

Invisible Contracts

State Created Juristic Benefits

by **George Mercier**

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In 1910, the Supreme Court ruled that if a Prince creates some type of a profit or gain situation in Commerce (and remember that King's Commerce is a closed private domain belonging to Government), then the King can participate in taxing that profit or gain that the Prince created.[[1](#)]

When state created benefits are accepted by you, then the Commercial enrichment you experience within that state franchise is very much within the taxing power of the United States Government; and that is correct Law.[[2](#)]

Additionally, the King can tax other state created Commercial benefits that are experienced by others like attorneys and accountants who, as Special Interest Groups, use the police powers of the state for their own private enrichment, by setting up shared monopolies and then experiencing higher revenues than otherwise obtainable under a *laissez-faire* free market entry without restrictions on new lower priced competitors entering into their trade.[[3](#)]

This game of using penal statutes to create shared enrichment monopolies is quite old, and yet look around you today and see how many bleeding heart folks there are, who really want to believe that line that Government is their friend, just somehow; and also fall for the fraudulent line that such a monopoly is for their own protective good -- by keeping all those evil quacks, vile frauds, and assorted degenerate incompetents out of the legal and medical professions.[[4](#)]

Although we might not be too philosophically sympathetic with the manipulative use of Legislatures to create monopolies and the Tortfeasance that is thrown at us in the adverse secondary circumstances flowing from their operations, as a matter of law, creating game rules for

voluntary players in King's Commerce is largely immune from Constitutional restraints.[5]

In France in the 1600s, Finance Minister Jean Colbert once wrote a *Code of Commerce* [sometimes called the *Code Savary* (1673)]. The Code created controlled entrance guilds, and laid down rules for apprenticeship and admissions of masters. An extensive number of trades were so regulated by the Code, and once entrance into those guilds was restricted [i.e., the number of possible competitors was restricted], then the demand for taxes immediately appeared:

"Each new guild was to pay certain sums for the granting to it of statutes and regulations..."

"Colbert raised money from the organization and reorganization of the guilds... and made of them before the century was out congealing monopolies which the state [wanted], because revenue could be raised from them." [6]

As a general rule, money raising statutes that generate enrichment for the Crown never die; and down to the present day, a portion of the Commercial law of France remains based on the 122 Articles of Colbert's *Code of Commerce*. [7] But here in the contemporary United States, once a state has got you tied into a licensing program of some type, then and there you are experiencing some type of state created juristic benefit, and as such, you then become a federal taxable object for this benefit accepting reason alone. When presented with such a state license, no other questions about the existence of the National Citizenship Contract, or any other juristic contract, ever need be asked by those termites in the IRS searching the Countryside for some meat to lay into. [8]

Other state monopolies like Driver's Licenses and motor vehicle registrations are very much used by the IRS in many ways to assist them in tax collections; and state tax collectors also use these records for their own statute enforcement and state treasury enrichment conquests as

well. When those Driver's License records are collected by the state, they are also forwarded to Washington, and then redistributed to foreign persons and foreign political jurisdictions under numerous executive agreements, diplomatic and military treaties, and bureaucratic cordialities.

Yet, even though you entered into those state licenses merely to avoid your incarceration as an unlicensed driver, the uncontested preparation of a state created juristic personality, such through a Driver's License, to the Supreme Court would be prospectively sufficient for that Court to attach *in personam* liability to Title 26 as a Person accepting special state created benefits.[[9](#)] It is also reasonable to infer that a Driver's License is evidence of Residency, and of the acceptance of a wide-ranging array of state benefits tailored to Residents. Remember that your use of those highways is your acceptance of a benefit that Government created, and since reciprocity is expected back in return, contracts are in effect: Invisible and automatic.[[10](#)]

If you do so file objections to the assertion of a Beneficent Taxable Juristic Commercial Status over you by way of a Driver's License, you will need to again prove your present *state of mind*; and the exact state code criminalizing such innocuous behavior has to be quoted within the body of your Objection. Some folks prefer to play it safe and avoid the Driver's License altogether; while others selectively use deception in assuming a *nom de plume* for purposes of deflecting recourse identification.[[11](#)]

However, other folks are not able to so quickly terminate the Driver's License due to the fundamental importance of the thing and either their present inability to successfully handle a criminal prosecution or their reluctance to assign something deleterious to it; and so at a minimum, an Objection and a *Declaratory Judgment to Quiet Status* originated in Federal District Court is in order. The Declaratory Judgment, ruling that the Driver's

License was a *Compelled License*, existing as a coerced instrument signed by you to avoid incarceration as an unlicensed driver, and is not to be used by the IRS or anyone else for the expansive purposes of evidence of either Residency or of Domiciliary, nor as evidence of entrance into Commerce, or of the taxable acceptance of federal or state created benefits, or of consent to be bound by any statute, other than those state motor vehicle statutes. The objective of our pursuit of a Declaratory Judgment is: That since the license was compelled out of us when some *de minimis* tension is in effect with a Substantive Right (the *Right to Travel*), and since the avowed purpose of the license itself is to adduce *Evidence of Competency*, then the extraneous collateral expectations of reciprocity in any area outside of those Motor Vehicle Statutes it would otherwise create when left unchallenged, is now terminated.[[12](#)]

If you are going to Object to, and have new narrow contours now defined on your Driver's License in order to restrain its use by other Government agencies as the high-powered King's Equity attachment instrument that it is, then the Objection should generally follow the model pattern set forth above in the discussion of Federal Reserve Notes. This Objection should refer to the exact state penal statute that you are applying for the license under Objection and protest, merely to avoid incarceration as an unlicensed driver.[[13](#)]

Remember that the Supreme Court is in Washington, and you are out in California, Florida, or Texas, and it is unreasonable for you to assume that the Supreme Court knows the state statute that you are Objecting to, so quote it for them verbatim. How can you engage in involuntary behavior based on threats contained in a state statute, if you don't even know what the statute says? [[14](#)]
If you are just too busy to go down to the law library and find out the exact wording of that penal statute, I have no sympathy for any rebuffment that you will experience later on as some appellate forum rules adversely against you, on the grounds that your *state of mind* was not clarified substantively or timely. Also included should be

a brief recap of the *Right to Travel* Cases in the United States Supreme Court.[[15](#)]

Patriots and Highway Protesters are reaching incorrect conclusions when they cite the *Right to Travel* Cases as being sufficiently substantive to annul state statutes requiring highway operator's licenses. Those *Right to Travel* Cases only offer a line of reasoning parallel with your objectives. Only in loose *dicta* does the reasoning found in the *Right to Travel* Cases support your position; so they offer a mitigating source of relief against state statutes, but not a necessarily vitiating source of relief. Nowhere did our Founding Fathers restrain the states from requiring licenses to operate motor vehicles or anything else on public highways, and the words *Right to Travel* do not even appear anywhere in the Constitution. [[16](#)] And although the words *Right to Travel* do not appear anywhere in the Constitution, the Supreme Court has, through their Opinions, given that right Constitutional status cognizance.[[17](#)]

But whatever *de minimis* protective penumbra the *Right to Travel* Cases offers, you are now invoking to abate both your regional Prince and the King's Tax Collectors who use Department of Motor Vehicle information and legal assumptions that information infers for their own enrichment purposes. In this circumstantial context of submitting a carefully pre-planned and prepared written Objection, where time is not of the essence, failure to cite your authorities (failure to explain your justifications) timely could be fatal. You are up against high-powered adversaries, and lightly drafting papers, as if you were on a picnic, is fatal. Judges do not owe you Justice aligned with your philosophy; those are adversary court proceedings you are in, where mere preponderance wins, and an insubstantive Objection is open to attack. (And remember that a *Right to Travel* also lies outside of, and beyond the reach of, the King's Charter (the Constitution).[[18](#)]

Some judicial forms from another era have applied the *Liberty Clause* in the Fifth Amendment to restrain the interference by the *Federal Government* in the *Right to Travel* area (but keep in mind that those Cases were ruled upon in an era when automobiles and other high-powered technology did not exist in the United States, and highway contracts *with States* did not exist then, as well).[\[19\]](#)

So your objective in having the contours of the Driver's License restrained to now apply only to Highway Contract grievances, the *Right to Travel* being claimed is both of a Constitutional origin, as well as of a Natural origin, ex-Constitutional.[\[20\]](#) But important for the moment is the Objection itself, and your Declaration therein that you are not a Resident or a Citizen of that State together with correlative supporting averments of Benefit Rejections,[\[21\]](#) regardless of any statute that facially appears to force Residency Status on persons physically inhabited in that state for an extended period of time.
[\[22\]](#)

But if your Objection does conform to this model, then a Judge generally will be reluctant to hold the spurious unrelated reciprocity terms of a Commercial contract (which Driver's Licenses can be applied to operate as a Commercial Enfranchisement Instrument under some limited circumstances) against a person, in a setting other than the originally specified terms, who has proved that they entered into that contract under compelled circumstances in order to avoid incarceration merely to enjoy a Substantive natural Right (the *Right to Travel*), and without experiencing any Commercial benefit therefrom.[\[23\]](#)

That is the type of an Objection the Supreme Court wants to hear. The documentation and proof that the Supreme Court would want to see is a copy of the application for the Driver's License where it says you signed it under protest; proof of service of your Objection on state officials, the Objection itself, and a 30-day invitation to those state officials to let them cancel or rescind the Driver's License if the application of Commercial Status

and/or Residency Status is deemed mandatory on all License holders (thus requiring those state officials to come out of the closet and expose some Status oriented law to you they might not want you to know). Under your *Declaratory Judgment*, the Driver's License will be construed to act exclusively as *Evidence of Competency* under Motor Vehicle statutes only.[[24](#)]

If they do decide to rescind, this is a classic Case for Administrative Law intervention; and in either alternative administration disposition, you win. Here, our administrative grievance with the state concerns the disputed Commercial and Enfranchised Residency Citizenship Status that your Driver's License will otherwise be judicially construed to convey in the future. Uncontested Driver's Licenses can very much be used by state taxing commissions as evidence of Residency, and hence evidence of an *in personam* attachment of liability for the expected reciprocal payment of benefits accepted on the state Income Tax, among many other juristic things. As viewed by sophisticated appellate judges, for state vehicle code enforcement purposes, Driver's Licenses are *evidences of an operator's competency*, and are not, in this context, the *Evidences of Consent to be Regulated in Commerce* that Highway Contract Protesters occasionally talk about. The state does not need any "Driver's License" from you, in order to force you into an administrative contract when you accept the benefits of driving a motor vehicle down a state highway. Patriots propagating the view that the mere existence and non-existence of a Driver's License attaches and detaches liability to those state highway regulatory statutes are misleading their followers: You don't need any written contract on someone in order to sue someone and bring him into a Court and perfect a judgment against the poor fellow -- but you do need to show the acceptance of benefits and of the expectation of reciprocity, which elements are very much present when a motor vehicle is operated on state provided highways, with "Public Notice" statutes creating the expectation of reciprocity.

Under this setting, it might be preferable to move directly for a Judicial Declaration of Status, rather than

pursuing Administrative *Estoppel* remedies. That *Declaratory Judgment* is important protection material for you in other non-related areas of taxation, and you have a good chance of getting one issued out, and so submission of your Case to a sequence of state Administrative Law procedures, in hopes of using Collateral Estoppel abatement arguments later on, might be discouraged in this instance. Federal Judges will be reluctant to listen to California Motor Vehicles Department Administrative Law questions in an IRS Case of some type, even though the Judge knows very well that there is some peripheral merit to what you are saying. And so all factors considered, jumping to a *Declaratory Judgment* becomes appropriate by necessity in this unusual factual setting of redefining the contours of an Adhesion Contract Driver's License to a limited and narrowed construction (meaning: Evidence of Highway Competency, only).

One of the evolving stages in the life of what are now contemporary penal Motor Vehicle Statutes had, as one of their previous stages, the purpose of assigning legal rights and liabilities to Motor Vehicle operators so that civil litigants can have fault and damages assessed against them in a courtroom.

For example, in Massachusetts, it originally was known as the *Trespasser on the Highway Doctrine*;[[25](#)] and later evolved into a regulatory jurisdiction when Massachusetts enacted a comprehensive Motor Vehicle Act after automobiles made their highway appearance.[[26](#)]

The talk from Patriots and Highway Contract Protesters that I hear constantly, about how the old Common Law says this and that about my rights to use Government Highways anyway that I feel like it,[[27](#)] is actually not relevant today in the United States.[[28](#)]

Reasons: First, the factual setting that our Father's Common Law on free ingress and egress developed out on the King's Highways is not replicated today in the United States, since technology has changed the factual setting

that our Father's Common Law used to operate on.[[29](#)]

Contemporary technology has very much changed the quiescent *horse & buggy* era and pedestrian highway factual setting our Father's Common Law grew up on.[[30](#)] In the old *horse and buggy* days of England, highways were largely dirt paths acquired from the easement forfeiture from adjoining landowners. Here in the United States up until the 1940s or so, there was an extensive network of privately owned toll roads -- Government was just not "into" highways that much. In old England, the King never spent any money on those dirt paths called highways, as there was nothing to maintain; so when foul weather, even adverse weather lasting across an entire season made its appearance, then the roads simply ground to a standstill, and nothing moved.[[31](#)]

But today, Government is spending incredible amounts of money, year in and year out, to build and maintain highways, so *Right to Travel* argument parallels that folks draw that try to disable the contemporary ability of the King to even ask for reciprocity back in return for benefits offered are incorrect -- since in the old days, the King was not offering a special benefit to begin with (except in some London streets constructed with cobblestone), and so to say that the King was once disabled back then from asking for reciprocity when the King never initially provided any benefits, is an incorrect parallel built upon disparate factual settings.

