POINT 1

PLAINTIFFS HAVE THE RIGHT TO PETITION THE EXECUTIVE AND LEGISLATIVE BRANCHES FOR REDRESS OF GRIEVANCES

Plaintiffs have an unalienable Right to Petition the government for a Redress of Grievances, a Right guaranteed by the First Amendment to the Constitution of the United States of America.

The First Amendment to the United States Constitution states clearly and unambiguously, "Congress shall make no law …abridging …the right of the people … to petition *the government* for a redress of grievances." (plaintiffs' emphasis).

While some Rights are reserved with qualifications in the Bill of Rights, there are *none whatsoever* pertaining to the Right of Redress. There are *no limits* on the Right of Redress. Any constitutional offense is legitimately petitionable. Any branch is petitionable.

This right is the procedural mechanism that enables the People to call *any branch* of their servant government before them.

The right to Petition is the foundation of Popular Sovereignty and is the direct vehicle for the peaceful, non-violent resolution of matters involving errant government.

Petitioning the government for a Redress of Grievance naturally includes the ability to compel admissions – the production of information and answers to questions.

Jefferson wrote, "The right of freely examining public characters and measures, and of free communication among the people thereon…has ever been justly deemed the *only effectual guardian* of every *other* right."

In America, the right to petition our government for redress of grievances is the basis of our liberty. Our founders explicitly recognized this right in the very first amendment to our constitution – for they understood that without it, we could not have a servant government whose power is defined and limited by the consent of the people.

The Right to Petition for Redress is the essential cornerstone of Popular Sovereignty – a government of the People, by the People and for the People.

In 1791, the right to petition became primary among the Rights of the People of the United States of America, as expressed in, and guaranteed by, the First Amendment.

"Petitioning was at the core of the constitutional law and politics of the early United States. That was why it was included in the First Amendment, not as an afterthought, but rather as its **capstone**… petitioning embodied important norms of political participation in imperfectly representative political institutions…. **Petitioning was the most important form of political speech** …For individuals and groups, it was a mechanism for redress of wrongs that **transcended the stringencies of the courts** and could force the government's attention on the claims of the governed when no other mechanism could." Gregory A. Mark, The Vestigial Constitution**:** The History And Significance Of The Right To Petition, 66 Fordham L. Rev. 2153, 2157 (1998). (plaintiff's emphasis).

As argued below, the Founding Fathers clearly declared that the Right of Redress of Grievances *includes* the Right to withhold payment of taxes while the grievance remains. By the 1st Amendment, the founding fathers secured for posterity the Right of Redress of Grievances *Before* payment of Taxes and they made the Right of Redress *Before* Taxes

operate against "*the government*," that is, against *all branches* of "the government," – the legislative, the executive and the judicial branches. Redress reaches all.

POINT 2

THE RIGHT TO PETITION IS AN ANCIENT UNALIENABLE RIGHT

By the seventeenth century, monarchical challenge to a petition was defended on the basis that petitioning was an ancient right. See J.E.A. Jolliffe, The Constitutional History of Medieval England: From the English Settlement to 1485, at 405 (4th ed. 1961); see also K. Smellie, Right of Petition, in 12 Encyclopedia of the Social Sciences 98 (1934) ("The ordinary mode of legislation was by statute made on petition of the Commons. The words petition and bill were used interchangeably in legal and common speech down to Tudor times." (citation omitted)).

In Adderley v. Florida, Supreme Court Justice Douglas wrote:

> The historical antecedents of the right to petition for the redress of grievances run deep, and strike to the heart of the democratic philosophy. C. 61 of the Magna Carta provided:
>
> "That if we or our justiciar, or our bailiffs, or any of our servants shall have done wrong in any way toward any one, or shall have transgressed any of the articles of peace or security; and the wrong shall have been shown to four barons of the aforesaid twenty-five barons, let those four barons come to us or to our justiciar, if we are out of the kingdom, laying before us the transgression, and let them ask that we cause that transgression to be corrected without delay." Sources of Our Liberties 21 (Perry ed. 1959).

