simply write the money back into nonexistence. ***In other words, you are forced at the point of the Sheriffs gun to pay for something that was created out of thin air - plus interest.*** With multiple demands, no one can ever satisfy all his claims and no one can ever "pay" at Law in substance, that is, with Standard Gold Dollars, but instead, can only "perform services" as evidence of his willingness to "discharge the obligation to pay". Payment, as such, is thus forever postponed; one only promises the payment.

Overnight, the entire country was placed in an entirely new regime of Equity, which never "pays" a thing but only compels services forever to the private banks, and the debts to private bankers constantly increases, the interest obligations, known as "debt service", constantly compounds and the performance of services in order to "discharge the obligation to pay" this interest are never-ending, being a greater and greater burden upon ourselves and our children, and our childrens children.

In other words, a feudalistic real property law, in the guise of Equitable discharge of obligations to tender in Equity and not "pay" at Law, was instituted in violation of our Allodial Property Rights, and compels Sovereign American individuals into a feudalistic peonage, or involuntary servitude to the private banks (Federal Reserve Banks, National Banks, State Banks), in violation of the 13th Amendment to the Constitution of the United States of America. Because of the jurisdiction of the Law Merchant, we are not under Common Law, we do not have access to our Right to a Common Law Jury, and as a result our property can be, and every day is, taken without due process of Law. If we do not "perform the services" our property is taken from us by Equity courts imposing the Law Merchant.

***Compelled performance is in fact slavery.***

The Sheriff, in unknowing and unthinking acceptance of this situation, has become the "bag man" for a bunch of private criminals, and thereby is committing crimes himself, and is therefore a criminal. *It is a crime to violate Constitutional Rights and his oath of office to support and defend the Constitution of the United States of America and the Constitution of his own State, it being drafted in conformance thereto, and being secondary thereto.*

The Banks, including the Federal Reserve Banks and the National Banks, are incorporated by the State and operate under Banking Statutes (you will notice I do not use the word Laws), These statutes allow, or at least do not prohibit, the creation of "demand deposits" or "checkbook money", which is not really money, but is actually credit, or debt, created on the spot out of thin air on two levels. One by the Federal Reserve Banks (they write checks on themselves, thereby creating Federal Reserve Credit "out of thin air", in order to "purchase investments", such as U. S. Government Securities. These then become part of the National Debt, and provide the banking system with new Reserves). On the strength of these newly purchased Securities, they are able to obtain from the Treasury, newly printed Federal Reserve Notes, to cover the new checks when they are cashed. They only have to tender about three cents for each new Federal Reserve Note regardless of denomination. They are practically given the new paper Notes and they still hold the Bonds, which are part of the National Debt, and collect interest on them. The second level is by the local commercial bank which creates bank credit, denominated "demand deposits", every time they make a loan. The Federal Reserve Bank (is a private Anglo-German-American owned corporation. It is for-profit, and is tax-exempt!) creates public credit (National Debt), while the commercial banks create private credit (private debt) when they make a loan.

The [Federal Reserve Note](#), at least the one issued in accordance with Title 12, United States Code, Section 411, which requires that they "shall be obligations of the United States and shall be redeemable on demand . . .", has a double jurisdiction. It is what you may call a legal tender for an equitable interest. That means it passes at Law as money, being a legal tender, but the only interest it passes along is a mere demand or promise. Hence, though it is "legal" or at Law, it never pays the gold because of House Joint Resolution No. 192, which illegally and criminally prohibited payment of the U. S. Standard Dollar Lawful Money, at par, and thus at Law.

**It should be noted that Congress did not (could not) take away our Rights to use bank notes at Law, or demand deposits at Law; they just took away our money.**

We have a Right, to take a twenty dollar bill, which means a bill for twenty dollars, into a bank and demand a twenty dollar gold piece. Congress did not take that Right away; since we have unalienable Rights which cannot be taken from us or be forced to give them up; Congress just took away the gold. This was and is a criminal usurpation of the Sovereignty of We The People on the part of Congress; and the State of Iowa, and each other State, by allowing it to happen at that time, and by continuing to allow it to happen to this date, has become party to this crime against We The People.

