

## AFFIDAVIT: Right to Travel and Public Records Notice

### AFFIDAVIT: RIGHT TO TRAVEL AND PUBLIC RECORDS NOTICE

KNOW ALL MEN AND WOMEN BY THESE PRESENTS; that i: **Joe-Henry: King**, BEING FIRST DULY SWORN, deposes and says as ADMINISTRATIVE NOTICE TO ALL PERSONS, COURTS, BAR ASSOCIATION MEMBERS, LAW ENFORCEMENT AGENTS, PUBLIC SERVANTS, TRUSTEES, CORPORATE ENTITIES AND FICTITIOUS ENTITIES:

i am: a NON-CORPORATE: NON FICTITIOUS: NON-RESIDENT: living, breathing, flesh and blood, naturally born: man and inhabitant, and now affirm, secure, claim and defend my UNALIENABLE, SELF-EVIDENT, and INHERENT RIGHT TO TRAVEL, UNREGULATED, UNMOLESTED AND UNRESTRICTED, upon public walkways, waterways and highways, and to transport my personal, private, lodial, and/or allodial property, in/with my private automobiles and/or conveyances, unhindered by any private, corporate or statutory law, code, ordinance, Department of Motor Vehicles regulation, so called “requirement”, or person.

My unalienable RIGHT TO TRAVEL is affirmed and protected by my Creator; by the organic Constitution of the several united states (1789), specifically the ninth & tenth amendments; and by the organic Bill of Rights (1791,) and also upheld numerous times by various courts, including the Supreme Court, in support of that right. i now explicitly, and without prejudice or recourse, RESERVE, ASSERT, CLAIM and DEFEND my Right To Travel. Because i can, so long as i do not damage property or injure parties.

i expressly RESERVE ALL RIGHTS WITHOUT PREJUDICE or RECOURSE HEREIN AND HEREAFTER. This AFFIDAVIT becomes constructive filing, administrative Notice and an evidentiary document submitted upon request or demand of a “Driver License”, registration, or proof of insurance, and as part of the Official Record of ANY ensuing action. THIS AFFIDAVIT MUST be introduced as evidence in ANY said current or future action.

i: **Joe-Henry: King**, am NOT a corporate 14<sup>th</sup> Amendment “person”, “Operator”, “Resident”, “Trustee” or “Operator of a motor vehicle”, as defined in both Bouvier’s and Black’s law dictionaries, as i am a NON-FICTITIOUS AND NON CORPORATE AND NON-RESIDENT flesh and blood man whom is NOT FOR HIRE. i do NOT utilize the public walkways, roadways, highways or “waterways” for commercial purposes EVER. i am an Article IV Section II State Citizen for the **California** Republic. The corporate and/or administrative laws, codes and statutes also clearly define that a “driver license” is for “drivers” and “motor Vehicles” are involved in commerce only. i am not a driver or operator of a motor vehicle, unless by deception of those legal definitions. My PRIVATE and self-propelled “conveyance”/”automobile” is for “travel” between point A and point B, and is for non-commercial use, and for my enjoyment and convenience ONLY. Anyone in my automobile is a “Guest” and not a “passenger”. Therefor i declare my private automobile/conveyance/property is not a “motor vehicle”, as clearly defined by legal dictionaries, corporate laws, codes, statutes, the corporate State of **California** Department of Motor Vehicles, and adequately and clearly defined within United States Code (U.S.C.). These are YOUR definitions and corporate creations, not mine.

i declare my automobile with a “VIN” of \_\_\_\_\_, with attached non-commercial common law plates (pictures attached as “exhibit A” for your records), as my private

## AFFIDAVIT: Right to Travel and Public Records Notice

property, household goods and personal conveyance. My Domicile/ Travel ID No. is \_\_\_\_\_ (pictures attached as “exhibit B” for your records), and is not a contractual document nor a document that grants jurisdiction in ANY circumstance.

Moving forward, i cannot in Good Faith apply for a STATE OF CALIFORNIA Driver License as i would be committing PERJURY. I would have to swear, under oath, that I am a “resident” (agent), “surety”, “trustee” and/or “franchisee” of the corporate STATE OF CALIFORNIA when the established FACTS by AFFIDAVIT herein directly contradict that i am any of those legal definitions. i CAN NOT be any of those above definitions AND be a living flesh and blood man at the same time, although i can act as the “Authorized Agent” for the separate “person” the STATE OF CALIFORNIA created to have control over my body, assets and property, and to be a beneficiary of the UNITED STATES indebtedness. My current Driver License was obtained because I wasn’t given full disclosure (fraud) and it may be kept as a form of identification, or in the event that I do ever choose to be for hire, but is NOT my consent to be subject to for-profit statutes, codes or regulations where there is no damaged property, losses or injured parties with a verified & bonded claim.