And today, high-powered technology routinely causes wholesale death and destruction when an operator does no more than momentarily lose absolute mental concentration on driving -- and in such a factual setting, an honest assessment by Highway Contract Protesters of the underlying legitimacy of the requirement that there be *Evidence of Competency*, would necessarily result in the conclusion that a Driver's License, so called, really isn't all that unreasonable, and is in fact, very reasonable.[[32](#)] So it is technology that is responsible for the Prince's Highway *lex*, and not the traffic density

congestion that is created from the mere existence of other people in Society.[[33](#)]

An interesting and very strong argument can be made by your adversaries, arguing that it would be the failure of the states to preemptively regulate the highways by licensing that interferes with your *Right to Travel*, since having physiologically incompetent drivers out on the highways obstructs and interferes with the *Right to Travel* of those other drivers who are competent.[[34](#)] And your adversaries have a truckload full of statistics to support their line of reasoning.[[35](#)]

Do you see what a difficult corner clever insurance companies have worked judges into? Their arguments are logical, and coming up from a factual setting steeped in the presence of juristic contracts, great weight will be given to their arguments, no matter how self-serving, twisted, or vicious they may be.[[36](#)]

Whenever anyone, regardless of your relational Status off the highways, uses those Government highways, an invisible contract is in effect right then and there; it is not necessary for your regional Prince, the State, to adduce written evidence of your consent -- just like it is not necessary to get a contract in writing to get the contract enforced judicially.[[37](#)]

When Protesters get up in the morning, get out the old car, and drive into the street, they are literally driving themselves into a contract -- as the Protester then and there accepted benefits conditionally offered by the State -- no where in your State Constitution does it require the Prince to build and maintain those Highways of his, so his building and offering those Highways for your consideration and possible use is purely discretionary on his part; nor is your Prince restrained from possessing any expectation of reciprocity from *persons* accepting the benefits derived from the use of those Government Highways.
[[38](#)]

So our Father's old Common Law isn't being contaminated at all by Star Chamber Traffic Court judges ignoring the fact that no Tort damages were caused by the criminal defendant, as they go about their work prosecuting technical infractions to Highway Contracts: Because neither of the twin Tort indicia of either *mens rea* or *corpus delicti* deficiency arguments sounding in the sugar sweet liability vitiating music of Tort Law that Highway Contract Protesters love to throw at Traffic Court judges, are not even relevant whenever contracts are up for review and enforcement -- they never have been, and they never will be, and the Last Day before Father will not be any exception. [[39](#)]

Many folks out there are searching for a *silver bullet*; I hear references to that perennial search constantly. They are searching for some legal procedure, some great airtight line of reasoning, some great legal brief that just ties it all together, to throw at the IRS and Traffic Court judges. These folks are missing the boat, so to speak, all together: Because the origin to their frustration lies in invisible contracts, and you become a party to those invisible contracts because you accepted some benefit someone else was conditionally offering. [[40](#)]

And for some philosophically uncomfortable reasons, the reciprocity on your part that the contract calls for is never forthcoming. Even walking into a shopping center could be a contract -- if the management so much as posts a notice giving some conditional or qualified use to persons entering therein and accepting the benefits the management is offering (such as requiring shoes and shirts, and so are the arguments of *unfairness* -- that those reciprocal terms of wearing shirts and shoes just don't apply to you because you traveled from just so far away -- as some shopping center security guard throws you out of the place -- is just whimpering). It is actually the continued refusal by Protesters to first see, and then honor, invisible contracts that creates the friction that irritates Protesters so much, and the *silver bullet* you Protesters are looking for actually lies within yourself.

Remember that your use of those Government highways is your acceptance of a special benefit that Government created and offers, and since reciprocity is expected back in return, contracts are in effect: Automatic and invisible. And one of the ways out of a contract altogether is to prove *Failure of Consideration* (meaning that you did not accept any benefit the other party offered).[\[41\]](#)

Just how does a *person* prove *Failure of Consideration* when he was caught accepting a benefit by driving down a state highway? The *Right to Travel* Cases really don't support the position of you Protesters very well; however, there is some merit in your harmless expression of political dissent, even if the dissent is technically improper (addressing the argument specifically). There is simply no statement anywhere in the *Right to Travel* Cases that bluntly restrains the States:

"No state shall require licensing as a condition of use of public thoroughfares."

And since our Founding Fathers never restrained the States in this area, then snickering at judges today who are writing on a record that does not restrain expectations of reciprocity is improvident: That somewhat tranquil era of *horse and buggies* no longer dominates the highways, where in its place today lies the high-powered automotive technology making its appearance; and also gone from the scene is our Father's old Common Law on basic Property Rights [the right to clean air uncontaminated by automotive exhaust], which has also taken the back seat.
[\[42\]](#)

Our Founding Fathers never restrained the states from asserting a regulatory jurisdiction over public (Government) highways through an operation of contract. By comparison, the Framers were also negligent in making sure the First Amendment was applicable to all potential future forms of communications media, that an organic technology would bring forth some day, because the First Amendment, frozen in the hard paper media technology of the 1700s,

does not apply to restrain the establishment of a regulatory speech and content-supervised jurisdiction over television and radio media propagating through the electromagnetic spectrum, that the King grabbed for himself by his *Radio Act of 1927*.[\[43\]](#) And in other areas, technology has eaten away at what would have otherwise been not permissible under the Fourth Amendment.[\[44\]](#)

Today, in similar ways, the Fourth Amendment is being hacked apart in ways our Fathers never even considered: Because the technology existing today (aviation flights and electromagnetic scans) did not exist then, so no such restraints were included in their writing of the Fourth Amendment.[\[45\]](#)

Rather than snickering at judges today, an accurate assessment of the origin of the problem is that our Fathers lacked the sophistication required to apply worst case scenarios over the likely geometry of Government, and failed to pre-emptively apply their majestic restraints to apply to prospective, but then unknown, technological innovations.[\[46\]](#)

Yes, the Constitution was Inspired, but an Inspired Document is not a perfect document; Inspiration only means supporting *assistance*, and not *control*.

But... remember that the question of damages or no damages is a Tort Law factual setting question and it not relevant when you are out on those state highways: Because a contract is in effect whenever you use those highways, by your acceptance of benefits offered for your use conditionally. When you operate a motor vehicle over those state highways, you have accepted special benefits created and offered by the state, and so when accepting juristic benefits, in the context of reciprocity being expected back in return, then there lies a contract -- quietly, invisible, automatic, and rather strong. The relational non-Commercial, non-Resident, and non-Citizen status of the operator off of the highway is irrelevant in attaching contract liability by accepting the use of the benefit of Government highways. A specific, on-point adjudication on

this Driver's License Question is going to involve this question:

Whether the States have the standing jurisdiction required to force, under penal statutes, a regulatory jurisdiction such a contract creates, when tension is in effect between the existence of that contract, and the substantive *Right to Travel* interests discussed in appellate rulings.

In every recent state court ruling that I have examined (post 1930 era) where a *Quo Warranto* type of question was being addressed, [47] all courts forced a regulatory jurisdiction over the operator of a motor vehicle, and pleas and cries for restraints based on *Right to Travel* and *Right to Work* tensions and the like, have all universally fallen on deaf ears with state judges in this era, and also by Federal Judges when addressing questions of Civil Rights violations relief when Highway Contract Protesters throw vindictive Section 1983 actions at some traffic cop.

Yet despite this predominate skew towards contract priority in judicial *Right to Travel* doctrinal reasoning, annulment by the Supreme Court of criminal liability for the innocent use of public highways under circumstances where no collaborating damages were caused, would be appropriate; an honest assessment of the total factual picture by a sophisticated judge would result in the conclusion that merely driving a car down a street without a license does not ascend to the minimum threshold requirements that characterize legitimate criminal incarceration standards -- compelled contract or no compelled contract; those penal highway statutes exist by virtue of Special Interest Group sponsorship and pressure, and judges are diminishing their own stature and violate the restraining mandates inherent in the *Republican Form of Government Clause*, by letting clever and politically ambitious Special Interest Groups get away with whatever they can buy in Legislatures to damage innocent behavior under circumstances where unnecessary covenants within

adhesive contracts are being asserted in tension with Substantive Natural Rights in the Locomotion area; other highway drivers have no assurance that another approaching car is not being driven by an unlicensed Citizen of France, who by virtue of his political status would not have an unlicensed motor vehicle operation penal statute thrown at him. Therefore, there is an inherent *Assumption of Risk* among all highway users that some drivers will necessarily have to be unlicensed,[[48](#)] since it is literally legally impossible, and also unattractive for Foreign Relations reasons not related to preventing vehicular accidents, to maintain a perfect expectation of motorist licensing compliance.[[49](#)]

These risk elements on using highways are judgment factors that all motorists evaluate and consider, even though this process is often invisible by operating in the psychological strata of the subconscious; the actual judgment process involved when a composite profile confluence of such risk elements are blended together and evaluated, is called *risk assessment*. [[50](#)]

In a factual setting where an unlicensed driver creates damages out on the highway, then punitive incarceration is appropriate, and this requirement reconciles everyone's objections by accomplishing the same identical criminal recourse the *incarcerationists* yearn for so much in their vindictive cries for encagement glory.

Incidentally, by comparison in Canada, the Ontario Police only seeks a \$53 civil fine for driving without a license, and the sky doesn't seem to be falling in on Canada without the existence of some precious little penal statute in existence to incarcerate an unlicensed drive; so Case hardened American judges who parrot the Insurance Company lobbyist line (that incarceration is the only medicine to deal with unlicensed drivers) are exercising flaky judgment that isn't very well thought out ("...da law says I gotta"). [[51](#)]

Even prominent United States Supreme Court Judges can be

found operating in this competency limitation strata,[52] as they live in a shell, isolated away from divergent opinions that may very well be built upon an enlarged basis of factual knowledge they do not possess, and as such, just might possibly have some merit to them.[53]

This highway power play by Insurance Companies, to use penal statutes and the police powers to experience Commercial self-enrichment, raises a secondary "fairness" question on the propriety of using statutes operationally skewed to favor their sponsors; however, "fairness" is a Tort concept definable only along the infinite -- and in contrast to that, contracts are narrow, specific, and contain detailed positive mandates and negative restraints in effect between the parties. Being that contracts are both specific and finite, and that special benefits were accepted synchronous with the contract's technical reciprocal contours being pre-defined; therefore, the inherently indeterminate nature of *fairness* is fundamentally out of harmony with contracts, and properly belongs in that free-wheeling world of Tort Law, where anything goes. Where the terms of contracts are not freely negotiated due to the dominate overbearing positional strength of one of the parties, the judicial allowance of a *de minimis* amount of corrective "fairness" is appropriate since there never was any mutual assent[54] -- and that already exists in American Jurisprudence and is now called the Adhesion Contract Doctrine.[55]

But to otherwise allow a party to bring in claims of "fairness" from the outside, to now operate on the contract, would be to work a Tort on the other party that such "fairness" operates against. This is an important concept to understand with contracts. As a *Principle of Nature*, Judges are correct when they toss out your arguments that sound in the pleasing tone of Tort, when you are a party to a Contract Law jurisprudential grievance. *Willful Failure to File* and Highway Traffic Infractions are all Contract Law grievances. Remember that invisible contracts are in effect whenever benefits have been accepted and reciprocity is being expected back in return. Your use of the state's highways automatically

creates the existence of such an invisible juristic contract, and also attaches the summary features of a glibet cracking regulatory adjudicating Star Chamber that American Traffic Courts have infamous reputations for.[[56](#)]

Yet, there is some minimal merit present in the Patriot position out on the highways. Patriots have been silent on a judicial enlightenment analogy that should be made here, as some Patriots like to enlighten Judges on reasoning and Principles applicable to favorite Patriot factual setting confrontations. The Supreme Court has ruled that shopping center owners, who open up their premises for public ingress and egress, lose some of their property rights, i. e., there is a declension in status from having absolute authority to eject with discretion anyone they want, down to being restrained from doing so.[[57](#)]

If this legal reasoning, which diminishes the rights of property owners, were to be applied to a highway setting by way of comparative analogy, then the fact that Government Highways are open to the public should, theoretically, partially restrain the State from exercising absolute jurisdiction to eject a person from merely using the highways without a license, down to a reduced property rights status where the mere non-existence of a compelled Driver's License is insufficient grounds for incarceration, absent, perhaps, collaborating causal damages. Of and by itself, that argument won't win any Cases (the quiescent environmental ambiance one enjoys walking down a row of store fronts in a shopping center really does not have any factual parity with the high-powered accelerated velocity of contemporary highways). I know that Protesters would very much like to hear me throw invectives at Traffic Court Star Chamber Magistrates and state that *Principles of Nature* are being violated by Judges by their consenting to incarcerate unlicensed drivers at Sentencing Hearings,[[58](#)] but Traffic Courts are merely enforcing contracts, and no restraint exists in appellate court rulings or other pronouncing instruments of Law; nowhere is there specific wording to disable expectations of reciprocity denominated in penal terms, on those Highway Contracts.