Instead of going into bankruptcy, everyone, including the States, was provided with the opportunity to use the new Federal Reserve Notes, called (incorrectly) "lawful money" grounded in perpetual debt of the "eligible paper" which formed the assets of the Federal Reserve and the National Banks, These are also known as "units of monetized debt". Everyone thus became the

creditor/debtor of everyone else, since no one has paid or been paid for anything since that infamous day of June 5, 1933 when Roosevelt willfully and knowingly stole Our gold and gave it to a bunch of foreign bankers. (Lawfully, debts can only be paid with money - money as defined by the Law of the Land - The Constitution - being gold and silver coin. Anything else is not lawful money and cannot therefore lawfully "pay a debt".) Thus, overnight, We The People became liable for specific performance on the basis of a debt action of assumpsit under the private Law Merchant, operating outside of the Constitution and imposing an Equitable jurisdiction. A jurisdiction in which no one has any rights, where one can be compelled summarily to deliver his property without trial by Common Law jury. And the debts to the private bankers keep mounting ever higher.

A freeborn, Sovereign American individual cannot be forced into perpetual debtorship and involuntary servitude, that is, feudalistic performance on behalf of, and for the benefit of, any person, real or juristic, against his Thirteenth Article of Amendments to the Constitution of the United States of America. Nor can He be compelled, by Law, to accept, or to give informed consent to accept, an Equitable jurisdiction foreign to his Bill of Rights.

Article III, Section 2 of the Constitution of The United States of America, states in part:

*"The Judicial Power shall extend . . . . to all Cases of Admiralty and Maritime jurisdiction; ... ."*

At the very beginning of government under the Constitution, Congress conferred on the federal district courts exclusive cognizance "of all civil causes of admiralty and maritime jurisdiction, . . . . ; saving to suitors, in all cases, the right of a Common Law remedy, where the Common Law is competent to give it; . . ." (1 STAT 77, Section 9 (1789))

As this jurisdiction is held to be exclusive, the power of legislation on the same subject must necessarily be in the national legislature and not in the state legislatures.

Congress enacted the Limited Liability Act on March 3, 1851. It is codified at Title 46, United States Code, Sections 181-189, as amended in 1875, 1877, 1935, 1936 and the Act of 1884. It intended to cover the entire subject of limitations, and to invest the U. S. District Courts with exclusive original cognizance of all cases of admiralty and maritime jurisdiction, exclusive of the States. This means that the States do not have any jurisdiction in admiralty and maritime matters, at all.

Admiralty and maritime jurisdiction comprises two types of cases: (1) those involving acts committed on the high seas or other navigable waters, and (2) those involving contracts and transactions connected with shipping employed on the seas or navigable waters. In other words, the second type of case must have a direct connection with maritime commerce.

Suits in admiralty traditionally took the form of a proceeding in rem against the vessel, and, with exceptions to be noted, such proceedings in rem are confined exclusively to federal admiralty courts, because the grant of exclusive jurisdiction to the federal courts by the Judiciary Act of

1789 has been interpreted as referring to the traditional admiralty action, the in rem action, which was unknown to the Common Law.

State courts are forbidden by the Constitution to have Admiralty jurisdiction. While State courts are permitted to handle and try Admiralty cases if the suitor desires, it must be an Admiralty matter to begin with and it must involve property, otherwise there would not be a Common Law remedy. In other words, the Common Law courts would not be competent to handle it. More than this, it would need to be tried in a Common Law court, following Common Law procedures (not Equity procedures) with a Trial by a Common Law jury.