ANY action or unverified claim against me lacking articulable and reasonable suspicion that i committed a crime against an injured party, and/or is carried out without obtaining a warrant based on that same articulable and reasonable suspicion PRIOR to me being detained, violated, coerced or impeded is hereby and hereafter declared NULL and VOID ab initio. ANY act to deprive me of ANY of my constitutionally protected or self-evident rights or inalienable rights or unalienable rights or inherent rights or Common Law rights is an act of aggression, the deprivation of my rights, false imprisonment, a violation of their Oath of Office, and a felony in addition to being a federal crime pursuant to Title 18 U.S.C (criminal code), Title 28 U.S.C. (Civil code), and/or, but not limited to Title 42 U.S.C. (civil rights). I reserve all remedies and recourses in such matters, including but not limited to, holding all parties PERSONALLY LIABLE for of deprivation of rights, extortion, coercion, kidnapping, false imprisonment, racketeering, conspiracy etc. pursuant to Title 42 U.S.C. Section 1983, 1985 & 1988 and the applicable Uniform Commercial Codes. Precedent for damages has been set at \$USD 1.8 million per day.

**“public officials are not immune from suit when they transcend their lawful authority by invading Rights” \_Alecio vs. Woodward, 406 F2d 137t\_**

This AFFIDAVIT also certifies that I have completed and passed all tests measuring my competency to safely travel or control my conveyances or private automobiles upon the public roadways, highways, and even land defined as “waterways” by any State (as well as passed all tests to drive or operate a motor vehicle in a commercial capacity in the future if I ever so choose to use the public roadways or highways in such capacity). I am NOT an administrative slave and as long as I continue to be a peaceful, careful and responsible man, I do NOT need anyone or anything’s “Permission” to travel; or to exercise ANY of my rights; or be compelled to relinquish ANY of my rights or property under the threat of violence or coercion; or to register ANY of my private property or possessions, despite the phony colorable “laws” created by lobbyists and corporations in their own self-interest, and then prosecuted in fraudulent “colorable” courts that have self-proclaimed “authority” over the free and sovereign naturally born inhabitants or People for We the People, and whom also prosecute innocent and peaceful People and Citizens for for-profit victimless “crimes”. i expressly do not consent to these obscene corporate bylaws,

## AFFIDAVIT: Right to Travel and Public Records Notice

nor do I waive ANY of my inalienable rights, unalienable rights, self-evident rights, inherent rights, Natural rights, Creator endowed rights, Constitutionally protected rights, Common law rights or any other rights not mentioned in this Affidavit, for any reason, EVER.

### **Please refer to the Laws, case law, codes and statutes below in support of my claim of rights in this Affidavit**

All immunity of the United States, and all liability of States, instrumentalities of States, and State officials have been waived under commerce, according to the following US Codes:

#### ***Title 15 USC, Commerce, Sec. §1122, “Liability of States, instrumentalities of States, and State officials”***

*(a) Waiver of sovereign immunity by the United States. The United States, all agencies and instrumentalities thereof, and all individuals, firms, corporations, other persons acting for the United States and with the authorization and consent of the United States, shall not be immune from suit in Federal or State court by any person, including any governmental or nongovernmental entity, for any violation under this Act. (b) Waiver of sovereign immunity by States. Any State, instrumentality of a State or any officer or employee of a State or instrumentality of a State acting in his or her official capacity, shall not be immune, under the eleventh amendment of the Constitution of the United States or under any other doctrine of sovereign immunity, from suit in Federal court by any person, including any governmental or nongovernmental entity for any violation under this Act.*

#### ***Title 42 USC, Sec. §12202, “State immunity”***

*A State shall not be immune under the eleventh amendment to the Constitution of the United States from an action in Federal or State court of competent jurisdiction for a violation of this chapter. In any action against a State for a violation of the requirements of this chapter, remedies (including remedies both at law and in equity) are available for such a violation to the same extent as such remedies are available for such a violation in an action against any public or private entity other than a State*

#### ***Title 42 USC, Sec. §2000d–7, “Civil rights remedies equalization”***

##### *(a) General provision*

*(1) A State shall not be immune under the Eleventh Amendment of the Constitution of the United States from suit in Federal court for a violation of section 504 of the Rehabilitation Act of 1973 [29 U.S.C. 794], title IX of the Education Amendments of 1972 [20 U.S.C. 1681 et seq.], the Age Discrimination Act of 1975 [42 U.S.C. 6101 et seq.], title VI of the Civil Rights Act of 1964 [42 U.S.C. 2000d et seq.], or the provisions of any other Federal statute prohibiting discrimination by recipients of Federal financial assistance. (2) In a suit against a State for a violation of a statute referred to in paragraph (1), remedies (including remedies both at law and in equity) are available for such a violation to the same extent as such remedies are available for such a violation in the suit against any public or private entity other than a State.*

oo. The Administrative Procedure Act of 1946 gives immunity in Administrative Court to the Administrative Law Judge (ALJ) only when an action is brought by the people against a public,

## AFFIDAVIT: Right to Travel and Public Records Notice

agency or corporate official / department. Under Title 5 USC, Commerce, public offices or officials can be sanctioned.

