

Constitutional Challenges to Courts, Government and Opponents by Notices, Motions and Pleadings

Citizens of the American Constitution challenge unconstitutional, unlawful and unauthorized government, court and opponents' actions by using the following Constitutional based procedures; Challenges are done in three different successive methods, as listed below

Government, the courts and corporate America, by their own proven, established and demonstrated actions do not serve the interests of the People or Constitutional requirements, but only themselves, and for their own best interests, done at the vast expense of the People. Oaths mean little, if anything to public officers, who perjure those oaths at will. Our enemies will not abide by Constitutional and lawful requirements until We, The People, so require.

As Constitutionals, we do not consider Constitutional oaths taken by public servants to be formalities, but a sacred bond given in exchange for the Public Trust. We fully expect and require that all oaths taken by public servants to the federal and state Constitutions be abided by those public servants in their performances of their official duties. The challenges are intended for this purpose, and for the Rights of the American People to be upheld by those governments and those courts sworn and bound to serve the People. The methods follow, as contained in the CD:

Challenges to Opponents, such as corporate America

1. Presumptive Letters – Section 1, Exhibits 1 – 7
2. Affidavit of Truth – Section 2, Exhibit 8
3. Pleadings, Notices and Motions – Sections 3 - 42

4. Requests for Admissions – Section 42, Exhibit 47E

Challenges to governments and courts

A. Established Motions:

1. Motion for Trial by Jury – Section 8, Exhibit 15
2. Challenge of Jurisdiction – Section, Exhibit 22
3. Motion to Dismiss – Section 3, Exhibit 9; Section 19, Exhibit 25
4. Motion for Summary Judgment – Section 22, Exhibit 28
5. Judicial Notice – not used in this case because of other motions

B. Motions Pertaining to Judges:

1. Motion to Claim and Exercise Constitutional Rights – Sec. 9, Ex. 16
2. Motion to Require Judge Read.... – Sec. 10, Ex. 17

Direct Challenges in court

As stated in the previous section, we are Constitutionlists and require all public servants, including judges, to abide by their oaths in the performance of their official duties, including those before the court. This protects the American Citizens from government and court abuse, if enforced. The previous challenges are intended to stop any action before it gets to court. Those listed below are intended to be stated or asked by the defendant in court prior to the start of proceedings. They require “yes” or “no” responses; and you must hold the judge, only, to these answers. If you allow him to evade and avoid answering as such, then you, yourself, allow the judge to damage you, your lawful positions and the Powers of and Rights guaranteed in the Constitution to you. As you can see,

either a “yes” or “no” answer serves your interests, if you understand the implications.

For the sake of convenience, we shall assume the position as defendant. Please remember that all public servants serve under limited, delegated authority from the Constitution, by and through the People, for the best interests of the People. The American People must gain courage, en masse, and stand up to and challenge all forms of government, especially the courts, which are supposed to be the last bastion of justice. Since the Constitution cannot conflict with itself, the limited powers delegated to government by the Constitution can never supersede the powers of and Rights guaranteed in the Constitution to The American People. “Authority” is an extremely important word and concept. Nothing lawful can be conducted by government and the courts without Constitutional authority, and government has no authority to disparage your Rights. Keep “authority” in mind as you review the following statements and questions.

CHALLENGES IN COURT BEFORE PROCEEDINGS START

These statements and questions can be directed to the judge, for himself, the prosecuting attorney and state witnesses, such as police, etc., and to each one, individually. Not all of these need be made, so we state those which are most appropriate for the circumstances. If both we and our opposition, including the judge, fully understand the very serious, lawful positions and Constitutional implications of the statements and questions, usually, only the first three are needed for Constitutional justice to be served.

When the judge asks if the parties are ready to proceed, we say, “**No, not just yet, sir (or madam), I have a few matters I need to clarify before we begin.**” Then we make the statements we think most appropriate.

1. A. You and the prosecutor have taken oaths of office to support and uphold the Constitution of the united States of America and that of this state. Is that correct?