Therefore, any attempt by a State court to impose a judgment in rem is in violation of the Constitution and is null and void. When a sheriff attempts to enforce a judgment in rem he is attempting to impose the alien and unlawful Roman Civil Law, in violation of his oath of office, and he is thereby committing a criminal act.

The Sovereign American people are beginning to catch on to and realize the nature of the Dictatorship of Unelected Rulers that has been set up in this country, and They are no longer quietly accepting such vile treatments.

As the issues become clarified, each public official will need to make a decision: shall he be on the side of the Constitution and protect the Rights and freedoms of We The People (of which he is one), as required by his oath of office; or shall he be a party to the criminal usurpation of the Sovereignty of We The People?

**The Sheriff is a key person in all of this:** he can either be a tool of the evil forces who have set this up and provide the oppressive force that binds the innocent victims to the chains of slavery, all in the name of "doing his duty", or he can be the instrument of liberation for We The People by preventing the imposition of the unconstitutional Equitable jurisdiction (the Roman Civil Law) upon Us, the victims and Our property and protecting Our Rights and freedoms.

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## Our Individual Common Law Rights

by Howard Fisher & Dale Pond

Another Constitutional issue that each of us needs to understand is the issue of Individual Common Law Rights of We the People of the United States of America. This directly concerns the limits of authority of all branches of government over each of us as individuals: the Authority of the Executive, Legislative and Judicial Branches of Government.

As stated in the Declaration of Independence, we are endowed by our Creator with certain Unalienable Rights, that among these are Life, Liberty and the Pursuit of Happiness.

Thomas Jefferson placed great emphasis on the concept of Rights. He said we did not bring the English Common Law, as such, to this continent; we brought the Rights of Man. The reason why he said that is that it is from the Common Law controversies, all of which involved property, that all of our Rights have come to be recognized in the Law.

In a legal sense, Property is a bundle of Rights, a bundle of Powers, wherein one claimant to these Rights possesses these Rights to the exclusion of all other claimants to These Rights, as these Rights pertain to The possession, occupancy and use of a specific piece of property.

**So, at Common Law, Rights is the name of the game.**

The Bill of Rights was added to the Constitution of the United States of America because the Founding Fathers believed these Amendments should be added to avoid misconstruction of the provisions of the Constitution of the United States of America by Judges and to avoid an abuse of powers by Judges of The sort that had already, at that time, taken place in England and from which abuse of powers we had just fought, and won, a revolution to be free. (See the Preamble to the Bill of Rights. The original Constitution has it, and in some sources which print the Constitution, this Preamble is included.) This abuse had been committed by Judges who were not tied down by any written Constitution in England, and who had started to whittle away at the Common Law Rights in England and the Colonies, by their decisions, with the cooperation of the statutes passed by the Parliament and enforced by the Crown. This is precisely the combination of Executive and Legislative Equity (otherwise known as Roman Civil Law) which our Bill of Rights prevents and protects us from.

As example, the Constitution of the Iowa has its Bill of Rights, comprising Article I. The first two sections deserve special emphasis :

Section 1. All men are, by nature, free and equal, and have certain inalienable rights -- among which are those of enjoying and defending life and liberty, acquiring, possessing and protecting property, and pursuing and obtaining safety and happiness.

Section 2. All political power is inherent in the people. Government is instituted for the protection, security, and benefit of the people, and They have the right, at all times, to alter or reform the same, whenever the public good may require it.

So the Constitution of the State of Iowa for example expressly includes the Right of acquiring, possessing and protecting Property, although it is high on the Priority List of Common Law Rights. This is an example of a Constitution securing Rights which come from the Common Law.

Back in 1921 someone wrote:

*It is not the Right of property which is protected, but the Right to property. Property, as such, has no rights; but the individual -- the man -- has three great Rights, equally sacred from interference: the Right to his LIFE; the Right to his LIBERTY; the Right to his PROPERTY.*

...

The three Rights are so bound together as to be essentially one Right, To give a man his life but deny him his liberty, is to take from him all that makes life worth living. To give him his liberty but take from him the property which is the fruit and badge of his liberty, is to still leave him a slave.