### ***Title 5, USC, Sec. §551:***

*(10) “sanction” includes the whole or a part of an agency—*

*(A) prohibition, requirement, limitation, or other condition affecting the freedom of a person; (B) withholding of relief; (C) imposition of penalty or fine; (D) destruction, taking, seizure, or withholding of property; (E) assessment of damages, reimbursement, restitution, compensation, costs, charges, or fees; (F) requirement, revocation, or suspension of a license; or*

*(G) taking other compulsory or restrictive action;*

1. Justice is required to be BLIND while holding a SET OF SCALES and a TWO-EDGED SWORD. This symbolizes true justice. **The Administrative Procedure Act of 1946 (60 stat 237)** would allow the sword to cut in either direction and give the judge immunity by holding his own court office accountable for honest service fraud, obstruction of justice, false statements, malicious prosecution and fraud placed upon the court. Any willful intent to uncover the EYES OF JUSTICE or TILT THE SCALES is a willful intent to deny Due Process, which violates **Title 18 USC §1346**, “Scheme or Artifice to Defraud,” by perpetrating a scheme or artifice to deprive another of the intangible right of honest services. This is considered fraud and an overthrow of a constitutional form of government and the person depriving the honest service can be held accountable and face punishment under **Title 18 USC and Title 42 USC** and violates **Title 28 USC** judicial procedures.

2. Both **Title 18 USC**, Crime and Criminal Procedure, and **Title 42 USC**, Public Health and Welfare, allow the Petitioner to bring an action against the United States and/or the State agencies, departments, and employees for civil rights violations while dealing in commerce. Title 10 places all public officials under **this Title 10 section 333** while under a state of emergency. (Declare or undeclared War this fall under TWEA.)

### **CLARIFICATION OF LANGUAGE**

The corporate STATE OF CALIFORNIA has failed to state the meaning or clarify the definition of words. The places before the Court legal definitions and terms, along with NOTICE OF FOREIGN STATE STATUS OF THE COURT. This court, pursuant to the **Federal Rules of Civil Procedure (FRCP) Rule 4(j)**, is, in fact and at law, a FOREIGN STATE as defined in **Title 28 USC §1602, et. seq.**, the **FOREIGN SOVEREIGN IMMUNITIES ACT of 1976, Pub. L. 94-583 (hereafter FSIA)**, and, therefore, lacks jurisdiction in the above captioned case. **The above-mentioned “real party in interest” (Joe King) hereby demands full disclosure of the true and limited jurisdiction of this court. Any such failure violates 18 USC §1001, §1505, and §2331.** This now violates the **PATRIOT ACT, Section 800, Domestic terrorism**, and the **USA FREEDOM ACT**.

3. There are three different and distinct forms of the “United States” as revealed by this case law:

## AFFIDAVIT: Right to Travel and Public Records Notice

“The high Court confirmed that the term "United States" can and does mean three completely different things, depending on the context.” *Hooven & Allison Co. vs. Evatt*, 324 U.S. 652 (1945) & *United States v. Cruikshank*, 92 U.S. 542 (1876) & *United States v. Bevans*, 16 U.S. 3 Wheat. 336 336 (1818).

The Court and its officers have failed to state which United States they represent, since they can represent only one, and it's under Federal Debt Collection Procedure, as a corporation, the United States has no jurisdiction over the Petitioner. As an American national and as a belligerent claimant, Petitioner hereby asserts the right of immunity inherent in the 11th amendment: “*The judicial power 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 of any Foreign State.*” This court, by definition is a FOREIGN STATE, and is misusing the name of this Sovereign American by placing Petitioner's name in all capital letters, as well as by using Petitioner's last name to construe Petitioner erroneously, as a “person” which is a “term of art” meaning: *a creature of the law, an artificial being, and a CORPORATION or ens legis*:

“**Ens Legis. L. Lat.** A creature of the law; an artificial being, as contrasted with a natural person. Applied to corporations, considered as deriving their existence entirely from the law.” — Blacks Law Dictionary, 4th Edition, 1951.

4. All complaints and suits against such CORPORATION, or *ens legis*, fall under the aforementioned FSIA and service of process must therefore be made by the clerk of the court, under **Section 1608(a)(4) of Title 28 USC, 63 Stat. 111**, as amended (**22 U.S.C. 2658**) [**42 FR 6367, Feb. 2, 1977**, as amended at **63 FR 16687, Apr. 6, 1998**], to the Director of the Office of Special Consular Services in the Bureau of Consular Affairs, Department of State, in Washington, D.C., exclusively, pursuant to **22 CFR §93.1 and §93.2**. A copy of the FSIA must be filed with the complaint along with “a certified copy of the diplomatic note of transmittal,” and, “the certification shall state the date and place the documents were delivered.” The foregoing must be served upon the Chief Executive Officer and upon the Registered Agent of the designated CORPORATION or FOREIGN STATE.

