

THE LAWFUL CONTINUATION OF THE REPUBLIC

Before property is bought, and most certainly before any lending institution does business with the purchaser, a title search must be done to make a lawful determination that: a) the person offering the property for sale is indeed its lawful owner, with an uninterrupted chain of title from the present back to an original land patent issued by the U.S. government; and b) there is no legitimate lien against the property that would in any way restrict its sale to the new owner, or encumber his use of the property.

So also, before the re-inhabitation of the Republic for the United States of America can proceed and receive the support of the American people en masse, it must be proven that the continuation of the *de jure* (right by way of law) constitutional Republic our founding fathers created for us is still lawfully available today for the American people to re-inhabit. We must also show that there exists no lawful, legitimate claim against the Republic or the American peoples' right to proceed with the re-inhabitation process in their efforts to return to constitutional governance.

In this writing we will show that there has always been an uninterrupted chain of title that establishes the right of the American people to re-inhabit their Republic. We will also show that there are no lawful or legitimate claims against the Republic or the right of the people to pursue a return to constitutional governance. We will do this in the same manner in which an argument, debate, or court case is won: by fact and law.

Fact 1. Even the original *de jure* United States government had a corporate side to it from the beginning. It had to offer a way of remedy to the American people, if they had suffered damage and/or injury because of governmental actions, to pursue remedy. The corporate side of the government allowed it to sue and to be sued in court. This corporate side was, however, small, and was available only as an administrative aid in the legal operation of government; it never overshadowed the common law aspects of the government. So, the constitutional republican form of government was still preserved for the American people.

In the case of William Dixon et al. v. United States, Circuit Court D. Virginia (May term 1811, Case No. 3,934 [1 Brock.177.]), the Honorable Chief Justice John Marshall stated "... 'The United States of America' is a corporation, endowed with the capacity to sue, and be sued, to convey and receive property." [Cited in U.S. v. Ames, Case No. 14,441.]

Fact 2. In contrast to the scenario in Fact 1 above, the present *de facto* government, masquerading as the legitimate *de jure* Republic, is above all else a corporatized structure, upholding

little to no constitutional law. Title 28 U.S. Code Section 3002 paragraph 15A states that "...United States' means - (A) a Federal corporation ...". Note that this is a legal definition, codified in law. This is what they are telling us about themselves, in their own words. The present operational government in America is more than anything else a corporation, not a constitutional republican form of representative government.

Fact 3. The present *de facto* government in America, the UNITED STATES government, is not the original *de jure* Republic our founding fathers left us. Despite all of its public proclamations to the contrary, it does not preserve, protect, defend, or promote constitutional law. In actual practice, it regularly violates with impunity the Bill of Rights. If one doubts this, he should try to walk down any street in the country while openly exercising his 2nd Amendment right. There is no doubt as to what the result would be. Homes are raided without duly executed warrants, property is routinely seized without due process, and countless Americans are imprisoned for victimless crimes. It is only out of sheer lunacy or hopeless ignorance that anyone could claim the government we know today is the same *de jure* republican constitutional government left us by our founding fathers. To borrow a line from the Declaration of Independence, "... We hold these truths to be self evident ...".

Fact 4. The *de jure* Republic, the Constitution, and the Bill of Rights have always been available, awaiting a time when the American people might return to them, desiring to regain the Republic they had lost. Just as the Declaration of Independence could never be "undeclared," The Republic could never be obliterated or completely done away with; it could only be vacated, by moving the people to an alternate form of government - a corporatized democracy. The American people have always had the right to return to their Republic because the Constitution was for "... us and our posterity ...".

Consider the Jay Treaty of 1794, Treaty of Amity, Commerce and Navigation concluded November 19, 1794. This lengthy document is composed of 28 Articles. The first line of Article 28 states, "It is agreed that the first ten articles of this Treaty shall be permanent, ...". The first ten articles show repeatedly in quotes "the United States of America," "United States," "Government of the United States," "President of the United States," "agent of the United States," "inhabitants of the United States," and "Respective Governments." At the time this treaty was written, the "respective government" of the citizens, inhabitants, vessels, agents, and the President was the constitutional republican *de jure* government; so, we have an international treaty confirming the existence of that original Republic and stating that it is to remain permanently.

