Freedom From Government Official Website

Government is supposed to protect rights, not grant them.

Supreme Court Opinion Research

YEARS OF RESEARCH INTO SUPREME COURT CASES

Robin v. Hardaway 1790. Biblical Law at Common Law supersedes all laws, and Christianity is custom, custom is Law.

United States of America Congressional Record
Monday, August 19.1940
Excerpt – pages 4-5
"I want you to note particularly that this was in 1913, and that 1913 was the very year we changed our Government from a republic to a semi-democracy; the year in which we destroyed constitutional government, international security, and paved the road for us to become a colony of the British Empire. It was also the same year in which we, by adopting the Federal Reserve Act, placed our Treasury under the control and domination of the Bank of England and the international banking groups that are now financing the British-Israel movement in the United States."

Two Different and Distinct Nations

The idea prevails with some, indeed it has expression in arguments at the bar, that we have in this country substantially two national governments; one to be maintained under the Constitution, with all its restrictions; the other to be maintained by Congress outside and independently of that instrument, by exercising such powers as other nations of the earth are

accustomed to I take leave to say that, if the principles thus announced should ever receive the sanction of a majority of this court, a radical and mischievous change in our system will result. We will, in that event, pass from the era of constitutional liberty guarded and protected by a written constitution into an era of legislative absolutism It will be an evil day for American Liberty if the theory of a government outside the Supreme Law of the Land finds lodgment in our Constitutional Jurisprudence. No higher duty rests upon this court than to exert its full authority to prevent all violation of the principles of the Constitution.
Honorable Supreme Court Justice John Harlan in the 1901 case of Downes v. Bidwell.

Possible cases against UCC, be sure to look up

"Neither consent nor submission by the states can enlarge the powers of Congress; none can exist except those which are granted. United States v. Butler, 297 U.S. 1, 56 S.Ct. 312, 102 A.L.R. 914, decided January 6, 1936. The sovereignty of the state essential to its proper functioning under the Federal Constitution cannot be surrendered; it cannot be taken away by any form of legislation. See United States v. Constantine, 296 U.S. 287, 56 S. Ct. 223." Ashton v. Cameron County Water Imp. Dist. No. 1, 298 U.S. 513, 531 (1936)

"Men are endowed by their Creator with certain unalienable rights, life, liberty, and the pursuit of happiness; and to secure, not grant or create, these rights, governments are instituted. That property [or income] which a man has honestly acquired he retains full control of. . ."
[Budd v. People of State of New York, 143 U.S. 517 (1892)]

Von Hoffman v. City of Quincy, 71 U.S. 4 Wall. 535 535 (1866)Page 71 U. S. 551 Nothing can be more material to the obligation than the means of enforcement. Without the remedy, the contract may, indeed, in the sense of the law, be said not to exist, and its obligation to fall within the class of those moral and social duties which depend for their fulfillment wholly upon

the will of the individual. The ideas of validity and remedy are inseparable, and both are parts of the obligation, which is guaranteed by the Constitution against invasion. The obligation of a contract is the law which binds the parties to perform their agreement.'

"Because of what appears to be a lawful command on the surface, many Citizens, because of their respect for what appears to be law, are cunningly coerced into waiving their rights due to ignorance." US v Minker, 350 US 179 at 187(1956)

"The entire taxing and monetary system are hereby, placed under the UCC." [The Federal Tax Lien Act of 1966]

"A state may provide for the collection of taxes in gold and silver only." [State treasurer v.Wright, 28 Ill. 5091: [Whitaker v. Haley. 2 Ore. 128]
"Taxes, lawfully assessed are collectible by agents in money and notes cannot be accepted in payment." Town of Frankfort v. Waldo, 128 ME. 1]

HAGAR v. RECLAMATION DIST. NO. 108, 111 U.S. 701 1884).
Acts of Congress making the notes (paper) of the United States a legal tender do not apply to EXACTIONs (taxes) made under state law"
"At common law there was no tax lien." [Cassidy v. Aroostock, 134 ME. 34]