5. MUNICIPAL, COUNTY, or STATE COURTS lack jurisdiction to hear any case since they fall under the definition of FOREIGN STATE, and under all related definitions below. Said jurisdiction lies with the “district court of the United States,” established by Congress in the states under **Article III of the Constitution**, which are “constitutional courts” and do not include the territorial courts created under **Article IV, Section 3, Clause 2**, which are “legislative” courts. *Hornbuckle v. Toombs*, 85 U.S. 648, 21 L.Ed. 966 (1873), (See **Title 28 USC, Rule 1101**), exclusively, under the FSIA Statutes pursuant to **28 USC §1330**.

6. It is an undisputed, conclusive presumption that the above-mentioned real party in interest is a not a CORPORATION, and, further, is not registered with any Secretary of State as a CORPORATION. Pursuant to **Rule 12(b)(6)**, the Prosecuting Attorney [**PUT THE PROSECUTORS NAME HERE**] has failed to state a claim for which relief can be granted to the Petitioner. This is a FATAL DEFECT, and, therefore, the instant case and all related matters must be DISMISSED WITH PREJUDICE for lack of *in personam*, territorial, AND subject matter jurisdiction, as well as for improper Venue pursuant to **the 11th amendment** Foreign State Immunity.

7. Moreover, the process in the above-captioned case is not “regular on its face.”

## AFFIDAVIT: Right to Travel and Public Records Notice

### TABLE OF DEFINITIONS

**Regular on its Face** -- “Process is said to be “regular on its face” when it proceeds from the court, officer, or body having authority of law to issue process of that nature, and which is legal in form, and contain nothing to notify, or fairly apprise any one that it is issued without authority.”

**Foreign Court:** The courts of a foreign state or nation. In the United States, this term is frequently applied to the courts of one of the States when their judgment or records are introduced in the courts of another. **Foreign jurisdiction:** Any jurisdiction foreign to that of the forum; e.g., a sister state or another country. Also, the exercise by a state or nation jurisdiction beyond its own territory. Long-arm service of process is a form of such foreign or extraterritorial jurisdiction

**Foreign laws:** The laws of a foreign country, or of a sister state. In conflicts of law, the legal principles of jurisprudence which are part of the law of a sister state or nation. Foreign laws are additions to our own laws, and in that respect are called “*jus receptum*.”

**Foreign corporation:** A corporation doing business in one State though chartered or incorporated in another state is a foreign corporation as to the first state, and, as such, is required to consent to certain conditions and restrictions in order to do business in such first state. Under federal tax laws, a foreign corporation is one which is not organized under the law of one of the States or Territories of the United States. **I.R.C. § 7701 (a) (5)**. Service of process on foreign corporation is governed by the **Fed. R. Civ. P. 4** See also Corporation.

**Foreign service of process:** Service of process for the acquisition of jurisdiction by a court in the United States upon a person in a foreign country is prescribed by **Fed R. Civ. P. 4 (i)** and **28 U.S.C.A. § 1608**. Service of process on foreign corporations is governed by **Fed. R. Civ. P. 4(d) (3)**.

**Foreign states:** Nations which are outside the United States. Term may also refer to another state; i.e. a sister state.

**Foreign immunity:** With respect to jurisdictional immunity of foreign states, see **28 USC, Sec. §1602 et seq. Title 8 USC, Chapter 12, Subchapter I, Sec. §1101(14)** The term “foreign state” includes outlying possessions of a foreign state, but self-governing dominions or territories under mandate or trusteeship shall be regarded as separate foreign states.

**Profiteering:** Taking advantage of unusual or exceptional circumstance to make excessive profit; e.g. selling of scarce or essential goods at inflated price during time of emergency or war.

**Person:** In general usage, a human being (i.e. natural person) though by statute the term may include a firm, labor organizations, partnerships, associations, corporations, legal representative, trusts, trustees in bankruptcy, or receivers. **National Labor Relations Act, §2(1). Definition of the term “person” under Title 26, Subtitle F, Chapter 75, Subchapter D, Sec. Sec. §7343**

The term “person” as used in this chapter includes an officer or employee of a corporation, or a member or employee of a partnership, who as such officer, employee or member is under a duty

## AFFIDAVIT: Right to Travel and Public Records Notice

to perform the act in respect of which the violation occurs.

A **corporation** is a "person" within the meaning of equal protection and due process provisions of the United States Constitution.

**Tertius interveniens:** A third party intervening; a third party who comes between the parties to a suit; one who interpleads. Gilbert's Forum Romanum. 47.