B. Pursuant to your oaths, you are required to abide by those oaths, in the performance of your official duties, especially those before this Honorable Court. Is that correct?

Note: If the judge, or the prosecuting attorney or other state witnesses say “no”, then, obviously, they must be disqualified and/or removed from the bench, position or impeached as witnesses, along with their testimonies, for obvious reasons. This answer is evidence that the one who answered “no” will not abide by his oath in the performance of his official duties, therefore, by his own answer, his oath is meaningless to him. He is a traitor and a danger to the American People, and must be removed from power.

The American Citizen is guaranteed due process of law in all court proceedings and actions before government. If a judge were to answer “no” to the above confirming questions, then, it is obvious that he does not intend to uphold due process of law and Rights guaranteed to the Citizens. In such a situation, we would say **“Sir, you are required to uphold due process of law. However, by your answer, it appears that you have either taken an oath, but have no intention of abiding by it, or you have not taken an oath of office, as required by the Constitutions. In either event, your answer demonstrates that you will not uphold due process of law and protect my Constitutionally secured Rights, which are guaranteed to me during these proceedings. Therefore, sir, you are disqualified. Step down.”**

All those who have taken oaths are required to answer “yes”. This answer is consistent with the requirements under the oath, the bond which binds the oath and requirements of the Constitutions. A “yes” answer means that ALL actions taken by the public servant, PAST, PRESENT AND FUTURE must be consistent with Constitutional requirements, specific to the Bill of Rights. If the public servant’s past actions failed this, and if those actions are used in an action or as evidence against the defendant, then those actions were not taken pursuant to his oath and were done in opposition to Constitutional requirements. Therefore, the public servant perjured his oath, invoked the self-executing Sections 3 and 4 of the 14th Amendment, vacated his office, and forfeited all benefits of that former office, including salary and pensions. All charges must be dismissed, with prejudice.

He must be disqualified from his position, and if he is acting as a witness, he and his testimony must be impeached and all his unconstitutional, unlawful actions

and evidence against the defendant must be denied, and the charges dismissed. All present and future actions by the judge and court must be conducted pursuant to the Constitutions, federal and state. In this situation, if you are fully aware of your Rights and the full extent of the implications of the “yes” answer, you will prevail. However, if the judge were to then violate his answer by his statements and actions during the proceedings, we must inform him of his answer and his Constitutional requirements thereto, and of his liability, if he were to fail in his duty to uphold his oath.

2. I appear before this Honorable Court, by special appearance, as a living, breathing natural-born American Citizen, on the land, with and claiming, all Rights guaranteed to me in the federal and state Constitutions, and with my name properly spelled only in upper and lower case letters.

After this is stated, we wait a few seconds to look at the prosecutors and the judge, then, we say:

Is there any objection to what I just stated?

Obviously, pursuant to oaths taken by the judge, prosecutors or opposing attorneys, there can be no lawful objection to what we just stated, because all that we just stated, includes, but is not limited to, truth and fact. Since what we just stated is true, namely, that we are natural born American Citizens, it would be lawfully foolish and absurd for the judge, the prosecutor or our opposing attorney(s) to object. If they were to object, then, we would demand that they support their objections with fact and law, or their objections are reduced to opinions, only, and opinions are not valid bases in any court of Constitutional competence upon which to state objections or claim lawful positions. In this event, we must specify our objections and demand specific lawfully based performance, pursuant to oaths taken.

When no objection is made, then, we appear before the Court as we stated in our verbal judicial notice to the court. If there are any assumptions or presumptions made by any of our opposition regarding any alleged contracts or requirements with the fictitious entity, those assumptions, contracts, etc., were just removed by our statements, with no objections made. If the case against us is based upon those contracts and assumptions, the entire basis for the case has been

removed by our own direct and simple statements and the inability of the opposition to object.