Thomas Jefferson said:

*"Our rulers can have no authority over [our] natural rights, only as we have submitted to them. The rights of conscience we never submitted. We are answerable for them to our God. The legitimate powers of government extend to such acts only as are injurious to others."*

This points up the significance of the requirement of the procedures of the Common Law that there be an injured party, that the injured party make a sworn complaint as to the injury that has been done to him by the alleged Defendant. *That unless this is done, the Court does not have jurisdiction over the Defendant.*

We have been told, from childhood, that we have unalienable Rights, and we do! Unalienable means that they cannot be taken from us, and that we cannot be forced to give them up. There are those who point out that, strictly speaking, we cannot even give them up voluntarily. However, if we submit to those who would rule over us, it is true that our Rights were not taken from us -- as Thomas Jefferson said, -- we have submitted to their rule. We have allowed ourselves to become their slaves. There is one important fact concerning slavery, of any sort, the institution of slavery depends upon the cooperation of the slaves! Without the cooperation of the slaves, there can be no slavery.

In Common Law Courts our Rights are protected. The Rules and Procedures of the Common Law Courts were established to protect our Property Rights -- to make it difficult for Property to be taken from someone without Due Process of Law. The Right to require That an injured party swear under oath as to damage or injury that he claims that you caused to him; the Right to a **Corpus Delicti** : The body of the offense: " the essence of the crime." : Under the Common Law, the Courts do not have an **automatic jurisdiction**. The Common Law Rules and Procedures specify certain steps, or procedures, which must be done, and certain things which must not be done -- all as a protection to the Rights of the Accused. And, as we have pointed out previously, Rights are inherent in Property, and Property is inherent in Rights. We have the Right to have our controversy, once the Common Law Court has acquired jurisdiction, tried before a Common Law Jury of our Peers, wherein the Jury has the authority to **hear and decide** questions of both Law and Fact. There is no monkey business of pretending that arguments involving the Law must be held outside of the hearing of the Jury and that their supposed only function is to hear and decide questions of Fact presented in evidence and that the Judge will tell them what the Law is !

As evidence that the Founding Fathers operated under the Common Law, in addition to the wording of the Constitution of the United States of America, the following was included in the instructions to the Jury in the first case ever tried before the United States [Supreme Court](#), as a court of original jurisdiction, which means that a Trial by Jury was held in front of the [Supreme Court](#), with Chief Justice John Jay presiding:

***"It is presumed, that juries are the best judges of facts; it is, on the other hand, presumably, that the courts are the best judges of law. But still both objects are within your power of decision. You have a right to take upon yourselves to judge both, and to determine the law as well as the fact in controversy. "***

***STATE OF GEORGIA vs. BRAILSFORD . 3 Dall I (1794 )***

Our Property Rights are inseparable from our individual Rights and our individual Rights are inseparable from our Property Rights. Both types of Rights are protected in the Procedures and Due Process of the Courts of Common Law.

The Bill of Rights in both Constitutions have to do with matters that the Governments, both of the United States and of the State, have to do with matters that the government, and its agents and agencies, have no authority over at all to enact statutes, or to issue rules and regulations, binding on the individual, dealing with such Rights as are included in the Bill of Rights. It should be emphasized that the Ninth Amendment includes all of the Common Law Rights which are not listed, or enumerated, anywhere else. In other words, the Bill of Rights are prohibitions against government at any level over the individual.

The [Constitution](#) authorizes Courts of Law and Courts of Equity. When the [Constitution](#) says Law, it means Common Law, because that's what the Founding Fathers meant when they said Law. In Courts of Law your Rights are protected by the [Constitution](#) and the Rules and Procedures of the Common Law, known as Due Process of Law; and the Bill of Rights was adopted to avoid misconstruction and abuse of powers, by the Judges; but in Courts of Equity, by the nature of Equity jurisdiction, you don't have any Constitutional Rights.