**Writ of error coram nobis** A common-law writ, the purpose of which is to correct a judgment in the same court in which it was rendered, on the ground of error of fact, for which it was statutes provides no other remedy, which fact did not appear of record, or was unknown to the court when judgment was pronounced, and which, if known would have prevented the judgment, and which was unknown, and could of reasonable diligence in time to have been otherwise presented to the court, unless he was prevented from so presenting them by duress, fear, or other sufficient cause "A writ of error **coram nobis** is a common-law writ of ancient origin devised by the judiciary, which constitutes a remedy for setting aside a judgment which for a valid reason should never have been rendered." **24 C.J.S., Criminal Law. § 1610 (2004).** "The principal function of the **writ of error coram nobis** is to afford to the court in which an action was tried an opportunity to correct its own record with reference to a vital fact not known when the judgment was rendered, and which could not have been presented by a motion for a new trial, appeal or other existing statutory proceeding." Black's Law Dictionary., 3rd ed., p. 1861; **24 C.J.S., Criminal Law, § 1606 b., p. 145; Ford v. Commonwealth, 312 Ky. 718, 229 S.W.2d 470.** At common law in England, it issued from the Court of Kings Bench to a judgment of that court. Its principal aim is to afford the court in which an action was tried an opportunity to correct its own record with reference to a vital fact not known when the judgment was rendered. It is also said that at common law it lay to correct purely ministerial errors of the officers of the court. Furthermore, the above-mentioned "real party in interest" demands the strict adherence to **Article IV, section one of the Constitution** so that in all matters before this court, the Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State; and to **Article IV of the Articles of Confederation**, still in force pursuant to **Article VI of the National Constitution**, so that "Full faith and credit shall be given in each of these States to the records, acts, and judicial proceedings of the courts and magistrates of every other State," selective incorporation notwithstanding. The *lex domicilii* shall also depend upon the Natural Domicile of the above-mentioned "real party in interest." The *lex domicilii*, involves the "law of the domicile" in the Conflict of Laws. Conflict is the branch of public law regulating all lawsuits involving a "foreign" law element where a difference in result will occur depending on which laws are applied.

### DECLARATION OF STATUS AND RIGHT OF AVOIDANCE

The above-mentioned "real party in interest" hereby declares the status of a "foreign state" as defined in **28 USC 1331(b)(1)**, as "a separate legal person, corporate or otherwise," (in the instant case, "otherwise"), **(b)(2)**, "an organ (a vital part) of a foreign state" and **(b)(3)**, "neither a citizen of a State of the United States as defined in **section 1332(c)**" (a corporation, an insurer, or the legal representative of a decedent, an infant or an incompetent), "nor created under the laws of any third country." Furthermore, the above-mentioned "real party in interest" is not an artificial, corporate "person" as defined and created by PUBLIC STATUTES, and is not

## AFFIDAVIT: Right to Travel and Public Records Notice

a juristic person which may be “affected” by PUBLIC STATUTES; but, is invested with and bears the status, condition and character of “a sovereign without subjects.” The above-mentioned “real party in interest” is always and at all times present in his “asylum home state” of DOMICILLE and inhabitation, which is “the common case of the place of birth, *domicilium originis*,” also referred to as Natural Domicile, which is “the same as domicile of origin or domicile by birth,” (See *Johnson v. Twenty-One Bales*, 13 Fed.Cas. 863; Black’s Law Dictionary, 4th edition), which is the source and the seat of his [her] sovereignty and immunity.

Accordingly, the above-mentioned “real party in interest” exercises his Right of Avoidance and hereby rejects the offered commercial venture and declines to fuse with or to animate the above-mentioned Defendant in Error, or to stand as STRAWMAN [PERSON], which is defined in Barron’s Law Dictionary, 4th edition, (1996), as “a term referred to in commercial and property contexts when a transfer is made to a third party, the strawman [person], simply for the purpose of retransferring to the transferor in order to accomplish some purpose not otherwise permitted,” *i.e.*, obtaining jurisdiction over the above-mentioned “real party in interest” or relying upon the rebuttable presumption that the above-mentioned “real party in interest” is a corporation. The definition also contains the admonition to “See dummy,” which, at that entry is therein defined as “a strawman; a sham.” The above-mentioned party is, NOT a strawman, NOT a sham, and is certainly NOT a dummy. This DECLARATION OF STATUS constitutes a conclusive presumption, of which the court is bound to take NOTICE, that the “real party in interest” is NOT a corporation; and, the administrative court can exercise no jurisdiction whatsoever over the “real party in interest” or in the above-captioned case, but is duty-bound according to the due process of the law, to which the above-mentioned “real party in interest” is a belligerent claimant, and by the Rule of Law to DISMISS [OR REVERSE] it.