U.S. Supreme Court, Memphis Bank & Trust Co. v. Garner, 459 U.S. 392 (1983) "The Tennessee bank tax violates the immunity of obligations (federal reserve notes 31 USC 3124 & 18 USC 8) of the United States from state and local taxation."
"Federal Reserve Notes are not dollars." Russell L. Munk, Assistant General Counsel, Department of the Treasury, February 18, 1977. "The term dollars likewise is incorrect, which, according to constitutional definition, are monetary units, used in exchange, backed by gold and silver. Our present day fiat issues are supported by more printed paper of the same; therefore, they are correctly termed Federal Reserve Notes (FRN), not dollars. Robert P.

Vichas, Handbook of Financial Mathematics, Formulas, and Tables (1979), p. 420.

"Federal Reserve Bank notes, and other notes constituting a part of common currency of country, are recognized as good tender for money, unless specially objected to." MacLeod v. Hoover (1925), 159 La. 244, 105 S. 305.
Gibbons v Ogden 1824 supreme court "Persons are not the subjects of commerce..."
"There is a distinction between a debt discharged and one paid. When discharged, the debt still exists, though divested of its character as a legal obligation during the operation of the discharge." Stanek v. White (1927), 172 Minn. 390, 215 N.W. 781.
"What is a dollar? Its just something artificial we throw out there. What youre doing is youre fooling people into thinking they have purchasing power, when in fact they do not." Denis Karnofsky, Chief Economic Advisor, St. Louis, St. Louis Federal Reserve Bank (June 10, 1978).
Ballentines Law Dictionary, 3rd Edition: Dollar. The legal currency of the United States; State v Downs, 148 Ind 324, 327; the unit of money consisting of one hundred cents. The aggregate of specific coins which add up to one dollar. 36 Am J1st Money § 8. In the absence of qualifying words, it cannot mean promissory notes, bonds, or other evidences of debt. 36 AM J 1st Money § 8.

Simon v. Craft, 182, U.S. 427, 436, 21 SUP. CT. 836, 45 L. ED 1165;
In determining whether such rights were denied, we are governed by the substance of things and not by mere form; ID.; Louisville & N.R. CO. v. Schnidt,177 U.S. 230, 20 SUP. CT. 620 44 L ED 747.

Supreme Court of the United States 1795 Inasmuch as every government is an artificial person, an abstraction, and a creature of the mind only, a government can interface only with other artificial persons. The imaginary, having neither actuality nor substance, is foreclosed from creating and

attaining parity with the tangible. The legal manifestation of this is that no government, as well as any law, agency, aspect, court, etc. can concern itself with anything other than corporate, artificial persons and the contracts between them. S.C.R. 1795, Penhallow v. Doanes Administraters (3 U.S. 54; 1 L.Ed. 57; 3 Dall. 54),

An attorney for the plaintiff cannot admit evidence into the court. He is either an attorney or a witness. (Trinsey v. Pagliaro D.C.Pa. 1964, 229 F. Supp. 647)

Statements of counsel in brief or in argument are not sufficient for motion to dismiss or for summary judgment, Trinsey v. Pagliaro, D. C. Pa. 1964, 229 F. Supp. 647.

Where there are no depositions, admissions, or affidavits the court has no facts to rely on for a summary determination. Trinsey v. Pagliaro, D.C. Pa. 1964, 229 F. Supp. 647.

The prosecutor is not a witness; and he should not be permitted to add to the record either by subtle or gross improprieties. Those who have experienced the full thrust of the power of government when leveled against them know that the only protection the citizen has is in the requirement for a fair trial. Donnelly v. Dechristoforo, 1974.SCT.41709 ¶ 56; 416 U.S. 637 (1974)

Involuntary Servitude UNITED STATES V. KOZMINSKI, 487 U. S. 931 (1988) "For purposes of criminal prosecution under § 241 or § 1584, the term involuntary servitude necessarily means a condition of servitude in which the victim is forced to work for the defendant by the use or threat of physical restraint or physical injury or by the use or threat of coercion through law or the legal process. This definition encompasses cases in which the defendant holds the victim in servitude by placing him or her in fear of such physical restraint or injury or legal coercion."