Within the existing Equity Courts the only rights you might acquire for yourself are the terrible so-called Civil Rights or the rights under the Uniform Commercial Code. These are much lesser rights than those of the [Constitution](#) because these latter are Natural God given rights whereas the former are granted privileges from an artificial government of bureaucrats.

***You know you are in an Equity/Admiralty Court when an American [flag](#) is displayed that has a GOLD trim. The gold trim denotes [military jurisdiction](#) and not Common Law or Constitutional jurisdiction. Wherever this [flag](#) is flown the Constitution is NOT. [To see the civilian flag click here.](#)***

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## THE STORY OF THE BUCK ACT

Richard McDonald

edited by  
Mitch Modeleski

In order for you to understand the full import of what is happening, I must explain certain laws to you.

When passing new statutes, the Federal government always does everything according to the principles of law. In order for the Federal Government to tax a Citizen of one of the several states, they had to create some sort of contractual nexus. This contractual nexus is the "Social Security Number".

In 1935, the federal government instituted Social Security. The Social Security Board then created 10 Social Security "Districts". The combination of these "Districts" resulted in a "Federal area" which covered all the several states like a clear plastic overlay.

In 1939, the federal government instituted the "Public Salary Tax Act of 1939". This Act is a municipal law of the District of Columbia for taxing all federal and state government employees and those who live and work in any "Federal area".

Now, the government knows it cannot tax those state Citizens who live and work outside the territorial jurisdiction of Article I, Section 8, Clause 17 (1:8:17) or Article 4, Section 3, Clause 2 (4:3:2) in the U.S. [Constitution](#) . So, in 1940, Congress passed the "Buck Act", 4 U.S.C.S. Sections 105-113. In Section 110(e), this Act authorized any department of the federal government to create a "Federal area" for imposition of the "Public Salary Tax Act of 1939". This tax is imposed at 4 U.S.C.S. Sec. 111. The rest of the taxing law is found in the Internal Revenue Code. The Social Security Board had already created a "Federal area" overlay.

4 U.S.C.S. Sec. 110(d). *The term "State" includes any Territory or possession of the United States.*

4 U.S.C.S. Sec. 110(e). *The term "Federal area" means any lands or premises held or acquired by or for the use of the United States or any department, establishment, or agency of the United States; and any Federal area, or any part thereof which is located within the exterior boundaries of any State, shall be deemed to be a Federal area located within such State.*

There is no reasonable doubt that the federal "State" is imposing an excise tax under the provisions of 4 U.S.C.S. Section 105, which states in pertinent part:

Sec. 105. *State, and so forth, taxation affecting Federal areas; sales or use tax*

*(a) No person shall be relieved from liability for payment of, collection of, or accounting for any sales or use tax levied by any State, or by any duly constituted taxing authority therein, having jurisdiction to levy such tax, on the ground that the sale or use, with respect to which such tax is levied, occurred in whole or in part within a Federal area; and such State or taxing authority shall have full jurisdiction and power to levy and collect any such tax in any Federal area within*

*such State to the same extent and with the same effect as though such area was not a Federal area.*

Irrespective of what the tax is called, if its purpose is to produce revenue, it is an income tax or a receipts tax under the Buck Act [4 U.S.C.A, Secs, 105-110]. *Humble Oil & Refining Co. v. Calvert*, 464 SW 2d. 170 (1971), *affd* (Tex) 478 SW 2d. 926, cert. den. 409 U.S. 967, 34 L.Ed. 2d. 234, 93S. Ct. 293.