### TABLE OF AUTHORITIES – PERSON

"This word ‘person’ and its scope and bearing in the law, involving, as it does, legal fictions and also apparently natural beings, it is difficult to understand; but it is absolutely necessary to grasp, at whatever cost, a true and proper understanding to the word in all the phases of its proper use . . . A person is here not a physical or individual person, but the status or condition with which he is invested . . . not an individual or physical person, but the status, condition or character borne by physical persons . . . The law of persons is the law of status or condition." -- American Law and Procedure, Vol. 13, page 137, 1910.

The following case citation declares the undisputed distinction in fact and at law of the distinction between the term “persons,” which is the plural form of the term “person,” and the word “People” which is NOT the plural form of the term “person.” The above-mentioned “real party in interest” is NOT a subordinate “person,” “subject,” or “agent,” but is a “constituent,” in whom sovereignty abides, a member of the “Posterity of We, the People,” in whom sovereignty resides, and from whom the government has emanated: "The sovereignty of a state does not reside in the **persons** who fill the different departments of its government, but in the **People**, from whom the government emanated; and they may change it at their discretion. Sovereignty, then in this country, abides with the constituency, and not with the agent; and this remark is true, both in reference to the federal and state government." (Persons are not People).--*Spooner v. McConnell*, 22 F 939, 943: "Our government is founded upon compact. Sovereignty was, and is, in the people" --*Glass v. Sloop Betsey*, Supreme Court, 1794. "People of a state are entitled to all rights which formerly belong to the King, by his prerogative." --supreme Court, *Lansing v.*

## AFFIDAVIT: Right to Travel and Public Records Notice

*Smith*, 1829. "The United States, as a whole, emanates from the people ... The people, in their capacity as sovereigns, made and adopted the Constitution ..." --Supreme Court, 4 Wheat 402. "The governments are but trustees acting under derived authority and have no power to delegate what is not delegated to them. But the people, as the original fountain might take away what they have delegated and entrust to whom they please. ... The sovereignty in every state resides in the people of the state and they may alter and change their form of government at their own pleasure." --*Luther v. Borden*, 48 US 1, 12 LEd 581. "While sovereign powers are delegated to ... the government, sovereignty itself remains with the people"--*Yick Wo v. Hopkins*, 118 U.S. 356, page 370. "There is no such thing as a power of inherent sovereignty in the government of the United States .... In this country sovereignty resides in the people, and Congress can exercise no power which they have not, by their Constitution entrusted to it: All else is withheld." -- *Julliard v. Greenman*, 110 U.S. 421. "In common usage, the term 'person' does not include the sovereign, and statutes employing the word are ordinarily construed to exclude it." -- *Wilson v. Omaha Indian Tribe* 442 US 653, 667 (1979). "Since in common usage the term 'person' does not include the sovereign, statutes employing that term are ordinarily construed to exclude it." -- *U.S. v. Cooper*, 312 US 600,604, 61 SCt 742 (1941). "In common usage, the term 'person' does not include the sovereign and statutes employing it will ordinarily not be construed to do so." -- *U.S. v. United Mine Workers of America*, 330 U.S. 258, 67 SCt 677 (1947). "Since in common usage, the term 'person' does not include the sovereign, statutes employing the phrase are ordinarily construed to exclude it." -- *US v. Fox* 94 US 315. "In common usage the word 'person' does not include the sovereign, and statutes employing the word are generally construed to exclude the sovereign." -- *U.S. v. General Motors Corporation*, D.C. Ill, 2 F.R.D. 528, 530: The following two case citations declare the undisputed doctrine, in fact and at law, that the word (term of art) "person" is a "general word," and that the "people," of whom the above-mentioned "real party in interest" is one, "are NOT bound by general words in statutes." Therefore, statutes do not apply to, operate upon or affect the above-mentioned "real party in interest:" **"The word 'person' in legal terminology is perceived as a general word** which normally includes in its scope a variety of entities other than human beings., --*Church of Scientology v. US Department of Justice* 612 F2d 417, 425 (1979).

**"The people, or sovereign are not bound by general words in statutes**, restrictive of prerogative right, title or interest, unless expressly named. Acts of limitation do not bind the King or the people. The people have been ceded all the rights of the King, the former sovereign ... It is a maxim of the common law, that when an act is made for the common good and to prevent injury, the King shall be bound, though not named, but when a statute is general and prerogative right would be divested or taken from the King (or the People) he shall not be bound." -- *The People v. Herkimer*, 4 Cowen (NY) 345, 348 (1825): "In the United States, sovereignty resides in people." --*Perry v. U.S.* (294 US 330). "A Sovereign is exempt from suit, not because of any formal conception or obsolete theory, but on the logical and practical ground that there can be no legal Right as against the authority that makes the law on which the Right depends." --*Kawananakoa v. Polyblank*, 205 U.S. 349, 353, 27 S. Ct. 526, 527, 51 L. Ed. 834 (1907).