As for the analogy in status declension, this property rights declension in status experienced by property owners who open up their property for public use is just the same old longstanding Common Law restraint that English judges placed on the King of England updated and applied to a contemporary Commercial factual setting of privately owned shopping centers, that restrained the King from selectively excluding persons from using the King's Highways by requiring free and open access and use of the King's Highways to everyone.[[59](#)]

The application of this Principle also surfaces again with the rights of property owners adjoining public highways, to yield their expectations of exclusion and privacy whenever the highway itself becomes impassable or otherwise foundeorous, and allows travelers to leave the highway and start using your property.[[60](#)]

Called the *Right to Travel extra viam*, this yield in property rights is deemed to be only of a temporary character, and people acquiring the property which adjoins the Highway already had their prior *notice* that the day might come when inclement weather may cause some travelers to use a few feet of your property. The Principle which supports its use is not unlike that Principle which undergrids the *Doctrine of Private Ways by Necessity*. [[61](#)]

Remember that in another setting the King also experiences a declension in Status whenever he enters into the world of Commerce: From Sovereign to just another corporation game player. In any event, Highway Contract Protesters remaining unconvinced of their weak position need further development on the true origin of the Patriot problem out on those highways: A contract, and the elevated priority in Nature that contracts ascend to whenever they are in effect. If the significance of that idea is not being learned now, then I can assure you that you will learn it in no uncertain terms at the Last Day.

And as for you lingering diehard Protesters, your *Bills of Attainder* arguments based on restraints in the United

States Constitution will not vitiate your Highway Contract liability. *Bills of Attainder* are legislative acts that inflict punishment without a judicial trial, and violate the Separation of Powers Doctrine.[[62](#)]

Thinking about the Patriot argument in a light most favorable to the Protester, in a sense, traffic tickets issued out by policing agencies operating under the Executive Branch, pre-adjudicating guilt and demanding fines, appear to function quite clearly as *Bills of Attainder*. [[63](#)]

Invisible contracts are in effect whenever you accept benefits conditionally offered by someone else; but the existence of a contract in the highway factual setting presented the Judiciary in protesting an assertion of regulatory jurisdiction is not relevant with this particular argument some Highway Protesters are using incorrectly.

Bills of Attainder originated in Old England, as the English Parliament sentenced individuals and identifiable members of a group to death.[[64](#)]

Correlative to the *Bills of Attainder* Protester argument is the *Bills of Pain and Penalties* of Article I, Section 9; they are legislative acts inflicting punishment other than terminal execution.[[65](#)]

Generally addressed to persons disloyal to the Crown or State, *Pains and Penalties* consisted of a wide ranging array of gilet cracking punishments: Imprisonment, [[66](#)] banishment to outside the kingdom, [[67](#)] and the punitive grab of property by the King. [[68](#)]

The reason why I took the time here to detail some of the factual settings that gave rise to *Bills of Attainder* is to show you Protesters that the old English Parliament used *Bills of Attainder* (summary legislative expressions of punishment) to denounce crime under factual settings

where both Contract Law [for High Treason] and Tort Law [for murder] would have applied if the Judiciary had any say in the matter.[[69](#)]

The Supreme Court has defined a *Bill of Attainder* as a Legislative Act which inflicts punishment on named individuals or members of an easily ascertainable group without the benefit of a judicial trial.[[70](#)] In determining whether a particular statute is a *Bill of Attainder*, the judicial analysis necessarily requires an inquiry into three definitional elements, each of the three standards must be violated:

1. Specificity in Identification; and
2. Punishment; and
3. Lack of Judicial Trial.[[71](#)]

Highway Motor Vehicle regulatory statutes vary widely from State to State. In some States, Highway Contract infractions are sent to a Motor Vehicles Administration Bureau for fine assessment in summary Hearings; whereas in other States *Justices of the Peace* rule the Highways through their Star Chambers; still other States, like New York, feature a combination of the two -- Administrative Bureaus for citations issued within large cities, and Star Chamber JP's for everyone else. In New York State, even if you are cited within a large city that has Administrative Bureaus established, when dealing with unlicensed drivers, the bouncers who arrested you will bypass the Administrative Bureaus and throw you directly into a municipal criminal court. However, for this pending explanation, let us assume that your tickets are being handled through any one of several possible administrative devices. As it applies to Highway Contract Protesters, when the arresting officer issues you out a citation, and perhaps fixes a fine right then and there without any judicial trial, or if the Administrative Law Judge affixes the fine, then, seemingly all of the indicia that characterize *Bills of Attainder* have been met: An identifiable group has been targeted; summary punishment was determined by some Executive Department agent; and there was no judicial trial. For Highway Contract

Protesters in search of some arguments, just anything, to throw at Judges, that is all they need to hear.

I know that you Protesters do not want to hear this kind of talk, but your reasoning is defective and Traffic Tickets do not operate as *Bills of Attainder*, for reasons that require an expanded basis of factual knowledge to exercise judgment on. Traffic Tickets do possess the *Bill of Attainder* indicia attributes of targeting a specific and identifiable group of people to nail; and there is pre-defined Legislative punishment provided for; but it is the last remaining element of a Judicial Trial that you Protesters err in. Even though your fines were assessed or collected under summary Administrative findings of guilt (at either the roadside or in front of an Administrative Law Judge), with the fines being pre-determined by Legislative mandates, in all States where I have examined Motor Vehicle Statutes, there is a provision for a Judicial Trial *de novo*, meaning that whatever fine was paid or assessed by the Executive Department agent can be challenged on appeal in Court with the benefit of a Judicial Trial, who will then consider your Case starting from a clean slate, or *de novo* (meaning anew of fresh). Since a Judicial Trial is offered, Traffic Tickets do not meet *Bills of Attainder* standards under Supreme Court guidelines -- at least, that is the way the Legislatures believe that they have protected themselves from challenge. [72]

If you Protesters still want to contest your Tickets as *Bills of Attainder*, your defense needs to center around the practical and legal impediments created by statutes that discourage unsatisfied Ticket Protesters from pursuing altogether a Judicial Trial *de novo*. Such impediments that defeat the ready availability of a Judicial Trial *de novo* might be both the demands from Judges that you retain an attorney to represent you at this impending Judicial Trial, and perhaps the demands laid upon you for posting an unreasonably large "bail" (specifically to discourage appeals).

If your state statutes do provide for an eventual Judicial Trial *de novo*, then your claims of Motor Vehicle statutory impairment based on *Bills of Attainder* arguments will not ultimately prevail unless special correlative pleading is adduced by you documenting how other practical impediments or statutes have obstructed your free and easy access to a Judicial Trial *de novo*, and that therefore the State has cleverly circumvented the *Bill of Attainder* Constitutional restraintment practically, while satisfying the appearance of complying with the Supreme Law facially.

Judges simply do not have any objection to the collection of administrative fines under Executive Department findings of facts (guilt) without any Judicial trial or intervention. And this lack of judicial objection is even greater when the *person* pursues Commercial enrichment through the regulatory jurisdiction of a contract; but in contrast to that, Judges will draw the line and not allow the collection of administrative fines or of chronologically accelerated asset seizures, that take place under the rubric of Legislatively mandated Executive Department findings of fact (guilt), if there are any statutory provisions that attempt to pre-empt, preclude, or prevent eventual Judicial review or procedural supervision. Absent such special circumstances, a provision for an eventual Judicial Trial *de novo* satisfies the Constitutional *Bill of Attainder* requirement for ultimate Judicial supervisory review of summary administrative grabs.

Accepting the special benefits of a Government contract is not a very favorable relational status to attack Government with as a defense line, particularly in adversary judicial proceedings; nevertheless, the *Bills of Attainder* negative restraintment in the Constitution operates on all factual settings regardless of the presence of a contract or not. Unless difficult impediments are created practically that restrain you from easy access to a Judicial Trial *de novo*, the mere fact that the State has specifically provided for such supervisory Trials *de novo* largely precludes a successful

Bill of Attainder challenge to the statutory scheme.

I know that you Highway Contract Protesters do not want to hear this kind of talk, but an honest assessment of your position would necessarily result in the rather obvious conclusion that you will never, ever get, from any appellate court anywhere in the United States, the on-point published adjudication of your unlicensed motor vehicle operation question in your favor [and I am aware that many Highway Contract Protesters have convinced themselves that they are on the imminent threshold of the ultimate judicial conquest: A published Opinion in their favor]. You Highway Contract Protesters are just not in such a strong position that you have convinced yourselves that you are in; your copious Common Law *Right to Travel* briefs are applicable to a highway factual setting of a tranquil quiescent nature that is nowhere to be found in the United States today.[[73](#)]

Remember that in Nature, contracts, when they are in effect, come first. Sorry, Protesters, but you are into an invisible contract whenever you accept a benefit someone else conditionally offered, and we damage largely ourselves by refusing to Open our Eyes once corrective presentations of error are made to us. And when contracts are in effect, then only the content of the contract is of any relevancy to a Judge -- to allow a Judge to go beyond the stipulations of the parties, or to otherwise supersede or vary the contract by Tort Law reasoning, is to have the Judge throw a Tort at the losing party.[[74](#)]

Yes, you Highway Contract Protesters out there have some deep soul searching to do.[[75](#)] For purposes of experiencing an appellate court victory, you Protesters are actually wasting your time; for purposes of acquiring knowledge of the priority in Nature of invisible contracts governing the settlement of grievances, you Highway Contract Protesters will one day look back and be ever so grateful that you drove yourself to the deep technical depths that you did in search of answers and legal arguments, any arguments, to win your Cases, as unknown to you at that time, that factual knowledge later turned out

to be prerequisite to see the invisible Contracts Heavenly Father has on us all from the First Estate, and to understand the Contract Law Jurisprudential setting that will be the Last Day, a Judgment Setting where attractive Tort Law reasoning and correlative defense arguments sounding in the sugar coated deceptively sweet melodies of Tort will not be beneficial. [[76](#)]

[1] This Principle was applied to an Income Tax collection setting in *Flint vs. Stone Tracy Company*, 220 U.S. 108 (1910). [[return](#)]

[2] "While the tax in this case, as we have construed the statute, is imposed upon the exercise of the privilege of doing business under a corporate capacity, as such business is done under authority of state franchises, it becomes necessary to consider in this connection the right of the Federal Government to tax the activities of private corporations which arise from the exercise of franchises granted by the state in creating and conferring powers upon such corporations. We think it is the result of the cases heretofore decided in this court, that such business activities, though exercised because of state created franchises, are not beyond the taxing power of the United States. Taxes upon rights exercised under grants of state franchise were sustained by this court in *Railroad Company vs. Collector*, 100 U.S. 595 (1879); *United States vs. Erie Railroad*, 106 U.S. 327 (1882). [See also 106 U.S., page 703 for opinions by Justices Bradley and Harlan]; *Spreckles Sugar Refining Company vs. McClain*, 192 U.S. 397 (1903)." - *Flint vs. Stone Tracy Company*, 220 U.S. 108, at 155 (1910). [[return](#)]

[3] The objective of monopolies is to make money, they are enrichment oriented legal devices benefiting their members; the story told by members of the monopoly, deflecting the existential reasoning off to the side with sweet sounding lies that portray their monopoly's bleeding heart objectives as merely being just pure concerns of

public welfare and *quality*, are fraudulent. For a protracted and thorough discussion on the negative quality side effects of professional trade licensing, on how they fail their stated purposes [meaning that their purposes were fraudulently stated at the time of monopoly creation] and are counter-productive in a wide-ranging array of areas, and for a history of licensing, see David B. Hogan in *The Effectiveness of Licensing: History, Evidence and Recommendations*, 7 *Law and Human Behavior* 117 (1983). Numerous other articles in the September, 1983 issue of *Law and Human Behavior* explain why quality necessarily degenerates in that inherently uncompetitive atmosphere that characterizes shared monopolies. In the old English Case of *Davenport and Hurdis* [11 Coke 86], the court there refers to the increase in prices and deterioration in quality and commodities, which necessarily results from the granting monopolies [see *The Slaughter-House Cases*, 83 U.S. 36, at 103 (1872).]