McNally v. U.S., 483 U.S. 350, 371-372, Quoting U.S. v Holzer, 816 F.2d. 304, 307

Fraud in its elementary common law sense of deceit... includes the deliberate concealment of material information in a setting of fiduciary obligation. A public official is a fiduciary toward the public,... and if he deliberately conceals material information from them he is guilty of fraud.

424 F.2d 1021UNITED STATES v.Horton R. PRUDDEN,No. 28140. . United States Court of Appeals, Fifth Circuit.April 1970 Silence can only be equated with fraud where there is a legal or moral duty to speak or where an inquiry left unanswered would be intentionally misleading.

U.S. v. Tweel, 550 F. 2d. 297, 299, 300 (1977)

Silence can only be equated with fraud when there is a legal and moral duty to speak or when an inquiry left unanswered would be intentionally misleading. We cannot condone this shocking conduct If that is the case we hope our message is clear. This sort of deception will not be tolerated and if this is routine it should be corrected immediately.

Morrison v. Coddington, 662 P. 2d. 155, 135 Ariz. 480(1983).

Fraud and deceit may arise from silence where there is a duty to speak the truth, as well as from speaking an untruth.

"A bill of attainder is defined to be 'a legislative Act which inflects punishment without judicial trial'"

"where the legislative body exercises the office of judge, and assumes judicial magistracy, and pronounces on the guilt of a party without any of the forms or safeguards of a trial, and fixes the punishment."

In re De Giacomo, (1874) 12 Blatchf. (U.S.) 391, 7 Fed. Cas No. 3,747, citing Cummings v. Missouri, (1866) 4 Wall, (U.S.) 323.

[Federal jurisdiction] must be considered in the light of our dual system of government and may not be extended. . .in view of our complex society, would effectually obliterate the distinction between what is national and

what is local and create a completely centralized government. United States v. Lopez, 514 U.S. 549, 115 S.Ct.1624(1995).

In view of 40 USCS 255, no jurisdiction exists in United States to enforce federal criminal laws, unless and until consent to accept jurisdiction over lands acquired by United States has been filed in behalf of United States as provided in said section, and fact that state has authorized government to take jurisdiction is immaterial. Adams v. United States (1943) 319 US 312, 87 L Ed. 1421, 63 S. Ct. 1122

In regard to courts of inferior jurisdiction, "if the record does not show upon its face the facts necessary to give jurisdiction, they will be presumed not to have existed." Norman v. Zieber, 3 Or at 202-03

US v Will, 449 US 200,216, 101 S Ct, 471, 66 LEd2nd 392, 406 (1980) Cohens V Virginia, 19 US (6 Wheat) 264, 404, 5LEd 257 (1821)
"When a judge acts where he or she does not have jurisdiction to act, the judge is engaged in an act or acts of treason."

Zeller v. Rankin, 101 S.Ct. 2020, 451 U.S. 939, 68 L.Ed 2d 326 When a judge knows that he lacks jurisdiction, or acts in the face of clearly valid statutes expressly depriving him of jurisdiction, judicial immunity is lost. JURISDICTION: NOTE: It is a fact of law that the person asserting jurisdiction must, when challenged, prove that jurisdiction exists; mere good faith assertions of power and authority (jurisdiction) have been abolished.
"Jurisdiction of court may be challenged at any stage of the proceeding, and also may be challenged after conviction and execution of judgment by way of writ of habeas corpus."
[U.S. v. Anderson, 60 F.Supp. 649 (D.C.Wash. 1945)]

The law requires proof of jurisdiction to appear on the record of the administrative agency and all administrative proceedings.

Hagans v Lavine 415 U. S. 533.