Justice Douglas went on to say,

> The representatives of the people vigorously exercised the right in order to gain the initiative in legislation and a voice in their government. See Pollard, The Evolution of Parliament 329-331 (1964). By 1669 the House of Commons had resolved that "it is an inherent right of every commoner of England to prepare and present Petitions to the house of commons in case of grievance," and "That no court whatsoever hath power to judge or

> censure any Petition presented . . . ." 4 Parl. Hist. Eng. 432-433 (1669). The Bill of Rights of 1689 provided "That it is the right of the subjects to petition the king and all commitments and prosecutions for such petitioning are illegal." Adams & Stephens, Select Documents of English Constitutional History 464. The right to petition for a redress of grievances was early asserted in the Colonies. The Stamp Act Congress of 1765 declared "That it is the right of the British subjects in these colonies, to petition the king or either house of parliament." Sources of Our Liberties 271 (Perry ed. 1959). The Declaration and Resolves of the First Continental Congress, adopted October 14, 1774, declared that Americans "have a right peaceably to assemble, consider their grievances, and petition the king; and that all prosecutions, prohibitory proclamations, and commitments for the same, are illegal." *Id.*, at 288. The Declaration of Independence assigned as one of the reasons for the break from England the fact that "Our repeated Petitions have been answered only by repeated injury." The constitutions of four of the original States specifically guaranteed the right. Mass. Const., Art. 19 (1780); Pa. Const., Art. IX, § 20 (1790); N. H. Const., Art. 32 (1784); N. C. Const., Art. 18 (1776).
>
> Adderley v. Florida, 385 U.S. 39; n2 (dissenting opinion).

The American Declaration of Independence lists the English King's "injuries and usurpations," including among them his undermining of the legitimate processes of colonial government, and only then notes, “In every stage of these Oppressions We have Petitioned for Redress in the most humble terms: Our repeated Petitions have been answered only by repeated injury. A Prince, whose character is thus marked by every act which may define a Tyrant, is unfit to be the ruler of a free people. “

That petitions were a legitimate vehicle by which to complain of the broadest spectrum of grievances is evident from the enumeration preceding the **capstone (ultimate) complaint that the colonists' petitions fell on the king's deaf ears.**

The Declaration's litany runs the gamut from political usurpations to having "plundered our seas, ravaged our Coasts, burnt our towns, and destroyed the lives of our people." The public character of the grievances is immediately apparent, as is the

colonists' felt view that **petition was an appropriate remedy**, indeed a remedy available, "in every stage" of a grievance.

The **capstone** of the list of grievances was the king's violence to the Right of Petition, the breaking apart of the bonds of deference and obligation on which hierarchial legitimacy rested. Having met the sole precondition for reception by petitioning "in the most humble terms," the colonists felt entitled to consideration.

That the King would not hear the colonists' Petitions for Redress was the ultimate violation and was wholly unacceptable. The answer sent by the king was: "repeated Injury," indeed "only by repeated Injury." Clearly, more was expected, even required, in contemporary politics.

The colonists held that **tyranny marked a society in which the rulers ignored "a free People.**"

The meaning of petitions and the process of reception made it the **capstone** grievance in the Declaration and ultimately underlay the inclusion of the Right to Petition not as an afterthought, but as the **capstone** Right in the First Amendment.

POINT 3

THE RIGHT TO PETITION PROTECTS "PROPER" PETITIONS

A communication, to be protected as a Petition for Redress, would have to embody certain components to ensure that the document was a petition and not a "pretended petition." Not all communications, nor just any document, can be regarded as a constitutionally protected Petition for Redress of Grievances. Plaintiffs' Petitions for Redress meet or exceed any rational standard.

Plaintiffs' Petitions for Redress do not rise to the level of frivolity.

Plaintiffs' Petitions for Redress contain no falsehoods.

Plaintiffs' Petitions for Redress are not absent probable cause.

Plaintiffs' Petitions for Redress have the quality of a dispute.

Plaintiffs' Petitions for Redress come from People outside of direct participation in the formal political culture – the Constitution is part of their religion.

Plaintiffs' Petitions for Redress contain both "direction" and "prayer."

Plaintiffs' Petitions for Redress have been punctilious.

Plaintiffs' Petitions for Redress address public, collective grievances.

Plaintiffs' Petitions for Redress involve constitutional principles not political talk.

Plaintiffs' Petitions for Redress have been signed only or primarily by citizens.

Plaintiffs' Petitions for Redress have been dignified.

Plaintiffs' Petitions for Redress have widespread participation and consequences.