"In practice, such [regulatory] restrictions frequently are designed to give some profession or occupation monopoly power. It is, for example, very difficult to argue that most professional licensure laws are primarily concerned with quality control [see Stigler in *The Theory of Economic Regulation*, 2 *Bell Journal of Economic and Management Science* 3, at 13 (1971)]. Simple restrictions on the number of market participants are also generally explicit grants of monopoly power to a limited group. While limits on the number of taxicabs in a city may reduce traffic congestion, they also benefit license holders [see Kitch in *The Regulation of Taxicabs in Chicago*, 14 *Journal of Law and Economics* 285 (1971)]." - Susan Ross Adams in *Inalienability and the Theory of Property Rights*, 85 *Columbia Law Review* 931 (1985).
[[return](#)]

[4] Never mind the fact that before the Professions were monopolized, folks had to check references and exercise

business judgment, as in any other business arrangement where you are dealing with unacquainted people. Today, the mere fact that licenses are in force automatically precludes much inquisitive background questioning that should still be asked -- Government has assumed the role of qualifier for you; and many persons holding licenses, when asked of their qualifications, refuse to give references and merely point attention over to that license -- dealing with such a person, shrouding his business background behind a veil of secrecy, is improvident. A prime example lies in the regulatory jurisdiction asserted over securities and related Commercial investment instruments -- the mere fact that Government has conducted a searching probe called *Full Disclosure* (a fraudulent characterization since much material is forbidden to be included in a *Prospectus*), automatically reduces normal intensity questioning by prospective investors; and so as a result, investors are pre-emptively deprived of the ability to collect facts, exercise a risk/yield assessment judgment, and then make a risk investment -- Government is really your friend when stripping you of the important learning ability to acquire judgment experientially [try to ask a corporate officer for additional information not contained in that *Prospectus* their lawyers wrote -- he won't give you any, since it is illegal; some big friend Government is]. Persons placing overriding priority on the perceived important function of protecting the public financially from investment con artists or investments without merit, to justify depriving other people of the exercise of their own comparative investiture placement judgment and the benefit of acquiring real intrinsic knowledge experientially, are manufacturing unnecessary Torts they will later regret, as the purpose of this Second Estate is exclusively intellectual. And any operation of Government which impairs or attempts to impede the acquisition of factual knowledge or the unrestricted flow of information between Individuals, is literally a Doctrine of Devils. And as for MD's, if licensed medical doctors know what they are doing as well, then why is it that whenever they go on strike, the death rate drops? [I am reminded of the circumstances that King Louis the 15th went through, when he was a small infant. He had contracted chicken pox, and an attending nurse hid

him from the French medical profession to spare his life; doctors had previously killed Louis's brother and father during treatment]. [[return](#)]

[5] "... and although we have no direct constitutional provision against a monopoly, yet the whole theory of a free Government is opposed to such grants, and it does not require even the aid which may be derived from the Bill of Rights [of Connecticut], the first section of which declares that `no man or set of men, are entitled to exclusive public emoluments, or privileges from the community' to render them void. The statute of 21 James I., C. 3, which declares such monopolies to be contrary to law and void, except as to patents for a limited time, and printing, the regulation of which was at that time considered as belonging to the king's prerogative, and except also, certain warlike materials and manufactures, the regulation of which for obvious reasons may fairly be said to belong to the king, has always been considered as merely declaratory of the common law." - *Norwich Gas vs. Norwich City Gas*, 25 Connecticut Reporter 19, at 38 (1856) [*Connecticut Report* carries the Cases from the Connecticut Supreme Court.]

See also the briefs for Counsel in *The Slaughter-House Cases* [83 U.S. 36 (1872)] as they contain a great deal of legal material in opposition to monopolies [6 *Landmark Briefs and Arguments of the Supreme Court of the United States: Constitutional Law* at 475, by Kurland and Casper [University Publications, Arlington, Virginia (1975)]. The Supreme Court in *The Slaughter-House Cases* discusses the great *case of monopolies*, decided during the reign of Queen Elizabeth which held that all monopolies, in any known trade or manufacture, are an invasion of the liberty of the Citizens to acquire property, and pursue happiness, and were declared void at Common Law, which is correct reasoning when applied to appropriate Tort Law factual settings lying outside of any participation in that closed private domain of King's Commerce. [*The Slaughter-House Cases* addressed the question as to whether or not monopolies were forbidden by the 13th Amendment and

several clauses in the 14th Amendment, by reason of the damages they create on Citizens]. [[return](#)]

[6] *Colbert's Life and Theories*, Volume I, page 309 and Volume II, page 457 [Columbia University Press (1939)]. [[return](#)]

[7] *Levasseur, Historie De Commerce*, I, 299-300. [[return](#)]

[8] Here in New York State, for example, Section 441(1)(d) of the Real Property Law defines individuals who are eligible to apply for, and receive, state licenses for the sale and brokerage of real estate. Licenses are granted freely to either Citizens of the United States, or to aliens; once a license to experience financial enrichment in a shared business monopoly has been issued, the state does not care about your political relational status to the King, or any associated benefits accepted thereby. With such a license in effect, for taxing purposes, your Prince has you tied down but good and tight. [[return](#)]

[9] "Whatever a state may forbid or regulate it may permit upon condition that a fee be paid in return for the privilege. And such a fee may be exacted to discourage the prosecution of a business or to adjust competitive or economic inequalities. Taxation may be made the implement of the exercise of the state's police powers." - *Atlantic & Pacific Tea Company vs. Grosjean*, 301 U.S. 412, at 426 (1936). [[return](#)]

[10] And the pronouncements of Highway Contract Protesters, arguing that Highway Contracts do not exist until the Driver's License application itself has been signed, is defective reasoning, as I will explain later. [[return](#)]

[11] Judges often have a difficult time ruling on the question as to whether or not an assumed name was fraudulently used to deceive other people. The reason why this difficulty is inherent with assumed names is due to the Common Law right of anyone to assume any name they

feel like, how and when they feel like it, and without any petition to Government for such an assumption of a *nom de plume*. See *United States vs. Cox*, 593 F.2nd 46 (1979), and *United States vs. Wasman*, 484 F.Supp. 54 (1979), for Cases where Federal Judges wrestled quite a bit with this question. [[return](#)]

[12] The *Doctrine of Equitable Estoppel* is slightly different from *Collateral Estoppel* in that *Equitable Estoppel* precludes a litigant who wrongfully induced another to adversely change his position from asserting a right or defense, which is what happens when IRS termites start chopping away at the off-point benefits derived from a State License acquired solely to avoid penal consequences, under tension with a Substantive Right:

"... the effect of the voluntary conduct of a party whereby he is absolutely precluded, both at law and in equity, from asserting rights which might perhaps have otherwise existed, either of property, of contract, or of remedy, as against another person, who has in good faith relied upon such conduct, and has been led thereby to change his position for the worse, and who on his part acquires some corresponding right, either of property, of contract, or of remedy." - J. Pomeroy in 3 *Equity Jurisprudence*, Section 804 95th Edition (1941)].

Traditionally, Courts have been reluctant to hold the operation of this Doctrine against the Government. [See generally *Estoppel Against State, County, and City* in 23 *Washington Law Review* 51 (1948)]. Consequently, since Government is let off the responsibility hook, people with claims against the Government have often suffered wrongs unnecessarily that Courts would not have tolerated had both litigants been non-juristic parties; yet things have been loosening up a bit since the *Oil Shale Cases* [see *Emergence of an Equitable Doctrine of Estoppel Against the Government -- The Oil Shale Cases* in 46 *University of Colorado Law Review* 433 (1975)]. In 1981, the Supreme

Court seemed willing to entertain the use of this *Equitable Estoppel Doctrine* against the Government in *Schweiker vs. Hansen* [see *Equitable Estoppel Against the Government* by Deborah Eisen, in 67 Cornell Law Review 609 (1982)]. [[return](#)]

[13] Contracts entered into where arrest was threatened are coercive, and are wide open to attack. Read the story of the finding of the sunken lost Spanish Galleon ship, the *Atocha*, and the subsequent muscle threats by the State of Florida to arrest the underwater treasure hunters if they didn't agree to turn over a percentage of their treasure finds to the Florida Prince, in the *State of Florida vs. Treasure Salvors, Inc.* [458 U.S. 670 (1980)]. Footnote number 4 refers to the Federal District Court in Florida that ruled that those contracts so signed were coercive. [If the treasure hunters were smart, they would have filed a *Rejection of Police Power Benefits* with the State of Florida, and then present the Judiciary with an entirely different factual setting to rule on. Maybe the Treasure Hunters wanted the protectorate benefits of the guns and cages offered by the State; if so, then they should have tendered the reciprocity so expected.] [[return](#)]

[14] When addressing an evidentiary question -- such as the appropriateness of assigning *Burdens of Proof* to either Government or the Individual, under circumstances where the Individual does not want to do something but penal statutes intervene to change his reluctance -- Justice Frankfurter once said that:

"Where an individual engages in conduct by command of a penal statute... to whose laws he is subject, the gravest doubt is case on the applicability of the normal assumption -- even in a prosecution for murder (See *Leland vs. Oregon*, 343 U.S. 790) -- that what a person does, he does of his own free will. When a consequence as drastic as [enfranchisement] may be the effect of such conduct, it is not inappropriate that the Government should be

charged with proving that the Citizen's conduct was a response, not to the command of the statute, but to his own direction. The ready provability of the critical fact -- existence of an applicable [penal] law, particularly a criminal law, commanding the act in question -- provides protection against shifting the burden to the Government on the basis of a frivolous assertion of the defense of duress. Accordingly, the Government should, under the circumstances of this case, have the burden of proving by clear, convincing, and unequivocal evidence that the Citizen voluntarily performed an act causing [enfranchisement]." - Justice Frankfurter in *Nishikawa vs. Dulles*, 356 U.S. 129, at 141 (1957).

The actual factual circumstances in *Nishikawa* involved similar Tort questions of the unfairness of involuntary expatriation when a Citizenship Contract is hanging in the background. [[return](#)]

[15] Such as:

- *Edwards vs. California*, 314 U.S. 160
- *Twining vs New Jersey*, 211 U.S. 78
- *Williams vs. Fears*, 179 U.S. 270, at 274
- *Crandall vs. Nevada*, 6 Wall. 35, at 43-44
- *The Passenger Cases*, 7 Howard 287, at 492
- *U.S. vs. Guest*, 383 U.S. 745, at 757-758 (1966)
- *Griffin vs. Breckenridge*, 403 U.S. 88, at 105-106 (1971)
- *Califano vs. Torres*, 435 U.S. 1, at 4, note 6
- *Shapiro vs. Thompson*, 394 U.S. 618 (1969)
- *Califano vs. Aznavorian*, 439 U.S. 170, at 176 (1978)

All of which were cited in *Alexander Haig vs. CIA Agent Philip Agee*, [435 U.S. 280](#), at 306 (1980), which reaffirmed the *Right to Travel* within the United States, and then distinguished that Right from the lessor administrative

"freedom" to travel outside the *terra firma* of the United States as being discretionary, within reasonable limits, by the King over his Subjects, as all "Citizens" are operating under the administrative jurisdiction of contractual King's Equity. See also a separate but parallel *Freedom of Movement Doctrine*; and *United States vs. Laub*, 385 U.S. 475 (1966); and *The Right to Travel: The Passport Problem* by Louis Jaffee in 35 *Foreign Affairs*, at 17 (October, 1956) which discusses, at a light level, the national interest implications involved when the *Right to Travel* is under tension with statutes. [[return](#)]

[16] Remember the word *public*, as used by Judges, generally means *Government*. When appellate judges use the words *affects a public interest* to justify some further state intervention somewhere, what they mean is that a Government interest is affected. As applied to Highway law, partial justification for the state judicial affirmance of the requirement to hold an operator's license is the fact that the regulatory jurisdiction the State Legislature is asserting over those highways does, in fact, "affect a Governmental interest," as it is the state that spends the money to acquire the land, build the highway, and then spends incredible amounts of more money, year in and year out without any let up, to maintain those roads. If that does not affect a Governmental interest, then would someone explain just what would? [[return](#)]

[17] "...[The] right finds no explicit mention in the Constitution. The reason, it has been suggested, is that a right so elementary was conceived from the beginning to be a necessary concomitant of the stronger Union the Constitution created. In any even, freedom to travel throughout the United States has long been recognized as a basic right under the Constitution. ... The constitutional right to travel from one State to another... occupies a position fundamental to the concept of our Federal Union. It is a right that has been firmly established and repeatedly recognized." - *United States vs. Guest*, 383 U.S. 745, at 757 et seq. (1966) [Sentences were quoted out

of order].

Although that statement is correct, it only applies to *interstate* traveling. Protesting Patriots suggesting that fraudulent factual averments of *interstate* traveling be adduced as defensive instruments in local traffic prosecution arguments, as I have heard, are improvident -- the selective incorporation of deception into your *modus operandi* will only postpone the day of arrival for that *silver bullet* which Highway Contract Protesters are searching for, a bullet which lies within yourselves. [[return](#)]

[18] Does the following restraint on Government appear any place in the Constitution?...

"The streets belong to the public in the ordinary way. Their use for purposes of gain is special and extraordinary, and generally at least, may be prohibited or conditioned as the legislature deems proper." - *Packard vs. Barton*, 264 U.S. 140, at 144 (1923). [[return](#)]

[19] "The right to travel is part of the "liberty" of which the Citizen cannot be deprived of, without due process of law under the Fifth Amendment... Freedom of movement across frontiers... and inside frontiers as well, was part of our heritage..." - *Kent vs. Dulles*, 357 U.S. 116, at 125 (1958). [[return](#)]

[20] The Supreme Court once ruled that the *Right to Travel* interstate overruled State arguments of social or economic consequences:

"The right to interstate travel had long been recognized as a right of constitutional significance, and the Court's decision, therefore, did not require an *ad hoc* determination as to the social or economic importance of that right." - *San Antonio School*

District vs. Rodriguez, 411 U.S. 1,
at 32 (1973). [[return](#)]

[21] Remember that Residency contracts are presumed to be in effect, and contracts have to be attacked for substantive reasons, such as *Failure of Consideration*, and do not roll over and die by your mere unilateral declarations of their nonexistence. [[return](#)]

[22] In certain pleading contexts, there is not a lot of legal difference between a *Domiciliary* and a *Resident*. In *Hammerstein vs. Lynne* [200 Federal 165 (1912)], a Federal District Court ruled that the word *reside* in the 14th Amendment's State Citizenship Clause also meant *Domiciliary*. One of the characteristics of the English Language is the lack of identity of some of the words that comprise its structure; many words have found multiple homes in different locations, and therefore meanings must be abated pending consideration of an enlarged context of the surrounding words. *Residence* and *Domicile* are two such words in Law that, on some occasions, are interchangeable, and on other occasions, are not interchangeable. The recurring semantic nature of some words [that Judges are partly responsible for since they continuously refuse to define explicit meanings] to be inherently difficult broncos to tie down, was noted once by a Federal Court, when dealing with a *Domiciliary* question:

"The theoretical domicile which is equivalent to State Citizenship is always one which exists *animo revertendi* [meaning *with intention to revert back*]. The theoretical domicile which clings to a homeless wanderer, who never intends to return, has its uses in deciding rights of succession to property, in respect to taxation and to the administration of pauper laws, but is not, I think, equivalent to Citizenship in the sense in which the word "citizen" is used in the Judiciary Act. While domicile, in some sense, may not be lost by mere departure with intent not to return, State Citizenship is thus lost.