Tennessee Coal, Iron & R. Co. v. George, 233 U.S. 354 (1914) "... the right to sue depends, venue is no part of a right, and whether jurisdiction exists is to be determined by the law of the state creating the court in which the case is tried. A state cannot create a transitory cause of action and at the same time destroy the right to sue thereon in any court having jurisdiction although in another state."

"Once jurisdiction is challenged, the court cannot proceed when it clearly appears that the court lacks jurisdiction, the court has no authority to reach merits, but rather, should dismiss the action." Melo v. US, 505 F2d 1026

"A judgment rendered by a court without personal jurisdiction over the defendant is void. It is a nullity." Sramek v. Sramek, 17 Kan. App 2d 573, 576-7, 840 P. 2d 553 (1992) rev. denied 252 Kan. 1093(1993)

"A court cannot confer jurisdiction where none existed and cannot make a void proceeding valid. It is clear and well established law that a void order can be challenged in any court." Old wayne Mut, L. assoc b. McDonough, 205 U.S. 8, 27 S Ct 236(1907)

"There is no discretion to ignore lack of jurisdiction." Joyce v. U.S. 474 2D 215 "Court must prove on the record, all jurisdiction facts related to the jurisdiction asserted." Lantana v. Hopper, 102 F. 2d 188; Chicago v. New York 37 FSupp. 150

"The law provides that once State and Federal jurisdiction has been challenged, it must be proven." Main v Thiboutot, 100 S Ct. 2502(1980)

"Jurisdiction can be challenged at any time," and "Jurisdiction, once challenged, cannot be assumed and must be decided." Basso v. Utah Power & Light Co. 395 F 2d 906, 910

"Defense of lack of jurisdiction over the subject matter may be raised at any time, even on appeal." Hill Top Developers v. Holiday Pines Service Corp. 478 So. 2d, 368 (Fla 2nd DCA 1985)

"Once challenged, jurisdiction cannot be assumed, it must be proved to exist." Stock v. Medical Examiners 94 Ca 2d 751. 211 P2d 289

"There is no discretion to ignore that lack of jurisdiction." Joyce v. US, 474 F2d 215

"the burden shifts to the court to prove jurisdiction." Rosemond v. Lambert, 469 F2d 416

"a universal principle as old as the law is that a proceedings of a court without jurisdiction are a nullity and its judgment therein without effect either on person or property," Norwood v. Renfield, 34 C 329; Ex parte Giambonini, 49 P. 732

"jurisdiction is fundamental and a judgment rendered by a court that does not have jurisdiction to hear is void ab initio." In re Application of Wyatt, 300 P. 132;p Re Cavitt, 118 P2d 846

"Thus, where a judicial tribunal has no jurisdiction of the subject matter on which it assumes to act, its proceedings are absolutely void in the fullest sense of the term." Dillon v. Dillon 187 p27

A court has no jurisdiction to determine its own jurisdiction, for a basic issue in any case before a tribunal is its power to act, and a court must have the

authority to decide that question the first instance." Rescue Army v. Municipal Court of Los Angeles, 171 P2d 8: 331 US 549, 91 K, ed, 1666m 67 S, Ct, 1409

"A departure by a court from those recognized and established requirements of law however close apparent adherence to mere form in methods of procedure which has the effect of depriving one of a constitutional right, is an excess of jurisdiction." Wuest v. Wuest, 127 P2d 934, 937.

Loos v American Energy Savers, Inc., 168 Ill.App.3d 558, 522 N.E.2d 841 (1988)Where jurisdiction is contested, the burden of establishing it rests upon the plaintiff."

Bindell v City of Harvey, 212 Ill.App.3d 1042, 571 N.E.2d 1017 (1st Dist. 1991) (the burden of proving jurisdiction rests upon the party asserting it.).

"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

Flake v Pretzel, 381 Ill. 498, 46 N.E.2d 375 (1943) the actions, being statutory proceedings, were void for want of power to make them. The judgments were based on orders which were void because the court exceeded its jurisdiction in entering them. Where a court, after acquiring jurisdiction of a subject matter, as here, transcends the limits of the jurisdiction conferred, its judgment is void.