The Jay Treaty has never been nullified, having been cited in cases argued as recently as 2010. In that year, Seneca Nation of Indians President Barry Snyder Sr. argued to the U.S.

Department of Homeland Security and Department of State that a new restriction on their passage back and forth across the U.S. / Canadian border was a violation of the "Indian Free Passage Right," which had roots in the 1794 Jay Treaty [Arizona Journal of International and Corporate Law, Vol. 27, No.1, p. 194; 2010].

Obviously then, this treaty is still in force. This being the case, it means that its contents are still true and relevant; and we have shown both by fact and by law (treaty) that the only legitimate government representing the American people is still the *de jure* constitutional Republic. It is the government left to us by our founding fathers and re-inhabited by the Republic for the United States of America.

In a later period of American history, a series of horrible events involving the American Civil War ultimately led to the abandonment of the *de jure* Republic and ultimately the formation of a new corporatized *de facto* government, without the knowledge or consent of the American people. In 1860-1861, when southern representatives walked out of Congress, the union of states was left with less than a quorum. In order to prosecute the war on fellow Americans, Abraham Lincoln suspended the Constitution in the rebellious states and operated the business of the country under a color-of-law government. He referred to it as an "executive government" at least once in his September 22, 1862 Presidential Proclamation, "*Declaring the Objectives of the War Including Emancipation of Slaves in Rebellious States on January 1, 1863*," and at least twice in his January 1, 1863 "*Emancipation Proclamation*."

Each time Lincoln used the words "executive government" he immediately described the government as "including the military and naval authority(ies) thereof." He continued to say that his executive government and his military and naval authorities would " ... do no act or acts to repress such persons ..." and further that this same executive government would " ... recognize and maintain the freedom of said persons." Notice that he did not mention the legislative or judicial branches, which are supposed to be the major defenders of the unalienable rights of the American people in a *de jure* government. So, by choosing to operate in the corporate side of the *de jure* government, he completely displaced the common law constitutional aspect of the government. From that time on, we basically have had no representative government, only an "executive government."

It is important to note that Lincoln's use of the words "executive government" was markedly different from the use of those same words by President Washington in his *Farewell Address* of 1796, in which he referred to the executive office of the presidency. Let us examine that text carefully: "Friends and Citizens: The period for a new election of a citizen to administer the executive government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the

public voice, that I should now apprise you of the resolution I have formed, to decline being considered among the number of those out of whom a choice is to be made." Washington was obviously speaking of the upcoming election of a new president (executive), reminding all to carefully consider the man to fill the job, and notifying the electors that he would not be available for another term of office; "executive government" was his way of referring to the office of President.

Lincoln, on the other hand, used those words to refer to a completely new type of government, in which power was held by the President and the military; in his "executive government" there was no quorum of states to be present with their authority to select the correct number of electors to which they were entitled, so that a new President (executive) could be chosen (Article II Section 1 paragraphs 2 and 3). By choosing to operate in the corporate side of the *de jure* government, he completely displaced the common law constitutional aspect of the government. From that time on, we basically have had no representative government, only an "executive government."

For our purposes in the remainder of the discussion here, the words "executive government" should be understood as they were used by President Lincoln; this is not a new phrase coined by the author or the Republic for the United States of America.

Fact 5. Lincoln needed money, and a lot of it, to fight the war. According to the Congressional Research Service, "Cost of Major U.S. Wars," Stephen Daggott, 2010, the Union army spent \$3.183 billion (\$59.6 billion in 2011 dollars, from <https://www.fas.org/sgp/crs/natsec/RS22926.pdf>). The method used to come up with such a huge amount of money was for the "executive government" to "pass" the Revenue Act of 1862.

This Revenue Act was a real problem, because the only constitutional taxes are the apportionment tax (Article I Section 9) and tariffs and duties (Article I Section 8). At this point in history we saw the move from the *de jure* to a corporate government. Lincoln could not lawfully amend the Constitution just to make the new tax constitutional, and Congress did not have a quorum; so the entire Constitution was left behind in favor of the "executive government." Making this move enabled the implementation of an unconstitutional tax that would never have been tolerated in the Congress of a *de jure* republic.