In other words, where the word "domicile" is used as meaning home, where absence from domicile is *amino revertendi*, domicile may be equivalent to State Citizenship; but where domicile exists merely by legal fiction, and absence is accompanied by intent never to return to the state of domicile, the word is not synonymous with Citizenship." - *Pannil vs. Roanoke Times Company*, 252 Federal 910, at 915 (1918).

Therefore, correctly pleading Supreme Court rulings on the purely voluntary nature of Citizenship is suggested, and that you are an Inhabitant of that State *without juristic benefits*, and neither a Resident nor a Domiciliary Benefit Acceptant; but your self-proclaimed status as an *inhabitant* means nothing until you first reject all state constitutional benefits, and the benefits of Residency, and the police protectorate powers, in particular. [[return](#)]

[23] State Residency statutes were once overruled by the Supreme Court on grounds relating to *Right to Travel*. In *Shapiro vs. Thompson* [394 U.S. 618 (1969)], the Supreme Court ruled that the *interstate* right to travel overruled and annulled state residency statutes [where welfare grants offered by States restricted to persons living in that kingdom for at least one year, where annulled. This is a unique case in the sense that its reasoning will never surface anywhere else, as the claimed "chilling effect" the state residency statutes generated on the Interstate Right to Travel represented one of philosophical justification. Substitute the same "chilling effect" *Right to Travel* reasoning on any other Patriot state residency Protester case, and the Federal Judge will snort at you. [[return](#)]

[24] "Automobile licenses are issued periodically to evidence that the drivers holding them are sufficiently familiar with the rules of the road and are physically qualified to operate a motor vehicle." - *Delaware vs.*

Prouse, 440 U.S. 648, at 658 (1978). [[return](#)]

[25] In 1692 the Colonial Legislature of Massachusetts enacted a little slice of *lex*, called the *Lord's Day Act*, that said:

"... no traveller... shall travel on that day..."

In 1876, a negligent Defendant successfully invoked this statute to bar the recovery by a Plaintiff who was injured while walking on a Sunday [*Smith vs. Boston and Maine R. R.*, 120 Mass. 490 (1876)]. To the Supreme Judicial Court, the Plaintiff was "... unlawfully traveling upon the highway" [*id.*, at 492]. In 1877, the Massachusetts Legislature removed the civil liabilities that permeated the *Lord's Day Act*. [[return](#)]

[26] "... all automobiles... shall be registered" and "... no automobile... shall be operated... unless registered." - *Massachusetts Acts*, c.473, Section I,3 (1903).

Six years later, in *Dudley vs. Northhampton Street Railway* [202 Mass. 443 (1909)], the court denied an owner of an unregistered car recovery against a negligent Defendant on the ground that the former was a "trespasser on the highway." Although the Defendant pressed the analogy of the *Lord's Day Cases*, the court was able to find additional support for its ruling, by attributing to the statute a purpose of facilitating identification of motor travelers by requiring registration of vehicles. By also forbidding the operation an unregistered automobile, the court found it logical to charge the motor vehicle owner and operator of an unregistered motor vehicle with liability for damages caused to others, regardless of any mitigating negligence elements present in the factual setting. In *Fairbanks vs. Kemp*, 226 Mass. 75 (1917), the owner of an unregistered automobile, although exercising due care and caution, was held liable because of a statutory violation]. See, generally,

- Huddy in I *Encyclopedia of Automobile Law*, Section 249 (1932); Fifth Edition;
- Editor's Note in *Trespasser on the Highway Doctrine*, 46 Harvard Law Review (1946). [[return](#)]

[27] "Highways are public roads, which every Citizen has a right to use." - 3 Kent Commentaries 32.

See also; several English authorities:

- *Sutcliffe vs. Greenwood*, 8 Price 535;
- *Rex vs. Camberworth*, 3 B. & Adol. 108.

And for other English commentators, see:

- *Shelford on Highways*;
- *Woolrych on Ways*.

For American authorities, a point of beginning is:

- *Makepeace vs. Worthen*, 1 N.H. 16;
- *Peck vs. Smith*, 1 Connecticut 103;
- *Robins vs. Borman*, 1 Pick. 122;
- *Jackson vs. Hathaway*, 15 Johns. 477;
- *Stackpole vs. Healy*, 16 Massachusetts 33, and the many Case citations therein. [[return](#)]

[28] For a detailed presentation of what our Father's simple Highway Common Law was like in that serene and tranquil era, before automotive technology contamination steamrolled our Common Law into the ground by way of an overriding contract, see: *Treatise on the Law of Highways*, by Joseph Angell [Little, Brown & Company (1868)], and its Second Edition, published in 1886; and *Law of Roads and Streets*, by Byron Elliott [Brown Merrill & Company (1890)] and its Second Edition published in 1900. Both books have thousands and thousands of Case citations. The Fourth Edition has two volumes and was co-authored by Byron and William Elliott [Bobbs-Merrill Company, Indianapolis

(1926)]. [[return](#)]

[29] What technology has done to our Law on a factual setting of Government highways is the same that technology has done to the Law of Patent Property Rights:

"I have little doubt, in so far as I am entitled to express an opinion, that the vast transforming forces of technology have reduced obsolete much of our patent law." - Felix Frankfurter in *Marconi Wireless vs. United States*, 320 U.S. 1, at 63 (1942).

And just as technology rolled up its sleeves and went to work to convert our once quiescent highways over into a setting of high-powered vehicles, so too has technology gone to work on running our Patent Law into the ground; and now also privacy itself has also fallen by the wayside, as technological innovations make their appearance on the scene:

"Recent inventions and business methods call attention to the next step which must be taken for the protections of the person, and for securing to the individual what Judge Cooley calls the right `to be let alone.' Instantaneous photographs and newspaper enterprises have invaded the sacred precincts of private and domestic life; and numerous mechanical devices threaten to make good the prediction that `what is whispered in the closet shall be proclaimed from the housetops [footnotes deleted]." - Samuel Warren and Louis Brandeis in *The Right to Privacy*, 4 Harvard Law Review 193, at 195 (1890).

Constitutions can very much be written to organically self-enlarge with the passage of time to be made to apply to factual settings then unknown at the time that Constitution was being written; but our Founding Fathers in 1787 did not do that. [[return](#)]

[30] For a recent presentation of what technology will do to trigger the appearance of Highway regulatory *lex* where there had been none before, a view of *Pitcairn Island* in the South Pacific is revealing. Pitcairn Island is steeped in the allure of intrigue, as it was colonized by Fletcher Christian and his fellow mutineers from the *HMS Bounty* in 1790. It is a British Colony two square miles in area and is administered by an Island Council under the British High Commissioner Governor in New Zealand. For all of Pitcairn's history up until recent days, only pedestrians and wheelbarrows were even seen on its highways, but in 1965, things changed. A heavy Bristol crawler tractor made its appearance on the Island [see the *Pitcairn Miscellany* (the Island newspaper) for January 31, 1965]; and soon that tractor was followed by a second tractor [id., August 31, 1965]. Within a few months after the first tractor had arrived, a large number of imported bicycles were making their appearances, and so now the appearance of some *lex* was imminent for Pitcairn Island:

"With so many bikes here, traffic rules will be the next new thing to be introduced here." -
Editorial, *Pitcairn Miscellany*, August 31, 1965.

Sure enough, the road *lex* soon followed in November, 1965 [id., November 30, 1965] by vote of the Island Council.
[\[return\]](#)

[31] Back in the old days, when highways became impassable, things drew to a standstill -- and society literally stopped and occasionally starved as well:

"Roads were so bad, and the chain of home trade so feeble, that there was often scarcity of grain in one part, and plenty in another part of the kingdom." - *Encyclopedia Britannica* under "Corn Laws" [Cambridge, England (1910)] 11th Edition. [\[return\]](#)

[32] "We agree that the States have a vital interest in ensuring that only those qualified to do so are permitted

to operate motor vehicles, that these vehicles are fit for safe operation, and hence that licensing, registration, and vehicle inspection requirements are being observed." - *Delaware vs. Prouse*, 440 U.S. 648, at 658 (1978). [[return](#)]

[33] In ancient times, metropolitan cities were frequently heavily congested with traffic. Long before the City of Paris leveled entire neighborhoods to widen some streets in the 1700s, in the First Century B.C., Julius Caesar banned wheeled traffic (not pedestrians) from the streets of Rome during peak daylight hours. The result was that to some extent the wheeled traffic waited until dusk to use the streets; pedestrians were free to use the streets during the daylight hours, causing wheeled vehicles to shift their street congestion into late night hours [see C. A.J. Skeel in *Travel in the First Century After Christ, With Special Reference to Asia Minor*, at 65; Cambridge University Press (1901)]. [[return](#)]

[34] "... it has always been recognized as one of the powers and duties of a Government to remove obstructions from the highways under its control." - *In re Debs*, 158 U. S. 564, at 586 (1894). [[return](#)]

[35] "Laws requiring that drivers be licensed and that applicants be subjected to thorough examination apparently are a more effective means of reducing accidents." - Note, *Development of Standards in Speed Legislation*, 46 Harvard Law Review 838, at 842 (1942).

In footnotes 31, 32 and 33, the *Traveller's Insurance Company* is found disseminating information on highway traffic accidents back in the 1920s and 1930s; having achieved their important objectives of filling the Motor Vehicle Statute books full of penal codes, the insurance companies largely faded away from the scene. [[return](#)]

[36] Special Interest looters, Tory Aristocrats, and Gremlins, reigning supreme up and down the corridors of American legislatures, have been going to work on the meat there since the founding of the Republic:

"That corruption should find its way into the Governments of our infant republic, and contaminate the very source of legislation, or that impure motives should contribute to the passage of a law, or the formation of a legislative contract, are circumstances most deeply to be deplored." - *Fletcher vs. Peck*, 10 U.S. 87, at 130 (1810).

Here in 1985, the only persons who would actually try and dispute the presence of looters in American legislatures are those folks who live most distant from reality, of which there are quite a few, and collectively they write many books which in turn propagates their error, which is sometimes intentional. [[return](#)]

[37] If I am a roofing contractor, and we agree to have me repair your roof, I don't need any written contract on you at all to throw *Mechanic's Liens* on your property, perfect an *in rem* Judgment against your house, and then sell at Foreclosure your own house right out from underneath you -- without anything having been placed "in writing;" I do not need your "consent" to get my money out of your house, if you default on the contract. A Highway Contract Protester would argue that since nothing was signed, the contract does not exist; but your arguments are defective, and you Protesters don't know what you are talking about. [[return](#)]

[38] Today, regional Princes are calling the shots on Highway regulatory matters -- tomorrow, the King intends to grab for himself those Highways. *Executive Order* 11921 ["Adjusting Emergency Preparedness Assignments..."], largely for use in a *post-war* scenario, claims jurisdiction to recover from National Emergencies [See 41 *Federal Register* 24293 for June 15th, 1976]. Sections 804(4)(b) ["Construction, use and management of highways, streets, and appurtenant structures..."] to justify this impending Federal grab, as soon as some emergency can be manufactured. This *Executive Order* 11921

superseded in art, and complemented in part, an earlier *Executive Order* 11940 from the Nixon era [October 28, 1969], that was designed to justify Federal pre-war seizure of everything. [[return](#)]

[39] In some States, criminal procedure statutes were written in such a way that *criminal intent* was required to be adduced by prosecuting attorneys under circumstances where contracts are actually in effect. Patriots who know how to weasel out of traffic prosecutions in those few States where this legislative rule is in effect, by citing those *criminal intent* requirement statutes on *no driver's license prosecutions*, are not correct in associating any prevailing significance to the existence of those statutes, other than the fact that, yes, some clown in their legislature once messed up -- just like legislatures have messed up elsewhere in criminal procedure statutes in other states. Those State statutes were written by *intelligentsia* lawyers -- and so now the degenerate commingling of Tort indicia into contract infractions by a few states, together with the willful withholding of the identification of the creation of invisible contracts when special juristic benefits were quietly accepted out in the practical setting (benefits carrying regulatory hooks of lingering reciprocity expectations along with them) by many other States, is not to be construed as overruling the authenticity of the information presented herein. Errors and other enactments representative of improvident reasoning by legislatures are actually quite frequent in American legal history; and always remember that legislatures do not create *Nature* -- they never have and they never will. [[return](#)]

[40] "Men fight and lose the battle, and the thing that they fought for comes about in spite of their defeat, and when it comes, turns out not to be what they meant, and other men have to fight for what they meant under another name." - William Morris in *A Dream of John Ball* ["The Commonweal Magazine" (November 13, 1886); reprinted by Longmans Green and Company, London (1924)]. [[return](#)]

[41] Another way out is through the preemptive intervention of *International Law* for those persons having Diplomatic Status through institutions recognized as such by the President of the United States. Another way to get out of a State asserted contract is to be a Federal Employee and start using those highways while engaged in Federal work. In an Opinion written by Mr. Justice Holmes, the Supreme Court once ruled that it is not Constitutionally permissible for a State to throw a slice of regulatory *lex* at a Federal Employee driving a motor vehicle on State highways while on Federal business. While touching on the broader recurring question of just what are those frequently overlapping contours of Federal/State legislative jurisdiction, the Supreme Court said that:

"Of course an Employee of the United States does not secure a general immunity from State Law while acting in the course of his Employment. That was decided long ago by Mr. Justice Washington in *United States vs. Hart* [Pet. C.C. 390; 5 *Opinions of the Attorney General*, at 554]. It very well may be that, when the United States has not spoken [here is the *Ratification Doctrine* surfacing again: That silence is sometimes very significant], the subjection to local law would extend to general rules that might affect incidentally the mode of carrying out the Employment -- as, for instance, a statute or ordinance regulating the mode of turning at the corners of streets. *Commonwealth vs. Closson*, 229 Massachusetts 329. This might stand on much the same footing as liability under the Common Law of a State to a *Person* injured by the driver's negligence. But even the most unquestionable and most universally applicable of state laws, such as those concerning murder, will not be allowed to control the conduct of a Marshal of the United States acting under and in pursuance of the Laws of the United States. *In re Neagle*, 135 U.S. 1." - *Johnson vs. Maryland*, 254 U.S. 51,

at 56 (1920).