Plaintiffs' Petitions for Redress are instruments of deliberation not agitation.

Plaintiffs' Petitions for Redress provide new information.

Plaintiffs' Petitions for Redress do not advocate violence or crime.

Plaintiffs' Petitions for Redress merely request answers to specific questions.

The remedy sought by plaintiffs' Petitions for Redress has merely been the government's *answers* to certain questions related to the origin and operation of the federal individual income tax system, the Iraq Resolution, the Federal Reserve System and the USA Patriot Act. See Exhibit ZZ and Exhibit FFF (Statement of Facts and Beliefs regarding the income tax), which are the heart of plaintiffs' Petition process, and which plaintiffs have been asking the government to respond to.

The record shows that during the entire Petition process plaintiffs have remained true to the Constitution, exercising not only their Right to Petition for a Redress of

Grievances, but also their Rights to Freedom of Speech and to Freedom of the Press and to Peaceably Assemble by joining with other People under the auspices other organizations, such as the We The People Foundation for Constitutional Education, Inc., and the We The People Congress, Inc.

The record shows that plaintiffs have acted rationally, intelligently, and professionally at all times during the Petition process, while always showing kindness and respect toward all appointed and elected representatives of the servant government.

On the other hand, the record shows that during the Petition process plaintiffs' servant government has failed to even acknowledge its receipt of formal invitations to participate in academic symposiums and conferences; has reneged on commitments; has broken promises; has held a congressional hearing on plaintiffs' newspaper ads without allowing plaintiff to testify at the hearing because, in the words of the Committee Chairman Sen. Charles Grassley, plaintiff's "message will detract from the message we are trying to convey"; has failed to respond to private and open invitations to meet to discuss the evidence and answer questions; has declared that notwithstanding the evidence to the contrary, the legality of the income tax is not a high priority matter; has declared that rather than answer the Peoples' questions about the legality of the income tax, it will deal harshly and swiftly with People who question the validity of the income tax system; has threatened and intimidated plaintiffs by declaring that the only way it will answer the Peoples' questions is "by litigation."

Defendants have shown little, if any, respect for the People and the rulebook, – i.e., the Constitution of the United States of America.

POINT 4

THE RIGHT TO PETITION INCLUDES THE RIGHT TO BE HEARD

In colonial America and for decades following the adoption of the Constitution and Bill of Rights, the right of citizens to petition their local, state and federal assemblies was an affirmative, remedial right which required governmental hearing and response. Because each petition commanded legislative consideration, citizens, in large part, controlled legislative agendas.

This original theory and practice of petitioning tripped when abolitionists flooded Congress with petitions during the debates over slavery. Southern Congressmen, **acting in behalf of an entrenched, special (slavery) interests**, were responsible for the adoption of a "gag order" on further petitions, which, *in effect*, changed the construction of the Constitution without an Article V Amendment. As a result, the right of petition was collapsed into the right of free speech and expression – an unconstitutional definitional narrowing, which went unchallenged in the courts and persists to this day. See "A Short History of the Right To Petition Government for the Redress of Grievances," by Stephen A. Higginson, 96 Yale L.J. 142 (1986); "The Bill of Rights as a Constitution," by Akhil Reed Amar, 100 Yale L.J. 1131 (1991); and "The **Vestigial Constitution:** The History And Significance Of The Right To Petition," by Gregory A. Mark, 66 Fordham L. Rev. 2153 (1998).

In the colonies, petitions were almost always received and read and responded to. In practice, those "ignored or rejected outright ... were few in number." Alan Tully, Constituent-Representative Relationships in Early America: The Case of Pre-Revolutionary Pennsylvania, 11 Can. Hist. J. 139 (1976). note 19, at 146-47.

The right to petition carried a mandate of hearing, but not of approval. The original intent was, "a right which had compelled legislatures to accord citizens' petitions fair hearing and consideration." Higginson, *supra* 96 Yale L.J. 142, 166.

The founder's intent of the First Amendment petition clause included a governmental duty to consider petitioners' grievances. In its early years, Congress attempted to pass favorably or unfavorably on every petition. See HINDS, PRECEDENTS OF THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES § 3361 (1907).