Armstrong v Obucino, 300 Ill. 140, 143, 133 N.E. 58 (1921) The doctrine that where a court has once acquired jurisdiction it has a right to decide every question which arises in the cause, and its judgment or decree, however erroneous, cannot be collaterally assailed, is only correct when the court proceeds according to the established modes governing the class to which

the case belongs and does not transcend in the extent and character of its judgment or decree the law or statute which is applicable to it.

In Interest of M.V., 288 Ill.App.3d 300, 681 N.E.2d 532 (1st Dist. 1997) Where a courts power to act is controlled by statute, the court is governed by the rules of limited jurisdiction, and courts exercising jurisdiction over such matters must proceed within the strictures of the statute.

In re Marriage of Milliken, 199 Ill.App.3d 813, 557 N.E.2d 591 (1st Dist. 1990) The jurisdiction of a court in a dissolution proceeding is limited to that conferred by statute.

Vulcan Materials Co. v. Bee Const. Co., Inc., 101 Ill.App.3d 30, 40, 427 N.E.2d 797 (1st Dist. 1981) Though a court be one of general jurisdiction, when its power to act on a particular matter is controlled by statute, the court is governed by the rules of limited jurisdiction.

The state citizen is immune from any and all government attacks and procedure, absent contract. see, Dred Scott vs. Sanford, 60 U.S. (19 How.) 393 or as the Supreme Court has stated clearly, "...every man is independent of all laws, except those prescribed by nature. He is not bound by any institutions formed by his fellowmen without his consent."
CRUDEN vs. NEALE, 2 N.C. 338 2 S.E. 70

FRAUD BY GOVERNMENT

McNally v. U.S., 483 U.S. 350, 371-372 (1987), Quoting U.S. v. Holzer, 816 F.2d. 304, 307: "Fraud in its elementary common law sense of deceit and this is one of the meanings that fraud bears in the statute, see United States v. Dial, 757 F.2d 163, 168 (7th Cir. 1985) includes the deliberate concealment of material information in a setting of fiduciary obligation. A public official is a fiduciary toward the public, including, in the case of a judge, the litigants

who appear before him, and if he deliberately conceals material information from them he is guilty of fraud.

BURDEN OF PROOF

The law creates a presumption, where the burden is on a party to prove a material fact peculiarly within his knowledge and he fails without excuse to testify, that his testimony, if introduced, would be adverse to his interests. citing Meier v. CIR, 199 F 2d 392, 396 (8th Cir. 1952) quoting 20 Am Jur, Evidence, Sec 190, page 193

Notification of legal responsibility is the first essential of due process of law. See also: U.S. v. Tweel, 550 F.2d.297. Silence can only be equated with fraud where there is a legal or moral duty to speak or when an inquiry left unanswered would be intentionally misleading."

Corpus delecti consists of a showing of 1) the occurrence of the specific kind of injury and 2) someones criminal act as the cause of the injury. Johnson v. State, 653 N.E.2d 478, 479 (Ind. 1995).

"State must produce corroborating evidence of "corpus delecti," showing that injury or harm constituting crime occurred and that injury or harm was caused by someone's criminal activity." Jorgensen v. State, 567 N.E.2d 113, 121.

To establish the corpus delecti, independent evidence must be presented showing the occurrence of a specific kind of injury and that a criminal act was the cause of the injury. Porter v. State, 391 N.E.2d 801, 808-809.

Clearfield Doctrine

Governments descend to the Level of a mere private corporation, and take on the characteristics of a mere private citizenwhere private corporate commercial paper [Federal Reserve Notes] and securities [checks] is concerned. For purposes of suit, such corporations and individuals are regarded as entities entirely separate from government.