Lincoln understood what he was doing in all of this, and stated that the tax would be in place only for the duration of the war. He intended that when the war ended the rebellious states would be brought back into union, and the corporate side of government would be returned to the small purpose it served prior to the war. The unconstitutional Revenue Act was to be repealed, and the

Republic would be restored. If Lincoln's plan had been completed, we would be living in a different country today. But the actions of one John Wilkes Booth kept Lincoln's goals from ever being realized.

Fact 6. Another significant unconstitutional event during the Civil War was the use, beginning in July of 1862, of the Ironclad Test Oath of Civil Office. This oath was very different from the one used up until that time. Compare the two oaths:

The March 4, 1789 Constitutional Oath - *de jure* Republic constitutional law. Senators and representatives were collectively known as "members." The only oath they took was "I will solemnly swear or affirm that I will support the Constitution of the United States."

The July 2, 1862 Ironclad test Oath of Civil Office - *de facto*, executive government, color of law, not true constitutional law: "every person elected or appointed to any office ... under the Government of the United States ...".

At that point we the people and our states lost our constitutional representatives. They were no longer "members" swearing allegiance to the Constitution; they became "office holders under the government," swearing allegiance only to the government (*a de facto executive government*).

Today most county, state, federal, and military personnel take an oath to protect or support the Constitution, but this does not mean that a return to the *de jure* has occurred; they are swearing allegiance to the altered Constitution. The original 13th Amendment (early 1800s) was the final portion of the text that comprised the *de jure* Republic Constitution. After that, it was the *de facto* executive government that made every person a corporation in the unconstitutional 14th Amendment, that produced an unconstitutional direct tax on income in the 16th Amendment, and that unlawfully controlled and seized personal property with the 18th Amendment.

The unconstitutional 17th Amendment actually violates Article I Section 3 paragraph 1, as well as Article IV Section 4; their Constitution contradicts itself. So, the Constitution to which executive government "office holders" swear allegiance is an altered, perverted version of the original *de jure* Constitution which concluded with the original 13th Amendment. And yes, the altered Constitution actually does contain a different 13th Amendment than the one adopted in the original Constitution. Oaths of allegiance may be sworn to a *de facto* Constitution; but this does not convert that document into our sacred *de jure* Constitution, regardless of appearances or pretenses.

Lincoln could not repeal the *de jure* constitutional Republic law of 1789 while operating in the office of a constitutional President, and while there was a lack of quorum. This is why he began to operate in an executive government, with a suspended Constitution, passing unconstitutional revenue "acts."

By this time the alternate executive government was well on its way to displacing all constitutional law. This new method of governing appealed to many. Without all the checks and balances of a truly constitutional republican government, certain "cunning, ambitious, and unprincipled men" (to quote George Washington) could quickly implement their nefarious agenda and subvert the very mechanism that had brought them to power in the first place.

Sadly, before Lincoln could carry out his plan to restore the Republic after the war, dismantle the executive government, and reinstate the Constitution in all states, he was assassinated; so technically his executive government has remained in place. The House and Senate were no longer comprised of members swearing allegiance to the Constitution, but officers swearing allegiance under the newly formed executive government. To this day, the American people and the states have no true representation because their government has no regard for *de jure* law, the Constitution, or the unalienable rights of the people; instead, they have an executive government with a house full of office holders.

Now a foreign-born, wickedly treacherous chief executive can ascend to power by questionable means, become CEO (President) of the corporate executive government, and enjoy unrestricted tyrannical rule by executive orders. Don't forget, that executive government is still in place today in Washington, D.C. - a completely different government from the constitutional *de jure* Republic left by our founding fathers.

At this point in our discussion, we have already shown substantial proof that we have "in this country substantially or practically two national governments; one to be maintained under the Constitution, with all its restrictions; the other to be maintained by Congress outside and independent of that instrument ...". (Justice Marshall Harlan's dissent in *Downes v. Bidwell*, 1901)

Lincoln's *de facto* executive government did not repeal the *de jure* law (1789 constitutional oath). *De facto* law (executive government) can not overrule constitutional law (*de jure* republican government). He simply had his new executive government adopt the July 1862 Ironclad Test Oath of Office. He could not amend the Constitution and did not even have a quorum to lawfully pass legislation. He simply had his executive government "pass" the unconstitutional 1862 Revenue Act.