The Founders' Intent underpinning the Right to Petition stemmed in part from the popular right to petition local assemblies in colonial America where no sharp line dividing constituents from representatives existed to separate control of the legislative agenda from the People's initiatives. Petitions assured a seamlessness of public and private governance. Assemblies would receive petitions, refer them to committees for consideration, and then act upon the committees' recommendations. This process originated more bills in pre-constitutional America than any other source of legislation. [1]

Apathy – the lack of emotion and interest in public affairs – was not a prevailing attitude in America in the decades leading up to and following the adoption of the First

[1] For example, in the Connecticut General Assembly session of May, 1773, over five-sixths of the resolutions were direct responses to residents' petitions and still the Assembly postponed consideration of a further 250 petitions, including one petition from a slave. At this session, petitioners prompted a naturalization bill, a reversal of a superior court judgment, debt discharges, public fishery regulations, road making resolutions, Indian land delimitations (upon petition by Indians), town tax revisions, and constable replacements. *See* 14 CONNECTICUT RECORDS 94-132, 152-55 (1773); *see also* R. BAILEY, POPULAR INFLUENCE UPON PUBLIC POLICY 61 (1979) (most prolific source of Virginia Colony legislation was petitioning).

Amendment and the Right to Petition, in large part because of the widespread practice of Petitioning and the normal practice of having one's Petition heard and responded to by the government.

Assemblies responded to information from the People, even the disenfranchised, making petitions vital initiatives for governmental actions.

However, the Right to Petition was not absolute. For instance, the assemblies did retain one important and longstanding restraint on petitioning: the threat of contempt proceedings. Allegations discovered to be ambiguous or false could lead to dismissal or to charges against the petitioner. See, e.g., 4 CONNECTICUT RECORDS 55 (1691) (landowners' petition for township status dismissed because "none of the principle proprietors of sayd land [were] in the petition").

The fundamental Right of Petition was included in the Bill of Rights even though, as Story wrote, "[The right of petition] would seem unnecessary to be expressly provided for in a republican government, since . . . [i]t is impossible that it could be practically denied until the spirit of liberty had wholly disappeared, and the people had become so servile and debased as to be unfit to exercise any of the privileges of freemen." 2 STORY, COMMENTARIES ON THE CONSTITUTION OF THE UNITED STATES 645 (5th ed. 1891) (footnote omitted); *see also* 1 W. BLACKSTONE, COMMENTARIES 143 (rev. ed. 1978) (petitioning to King);

There can be no doubt that the petitioning of government was understood to be an inherent Right.

That the Framers meant to imply a corresponding governmental duty of a fair hearing seems clear given the history of petitioning in the colonies and the colonists' outrage at England's refusal to listen to their grievances:

> "In every stage of these Oppressions We have Petitioned for Redress in the most humble terms: Our repeated Petitions have been answered only by repeated injury." The Declaration of Independence para. 30 (U.S. 1776); *see also* 1 JOURNALS OF CONGRESS 67-92 (1775) (petition to King); *id.* at 117-18 (resolution protesting Parliament's interference with right of petition); 2 JOURNALS OF CONGRESS 158-62 (1777) (petition to King).

Congress, in its first session, approved the right of petition virtually without comment. When Madison introduced his proposed list of amendments on June 8, 1789, he separated the clause for the rights of assembly, consultation, and petition from the clause containing the free expression guarantees of speech and the press. The express function of the assembly-petition clause was to protect citizens "applying to the Legislature . . . for a redress of their grievances." 2 B. SCHWARTZ, THE BILL OF RIGHTS: A DOCUMENTARY HISTORY 1026 (1971).

While refusing to vest individuals and groups with the power to bind Congress, and while guarding jealously their discretion to judge and reject instructions as unwise, the Framers of the Bill of Rights nonetheless maintained that citizens' "instructions," like petitions, would be heard and considered. *Id.* at 1093-94 (right to consult goes no further than petitioning, but representatives have duty to inquire into petitioners' suggested measures) (statement of R. Sherman); *id.* at 1094-95 (right to consult Congress is non-binding, but Congress has responsibility never to shut its ears

to petitions) (statement of E. Gerry); *id.* at 1096 (right to bring non-binding instructions to Congress' attention is protected) (statement of J. Madison).

In Congress' first decades petitions were received and considered, typically by referral to committees. The petition-response mechanism dealt procedurally with such controversial issues as contested election results, the National Bank, the expulsion of Cherokees from Georgia, land distribution, the abolition of dueling, government in the territories, the Alien and Sedition Acts, and the slave trade. Generally, favorable legislation or an adverse report halted further petitioning. Higginson, 96 Yale L.J. 142, 156-157.