Clearfield Trust Co. v. United States 318 U.S. 363-371 (1942)

When governments enter the world of commerce, they are subject to the

same burdens as any private firm or corporation U.S. v. Burr, 309 U.S. 242 See: 22 U.S.C.A.286e, Bank of U.S. vs. Planters Bank of Georgia, 6L, Ed. (9 Wheat) 244; 22 U.S.C.A. 286 et seq., C.R.S. 11-60-103

TREZEVANT CASE DAMAGE AWARD STANDARD Evidence that motorist cited for traffic violation was incarcerated for 23 minutes during booking process, even though he had never been arrested and at all times had sufficient cash on hand to post bond pending court disposition of citation, was sufficient to support finding that municipality employing officer who cited motorist and county board of criminal justice, which operated facility in which motorist was incarcerated, had unconstitutionally deprived motorist of his right to liberty. 42 U.S.C.A. Sec. 1983. Trezevant v. City of Tampa (1984) 741 F.2d 336, hn. 1
Jury verdict of $25,000 in favor of motorist who was unconstitutionally deprived of his liberty when incarcerated during booking process following citation for traffic violation was not excessive in view of evidence of motorists back pain during period of incarceration and jailors refusal to provide medical treatment, as well as fact that motorist was clearly entitled to compensation for incarceration itself and for mental anguish that he had suffered from entire episode. 42 U.S.C.A. Sec. 1983. Trezevant v. City of Tampa (1984) 741 F.2d 336, hn. 5

Tie in the federal reserve to bank law suit.

Lewis v. United States, 680 F.2d 1239 (9th Cir. 1982)

John L. Lewis was injured by a vehicle owned and operated by a federal reserve bank, and brought action alleging jurisdiction under the Federal Tort Claims Act. The District Court dismissed the case by ruling that the federal reserve bank was not a federal agency within meaning of the Federal Tort Claims Act and the court therefore lacked subject-matter jurisdiction. The Appeals court affirmed the decision.

The court stated "Examining the organization and function of the Federal Reserve Banks, and applying the relevant factors, we conclude that the Reserve Banks are not federal instrumentalities for purpose of the FTCA, but are independent, privately owned and locally controlled corporations." However, this does not imply, as so many wrongly interpret, that private individuals own the banks for the court also stated "Each Federal Reserve Bank is a separate corporation owned by commercial banks in its region. The stockholding commercial banks elect two thirds of each Bank's nine member board of directors. The remaining three directors are appointed by the Federal Reserve Board. The Federal Reserve Board regulates the Reserve Banks, but direct supervision and control of each Bank is exercised by its board of directors. 12 U.S.C. Sect. 301. The directors enact by-laws regulating the manner of conducting general Bank business, 12 U.S.C. Sect. 341, and appoint officers to implement and supervise daily Bank activities. These activities include collecting and clearing checks, making advances to private and commercial entities, holding reserves for member banks, discounting the notes of member banks, and buying and selling securities on the open market. See 12 U.S.C. Sub-Sect. 341–361.
Serving a federal purpose does not necessarily imply being a federal agency

Mattox v. U.S., 156 US 237,243. (1895) We are bound to interpret the Constitution in the light of the law as it existed at the time it was adopted. S. Carolina v. U.S., 199 U.S. 437, 448 (1905). The Constitution is a written instrument. As such, its meaning does not alter. That which it meant when it was adopted, it means now.

SHAPIRO vs. THOMSON, 394 U. S. 618 April 21, 1969 . Further, the Right to TRAVEL by private conveyance for private purposes upon the Common way can NOT BE INFRINGED. No license or permission is required for TRAVEL when such TRAVEL IS NOT for the purpose of [COMMERCIAL] PROFIT OR GAIN on the open highways operating under license IN COMMERCE.
Marbury v. Madison, 5 US 137,(1803) The Constitution of these United States is the supreme law of the land. Any law that is repugnant to the Constitution

is null and void of law.
Murdock v. Penn., 319 US 105, (1943) No state shall convert a liberty into a privilege, license it, and attach a fee to it.
Shuttlesworth v. Birmingham, 373 US 262, (1969) If the state converts a liberty into a privilege, the citizen can engage in the right with impunity.
Miranda v. Arizona, 384 U.S. 436, (1966) Where rights secured by the Constitution are involved, there can be no rule making or legislation, which would abrogate them.