Thus, the obvious question arises: What is a "Federal area"? A "Federal area" is any area designated by any agency, department, or establishment of the federal Government. This includes the Social Security areas designated by the Social Security Administration, any public housing area that has federal funding, a home that has a federal bank loan, a road that has federal funding, and almost everything that the federal government touches through any type of aid. *Springfield v. Kenny*, 104 N.E, 2d 65 (1951 App.). This "Federal area" attaches to anyone who has a Social Security Number or any personal contact with the federal or state governments. Through this mechanism, the federal government usurped the Sovereignty of the People, as well as the Sovereignty of the several states, by creating "Federal areas" within the boundaries of the states under the authority of Article 4, Section 3, Clause 2 (4:3:2) in the federal Constitution, which states:

*2. The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States, and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.*

Therefore, all U.S. citizens [i.e, citizens of the District of Columbia] residing in one of the states of the Union, are classified as property, as franchisees of the federal government, and as an "individual entity". See *Wheeling Steel Corp, v. Fox*, 298 U.S. 193, 80 L.Ed. 1143, 56 S. Ct, 773. Under the "Buck Act", 4 U.S.C.S. Secs. 105-113, the federal government has created a "Federal area" within the boundaries of all the several states. This area is similar to any territory that the federal government acquires through purchase, conquest or treaty, thereby imposing federal territorial law upon all people in this "Federal area". Federal territorial law **is evidenced by the Executive Branchs yellow-fringed U.S. flag flying in schools, offices and all courtrooms. To see the civilian flag click here.**

You must live on land in one of the states in the Union of several states, not in any "Federal State" or "Federal area", nor can you be involved in any activity that would make you subject to "federal laws". You cannot have a valid Social Security Number, a "resident" drivers license, a motor vehicle registered in your name, a "federal" bank account, a Federal Register Account Number relating to Individual persons [SSN], (see Executive Order Number 9397, November 1943), or any other known "contract implied in fact" that would place you within any "Federal area" and thus within the territorial jurisdiction of the municipal laws of Congress, Remember, all acts of Congress are territorial in nature and only apply within the territorial jurisdiction of Congress. (See *American Banana Co, v. United Fruit Co.*, 213 U.S. 347, 356-357 (1909); *U.S. v. Spelar*, 338 U.S. 217, 222, 94 L.Ed. 3, 70 S, Ct. 10(1949); *New York Central R.R. Co, v. Chisholm*, 268 U.S. 29, 31-32, 69 L.Ed, 828, 45 S. Ct. 402 (1925).)

There has been created a fictional Federal "State within a state". See Howard v. Sinking Fund of Louisville, 344 U.S. 624, 73 S. Ct. 465, 476, 97 L.Ed. 617 (1953); Schwartz v. OHara TP. School Dist., 100 A. 2d, 621, 625, 375 Pa. 440, (Compare also 31 C.F.R. Parts 51.2 and 52.2, which also identify a fictional State within a state.) This fictional "State" is identified by the use of two-letter abbreviations like "CA", "AZ" and "TX", as distinguished from the authorized abbreviations like "Calif.", "Ariz." and "Tex.", etc. This fictional State also uses ZIP codes which are within the municipal, exclusive legislative jurisdiction of Congress.

This entire scheme was accomplished by passage of the "Buck Act", 4 U.S.C.S. Secs. 105-113, to implement the application of the "Public Salary Tax Act of 1939" to workers within the private sector. This subjects all private sector workers who have a Social Security number to all state and federal laws "within this State", a "fictional Federal area" overlaying the land in California and in all other states in the Union. In California, this is established by California Form 590, Revenue and Taxation. All you have to do is to state that you live in California. This establishes that you do not live in a "Federal area" and that you are exempt from the Public Salary Tax Act of 1939 and also from the California Income Tax for residents who live "in this State".

The following definition is used throughout the several states in the application of their municipal laws which require some sort of contract for proper application. This definition is also included in all the codes of California, Nevada, Arizona, Utah and New York:

*"In this State" or "in the State" means within the exterior limits of the State ... and includes all territories within such limits owned or ceded to the United States of America.*

This definition concurs with the "Buck Act" supra which states:

110(d) *The term "State" includes any Territory or possession of the United States.*

110(e) *The term "Federal area" means any lands or remises held or acquired by or for the use of the United States or any department, establishment, or agency of the United States; and any Federal area, or any part thereof which is located within the exterior boundaries of any State, shall be deemed to be a Federal area located within such State.*

So, do some research. I have given you all the proper directions in which to look for the jurisdictional nexus that places you within the purview of the federal government.