### TABLE OF AUTHORITIES – LACK OF JUDICIAL IMMUNITY

Thus, neither Judges nor Government attorneys are above the law. See *United States v. Isaacs*, 493 F. 2d 1124, 1143 (7th Cir. 1974). In our judicial system, few more serious threats to individual liberty can be imagined than a corrupt judge or judges acting in collusion outside of

## AFFIDAVIT: Right to Travel and Public Records Notice

their judicial authority with the Executive Branch to deprive a citizen of his rights. In *The Case of the Marshalsea*, 77 Eng. Rep. 1027 (K.B. 1613), Sir Edward Coke found that Article 39 of the Magna Carta restricted the power of judges to act outside of their jurisdiction such proceedings would be void, and actionable.

When a Court has (a) jurisdiction of the cause, and proceeds *inverso ordine* or erroneously, there the party who sues, or the officer or minister of the Court who executes the precept or process of the Court, no action lies against them. But (b) when the Court has not jurisdiction of the cause, there the whole proceeding is before a person who is not a judge, and actions will lie against them without any regard of the precept or process . . . Id. 77 Eng. Rep. at 1038-41. A majority of states including Virginia (see, **Va. Code §8.01-195.3(3)**), followed the English rule to find that a judge had no immunity from suit for acts outside of his judicial capacity or jurisdiction. Robert Craig Waters, 'Liability of Judicial Officers under Section 1983' 79 Yale L. J. (December 1969), pp. 326-27 and 29-30).

Also as early as 1806, in the United States there were recognized restrictions on the power of judges, as well as the placing of liability on judges for acts outside of their jurisdiction. In *Wise v. Withers*, 7 U.S. (3 Cranch) 331 (1806), the Supreme Court confirmed the right to sue a judge for exercising authority beyond the jurisdiction authorized by statute.

In *Stump v. Sparkman*, **435 U.S. 349 at 360 (1978)**, the Supreme Court confirmed that a judge would be immune from suit only if he did not act outside of his judicial capacity and/or was not performing any act expressly prohibited by statute. See Block, *Stump v. Sparkman* and the History of Judicial Immunity, 4980 Duke L.J. 879 (1980). The Circuit Court overturned this case and the judge was liable.

Judicial immunity may only extend to all judicial acts within the court's jurisdiction and judicial capacity, but it does not extend to either criminal acts, or acts outside of official capacity or in the 'clear absence of all jurisdiction.' see *Stump v. Sparkman* 435 U.S. 349 (1978). "When a judge knows that he lacks jurisdiction, or acts in the face of clearly valid Constitutional provisions or valid statutes expressly depriving him of jurisdiction or judicial capacity, judicial immunity is lost." --*Rankin v. Howard* 633 F.2d 844 (1980), *Den Zeller v. Rankin*, 101 S.Ct. 2020 (1981).

As stated by the United States Supreme Court in *Piper v. Pearson*, 2 Gray 120, cited in *Bradley v. Fisher*, 13 Wall. 335, 20 L.Ed. 646 (1872), 'where there is no jurisdiction, there can be no discretion, for discretion is incident to jurisdiction.' The constitutional requirement of due process of the law is indispensable: "No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, **nor be deprived of life, liberty or property, without due process of law**; nor shall private property be taken for public use without just compensation." Article V, National Constitution. "A judgment can be void . . . where the court acts in a manner contrary to due process." --Am Jur 2d, §29 Void Judgments, p. 404. "Where a court failed to observe safeguards, it amounts to denial of due process of law, court is deprived of juris." --*Merritt v. Hunter*, C.A. Kansas 170 F2d 739. "Moreover, all proceedings founded on the void judgment are themselves regarded as

## AFFIDAVIT: Right to Travel and Public Records Notice

invalid.” --*Olson v. Leith* 71 Wyo. 316, 257 P.2d 342. “In criminal cases, certain constitutional errors require **automatic reversal**,” see *State v. Schmit*, 273 Minn. 78, 88, 139 N.W.2d 8.

### **TABLE OF AUTHORITIES – RECIPROCAL IMMUNITY AND FOREIGN AGENT REGISTRATION**

**UNITED STATES INTERNATIONAL ORGANIZATIONS IMMUNITIES ACT, PUBLIC LAW 79-291, 29 DECEMBER 1945(Public Law 291-79th Congress) TITLE I Section 2.(b)** International organizations, their property and their assets, wherever located and by whomsoever held, shall enjoy the same immunity from suit and every form of Judicial process as is enjoyed by foreign governments, except to the extent that such organizations may expressly waive their immunity for the purpose of any proceedings or by the terms of any contract. (d) In so far as concerns customs duties and internal-revenue taxes imposed upon or by reason of importation, and the procedures in connection therewith; the registration of foreign agents; and the treatment of official communications, the privileges, exemptions, and immunities to which international organizations shall be entitled shall be those accorded under similar circumstances to foreign governments.