In my years of study, I have never read of any of Abraham Lincoln's posterity that were as dedicated to preserving the union and restoring the Republic as he was. Since Lincoln's executive government is still operational, and the suspended Constitution was never reinstated in the rebellious states, many would like to simply maintain the status quo. After all, an executive government, without constitutional checks and balances, makes it easy for those who ascend to power through questionable avenues to then push through their own agendas, regardless of the will of the people.

Lincoln's plan to restore the constitutional government to its original state was thwarted by his assassination, so the executive government has remained in place. This can be compared to a barn door being left wide open, allowing a host of predators (people and groups with unconstitutional agendas) to destroy the rights of the prize stock (the American people). These predators are still in action, delightfully (in their minds) unimpeded by constitutional restrictions.

The reconstruction acts of Andrew Johnson and others claimed to restore the Constitution, but they never abolished or removed executive rule or *de facto* government. Once constitutional governance had been abandoned, the only path back to it was to a) repeal all so-called laws passed after that point in time; b) abolish the corporate structure that had been created, and c) issue a formal Proclamation of the return or re-inhabitation of the *de jure* government. Although it appears that some efforts to give an appearance of a return may have been attempted, no repeal ever took place and no change in the executive governance ever happened. In fact, the executive government continued to expand.

We must understand though that the presence of this second executive government has never caused the first constitutional government to cease to exist. The 1862 test oath could not repeal the 1789 constitutional oath. The 1862 Revenue Act did not amend sections 8 and 9 of Article I of the Constitution. Even though the Organic Act of 1875 repealed the Organic Act of 1871, it could not repeal the Organic Act of 1801. *De facto* law can not repeal *de jure* constitutional law because there is no way the two law forms can be mixed. There have been no proclamations made, no laws passed, no actions at all taken that would in any way dissolve the first constitutional government; therefore, it must still exist.

Fact 7. On February 24, 1871 (3 days after the Organic Act was passed) the Dictionary Act was "passed" by the 41st Congress (Ch. 71 p. 431 of the Congressional Record). Section 2 of this Act states, "and the word 'person' may extend and be applied to bodies politic and corporate ...". The notes beside the text reveal, "... 'person' to include corporation ... ". This converts "persons" and bodies politic (the states) into "corporations," and works to the advantage of the unconstitutional executive government for a variety of reasons. Note that a living person can own land patents and has unalienable rights; a corporation has only "equitable interest" in land (not fee simple ownership) and no unalienable rights. It is obvious that government can much more easily control and manage a corporation than it can control a living person.

Then, after the American people had already lost their constitutional representatives, the final nail in the coffin of their rights, so to speak, was the Dictionary Act. Americans lost their status as living persons, so long as they remained under the executive government. The Dictionary Act puts the "teeth" into the 14th Amendment (ratified July 9, 1868) which reads in part, "All persons born or

naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States ..." (emphasis added). From that point on, all who were living or yet to be born in America were classified under the *de facto* executive government as "corporations" with no unalienable rights.

Now that Americans no longer own their property, where are they living? They are living on the government's land as tenants, with all deeds being written in tenancy. In other words, they are renting their own property, and municipalities can demand that Americans pay rent as established by the 41st Congress in 1871 (Ch. 62 Section 20 p.423-424 of the Congressional Record): "... to tax the lands and other property ... for all general objects territorial and municipal not more than two dollars on every hundred dollars of cash value thereof; but special taxes may be levied in particular sections, wards, or districts, for their particular local improvements ... ". The property tax is the rent we pay, thanks to the unlawful, unconstitutional, *de facto* executive government, set up for a limited purpose by Lincoln but allowed to be made permanent by John Wilkes Booth. Just as an item of interest, at the tax rate specified above, the owner of a \$150,000 home would pay \$3,000 to \$4,500 in property taxes. Does this scenario sound familiar to anyone?