The rights of the individuals are restricted only to the extent that they have been voluntarily surrendered by the citizenship to the agencies of government. City of Dallas v Mitchell, 245 S.W. 944

Norton v. Shelby County, 118 U.S. 425, (1886) An unconstitutional act is not law; it confers no rights; it imposes no duties; affords no protection; it creates no office; it is in legal contemplation, as inoperative as though it had never been passed.
Miller v. U.S., 230 F.2d. 486,489 The claim and exercise of a Constitutional right cannot be converted into a crime.

"To take away all remedy for the enforcement of a right is to take away the right itself. But that is not within the power of the State." Poindexter v. Greenhow, 114 U.S. 270, 303 (1885).

Brady v. U.S., 397 U.S. 742, 748,(1970) Waivers of Constitutional Rights, not only must they be voluntary, they must be knowingly intelligent acts done with sufficient awareness.
Carnley v. Cochran, 369 U.S. 506, 516 (1962), Presuming waiver from a silent record is impermissible. The record must show, or there must be an allegation and evidence which show, that an accused was offered counsel but intelligently and understandingly rejected the offer. Anything less is not waiver.

Cooper v. Aaron, 358 U.S. 1, 78 S.Ct. 1401 (1958). No state legislator or executive or judicial officer can war against the Constitution without violating his undertaking to support it. The constitutional theory is that we the people are the sovereigns, the state and federal officials only our agents.

The individual, unlike the corporation, cannot be taxed for the mere privilege of existing. The corporation is an artificial entity which owes its existence and charter powers to the state; but, the individuals rights to live and own property are natural rights for the enjoyment of which an excise cannot be imposed. Redfield v Fisher, 292 P 813, at 819 [1930]
[I]n common usage, the term `person does not include the sovereign, [and] statutes employing the phrase are ordinarily construed to exclude it. United States v. Cooper Corp., 312 U.S. 600, 604 [1941;] accord, United States v. Mine Workers, 330 U.S. 258, 1947.]
Colten v. Kentucky (1972)407 U.S. 104@122. 92 S.Ct. 1953; Dissent by DouglasIf the nation comes down from its position of sovereignty and enters the domain of commerce, it submits itself to the same laws that govern individuals therein. It assumes the position of an ordinary citizen and it cannot recede from the fulfillment of its obligations; 74 Fed. Rep. 145, following 91 U.S. 398.

NO IMMUNITY
"Sovereign immunity does not apply where (as here) government is a lawbreaker or jurisdiction is the issue."
Arthur v. Fry, 300 F.Supp. 622
an officer may be held liable in damages to any person injured in consequence of a breach of any of the duties connected with his officeThe liability for nonfeasance, misfeasance, and for malfeasance in office is in his individual , not his official capacity
70 Am. Jur. 2nd Sec. 50, VII Civil Liability
"Knowing failure to disclose material information necessary to prevent statement from being misleading, or making representation despite

knowledge that it has no reasonable basis in fact, are actionable as fraud under law."
Rubinstein v. Collins, 20 F.3d 160, 1990

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[a] "Party in interest may become liable for fraud by mere silent acquiescence and partaking of benefits of fraud."
Bransom v. Standard Hardware, Inc., 874 S.W.2d 919, 1994

Ex dolo malo non oritur actio. Out of fraud no action arises; fraud never gives a right of action. No court will lend its aid to a man who founds his cause of action upon an immoral or illegal act.
As found in Blacks Law Dictionary, Fifth Edition, page 509.

"Fraud destroys the validity of everything into which it enters,"
Nudd v. Burrows, 91 U.S 426.