The development of nationwide petitioning efforts was well underway in the Jacksonian era, whose sentiment it was that representatives owe "unrelaxing responsibility to the vigilance of public opinion." *An Introductory Statement of the Democratic Principle,* from THE DEMOCRACTIC REV. (Oct. 1837), in SOCIAL THEORIES OF JACKSONIAN DEMOCRACY 21, 23 (J. Blau ed. 1954).

POINT 5

THE RIGHT TO PETITION WAS TEMPORARILY GAGGED BY ENTRENCHED, SPECIAL INTEREST

While the intent of the Founders was that the Constitution would protect the citizenry's two constitutional means of approaching the government, **periodic election AND continual instruction through petitioning**, a powerful special interest (the pro-slavery folks) was eventually responsible for the “gagging” of the latter in the Congress in 1845.

This, in spite of the fact that petitioning was known to be essential to informed voting and legislation and was protected by the Constitution. *See, e.g.,* 1 THE ANTI-SLAVERY EXAMINER 3 (Aug. 1836).

The gag was unconstitutionally applied to a class of petitions even though citizens had the liberty, even the responsibility, to petition on any matter, regardless of the legislature's power of redress. Since both “offer” and “consideration” were, for over a century, indispensable to effective petitioning, the correct line lay between the guarantee of those two rights and the legislature’s discretion to deny or disapprove a particular petitioner's request.

The gag was applied to all petitions on the issue of slavery over the objections of John Adams and a few others who strenuously defended the right of every person to petition Congress, whatever the motive, declaring that each petition was entitled to a hearing on its merits. [2]

The Right was infringed in spite of the fact that constitutionally protected representation **by ballot and petition** not only assures popular control of government, but also attaches to each citizen responsibility for the nation's laws, or lack thereof. *See, e.g.,* The National Era, Jan. 18, 1849, at 10, col. 2 (concerning petitioning against slavery, "those who elect the law-makers are responsible for the laws made, or for the neglect to pass laws which ought to be enacted").

[2] *See* J. Q. Adams, *List of Petitions,* National Intelligencer, Apr. 23, 1839, at 2, col. 4; Speech of Mr. Cushing, of Massachusetts, on the Right of Petition, as Connected with Petitions for the Abolition of Slavery and the Slave Trade in the District of Columbia in the House of Representatives 11 (Jan. 25, 1836) (every citizen's right to be heard on floor of House essential to democracy) (avail. in Library of Congress)

Unfortunately, the prohibition against Petitions regarding slavery was not brought to the Supreme Court to be heard. The gag was applied merely amidst political discourse and wrangling, not judicial determination.[3]

To no avail, abolitionists warned that a pro-slavery "gag" against petitions might, with equal facility, silence other matters of public concern. They feared that one branch of Congress could by itself limit the scope of constitutional protection by summarily denying citizens the right of prayer. Barring consideration of a class of petitions was criticized as an arbitrary act, akin to a judicial decision pronounced in advance of the facts. Adams and others declared that minority political expression would be silenced if petitioning were confined only to those subjects approved by a majority in Congress. At bottom, the "gag" opponents insisted that the right to petition implied duties to hear, consider, debate, and decide. Even if want of authority required the ultimate denial of a petition, the preliminary rights of communication and consideration ought not to be infringed.

This logic took vivid illustration in the controversy over Adams's introduction of a petition from Haverhill, Massachusetts, requesting dissolution of the Union. Members moved to censure Adams on the grounds that the right of petition could not extend to destruction of the sovereign power petitioned. Adams, while admitting that Congress could not take such action, denied that the unavailability of the requested

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[3] *See, e.g.*, Address by William Jay to the Friends of Constitutional Liberty on the Violation by the United States House of Representatives of the Right of Petition (Feb. 13, 1840), in W. JAY, MISCELLANEOUS WRITINGS ON SLAVERY 397, 401-02 (1853) (charges that people denied access to representatives on any matter are "gagged") [hereinafter Address by William Jay]; H. JOURNAL, 26th Cong., 1st Sess. 788 (1840) (Massachusetts resolution affirming Congress' duty to give all petitioners "respectful and deliberate consideration," "however mistaken in their views, or insignificant in number").

remedy should preclude the processes of petition and hearing. Recalling the events of 1776 and "'the right of the people to alter, to change, to destroy, the Government if it becomes oppressive to them,'" Adams concluded, "'**I rest that petition on the Declaration of Independence**.'" Higginson, 96 Yale L.J. 142, 163-164. (plaintiff's emphasis).