This present government has continued uninterrupted for 154 years, with a multitude of new so-called laws that are really under "color of law." For example, look at Title 28 of the U.S. Code. Title 28 may have origins as far back as June 22, 1874; a corrected version of the Revised Statutes of the United States was produced in 1878. Then from 1897 to 1907 a commission was assigned to the task of codifying the mass of accumulating legislation. Only the Criminal Code of 1909 and the Judicial Code of 1911 were enacted (Title 28). It has been revised many times since then. Consider the connection between:

The Dictionary Act of 1871 - extends the word "person" to apply to political and corporate bodies ("person" includes corporation), and,

Title 28 U.S. Code revised 1990, Section 3002 paragraph 10 - " 'Person' includes a natural person ... , a corporation, a partnership, ... trust, ... estate, ... a State or local government or an Indian tribe."

So, the Judicial Code wording we have quoted makes all living people into corporations, deriving its authority to do so from the Dictionary Act.

In summary of what we have discussed so far, an executive government began operation with President Lincoln, and was intended only for specific temporary needs of the country during the Civil War. Once Lincoln was out of the picture, those who came after him did not see the importance of a return to *de jure* law, but wandered further and further from the Constitution, bringing the country to our present situation.

Let us never forget that the constitutional Republic has always been available should the American people desire to return to it. All this time it has simply been standing vacant, kept empty by the unconstitutional acts of an unlawful executive government masquerading as the *de jure* Republic and behaving just as it did during the Civil War. It continues to make up whatever "acts" or "laws" it deems necessary to keep itself going, with no regard for the Constitution or the people.

Fact 8. It was well known in 1901 that there are two governments in America. Consider *Downes v. Bidwell* 182 U.S. 244 (1901) No. 507, argued Jan. 8-11, 1901 and decided May 27, 1901. Although this case started out as a controversy over a shipment of oranges, in his 16-page dissenting opinion Justice Harlan wrote to the Supreme Court the following: " ... the idea prevails with some- indeed, it found expression in arguments at the bar- that we have in this country substantially or practically two national governments; one to be maintained under the Constitution, with all its restrictions; the other to be maintained by congress outside and independent of that instrument, ...".

Since there has been no organized opposition to the existing corporatized executive government put in place in 1861, it has remained active so long that many have found it hard to believe that it is not the only government America has ever had; nothing can be further from the truth. Even though researchers, historians, archivists and even patriots may study this subject and believe the present American government is the only one to ever have existed, that does not change the reality of the two governments. Remember that at one time it was generally accepted that the earth was flat and the sun revolved around it; but that did not change the reality that earth is indeed round and revolves around the sun. The first people who believed the truth back then were ridiculed, ostracized, and even burned at the stake; so now we may be ridiculed, harassed, or labeled in derogatory terms for recognizing the existence of the constitutional *de jure* government. This does not change the truth of the matter.

In conclusion:

- 1) The founding fathers left for us a constitutional republican form of government, in which governmental powers were limited and the peoples' rights were secured.
- 2) This form of government was abandoned (not abolished) during the Civil War to put in place an executive government to conduct the country's business while our nation was in such a horrible predicament. President Lincoln intended this to be a temporary mode of operation.
- 3) "Cunning, ambitious, and unprincipled men" took advantage of the lack of constitutional restrictions and pushed through unconstitutional "laws," "acts," and taxes that further empowered them and the new executive government.

4) The Dictionary Act reclassified living persons as corporations with no real rights to the property they had hacked out of the wilderness, and no protection of their other unalienable rights.

5) The 14th Amendment to the Constitution made every citizen a corporation, under the jurisdiction of the United States.

6) US Code Title 28 codified the Dictionary Act, adding to the list of persons classified as corporations.

7) The existence of the executive government since the 1860s does not abolish the original constitutional government or disprove its existence.

8) The first ten articles of the Jay Treaty of 1794 (from before the establishment of the executive government) mention the original constitutional government multiple times, and the treaty states that those ten articles are "permanent." The treaty has been cited as a valid point of argument in court cases as recently as 2010. Since the treaty still stands, it constitutes a recognition by foreign governments and even the *de facto* executive government that the original constitutional government exists.

9) These points have been proven both in fact and in law.

So, yes, there are two parallel governments existing simultaneously in America today: one maintained by the Constitution and the other maintained by Congress outside of the Constitution. The first has been here since the time of our nation's founding; the second has existed since the 1860s, and is the predominant government existing today in Washington, D.C. at the time of this writing. The American people must choose which government serves them best. Let us choose wisely.

by

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