"Fraud vitiates everything"
Boyce v. Grundy, 3 Pet. 210

Fraud vitiates the most solemn contracts, documents and even judgments.
U.S. v. Throckmorton, 98 US 61

When a Citizen challenges the acts of a federal or state official as being illegal, that official cannot just simply avoid liability based upon the fact that he is a public official. In United States v. Lee, 106 U.S. 196, 220, 221, 1 S.Ct. 240, 261, the United States claimed title to Arlington, Lees estate, via a tax sale some years earlier, held to be void by the Court. In so voiding the title of the United States, the Court declared:
No man in this country is so high that he is above the law. No officer of the law may set that law at defiance with impunity. All the officers of the government, from the highest to the lowest, are creatures of the law and are bound to obey it. It is the only supreme power in our system of government,

and every man who by accepting office participates in its functions is only the more strongly bound to submit to that supremacy, and to observe the limitations which it imposes upon the exercise of the authority which it gives.

Shall it be said that the courts cannot give remedy when the citizen has been deprived of his property by force, his estate seized and converted to the use of the government without any lawful authority, without any process of law, and without any compensation, because the president has ordered it and his officers are in possession? If such be the law of this country, it sanctions a tyranny which has no existence in the monarchies of Europe, nor in any other government which has a just claim to well-regulated liberty and the protection of personal rights.

See Pierce v. United States (The Floyd Acceptances), 7 Wall. (74 U.S.) 666, 677 (We have no officers in this government from the President down to the most subordinate agent, who does not hold office under the law, with prescribed duties and limited authority); Cunningham v. Macon, 109 U.S. 446, 452, 456, 3 S.Ct. 292, 297 (In these cases he is not sued as, or because he is, the officer of the government, but as an individual, and the court is not ousted of jurisdiction because he asserts authority as such officer. To make out his defense he must show that his authority was sufficient in law to protect him It is no answer for the defendant to say I am an officer of the government and acted under its authority unless he shows the sufficiency of that authority); and Poindexter v. Greenhow, 114 U.S. 270, 287, 5 S.Ct. 903, 912

WHEREAS, officials and even judges have no immunity (See, Owen vs. City of Independence, 100 S Ct. 1398; Maine vs. Thiboutot, 100 S. Ct. 2502; and Hafer vs. Melo, 502 U.S. 21; officials and judges are deemed to know the law and sworn to uphold the law; officials and judges cannot claim to act in good faith in willful deprivation of law, they certainly cannot plead ignorance of the law, even the Citizen cannot plead ignorance of the law, the courts have

ruled there is no such thing as ignorance of the law, it is ludicrous for learned officials and judges to plead ignorance of the law therefore there is no immunity, judicial or otherwise, in matters of rights secured by the Constitution for the United States of America. See: Title 42 U.S.C. Sec. 1983. When lawsuits are brought against federal officials, they must be brought against them in their individual capacity not their official capacity. When federal officials perpetrate constitutional torts, they do so ultra vires (beyond the powers) and lose the shield of immunity. Williamson v. U.S. Department of Agriculture, 815 F.2d. 369, ACLU Foundation v. Barr, 952 F.2d. 457, 293 U.S. App. DC 101, (CA DC 1991).
Personal involvement in deprivation of constitutional rights is prerequisite to award of damages, but defendant may be personally involved in constitutional deprivation by direct participation, failure to remedy wrongs after learning about it, creation of a policy or custom under which unconstitutional practices occur or gross negligence in managing subordinates who cause violation. (Gallegos v. Haggerty, N.D. of New York, 689 F. Supp. 93 (1988).

The law requires proof of jurisdiction to appear on the record of the administrative agency and all administrative proceedings.
Hagans v. Lavine, 415 U. S. 533

"If you've relied on prior decisions of the Supreme Court you have a perfect defense for willfulness."
U.S. v. Bishop, 412 U.S. 346

State citizenship
U.S. v. Anthony 24 Fed. 829 (1873) The term resident and citizen of the United States is distinguished from a Citizen of one of the several states, in that the former is a special class of citizen created by Congress.
"We have in our political system a government of the United States and a government of each of the several States. Each one of these governments is