It is arguable that had the federal government not assumed in the mid 1840s that it could not reason with its citizens the slavery issue would have been settled before 1861 and the Civil War.

Notwithstanding the intent of the founders and the long-standing practice that linked petitioning to a corollary duty of legislative response, the Southern "gag" proponents successfully managed to temporarily subsume the right within free expression.

The abrupt suspension of a right so indispensable to representative government has but one factual explanation, **the assailability of any principle, however fundamental, when confronted by interests as entrenched as slavery.**

Modern petitioning has since come to differ in importance so wildly from petition's importance in the early decades of the Republic that its salient features have been ignored, misunderstood, or (un)intentionally downplayed by modern analysts.

"The original character of the right to petition may impose an untenable restraint on the autonomy and agenda setting power of the federal legislature. But until this conclusion is made, court opinions will appear to rest not on the Framers' intent, but on deference to the resolve of antebellum Congresses to defeat a right which threatened the institution of slavery." Higginson, 96 Yale L.J. 142, 166.

Plaintiffs' Petition for a Redress of Grievances regarding the origin and operation/enforcement of the income tax system is, in effect, an effort to revive the "forgotten Right" and like the abolitionists of yesteryear, **plaintiffs and the legions of supporters are up against a powerful, entrenched interest – involuntary servitude and peonage.**

POINT 6

ORIGINAL INTENT CONTROLS AND GOVERNS

It is common knowledge that when attempting to interpret any constitutional provision, such as the Petition Clause, one needs to consider the original intent of the Founders for no words of the Constitution and Bill of Rights are ever to be considered extraneous or meaningless.

It is common knowledge that in American jurisprudence, the approach to interpreting the meaning of constitutional provisions is to look to the "intent of the Founders," which involves three steps: first, one needs to consider what was the common practice in the years preceding the adoption of the constitutional provision; second, what was said by those arguing for or against the provision; and third, what was the common practice in the years following the adoption of the provision?

With respect to any question about the obligation of the government to respond to plaintiffs' Petitions for Redress of Grievances, the historical record demonstrates conclusively that the common practice before and long after the adoption of the Petition Clause was for the government to hear and act on virtually all Petitions presented to it provided those Petitions were not frivolous, contained no falsehoods, had probable cause,

had the quality of a dispute, were signed by citizens, were dignified, did not advocate a crime, etc.

However, according to Yale Law School Professor Stephen A. Higgonson, "The short line of Supreme Court cases that raise the petition clause… consistently err in their interpretation of the petition clause as merely a free expression guarantee… **These cases reveal an unstudied treatment of colonial legal history by ignoring the original meaning of the right, and especially its remedial, legislative character…."** Higginson, 96 Yale L.J. 142, n2. (plaintiffs' emphasis).

For instance, apparently without investigating the intent of the founders and the original meaning of the Right, but relying only on the language of the Petition Clause itself, the District Court held in *Chase v. Kennedy*, " The plaintiff has confused his right to petition with a supposed right to have his petition granted or acted upon in a certain way. **But no such right is found in the Constitution**. . . . What a Senator does with petitions is absolutely within his discretion and is not a proper subject of judicial inquiry, even if it might appear that he be grossly abusing that discretion. Chase v. Kennedy, No. 77-305-T, mem. op. at 2 (S.D. Cal. July 11, 1977), *aff'd*, 605 F.2d 561, *cert. denied*, 444 U.S. 935 (1979); (plaintiff's emphasis).

Another example of the judiciary's carelessness and misleading opinions is found in Minnesota State Bd. Community Colleges v. Knight, 465 U.S. 217, 284 (1984), a case dealing with collective bargaining and the rights of non-union faculty members to "meet and confer" with the State Board of Community Colleges.

