

## Bills of Attainder et al, Worth Reading

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To: Elaine Willman PropertyRights

Elaine –

- I thought this was a great report on Bills of Attainder history to give us a start in better understanding, see link below.
  - <http://www.law.campbell.edu/lawreview/articles/32-2-227.pdf>
  - “Bills of attainder occur where the legislature labels a person or group as a wrongdoer and takes their property, liberty, or both without due process. Bills of attainder were extensively used by all the states during the American Revolution to fund the war effort. The constitutional ban on bills of attainder was a prohibition of arbitrary takings. James Madison’s primary motive in proposing the Fifth Amendment (along with the rest of the Bill of Rights) was to avoid a second constitutional convention, not to protect rights which he believed were already largely protected. This Article first addresses takings law generally during the American colonial period as a background to the general understanding of takings at the founding. Next will be a discussion of the thinking of the founders, particularly James Madison, regarding the best ways to protect individual and property rights. The ban on bills of attainder will then be discussed in detail, followed by a review of the purposes and intent of the Fifth Amendment in light of the attainder language.

**The Article will conclude with a discussion of how the Eleventh Amendment was primarily created as a way to protect the states from attainder lawsuits.**

- **Black’ Law Dictionary (online version ) – This definition is a little more narrow**

### ○ What is BILL OF ATTAINDER?

A [legislative act](#), directed against a designated person, pronouncing him guilty of an alleged crime, (usually treason,) without trial or conviction according to the recognized [rules of procedure](#), and passing sentence of death and attainder upon him. “Bills of attainder,” as they are technically called, are such special acts of the [legislature](#) as inflict capital punishments upon persons supposed to be guilty of high offenses, such as treason and felony, without any conviction in the ordinary

course of judicial [proceedings](#). If an act inflicts a milder degree of punishment than death, it is called a “[bill of pains and penalties](#),” but both are included in the [prohibition](#) in the Federal [constitution](#). Story, Const.

### ○ **What is BILL OF PAINS AND PENALTIES?**

A special act of the [legislature](#) which inflicts a punishment, less than death, upon persons supposed to be [guilty of treason or felony](#), without any conviction in the ordinary course of judicial [proceedings](#). It differs from a [bill of attainder](#) in this: that the punishment inflicted by the latter is death.

## **Bill of Attainder defined by Tech Law Journal**

### **Bill of Attainder**

Definition: A legislative act that singles out an individual or group for punishment without a trial.

The **Constitution of the United States**, Article I, Section 9, paragraph 3 provides that: "No Bill of Attainder or ex post facto Law will be passed."

**"The Bill of Attainder Clause was intended not as a narrow, technical (and therefore soon to be outmoded) prohibition, but rather as an implementation of the separation of powers, a general safeguard against legislative exercise of the judicial function or more simply - trial by legislature." U.S. v. Brown, 381 U.S. 437, 440 (1965).**

**( I LOVE THIS INTERPRETATION ABOVE!)**

"These clauses of the Constitution are not of the broad, general nature of the Due Process Clause, but refer to rather precise legal terms which had a meaning under English law at the time the Constitution was adopted. A bill of attainder was a legislative act that singled out one or more persons and imposed punishment on them, without benefit of trial. Such actions were regarded as odious by the framers of the Constitution because it was the traditional role of a court, judging an individual case, to impose punishment." **William H. Rehnquist**, *The Supreme Court*, page 166.

**"Bills of attainder, ex post facto laws, and laws impairing the obligations of contracts, are contrary to the first principles of the social compact, and to every principle of sound legislation. ...** The sober people of America are weary of the fluctuating policy which has directed the public councils. They have seen with regret and indignation that sudden changes and legislative interferences, in cases affecting personal rights, become jobs in the hands of

enterprising and influential speculators, and snares to the more-industrious and less-informed part of the community." **James Madison**, Federalist Number 44, 1788.

Supreme Court cases construing the Bill of Attainder clause include:

Ex Parte Garland, 4 Wallace 333 (1866).

Cummings v. Missouri, 4 Wallace 277 (1866).

U.S. v. Brown, 381 U.S. 437 (1965).

Nixon v. Administrator of General Services, 433 U.S.425 (1977).

Selective Service Administration v. Minnesota PIRG, 468 U.S. 841 (1984).

## What is EX POST FACTO LAW? – Black’s Law Dictionary

A law passed after the occurrence of a fact or commission of an act, which retrospectively changes the legal consequences or relations of such' factor deed. By Const. U. S. art. 1,

- In February 7, 1795, it appears Congress covered their ass by ratifying the **Eleventh Amendment** torpedoing the Bills of Attainder as to suing the state
  - **“The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.” -**
    - <http://constitution.findlaw.com/amendment11/annotation01.html#1>
    - “The suability of a State without its consent was a thing unknown to the law.” [27](#) Thus, while the literal terms of the Amendment did not so provide, "the manner in which [Chisholm] was received by the country, the adoption of the Eleventh Amendment, the light of history and the reason of the thing," [28](#) **led the Court unanimously to hold that States could not be sued by their own citizens on grounds arising under the Constitution and laws of the United States.”**
- **Ex Post Facto Law**

I would make an educated guess that a large majority of legislation at the federal and state levels plus the municipalities codes (think old British monarchies and

monopolies) are Bills of Attainder, Bills of Pain, ex post facto laws, the 11<sup>th</sup> Amendment and laws impairing the right to contract just as James Madison warned in his quote above. This type of legislation is well said “trial by legislature” which violate individual free will and free choice of the state sovereign Citizen AND the Laws of Nature and Natures God (LONANG) as well as the Articles of Confederation which are still in effect. Even the large municipal council have become so heady they think of themselves as mini legislatures who have been given the authority to write legislation over the sovereign Citizens who have employed them to only maintain the city infrastructure, e.g. sewer, water, power, police.

Free will is a divine law, i.e. God’s law. Restated it is a law of non infringement upon the individual. This is vetted out in the channeled Law of One series of 5 books which is now also online -

<http://www.lawofone.info/results.php?q=free+will>

These type of takings are right up there with direct tax taking of wages and private property which is contrary to the fundamental and founding charters and actions of America versus indirect taxes ONLY. I have a 107 slide PowerPoint going out soon proving this. Taxes are to be paid only by indirect tax taking and not upon the sovereign state Citizens plus excise tax taking, duties on foreign and domestic corporations never touching individual and family wages and private property.

Compulsory regulatory taking, usury and compulsory tax taking on sovereign state natural born and rightfully naturalized Citizens fits into all of this “trial by legislature” and the breaching of the separation of powers. The law is upside down and backwards.

So what we have is a rolling self perpetuated self benefiting cycle of destruction of all the fundamental laws and unalienable rights protecting individual unalienable rights clearly established by the Laws of Nature and Natures God.

Here is my work in process for years on the chronology of taking as an example - <http://www.freedomforallseasons.org/unFederalunReserve/USADebtHistoryAndChronologyofPropertyTakingsRevised11-15-16.xls>

The law has become so perverted it cannot be untangled. The U.S. Constitution was subverted and the individual state Constitutions are subverted. Here is a short list of all the authors saying the same thing 0

<http://www.freedomforallseasons.org/MustReadMustSubscribeMustSupportMustSee.asp>

Here is what I have gathered up on de facto or colored laws -

<http://www.freedomforallseasons.org/FreedomFromDefactoLaws.asp>

Let me know what you think Elaine and we can have an online discussion.

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[www.freedomforallseasons.org](http://www.freedomforallseasons.org)