Here in *Johnson*, a Federal Employee was prosecuted for not having a driver's permit, and the Supreme Court annulled the application of that State statute to this Federal Employee. Yes, working for the King does have some peripheral benefits. And as for State statutes not controlling the conduct of the United States Marshal, boy I can just hear some sophomoric Tax Protester, having won perhaps the Governorship of a state, announcing to the world that Residents of that State won't need to concern themselves with the IRS anymore; boy does the King have a few surprises up his sleeve for that clown. [[return](#)]

[42] Federal Judge David Bazelon once write a piece touching on an aspect of Technology and of its effect on our Law [*Coping with Technology Through the Legal Process*, 62 Cornell Law Review 817 (1977)]; despite Judge Bazelon's elevated sensitivity to the big environmental picture with the long-term declension seminally originating with Technology, he misses the boat in not defining solutions along re-establishing clean *Property Rights* lines that our Fathers once possessed. [[return](#)]

[43] In allowing juristic intervention into the assertion of a regulatory jurisdiction over waves propagating through the electromagnetic spectrum, the Supreme Court did not refer to the technology aspect in the historical sense, but justified this intervention on the grounds that there were only a limited number of broadcasting frequencies available for radio and television use, and therefore, we are told, Government must now divide up the pie for us [see *NBC vs. United States*, 319 U.S. 190 (1943)]. Like saying that since the number of printing presses is limited, therefore, the King will allocate newspaper publishing rights -- *classical Gremlin reasoning on rationing*. Based on this factual premise of frequency scarcity, the radiant liberating qualities of the First Amendment was held not to apply here; but actually the King, as usual, was lying in his arguments to the Supreme Court in justification of this grab [but a successful like requires two, the Supreme Court fell for it]. Down to the

present day, there has been nothing but a never ending organic enlargement of the number of frequencies used since the inception of radio transmission, because an organic technology has reduced bandwidth frequencies through increasingly more sophisticated transmission and reception hardware. The frequency bandwidth technology claimed to have been limited in number has, as a factual matter, simply grown to accommodate the demand. Not only are higher frequencies now being used, but several channels are now scrambled onto one frequency bandwidth with multiplexing and demultiplexing taking place at the points of transmission and reception. Therefore, with a regulatory jurisdiction nestled in place, the Federal Communications Commission now has broad authority to determine the right of access to broadcasting. See:

- *Federal Radio Commission vs. Nelson Brothers Bond and Mortgage*, 289 U.S. 266 (1933);
- *FCC vs. Pottsville*, 309 U.S. 134 (1940);
- *FCC vs. Sanders Brothers Radio Station*, 309 U.S. 470 (1940);
- *FCC vs. ABC*, 347 U.S. 284 (1954)].

In 1969, the Supreme Court, continuing on with this incorrect *Limited Number of Frequencies* line, said that while there is a protected right of everyone to speak, write, or publish as he feels like, subject to very few limitations, there is no comparable right of everyone to broadcast due to limited frequencies [so we are told] -- see *Red Lion Broadcasting vs. FCC*, 395 U.S. 367 (1969). Like Felix Frankfurter would openly admit, judicial competence is quite limited; and just as their *Common Sense* deficiency manifests itself in many areas, such as this *Frequency Shortage* line of reasoning, so too does their rare gifted genius also surface in many areas. [[return](#)]

[44] In 1927, coming out of a Prohibition enforcement action, the United States Supreme Court ruled that wiretapping of telephone lines by Government agents was not protected by the Fourth Amendment. The technological

development of the telephone in 1927 was then 50 years old; and the Case portrays an ominous picture of what happens when our Founding Fathers failed to bluntly, specifically, and explicitly tie the King's giblets down tight, in no uncertain terms. Nowhere did our Fathers require the application of the restraint Principles found in the Bill of Rights to be applied to technology then not existing, even though in 1787 the printing press was a relatively recent technological development. One might think that even in 1787, something might come along not contemplated by the word "Press" in the First Amendment -- but no, our Fathers did not provide for that. Writing initially in *Weems vs. United States*, dissenting Justice Louis Brandeis had a few words to say about the inherently organic nature of Constitutions:

"Legislation, both statutory and constitutional, is enacted, it is true, from an experience of evils, but its general language should not, therefore, be necessarily confined to the form that evil had theretofore taken. Time works changes, brings into existence new conditions and purposes. Therefore, a principle to be vital must be capable of wider application than the mischief which gave it birth. This is particularly true of constitutions. They are not ephemeral enactments [meaning short-lived or transient], designed to meet passing occasions. They are, to use the words of Chief Justice John Marshall, 'designed to approach immortality as nearly as human institutions can approach it.' The future is their care and provision for events of good and bad tendencies of which no prophecies can be made. In the application of a constitution, therefore, our contemplation cannot be only what has been, but of what may be. Under any other rule indeed, a constitution would indeed be as easy of application as it would be deficient in efficacy and power. Its general principles would have little value and be converted by precedent into lifeless and impotent formulas. Rights declared in words might be lost in reality." - *Weems vs. United*

States, id., 217 U.S. 349, at 373 (1909).

In another case, Justice Brandeis then continued on in his own words:

"Discovery and invention have made it possible for the Government, by means far more effective than stretching upon the rack, to obtain disclosure in court of what is whispered in the closet. ...The progress of science in furnishing the Government with means of espionage is not likely to stop with wiretapping. Ways may someday be developed by which the Government, without removing papers from secret drawers, can reproduce them in court, and by which it will be enabled to expose to a jury the most intimate occurrences of the home. Advances in the psychic and related sciences may bring means of exploring unexpressed beliefs, thoughts, and emotions." - Louis Brandeis, *Olmstead vs. United States*, 277 U.S. 438, at 473 (1927). [[return](#)]

[45] "I foresee a second challenge to civil liberties in the next century growing out of developments in science and technology. By placing new tools at the Government's disposal, technological advances enhance its power, and raise the question of when -- if ever -- the Government may use these tools.

"In recent years, we have asked that question with regard to various surveillance technologies, from X-Rays and magnetometers to wiretaps to "bugs." I am told it is now possible to intercept conversations through window panes with laser beams, and to eavesdrop on telephone conversations by monitoring microwave radio channels. The uses of new technologies are so hard to detect that even if the courts articulate clear-cut rules, enforcing them will be unusually difficult. Yet, our experience with surveillance technology teaches, if we are to preserve the freedoms the Framers sought to

guarantee, we must guard against much more than the specific evils they feared.

"Although I cannot predict the technological developments of the next century, I foresee intractable issues looming in behavior and thought control. The emerging wizardries of chemotherapy, psychosurgery, behavior modification and genetic engineering, with their "clockwork orange" overtones, might seem an unlikely source of moral dilemmas. ...But like all technological advances, these developments carry promise as well as peril." - Judge David Bazelon in *Civil Liberties -- Protecting Old Values in the New Century*, 51 New York University Law Review 505, at 511 (1976).
[\[return\]](#)

[46] "Constitutions of Government are not to be framed upon a calculation of existing exigencies; but upon a combination of these with the probable exigencies of ages, according to the natural and tried course of human affairs. There ought to be a capacity to provide for future contingencies, as they may happen; and as these are... illimitable in their nature, so it is impossible safely to limit that capacity." - Joseph Story, II *Commentaries on the Constitution*, at 403 (Cambridge, 1833). [\[return\]](#)

[47] *Quo Warranto* asks the question: By what Jurisdiction?
[\[return\]](#)

[48] In Highway Tort Liability Law, the phrase I quoted earlier, called *Assumption of Risk*, is actually a legal doctrine; it is a negligence defense argument to throw at adversaries in the heat of judicial battle. In a highway Tort Law liability setting, this Doctrine would surface where a guest who accepts a gratuitous ride in your car is deemed to have assumed the risk of any defects that exist in your car that were unknown to you. This Doctrine is related to a *Principle of Nature* that mandates that there

has to come some point in time, regardless of any other mitigating element present in the factual setting, that requires to pull that thumb of theirs out of their mouths and start taking some responsibility for the uncontrolled knocks and circumstantial aberrations that make their infrequent appearance in our lives down here, as they knowingly entered into risk environment situations [like driving on highways] where they knew something adverse could happen, and yet, they went right ahead and took the ride anyway. [See generally, William Prosser, *Law of Torts* ["Negligence: Defenses"] (West Publishing, 1971) 4th Edition.] [[return](#)]

[49] This is just another example of Government's *modus operandi*: If they can grab the tax and get away with it politically, they will -- while remaining silent on the exceptions. If Government can force a licensing environment over you, they will and if they cannot, they will not; and then they will remain silent on their legal and practical disabilities. Criminals too operate in similar ways: Imagine yourself being at a ski resort; there are 60 pairs of skis and poles leaning against a rack; and along comes a criminal casing the place over. Fifty pairs of the skis are locked down, and 10 of them are not. If you were a criminal, what would you do? Criminals take what they can take, and leave behind that which is relatively too difficult to grab and make off with.

"The only object we have here in view in presenting this [graduated income tax] amendment is to rake in where there is something to rake in, not to throw out the dragnet where there is nothing to catch." - Senator William Peffer, June 21, 1894 [as quoted by Frank Chodorov in *The Income Tax*, page 37 (Devin-Adair, 1954)]. [[return](#)]

[50] Everyone is in a constant state of making *risk assessment*, even though not all folks scientifically view their judgment thinking along these well defined lines;

anytime an environment of risk is being entered, *risk assessment* judgment is actually being made, even if subconsciously. Gremlins, being the administratively well organized body of vermin workhorses that they are, also thoroughly immerse themselves in precise, well thought out *risk assessment* model scenarios. This process is normally used in such areas like probing for the probable subject reaction to one more turn of the screws, or in estimating the likelihood of actually achieving, and then getting away with, some desired damages somewhere -- some murder, some revolution, or some war, conquest, asset grab, or famine being manufactured someplace. From the Gremlin perspective, then, *risk assessment* has to be viewed as another tool in the decision making process to deflect the occurrence of adverse circumstances as what was once a great Gremlin enscrewment plan starts to fall apart for some unexpected reason. Gremlins have had a few words to say about structural risk analysis and assessment (I selected this discourse due to its Highway setting and the political overtones it brings to light):

"There is no such thing as a risk free society. There is no point in getting into a panic about the risks of life until you have [made comparisons]. ...puzzling is the apparently irrational attitude which people have towards environmental hazards... Some 7,000 people are killed and some 350,000 injured each year on the roads of Britain. Yet this perpetual carnage -- nearly 1,000 killed or injured every day -- generates no public outrage. ...you will find that politicians will be rather chary of imposing a maximum speed limit of 50 miles per hour on all roads where the limit is not already 30 or 40, though if they did, both energy and lives would be saved. Why then don't they do it? It would not *really* be difficult to enforce.

"...I shall put the answer politely: Their [*risk assessment*] judgment... tells them that people would not like it. And then all the other goodies they have in mind for you, less

unemployment, less inflation, less taxation, and increasing standard of living, fair shares for all... you name it -- might be unrealizable; because, you might say, 'Maybe we need a change of Government. I want to go faster than 50 miles per hour on all those marvelous motorways I paid for.'

"...The results of risk accounting are surprising..." - Baron Nathaniel Rothschild in the *Wall Street Journal* ["Coming to Grips with Risk"], page 22 (March 13, 1979).

Just as *risk assessment* is applied to the decision making process by Gremlins through benefit and detriment comparison, we too will now decide whether or not we will enter into replacement Covenants again with Father down here; *risk assessment* weighs the costs involved and compares them with the benefits earned. In your own *risk assessment* judgment process, while looking back at your own life for the past 10 years, we need to ask ourselves a *question*:

Would I really have been inconvenienced to have spent Sunday mornings in Church instead of on the golf course, and also spent a few other hours across the weekdays on Celestial Contract related work?

For the value placed on the inconvenience involved, is the risk of standing before Father at the Last Day, without having been tried under his *New and Everlasting Covenants*, worth the probable forfeiture of Celestial benefits? The answer to that Question lies within yourself. [[return](#)]

[51] For a review of the numerous arguments on judicial competence limitations and calibre capacity as manifested by Case hardened Judges, see *Thinking About Courts: Towards and Beyond a Jurisprudence of Judicial Competency* by Ralph Cavanaugh, et al., in 14 *Law and Society Review* 371 (1980). [[return](#)]

[52] Justice Felix Frankfurter very openly stated his observation that judicial competence is limited. In *Marconi Wireless vs. United States*, he stated that:

"It is an observation that the training of Anglo-American judges ill fits them to discharge the duties cast upon them by patent legislation. ... judges must overcome their scientific incompetence as best they can." - *Marconi Wireless vs. United States*, 320 U.S. 1, at 60 (1942).