In Minnesota v Knight the majority's opinion reads:

> "The District Court agreed with appellees' claim to the extent that it was limited to faculty participation in governance of institutions of higher education. The court reasoned that "issues in higher education have a special

> character." 571 F.Supp., at 8. Tradition and public policy support the right of faculty to participate in policymaking in higher education, the court stated, and the "right of expression by faculty members also holds a special place under our Constitution." *Id*., at 8-9. Because of the "vital concern for academic freedom," the District Court concluded, "when the state compels creation of a representative governance system in higher education and utilizes that forum for ongoing debate and resolution of virtually all issues outside the scope of collective bargaining, it must afford every faculty member a fair opportunity to participate in the selection of governance representatives." *Id*., at 9-10.

The very next paragraph in Minnesota v. Knight reads:

> "This conclusion is erroneous. Appellees have no constitutional right to force the government to listen to their views. They have no such right as members of the public, as government employees, or as instructors in an institution of higher education."

Obviously the court was careless here in its choice of language. Someone wanting to use this case to argue that plaintiff's Right of Petition does not include the Right to have his Petition heard by the government might erroneously take out of context the words "…no constitutional right to force the government to listen to their views."

As its next paragraph reveals, however, the court was not addressing the First Amendment Right to Petition, it was addressing the issue of due process and the Fourteenth Amendment:

> "The Constitution does not grant to members of the public generally a right to be heard by public bodies making decisions of policy. In *Bi-Metallic Investment Co*. v. *State Board of Equalization*, 239 U.S. 441 (1915), this Court rejected a claim to such a right founded on the Due Process Clause of the Fourteenth Amendment."

POINT 7

THE RIGHT TO PETITION PROTECTS PETITIONERS FROM RETALIATION

If communications to one's representative could be arbitrarily ignored, refused, or **punished**, popular sovereignty is threatened. *See* G. WOOD, The Creation Of The American Republic 1776-1787, at 363 (1969).

Petitions were tied to distrust of, and the imperfect nature of representative institutions and refusal to identify individuals' rights with, or subordinate them to, the wills of elected representatives. Undue assertions of parliamentary privilege -- **punishing** petitioners who were said to menace the dignity of the assembly -- jeopardized the entire institution of petitioning. Higginson, 96 Yale L.J. 142, n45.

Before a First Amendment right may be curtailed under the guise of a law, such as "willful failure to file" or promotion of an illegal tax shelter," any evil that may be collateral to the exercise of the right, must be isolated and defined in a "narrowly drawn" statute (Cantwell v. Connecticut, 310 U.S. 296, 307) lest the power to control excesses of conduct be used to suppress the constitutional right itself. See also *Stromberg* v. *California*, 283 U.S. 359, 369; *Herndon* v. *Lowry*, 301 U.S. 242, 258-259; Edwards v. South Carolina, 372 U.S. 229, 238; *N. A. A. C. P.* v. Button, 371 U.S. 415, 433.

That tragic consequence is threatened today when broadly drawn laws such as "promotion of a tax shelter" and "willful failure to file" are used to bludgeon People who are peacefully exercising a First Amendment right to protest to government against one of the most grievous of all modern oppressions which our federal and state governments under color of law are inflicting on the working men and women in America – state ownership of their labor property, which if constitutional at 1% would also be constitutional at 100%.

Defendants are disregarding the admonition in *De Jonge* v. *Oregon*, 299 U.S. 353, 364-365:

> "These [First Amendment] rights may be abused by using speech or press or assembly in order to incite to violence and crime. The people through their legislatures may protect themselves against that abuse. But the legislative intervention can find constitutional justification only by dealing with the abuse. The rights themselves must not be curtailed. The greater the importance of safeguarding the community from incitements to the overthrow of our institutions by force and violence, the more imperative is the need to preserve inviolate the constitutional rights of free speech, free press and free assembly [and petition] in order to maintain the opportunity for free political discussion, to the end that government may be responsive to the will of the people and that changes, if desired, may be obtained by peaceful means. Therein lies the security of the Republic, the very foundation of constitutional government." (plaintiff's emphasis).