Section 9. The privileges, exemptions, and immunities of international organizations and of their officers and employees, and members of their families, suites, and servants, provided for in this title, shall be granted notwithstanding the fact that the similar privileges, exemptions, and immunities granted to a foreign government, its officers, or employees, may be conditioned upon the existence of reciprocity by that foreign government: Provided, That nothing contained in this title shall be construed as precluding the Secretary of State from withdrawing the privileges exemptions, and immunities herein provided from persons who are nationals of any foreign country on the ground that such country is failing to accord corresponding privileges, exemptions, and immunities to citizens of the United States. Also see **22 USC § 611** - FOREIGN RELATIONS AND INTERCOURSE; and, **22 USC § 612**, Registration statement, concerning the absolute requirement of registration with the Attorney General as a “foreign principal,” due to the undisputed status of the court and its alleged officers and employees as FOREIGN AGENTS, described *supra*. This requirement shall be deemed to include, but is not limited to, an **affidavit of non-communist association**. 800, 807 (1966).

### **RESPONSE:**

**Only a response that meets the following criteria qualifies as a sufficient verified response:**

- 1.** Any rebuttal must be made via a sworn affidavit, verified and/or affirmed by a signature under the penalty of perjury, or by a signature under the full commercial liability, of the affiant(s) thereof; and
- 2.** Any response must be made as a presentment to the Notary Public named below, under the *Service by and respond to* address given below, and received by said Notary Public no later than ten (10) days from the postmark of this presentment. Please be advised that any response not made via sworn affidavit, verified and/or affirmed by a signature under penalty of perjury, or by signature under the full commercial liability of the

## AFFIDAVIT: Right to Travel and Public Records Notice

affiant(s) thereof will not be accepted and is deemed acquiescence and administrative default.  
SILENCE IS ACQUIESCENCE.

Pursuant to **Title 28 U.S.C. section 1745 (1)** and executed “without the United States”, I affirm under penalty and perjury under the laws of the united states of America that the foregoing is true and correct to the best of my faith, belief and informed knowledge. Respondents have TEN (10) days after the filing this Affidavit to:

A) Rebut these facts point by point, or

B) Admit to the Facts herein.

There is no “Option C”. As knowledge is ever expanding, the deponent may amend this document at any time. And further deponent sayeth not.

Respectfully prepared by your peaceful and responsible friend who is not at war or your enemy.

**For The Record, To Be Read Into The Record -  
Notice To Agent Is Notice To The Principal - Notice To The Principal Is Notice To The Agent.**

In Good Faith, Truth and Honor,  
I Am: **Joe-Henry: King**, Living Natural Man, Sui Juris In Propria  
Persona, All Rights Reserved without Prejudice/ 1-308; U.C.C. 1-  
103  
Authorized Agent for: **JOE HENRY KING**, a “Person”

### **Verified Affidavit**

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IN WITNESS WHEREOF, i, **Joe King**, a real, live, flesh and blood, breathing, **non-fictional, non-corporate**, and organic being, born of a Natural Mother by natural live birth on land, do solemnly, sincerely, and squarely Affirm that the foregoing facts contained in this constructive Judicial Notice By Affidavit of Special Appearance are true to the best of my knowledge, Culture, Customs, and Beliefs, being actual, correct and not misleading, etc. and being the Truth, The Whole Truth, and Nothing but the Truth.

The use of Notary below is for identification only and such use does NOT grant any jurisdiction to anyone

Please direct responses to third party public witness. Failure to cure will constitute, as an operation of law, the FINAL admission of the facts set forth in the Presentment by Respondent(s) through tacit procuration to the Presentment and the whole matter shall be deemed res judicata and stare decisis.

**Response by Respondent(s) must be served on Claimant exactly as provided:**

**Joe King**  
**c/o Notary name, Notary Public**  
**1332 Main Street**  
**Some City, state zip**

# AFFIDAVIT: Right to Travel and Public Records Notice

Enclosure(s):

- (1) This "Affidavit: Right to Travel and Public Records Notice"
- (2) Commercial Security Agreement
- (3) Property List
- (4) Judicial Notice by Affidavit of Special Appearance
- (5) Notary's Certificate of Service dated (date you notarize and send this)

## Further Affiant Sayeth Not.

Subscribed and sworn, without prejudice, and all rights reserved,

\_\_\_\_\_, (date)

Joe King, Principal, by Special Appearance in Propria Persona, All Rights Reserved Without Prejudice, U.C.C. 1-308; U.C.C. 1-103

My Hand and Mark as Subscriber

Date: \_\_\_\_\_ Common Law Seal: \_\_\_\_\_ On this \_\_\_\_ Day of \_\_\_\_\_,  
20\_\_\_\_, before me, The Notary Public in for \_\_\_\_\_ (California), personally appeared the above signed  
on this instrument, and has acknowledged to me that he has executed the same.

Signed \_\_\_\_\_

Printed Name \_\_\_\_\_

Date: \_\_\_\_\_

My Commission Expires \_\_\_\_\_