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## What can you do?

Wake up! [Get active!!!!](#) Do something!!! [Do a little research!](#) We can all do something - no matter how seemingly insignificant.

We can: pass along pamphlets like this one. We can attend weekly meetings assembled for no other purpose than to figure out what to do. We can attend city and county council meetings and

see that our servants dont steal the store. We can participate in local and state elections. The federal elections are reported to be totally rigged. We can have a positive influence on local and state affairs, PTAs and school boards. It takes little more than writing a letter, sending a FAX or making a phone call to your various servants. They listen when enough of us take the time to get their attention.

*"Hey! Buddy! You work for We The People! not the Japanese, the bankers or Europeans. You will take care of our business and do it right!"*

If your local servants refuse to obey the Constitution and your neighbors get someone who will to run for their office, Then get out there and make sure they get elected. This is the only way We The People can take back our government from the special interest groups.

This is happening all over the country. Counties have been taken back in Indiana, Alabama, New Mexico, Nevada and California. Why not yours? It is a simple thing to do.

Do it! Millions of Americans are beginning to find out who they really are and who the government really is.

### **We are the government.**

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**"In the Common Law we have recognized inherent rights whereas in the Equity Law we have no rights whatsoever excepting those which may be bestowed upon us by the graces of the Chancellor (Judge) - wholly at his sole discretion."**

**"Compelling a freeborn, Sovereign American individual to do anything, except upon the verdict of a Common Law Jury, constitutes an enforcement of the alien and evil Roman Civil (Equity) Law and is in fact fascist totalitarianism. "**

**"There is no lawful authority for Judges and the Courts to direct the law enforcement activities of a County Sheriff. The Sheriff is accountable and responsible only to the citizens who are inhabitants of his County, He is under Oath of Office, and need not receive unlawful Orders from Judges or the Courts. He is responsible to protect citizens, even from unlawful acts of officials of government. He should not allow his office to be used as an unlawful "lackey" of the Courts or Federal agents or agencies."**

**"The Sheriff, in unknowing and unthinking acceptance of [the imposition of Equity or Merchant Law], has become the "bag man" for a bunch of private criminals [bankers], and thereby is committing crimes himself, and is therefore a criminal. It is a crime to violate Constitutional Rights and his oath of office to support and defend the Constitution of the United States of America and the Constitution of his own State, it being drafted in conformance thereto, and being secondary thereto. "**

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## References - More Reading Materials on Zoning & Property (Rights)

More Common Law materials.

In court? Need assistance? Jurisdiction

**Modernization of Zoning - A Means to Reform**

<http://www.cato.org/pubs/regulation/reg19n2f.html>

**Property and Freedom** - a book review

<http://www.cato.org/pubs/regulation/regv22n2/bookreviews.pdf>

**Property and Freedom**, by Richard Pipes; Hardcover, 317pp., ISBN: 0375404988; Publisher: Knopf Alfred A; April 1999

Alliance for America

Citizens for Constitutional Property Rights

Defenders of Property Rights

Environmental Conservation Organization

Forest Service Theft of Property

National Association of Reversionary Property Owners

Law Research & Registry

Pennsylvania Landowners Association

Property Rights

Siskiyou County Farm Bureau

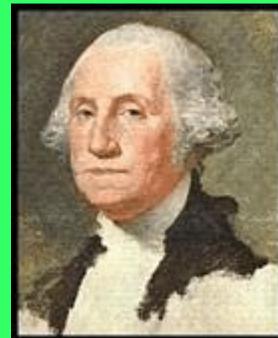
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