3. If we know, for certain, that the charges alleged against us are bogus, false and not based upon lawful position of substance, then, we attempt to resolve the issue with the motions discussed in this paragraph. Whether the matter before the court is civil or criminal, the opposing party, by and through its attorney, is required to verify that all information he presents to the court is true and correct to the best of his knowledge and ability, and/or that the charges filed are supported by oath or affirmation that they are valid. With these positions in mind, knowing that the charges and complaints alleged against us are fraudulent and bogus, and further knowing that the opposing attorneys have not verified the charges or affirmed them by oath, we make the following verbal motion to the judge: **“Sir, I move to dismiss all charges and this case, with prejudice, since the charges and claims alleged against me are fraudulent and bogus, without lawful merit.”**

If the opposing attorney has read our entire case file, which consists of the presumptive letter(s), affidavit(s), the affidavit(s) filed on the public record, and the motions and challenges filed with the court, then, he should realize that Constitutionally, lawfully and legally we have fully established and proven our positions, while his positions are, at best, entirely weak and without lawful merit. Further, if he truly understands that, from a lawful and legal position, he has not met his requirements to verify the charges, and/or to present only truthful information to the court, then, he may realize that he has not established his lawful positions, and in fact, has no valid, lawful case against us. In such a situation, he would likely remain silent and let the judge rule on our verbal motion to dismiss.

However, if the opposing attorney cannot comprehend the legal jeopardy regarding his positions, and if he displays the usual arrogance and stupidity that most of these attorneys demonstrate, he will object. If this were to occur, then, we say the following to the judge: **“Sir, based upon opposing counsel’s objection, I move the court to require him to verify the charges and claims alleged against me, as valid, in compliance with all lawful and Constitutional requirements, specific to the Bill of Rights, by means of his own sworn, notarized affidavit so attesting, under the pains and penalties of perjury under the laws of the United States of America and of this state.”**

The presiding judge has already affirmed, on the record, that he and the opposing counsel have taken oaths and must abide by those oaths in the performance of their official duties. Any competent, aware judge fully realizes that the opposing attorney has not met his lawful requirements to verify the charges and claims alleged against us or to authenticate his representations to the court. By this time, the opposing counsel should also be aware of this. In order to abide by due process of law and within the Constitutional mandates imposed upon the judge by his oath, he and the court lack lawful authority to hear, entertain, adjudicate and rule on false, bogus, unsupported charges. The opposing counsel should now realize that he has no valid, lawful authority to file such charges with the court and expect the court to rule upon them. Both the judge and the opposing counsel are lawfully and Constitutionally defective, if they proceed in this matter, and both of them, by now, should know it.

The judge will not require the opposing attorney to execute the affidavit, and the attorney would be entirely reluctant, if the judge were to so require. Both of them are caught in a no-win situation. In such circumstances, there is usually a conference called amongst the parties and the judge, and the case is quickly dismissed.

4. This court abides by all the powers of and Rights guaranteed to American Citizens in the federal and state Constitutions, including due process of law. Is that correct?

Note: A “no” answer carries the same conditions as above. A “yes” answer is in compliance with Constitutional requirements for American Citizens and is consistent with the “yes” answer to #1 above. Again, if we are fully aware of our Rights and the conditions underlying the affirmative answer, we will prevail. Remember: We bind the judge by his answer.

5. I am entitled to and guaranteed a fair and impartial trial presided over by a fair, unbiased and impartial judge, in a court of record, before and decided by a well-informed jury of my peers. Is that correct?

Note: A “no” answer is consistent with conditions stated above. A “yes” answer confirms the conditions of the statement, including: (1) Right to a fair and impartial trial; (2) unbiased and impartial judge; (3) a jury of my peers; (4) which jury decides guilt or innocence.