Justice Frankfurter then went on with supporting quotations from Thomas Jefferson and Judge Learned Hand. And just as Federal Judges can be competency deficient in scientific knowledge, thus rendering their judgments in that area prone to error, so too can they be, and in fact are, competency deficient in other areas as well, generating similar erroneous judgment results. [[return](#)]

[53] Consider Supreme Court Justice William Rehnquist:

"No one questions that the State may require the licensing of those who drive on its highways and the registration of vehicles which are driven on those highways." - Rehnquist, dissenting, in *Delaware vs. Prouse*, 440 U.S. 648, at 665 (1978).

Sorry, Mr. Rehnquist, but there are many people who are questioning such a licensing requirement, and they have more than sufficient minimum legal authority, based on several *thousand* State and Federal Court Opinions from a different era, as to warrant both a hearing and an extended Judicial response -- and not the snortations of a Judge who spent virtually his entire isolated life working for Government. [Notice how I said that Highway Contract Protesters are entitled to a Hearing and an Explanation. I did not say that they are entitled to prevail.] [[return](#)]

[54] For an illuminating article on the topic of *Mutual Assent* in contracts, see Samuel Williston in *Mutual Assent in the Formation of Contracts*, 14 Illinois Law Review 85. Under some conditions, the amount and nature of relief damages that can be awarded under contracts is sensitive to the status of the contracts falling under an *objective* meeting of the minds test [meaning some type of an Adhesion or quasi-contract (forced in whole or part on people) is in effect]; or in the alternative, a *subjective* meeting of the minds [meaning a purely negotiated contract is in effect]. See *Implied-in-fact Contracts and Mutual Assent* by George P. Costigan, 33 Harvard Law Review 376 (1919). [[return](#)]

[55] In 1985, the California Supreme Court handed down four cases that I am aware of that touched to some extent on the *Adhesion Contract Doctrine*:

- *Victoria vs. Superior Court*, 710 Pacific 2nd 833 (1985);
- *Perdue vs. Crocker National Bank*, 702 Pacific 2nd 503 (1985);
- *E.s. Bills Ins. vs. Tzucanow*, 700 Pacific 2nd 1280 (1985);
- *Searle vs. Allstate Life Insurance*, 696 Pacific 2nd 1308 (1985).

For example, in *Perdue vs. Crocker National Bank*, bank account signature cards were deemed Adhesion Contracts; and Contracts of Adhesion are referred to as signifying standardized contracts which, when drafted and imposed by a party of superior bargaining strength, relegates to the other subscribing party only the opportunity to adhere to the contract, or in the alternative, to reject it *in toto* [meaning rejected *in the whole*]. In *Searle vs. Allstate Life Insurance*, Justice Bird noted that insurance policies are Contracts of Adhesion, and that therefore, if there are any vague, evasive, and ambiguous statements in the contract, the party who drafted the contract (the insurance company) loses when a grievance turning on the

vague clause comes before a Court. In both Cases, an underlying common denominator surfaces in that there really was not any *mutual assent* ("meeting of the minds") in effect by the parties at the time the contract was entered into. [[return](#)]

[56] Occasionally, I have heard rumblings from Highway Contract Protesters to the effect that both the United States and the several States lack jurisdiction to exclude foot passengers from using the Interstate Highway System. They cite the Common Law Doctrine that:

"...all persons have a right to walk on a public highway, and are entitled to the exercise of reasonable care on the part of persons driving carriages along it." - Joseph Angell in *Law of Highways*, at 454 [Little Brown (1886)]. [Joseph Angell also cites *Brooks vs. Schwerin*, 54 New York 343 to state that foot passengers have equal rights with those driving in carriages.]

The answer lies in another Common Law Doctrine that gave improved methods of Locomotion *Superior Privileges* on highway use. See a Case entitled *Macomber vs. Nichols*, 34 Michigan 212 (1875), for an Opinion by Chief Judge Cooley discussing this Doctrine, and the interesting Case citations therein. See also *Road Rights and Liability of Wheelmen* by George Clemenston [Callaghan & Company, Chicago (1895)]. Sorry, Protesters, but our Father's Common Law is not being damaged by the placement of signs at entrances to Interstate Highways that exclude foot passengers; such *Public Notice* reasonably creates expectations of reciprocity by the highway's owners that they are conditionally offering the use of that highway to you as a benefit, and so now contracts are in effect. Those Interstate Highways are special purpose limited use highways constructed along sealed corridors where any type of use limitation is purely discretionary by their Government owners. Government is not required to build those Interstate Highways for you, so when they do so, they are built and offered for use on their terms. [[return](#)]

[57] - *Marsh vs. Alabama*, 326 U.S. 501 (1946); [A company owned town had taken on a *public function* and could not prohibit the distribution of religious material on the town's privately owned streets.]

Amalgamated Food Employees vs. Logan Valley Pizza, 391 U.S. 308 (1968); [Shopping center management cannot interfere with union pickets, reasoning that shopping centers were the functional equivalent of central business districts. (*Logan Valley* was later modified in *Lloyd Corporation vs. Tanner*, 407 U.S. 551 (1972)).]

Pruneyard Shopping Center vs. Robins, 447 U.S. 74 (1980); [Shopping center management restrained from ejecting persons (high school students) disseminating political literature (a petition in opposition to the United Nations Resolution against Zionism). Affirmed on the basis of adequate and independent California state grounds; property owners face diminished expectations of property rights when their property is open to the public.] [[return](#)]

[58] "...*da law says I gotta*" -- as their eyes are fixated on penal statutes; their minds swirling in accident statistics colored by Insurance Companies; and with a pair of demons at their sides, working them over and hacking away at them by reminding the judge just how tough of a cookie he really is to deal with such naked defiance by a Protester. [[return](#)]

[59] And in real property law, a variation of this Principle surfaces in the *Ingress and Egress Doctrine*, which forces the neighbors of a landlocked parcel of land to yield some of their property rights and grant a right of way easement to the nearest public thoroughfare for the benefit of the fellow who is landlocked. [[return](#)]

[60] "If the usual track is impassable, it is for the general good that people should be entitled to pass another line." - Lord Mansfield, in *Comyn's Digest*, "Chemin," D.6. [[return](#)]

[61] See a chapter called "Founderos Roads -- Right to Travel *Extra Viam*" in the book entitled "*The Law of Roads and Streets*" by Byron Elliott [Brown-Merrill (1890)]. [[return](#)]

[62] *Cummings vs. Missouri*, 4 U.S. 323 (1866); [Clergymen were barred from the ministry in the absence of subscribing to a loyalty oath.] [[return](#)]

[63] See generally, *Legislature Disqualification as Bills of Attainder*, by Wormuth, 4 *Vanderbuilt Law Review* 603 (1951). [[return](#)]

[64] See, for example, the 1685 attainder of James, Duke of Monmouth, for High Treason:

"*WHEREAS* James Duke of Monmouth has in an hostile manner invaded this kingdom, and is now in open rebellion, levying war against the king, contrary to the duty of his allegiance; Be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons in this parliament assembled, and the authority of the same, That the said James Duke of Monmouth stand and be convicted and attained for high treason, and that he suffer pain of death, and incur all forfeitures as a traitor convicted and attained of high treason." - 1 *Jacob 2*, c.2 (1685)

The forfeiture the statute is referring to is the total grab of the condemned person's property by the King, and the corruption of his blood (whereby his heirs were denied the right to inherit his estate). [[return](#)]

[65] *United States vs. Lovett*, 328 U.S. 323, at 324 (1945); *Three Human Rights in the Constitution of 1787*, by Z. Chafee, Jr.; page 97 (1956). [[return](#)]

[66] For example, see 10 and 11 William 3, c. 13 (1701):

"An Act for continuing the Imprisonment of Counter ["Counter" is the criminal's name] and others, for the late horrid Conspiracy to assassinate the Person of his sacred Majesty." [[return](#)]

[67] "...all and every the persons, named and included in the said act [declaring persons guilt of treason] are banished from the said state [Georgia]." - *Cooper vs. Telfair*, 4 Dallas 14 (1800).

See also *Kennedy vs. Mendoza-Martinez*, 372 U.S. 144, at 168 (footnote #23), (1963). [[return](#)]

[68] Following the American Revolutionary War, several States seized the property of alleged Tory sympathizers. See a Case called *James Claim* in 1 Dallas 47 (1780); ["John Parrock was attained of High Treason, and his estate seized and advertised for sale"]; and *Respublica vs. Gordon*, 1 Dallas 233 (1788); ["... attained for treason for adhering to the King of Great Britain, in consequences of which his estate was confiscated to the use of the commonwealth ..."]. [[return](#)]

[69] And the Judiciary has had a say in the matter, as they, with very open minds, continue to explore the possibility that various legislative acts might very well function as *Bills of Attainder*:

"The infamous history of *Bills of Attainder* is a useful point in the inquiry whether the Act fairly can be characterized as a form of punishment leveled against appellant. For the substantial experience of both England and the United States with such abuses of parliamentary and legislative power offers a ready checklist of deprivations and disabilities so disproportionately severe and so inappropriate to nonpunitive ends that they unquestionably

have been held to fall within the proscription of Article I, Section 9." - *Richard Nixon vs. The Administrator of General Services*, 433 U.S. 425, at 473 (1976). [[return](#)]

[70] "This Court's decisions have defined a *Bills of Attainder* as a legislative Act which inflicts punishment on named individuals or members of an easily ascertainable group without a judicial trial." - *United States vs. O'Brien*, 391 U.S. 367, at footnote #30 (1967). [[return](#)]

[71] These three indicia are discussed in *United States vs. O'Brien*, 391 U.S. 367, at footnote #30 (1967). [[return](#)]

[72] "It is difficult to see in what sense a typical *Bills of Attainder* calling for the banishment of a number of notorious rebels inflicts "punishment" any more than does a statute providing that no *grand mal* epileptic shall drive an automobile. In each case the legislature has moved to prevent a given group of individuals from causing an undesirable situation, by keeping that group from a position in which they will be capable of bringing about the feared events. The 'legislative intent' -- insofar as that phrase is meaningful -- in two cases is probably identical." - Editor's Comment in *Yale Law Journal*, as cited in *Bills of Attainder* by Raoul Berger, 63 *Cornell Law Review* 355, at 402 (1978).

For other discussions on *Bills of Attainder*, see:

- Editor's Comment in *The Supreme Court's Bill of Attainder Doctrine: A Need for Clarification*, 54 *California Law Review* 212 (1966);
- Editor's Comment in *The Bounds of Legislative Specification: A Suggested Approach to the Bills of Attainder Clause*, 72 *Yale Law Journal* 330 (1962).
[[return](#)]

[73] I once had a very nice lunch with, perhaps the

world's premier Highway Contract Protester, George Gordon, who now lives in Isabella, Missouri. I asked this majestic Protester *extraordinaire* if he had any objection for the requirement that airline pilots be forcibly required to hold and maintain in good standing, *Evidences of Competency*. He agreed with the idea absolutely, and stated to me that he wanted the assurance that airplane pilots were competent to fly. When I asked him for his feeling on whether or not operators of automobiles should also be required to hold and maintain *Evidence of Competency*, this Protester, whom I admire so much, responded with silence, and the conversation carried on in other directions. [At the present time, this Protester is advising his students to take the Competency test and pay the fees, but not to "sign the contract" -- an incorrect line of legal advice that attaches special significance to the existence of the written Driver's License as documenting *Evidence of Consent*; but of which significance there is absolutely none -- the Law does not operate on paper and never has. To say that the Law does not exist without signatures being affixed to paper is to say that before the technology of pens, ink, and paper surfaced predominantly in the Middle Ages, that there was no Law -- which is a patently stupid conclusion to arrive at. No Driver's License has ever had to have been adduced to prove the existence of *consent*, an irrelevant factor whenever invisible contracts are in effect, since the acceptance of a hard tangible benefit, such as the use of Government Highways, overrules and annuls any such weasely little Tort argument of *unfairness*]. [[return](#)]

[74] Yes, the Law operates out in the practical setting by your acts, and not on paper by the existence of a Driver's License, and you Highway Contract Protesters are really missing the boat altogether:

"The law necessarily steps in to explain, and construe the stipulations of parties, but never to supersede, or vary them. A great mass of human transactions depend upon implied contracts, upon contracts, not written, which

grow out of the acts of the parties." - Joseph Story, III *Commentaries on the Constitution*, at 249 ["Contracts"] (Cambridge, 1833). [[return](#)]

[75] The deep soul searching that Highway Contract Protesting Patriots need to do is the same soul searching that other prominent people have already done in other settings, as they too knew that they were in serious error -- but for different reasons -- because the sanctification that their soul was unsuccessfully searching for was to correct error of a far different nature...

...It had been a nice day outside yesterday on that Thursday; generally it had been a wet week down here; reaching a typical afternoon temperature into the 70s, now on Friday it was quite humid outside. Coming down from New York to attend a Pepsi-Cola Meeting, as Nelson had arranged, the thought of being in "America" triggered something warm inside Richard Nixon's heart, although he did not know just what. Richard Nixon was an American Vice-President, a high-profile and very well known fellow throughout the world, and so it was important that other good reasons always be made available to explain away his presence on his peripheral assignments for Nelson Rockefeller -- a high-powered, heavy duty, and world class Gremlin. For Vice-President Richard Nixon, merely walking down the sidewalk or strolling through a hotel lobby created an attraction not easily forgotten by passers-by.