6. **I am presumed innocent of all aspects of the alleged charges, presumptions and assumptions in, by and of this court, unless proven guilty by a well-informed jury of my peers, beyond a reasonable doubt, based solely on verified evidence and proof. Is that correct?**

Note: Either answer is consistent with conditions as stated above. However, in this statement, with a “yes” answer, you are confirming several **vital positions**: (1) presumed **innocent** of all ASPECTS of the alleged charges; (2) presumed **innocent** of ALL PRESUMPTIONS and ASSUMPTIONS of this court; (3) unless PROVEN guilty by a JURY OF MY PEERS; (4) proven guilty BEYOND A REASONABLE DOUBT (5) based SOLELY ON **VERIFIED EVIDENCE AND PROOF**.

7. A. **“Proof” consists of verified and demonstrated evidence, and not opinion, especially opinion unsupported by fact, law and evidence. Is that correct?**

Note: In this statement, by the judge’s answer, we are confirming the nature and status of “proof”. It is highly unlikely that any judge will, on the public record, answer “no” to this statement, since his answer would defy the very loudly proclaimed concept of American justice, would defy due process of law, deny Constitutional Rights and allow ‘opinion’, unsupported or otherwise, to be used as “proof”.

When the judge answers “yes”, that will be consistent with the judge’s oath, Constitutional requirements and his other “yes” answers. He will confirm the statement, and the fact that opinion, verified or otherwise, is not proof. This is a major position, a major lawful gain and benefit. Many “testimonies” by witnesses are simply opinions, usually unsupported and unverified. The defendant can now be assured that only verified and documented proof, and not opinion, from anyone, can be used against him.

B. **“Beyond a reasonable doubt” consists solely of decisions and verdicts from a well-informed jury of my peers based entirely on proof that absolutely and conclusively confirms guilt, without any reservations or questions, whatsoever, from the jury. Is that correct?**

Note: A “no” answer is consistent with conditions above stated. A “yes” answer confirms ALL the conditions of the statement, due process of law, Constitutional requirements, the judge’s oath, and assures that a jury of our peers will make its verdict based solely on PROOF, not opinion, which absolutely confirms guilt, without any questions, whatsoever.

8. Opinion from any witness or prosecuting attorney unsupported and unverified by fact, law and proven evidence, is simply opinion, and opinion, as previously established, is not proof. Is that correct?

Note: A “no” answer is consistent with conditions stated above. A “yes” answer again confirms the status of “proof”, as different from opinion. Thus, any plaintiff, (or opponent), prosecutor, or witness MUST have verified proof, as described, and not opinion to support his statements. This is of vital importance to American Citizens. Therefore, “proof” by the prosecutor and testimony of witnesses is only opinion, unless it is supported as above stated, and if not, it is meaningless, frivolous, without lawful and legal weight; thus, is null and void and not accepted by the court as proof of anything, including guilt.

9. A. Since I am guaranteed a fair and impartial trial, how is that possible when you, the presiding judge, the prosecuting attorney and all the witnesses against me work for and are paid by the state which is the plaintiff in this case, and my opponent? In this situation, it is impossible for me to have a fair trial. Is that correct?

B. Further, any data used against me is obtained from sources who, are also paid by the state, the same plaintiff against me. At minimum, conflict of interest takes place.

Note: A “no” answer is consistent with above conditions. If the judge were to answer “no”, he is essentially saying, on the public record, that it is possible for a defendant to have a fair trial, even though he, the judge, the prosecutor and the state witnesses all work for and are paid by our opponent, and that all the so-called “evidence” against the defendant was obtained from sources paid by the state, again, the very same opponent. Even the most avowed critic can see through this fraud and blatant conflict of interest.

A “yes” answer confirms the conditions of the statement, and conclusively demonstrates that a presiding judge recognizes, on the public record, that the referenced court conditions are not fair, not partial, and, as such, unconstitutional. This is a major Constitutional and lawful victory for the people, with far reaching implications.

10. Since I am presumed innocent of the charges and all aspects, presumptions and assumptions of those charges and of this court, I have challenged the jurisdiction of this court, which jurisdiction my opponent has failed to prove, on the record. Therefore, since I am presumed innocent of all aspects of the charges and presumptions of the court, and since jurisdiction has not been proven, jurisdiction is simply a presumption of this court, of which I am presumed innocent and to which I am not subject. Therefore, I move for dismissal of all charges for lack of jurisdiction. Pursuant to the foregoing, and to numerous federal and Supreme Court rulings, this case must be dismissed, with prejudice, and I hereby move for dismissal of all charges and this case, with prejudice.