And now it was early on a Friday morning and temperatures were now into the low 60's, and were going to rise; the weather reports had stated that the expected intermittent rains that day. Richard Nixon had gotten up early this morning and had left his suite at the Baker Hotel for a stroll; he had a busy day ahead of him, as well as having to deal with something else that was eating away at him. He had left his wife Pat back in New York -- and for good reasons.

Standing there on the sidewalk next to Elm Street, watching the cars go by, something impressive was overruling his train of thoughts, as the idea would not

leave his mind that he would never, ever, forget this time, this day and this place. Looking across the street, there was a series of small 5 to 7 story buildings. He looked across the municipal park and saw that United States Terminal Annex Building, then he turned and saw in series the County Court House Building; a beautiful old stone faced mansion called *Old Red* which held the County executives' offices, built way back in the 1800s, it was of elegant red brick -- well worn but elegant. Continuing his panorama view he saw the County Criminal Courts Building, then the County Records Building -- all those buildings were fronting on Houston Street, and they were all Government. He knew that this day would be haunting him for the rest of his life. Boy, what he had to go through for Nelson. Standing on the sidewalk next to Elm Street, Richard Nixon turned again and looked around behind him -- there was a set of railroad tracks over there, and a confluence of three streets -- Main Street, Elm Street, and Commerce Street -- going underneath those tracks. Turning back around, he once again saw the small municipal park and the series of Government buildings encircling it. Continuing his turn, now there appeared a taller warehouse like building that attracted his attention momentarily. Continuing his panoramic view, he continued to turn and saw another park like setting on a bluff -- there was a collection of trees, benches, and a concrete fence with an interesting architectural design in it -- and all of that looked like it was perched overall on a grass knoll. The concrete fence was actually a monument built by the *Works Progress Administration* in 1938 to honor a Tennessee lawyer named John Byran, one of the pioneers who settled in this town back in 1839, before taking off to join the California Gold Rush in 1849.

Continuing on with his circle, he encountered the railroad tracks again, but now his eye caught several boxcars parked nearby -- yes, he remembered how those boxcars were supposed to be there; Nelson's plans always were so well oiled. Looking at the stream of cars coming and going in both directions underneath its bridge, he studied the passengers for a while. Looking at the drivers in those cars, Richard Nixon thought to himself how he held valuable factual information those folks did not have --

factual information so important that literally, before the end of the day from right then and there, every single human being on the fact of the Earth, accessible to some news information, would then know in hindsight what Richard Nixon now knew in advance.

Occasionally, Richard Nixon had been baffled (if *baffled* is the word), or perhaps *mystiqued*, about the nonchalant ambivalence and indifference of Americans generally to their Government and to those who were quietly running the show hidden in the background; why these common folks just did not understand *power* very well.

Why couldn't these simple folks come to grips with the fact that successful politicians are simply accustomed to using juristic force to accomplish their own personal objectives? And that there were numerous others who also want the benefits derived from using Juristic Institutions on their behalf, while wanting to stay blended in latently within the shadows of the background.

Searching his soul some more, an idea came into the back of his mind -- a partial recognition of what it meant to be "*in America*" -- the real *America* was merely the absence of Corporate Socialist Rockefeller Cartel gremlin intrigues and maneuverings for conquest -- a Cartel power so dominant in New York that merely traveling anywhere else in the Country was "*America*." But something about this city was different; here nice, friendly, class people lived. He remember how he actually enjoyed being interviewed yesterday by the local Press in his suite at the Baker Hotel -- boy was that a refreshing change; he had felt relaxed. Richard Nixon really liked these folks, and once momentarily yearned to be one of them -- simple, uncluttered, and concerned largely with themselves and their families. Richard Nixon remembered how he saw his picture in the local newspaper this morning, and the photograph published was very distinguished looking. Why, if that Press Interview had taken place in New York City, there would have been no end to the distortion taking place, and the photograph selected would have been the worst -- Nelson's barking media dogs in his media, what

garbage they were. Yes, Nelson had promised Richard Nixon the Presidency off in the future, so now the barking dogs were going to have Richard Nixon as a piece of meat to kick around once again. While trying to relate to the journalists who lived in this city, Richard Nixon visualized in his mind reading the editorial page this morning next to his Press Interview photograph, and recalled feeling how real Americans lived in this city, as the local newspaper editors had the *Savior Faire* to admire a man personally, while disagreeing with some of his philosophy:

"[We] hope, Mr. Vice President, that your brief interlude here today will be pleasant. The news, along with thousands in this area, has disagreed sharply with many of your policies, but the opposition is not personal."

Gee, Richard Nixon was thinking to himself, such a statement would never be found appearing in any paper Nelson and David had any control over -- a newspaper actually admiring someone else? Never. Hmmm, so that is what the distinguishing characteristic was: These common folks out here held no malice in them against others; they were not enscrewment oriented, so they thought in totally different terms. These common folks out here in *America* do not start out Press Interviews looking for ways to run someone else into the ground.

In watching the cars go by again, Richard Nixon remembered how sometime ago, he had once heard Nelson Rockefeller mutter some contemptful characterization of these common folks by calling them *peasants*, which was uttered with a salty derogatory slur in Nelson's inflection designed to rub in, in no uncertain terms, the elevated grandeur of his aloof status. Now while looking at a white convertible go by with a blonde in it, unsophisticated, seemingly carefree, uncluttered, and naive -- yet she and these other common folks down here possessed something important that Richard Nixon quietly yearned for, but could not identify; the very fact that Nelson Rockefeller had bad-mouthed these folks meant that there was something special

about them that Richard Nixon thought he also wanted for himself, but in trying to figure out just what the *something* was, Richard Nixon's mind just drew a blank for the moment. These common folks out here in *America*, Nelson's *peasants*, hmmm... unlike Nelson, they were carefree, they were without malice towards others, nor did they walk about like Atlas with the burdens of global problems on their shoulders, nor they did not hold the literal fate of entire civilizations in their hands, and they were also without factual knowledge on impending adverse circumstances, and yet, for some puzzling reason, they still clearly held the upper hand in some invisible way [*Holding the Upper Hand* is a characterization that Nelson Rockefeller would infrequently use in other textual settings, as his mind was constantly making assessments on power relationships he was evaluating]. Here Richard Nixon was in advanced and premier positions in virtually every perspective of measurement that society offers, and yet at the same time he also felt way behind all of these simple little common folks. Richard Nixon really did not want to be here this day; he did not want to have had to sit in on that briefing session in New York along with Nelson, Secretary of Defense Robert MacNamara; his assistant Alexander Haig; Director of Clandestine Operations for the CIA, Richard M. Bissell, Jr.; and Nelson's long time friend, George DeMohrenschildt. Nelson had also given Richard Nixon a peripheral but operationally important coordinating role to play in the scenario that would be unfolding into the public's view shortly. It was a massive operation involving several hundred people, many of whom did not know what the end objective was, and would only be realizing their supporting role after the objective blossomed out into the public eye -- but not Richard Nixon; he knew the total picture from start to finish, as all supervisors and coordinators have to know in order to supervise and coordinate. In a practical sense, Richard Nixon was a very powerful person today -- he had the ability to place a phone call to Nelson Rockefeller and call off the whole operation. And now Richard Nixon was telling himself that this was something he did not want to do, this was something he resented -- yet he remained silent about his opposition, and went right ahead and did what he was told to do, as his conscience was telling him

not to do, as the good little water boy he had always been for Nelson Rockefeller. In a similar way, today was also going to be the end of the line for Richard Nixon as well, as he would not need to concern himself with his conscience wrestling with him any more.

Now while Richard Nixon's mind had been racing about, touching on one deep contemplative and historical thought after another -- almost an hour had passed, and he snapped out of his somewhat dreamy world to realize that he had other things to do before catching his plane back to New York. This was a matured Richard Nixon who was now starting to mellow out -- the old Richard Nixon was emotionally disturbed and had frequently thrown temper tantrums at students in his law class at Whittier College he once taught -- mean and ugly tantrums whose [expletive deleted] language caused even the paint to peel off the walls; those tantrums had indicated an unpleasant upbringing from a broken home [which his parents were responsible for] and lack of minimal esteem for others [which he was responsible for]. But now as the new Richard Nixon turned around in a circle once again, catching a final panoramic glimpse of the neighborhood scene again -- a scene that the entire world, literally, would become very well acquainted with in a few hours -- a tear formed in one eye and made it down to his cheek before it was wiped away; no, he really did not want to go through with this; he quietly resented this, and even momentarily regretted ever getting involved with Nelson Rockefeller.

A Question surfaced in his mind, followed by another: *Who am I? What am I doing here?*, with the first Question fading away quickly with the second soon following suit; he had done enough soul searching for one day, and this whole thing was eating at him too much. After suppressing expressions of sympathy that he and Nelson would be extending to Jackie on the morrow in a private White House reception -- those recurring condolences that he had been rehearsing -- Richard Nixon finally cleared his mind of these extraneous thoughts as he slowly turned around and left Dealey Plaza, heading indirectly for Love Airfield. After placing a phone call to Nelson Rockefeller in New

York City, telling him that everything "...is set" and that he is flying back to New York, Richard Nixon would clear out of Dallas two hours before President Kennedy arrived in Dallas after having breakfast in Forth Worth. For factual information on Nixon in Dallas, see generally the *Dallas Morning News*:

- ["Guard Not for Nixon"], Section 4, page 1 (Friday, November 22, 1963);
- ["Nixon Predicts JFK May Drop Johnson" - Press Interview], Section 4, page 1 (has accompanying photograph);
- ["Thunderstorms" - weather], Section 4, page 3 (Friday, November 22, 1963);
- ["Rain Seen for Visit of Kennedy"], page 1 (Thursday, November 21, 1963);
- ["The President" - Editorial], Section 4, page 2 (Friday, November 22, 1963).

Yes, that Question: *Who am I?* really did once enter into Richard Nixon's mind in the idea stream of soul searching that he did on that Friday morning. If the great Highway Contract Protesters were smart, then unlike Richard Nixon's accelerated dissipation of difficult Questions his lack of factual knowledge created impediments to comprehending, this is one Question that Protesters should home in on without letup, until an Answer surfaces somewhere. There is no other Question in this Life that could be asked that is more important. Richard Nixon's error was in chasing the idea away quickly -- indicative of the error in judgment he also exercised as an unprincipled opportunist, when he was once invited to jump into bed with Nelson Rockefeller, a judgment that as of 1985, Richard Nixon has quietly both appreciated and regretted making several times over. Yes, Richard Nixon got that right: Us little *peasants* do in fact *hold the upper hand* in ways invisible to Gremlins, imps, and their water boys: Being the clumsy, ignorant, dumb, stupid, uncluttered and unmotivated simple little goy cattle that we are, at least we haven't forfeited the Celestial Kingdom by murdering other people. [[return](#)]

[76] "We came into this world to receive a training in mortality that we could not get anywhere else, or in any other way. We came here into this world to partake of all the vicissitudes, to receive the lessons that we receive in mortality, from or in a mortal world. And so we become subject to pain, to sickness [and to presentations of error].

... We are in the mortal life to get an experience, a training, that we could not get any other way. And in order to become gods, it is necessary for us to know something about pain, about sickness, [about incorrect reasoning], and about the other things that we partake of in this school of mortality." - Joseph Fielding Smith in *Seek Ye Earnestly*, pages 4 and 5 [Deseret Book Publishings, Salt Lake City (1970)].

Yes, *correct reasoning* is very important to acquire down here, and there is a very good reason why this is so: Because how we think today governs our acts tomorrow. This Principle operates as a function of the memory judgment making machinery in our minds, an important Principle that Lucifer once deeply regretted violating in the First Estate, as he once continuously tossed aside and ignored Father's seemingly insignificant little advisories:

"Thoughts are the seeds of acts, and precede them. Mere compliance with the word of the Lord, without a corresponding inward desire, will avail little. Indeed, such outward actions and pretending phrases may disclose hypocrisy, a sin that Jesus vehemently condemned.

"...The Savior's constant desire and effort were to implant in the mind right thoughts, pure motives, noble ideas, knowing full well that right words and actions would eventually follow. He taught what modern physiology and psychology confirm -- that hate, jealousy, and other evil passions destroy a man's physical vigor and

efficiency. `They pervert his mental perceptions and render him incapable of resisting the temptation to commit acts of violence. They undermine his moral health. By insidious stages they transform the man who cherishes them into a criminal.' [Just like executioners for the KGB are eaten alive by a canker and must be replaced frequently, as I quoted Ian Fleming.]

"Charles Dickens makes impressive use of this fact in his immortal story *Oliver Twist*, wherein Monks is introduced first as an innocent, beautiful child; but then `ending his life as a mass of solid bestiality, a mere chunk of fleshed iniquity. It was thinking upon vice and vulgarity that transformed the angel's face into the countenance of a demon.'...

"I am trying to emphasize that each one is the architect of his own fate, and he is unfortunate, indeed, who will try to build himself without the inspiration of God, without realizing that he grows from within, not from without. [Yes, just like that *Silver Bullet* that Protesters are also looking for -- it too lies within yourselves.]" - David O. McKay in *Conference Reports* ["The Need for Right Thinking"], at page 6 (October, 1951). David O. McKay was at that time the President of the Church. [[return](#)]

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