Note: By prior “yes” answers, it has been established that the defendant is presumed innocent of all assumptions and presumptions of the court. Jurisdiction is both an assumption and presumption of the court, of which the defendant is presumed innocent and to which he is not subject. The defendant challenged the jurisdiction of the court, which the plaintiff failed to prove, on the record. Therefore, since the defendant is presumed innocent of jurisdiction, has challenged jurisdiction, which the plaintiff has failed to prove, on the record, the court lacks jurisdiction. Since jurisdiction does not exist, the court cannot lawfully proceed, thus, charges must be dismissed, with prejudice.

If the judge were to deny this lawful position and insist that “his” court has jurisdiction, without plaintiff having factually and lawfully proven it, on the record, the following could be stated:

“Since the judge has stated that this court conforms to all Constitutional requirements, then, this court conforms to the Bill of Rights, Article III of the federal Constitution and to due process of law. Jurisdiction is directly related to the foregoing, is an aspect of the charges, and a presumption of this court, of which the defendant is presumed innocent and not subject; yet the court has not held plaintiff to its requirement to prove jurisdiction, on the record. Thus, this court

defies Constitutional requirements, due process of law, federal and Supreme Court rulings, therefore, forfeits any “perceived jurisdiction”, has no Constitutional authority to hear this case, and this case must be dismissed, with prejudice, or the presiding judge, pursuant to his oath, perjures that oath, commits insurrection and sedition against the Constitution, on the public record, and treason against the American People.

11. A. Juries are required to take oaths to the Constitutions. Is that correct? In its deliberations and in its verdict, the jury is required to abide by its oath. Is that correct?

Note: Since the jury swears an oath and is required to abide by that oath, it is obvious that a “yes” answer is required. The Constitutional and lawful position here is that the jury must abide by its oath in making its verdict. If it fails to do so, then the jury perjures its oath, its actions and its verdict are unconstitutional, and the jury verdict null and void, without lawful force or effect, whatsoever. Just as a public servant is required to abide by his oath in the performance of his official duties, so is the jury. However, the People must know and demand their Rights, or they have none.

If the judge were to answer “no”, which is highly unlikely, then, as a defendant, we would move for immediate dismissal of all charges, with prejudice, because any judge or court that permits an unconstitutional jury to perjure its oath and reach an unconstitutional verdict, pursuant to its oath, operates as an open fraud upon the People, denies and defies the Constitution and the powers of and Rights guaranteed therein to the American people, denies due process of law and has no lawful jurisdiction over any American Citizen, whatsoever.

B. If the jury, pursuant to its oath, makes its verdict in perjury of its oath or in opposition or contradiction to the Constitutions and the Rights guaranteed therein to American Citizens, or based in false information and fraud, that verdict is plainly unconstitutional, thus, null and void, frivolous, and without force or effect, whatsoever. Is that correct?

Note: Answer given in previous note. Further, pursuant to oaths taken, any jury verdict based, either in whole or in part, in fraud, deception, manipulation, lies or false information is null and void.

If the judge were to say that this is not correct, then we, as defendants, would inform him, pursuant to his oath and pursuant to his preceding “yes” answers, why his response is not only incorrect, but unconstitutional and unlawful. Further, we would inform him that he has no Constitutional authority to deny, on the record, the very Constitution to which he is bound by oath and bond, and to which the jury swore an oath. Further, he has no Constitutional authority to exceed his limited, Constitutionally delegated authority, or to step outside that authority. It is obvious that the judge is not a higher authority than the Constitutions, therefore, he cannot overrule them.

If the judge were to insist that the jury verdict, even when based in fraud, etc., as above described, is valid, we would remind him of his first “yes” answer to statement #1, in which he is required to conduct his professional duties pursuant to his oath, as is the jury also required. We would then remind the judge of his other “yes” answers, in which he confirmed, including, but not limited to, the Constitutional duties of the court. His response is made in contradiction to his oath, as is the jury’s verdict, thus, both are unlawful, unconstitutional, without force or effect, whatsoever, and not binding in a Constitutionally compliant court, which the judge stated, on the record, is the status of this court.

At this point, we would move for immediate dismissal of all charges and this case, with prejudice, for, including, but not limited to, lack of jurisdiction, lack of Constitutional authority, defiance of the federal and state Constitutions, denial of due process, perjury of oath, insurrection and sedition against the Constitution, and treason against the American People, in the instant case, the defendant.

If the “judge” were to remain firm, then, as defendants, we would inform him that we are entitled to a fair and impartial trial, by a jury of our peers, as he has previously agreed, and as is Constitutionally guaranteed, yet this jury is not a jury of our peers for many reasons, including, but not limited to: (1) jury members are not part of my ethnicity; (2) they do not work in the same profession I do; (3) they do not come from the same background and education that I do; (4) they are not Constitutionlists and supporters of the Supreme Law of the Land, as I am; (4) they are traitors to the Constitution and to the American People, which I am not.

We would then, again, move for dismissal of all charges and the case, with prejudice, based upon previously stated grounds, and further include the fact that

the judge would permit an unconstitutional verdict by a lawless, unconstitutional jury not of our peers. The Constitutions guarantee us a jury of our peers, yet this judge denies this Constitutionally guaranteed Right to us. Pursuant to his oath, he has no Constitutional authority to overrule the very same Constitution to which he swore an oath, and, further, is not a higher authority than the Constitution. If the judge were to remain firm, we would again inform him that, by his own actions and responses, he committed insurrection, sedition and treason against the American People, is a traitor to this Nation and its People, and must be removed from the bench for his treason. We will immediately file criminal and civil charges against him, personally, and in his professional capacity, and take action against him in an Article III federal court, which we will demand, by Motion.

Questions To Ask The Jury

1. Are you aware that the Constitution of the united States of America, to which you swore an oath when you were initiated into jury duty, is the Supreme Law of the Land – the Highest Authority in this Nation - and that as such, no other law, statute, rule or ordinance can supersede it, and no other authority, including the Supreme Courts, federal and state, any judge, prosecutor, district attorney, attorney general or other public officer, can be a higher authority than the Constitution?

2. Are you aware that the Constitution is the foundation of all forms of American government, including the courts, and that it LIMITS the power of government to take away any of the People’s inherent Sovereign Rights?

3. The Constitution, specifically the Bill of Rights, guarantees to all Americans their inherent, unlimited, inalienable Rights, including, but not limited to, all due process Rights, such as those set out in the 4th, 5th, 6th and 7th Amendments to the Constitution.

(a) Are you, as jurors, fully aware of what these Amendments mean and how they apply in this proceeding?

(b) If not, will you request the court provide you with copies of the Constitution so you can fully understand due process of law?

(c) If you do so, will you make your verdict in this trial in strict compliance with Constitutional due process of law and uphold all Constitutionally guaranteed Rights of the Defendant?

4. Pursuant to your oath, is there anyone on this jury who will not abide by his/her oath in the performance of his official duties, including, but not limited to, jury deliberations and reaching jury verdict?

5. Are there any jury members who believe and will abide by the belief that the government is superior to the People and that government is Sovereign in this Nation, and that the People are required to obey the government in all situations, no matter how unlawful and unconstitutional that government or its actions may be?

6. Are there any members on this jury who are lawyers, government officers, or work for any form of any government, in any capacity, or are employed by corporations or companies that work for government?

7. Are there any informants, paid or otherwise, spies or provocateurs on this jury, for anyone or anything?

8. You have been asked these questions and are expected to, and will be held to, your answers, pursuant to your oaths. Does anyone wish to change his answer?