In other words, if the invalidity of official acts and official conduct curtailing First Amendment Rights of petition, speech, press and assembly turned on an unequivocal showing that the measure was intended to inhibit the Rights, protection would be severely lacking for it is not the intent or purpose of the measure but its effect on First Amendment rights which is crucial. See, e.g., *De Jonge* v. *Oregon*, 299 U.S. 353; *Feiner* v. *New York*, 340 U.S. 315; *Niemotko* v. *Maryland*, 340 U.S. 268; *N. A. A. C. P*. v. *Alabama*, 357 U.S. 449; *Bates* v. *City of Little Rock*, 361 U.S. 516; *Shelton* v. *Tucker*, 364 U.S. 479; *N. A. A. C. P*. v. *Button*, 371 U.S. 415; *Edwards* v. *South Carolina*, 372 U.S. 229; *Cox* v. *Louisiana*, 379 U.S. 536; and *Shuttlesworth* v. *City of Birmingham*, 382 U.S. 87.

Any argument by the government that it has a compelling interest in collecting taxes, and immanent lawless action is all eliminated by the Statement of our Rights of Man by the Founders on October 26, 1774. It eliminates all of their cause for action in regards to certain "tax laws" such as 26 USC 6700, 7202, 7203 and 7804.

Defendants have no right to collect when there are outstanding Petitions for Redress and they have no authority to convert claims on returns which are statutory petitions into crimes to eliminate that Right.

There can be no doubt but that IRS Summonses (demanding plaintiffs turn over all documents, books, records and other data for the purpose of “inquiring into any offense connected with the enforcement of the income tax laws”) have been issued to penalize plaintiffs and to inhibit and curtail plaintiffs’ First Amendment Right to Petition for a Redress of Grievance regarding the fraudulent origin and illegal enforcement of the income tax system, and their Rights to speech, press and assembly, regarding the same.

There is no evidence in Record of anything but plaintiffs’ open, honest and humble actions in relation to the Petition process. There is nothing in the record of any inappropriate or untoward behavior by plaintiffs, nothing.

Today misdemeanors are being used to harass and penalize plaintiffs for exercising a constitutional right of assembly and petition. Tomorrow a disorderly conduct statute, a breach-of-the-peace statute, a vagrancy statute will be put to the same end. The government will undoubtedly say they are not targeting plaintiffs because of the constitutional principles that they espouse. However, that excuse is usually given, as we know from the many cases involving arrests of minority groups for breaches of the peace, unlawful assemblies, and parading without a permit. The charge against William Penn, who preached a nonconformist doctrine in a street in London, was that he caused "a great concourse and tumult of people" in contempt of the King and "to the great disturbance of his peace." 6 How. St. Tr. 951, 955. That was in 1670.

Today, defendants are moving to silence plaintiffs, who question government's behavior and preach a nonconformist doctrine, "the government has an obligation to hear and answer the People's Petitions for Redress of Grievances and the People have a Right to Redress Before Taxes." Such abuse of police power is usually sought to be justified by some legitimate function of government.

By attempting to suppress plaintiffs' orderly and civilized protest against the government's unconstitutional behavior and injustice, the defendant's only increases the forces of frustration, which the conditions of second-class citizenship are generating amongst us.

The government does violence to the First Amendment when it attempts to turn a "petition for redress of grievances" into a "tax shelter" action or a "willful failure" action.

POINT 8

THE RIGHT TO PETITION INCLUDES THE RIGHT OF REDRESS BEFORE TAXES

The right to petition for the redress of grievances has an ancient history and is not limited to writing a letter or sending a telegram to a congressman; it is not confined to appearing before the local city council, or writing letters to the President or Governor or Mayor. See *N. A. A. C. P.* v. *Button*, 371 U.S. 415, 429-431.

As the record in the instant case reveals, conventional methods of petitioning have been shut off to plaintiffs and those similarly situated. Invitations to formal conferences and symposiums have been ignored; legislators have turned deaf ears; newspaper advertisements have been ignored; formal complaints have been routed

endlessly through a bureaucratic maze; courts have let the wheels of justice grind very slowly. Those, like plaintiffs, who do not control television and radio, those who cannot afford to advertise in newspapers or circulate elaborate pamphlets have only a more limited (unconventional) type of access to public officials.

Unconventional methods of petitioning [such as redress before taxes] are protected as long as the assembly and petition are peaceable.

The Right of Redress Before Taxes is an integral part of the Right to Petition for Redress of Grievances.

In an official Act of the Continental Congress, the founding fathers wrote: " If money is wanted by rulers who have in any manner oppressed the People, they may retain it until their grievances are redressed, and thus peaceably procure relief, without trusting to despised petitions or disturbing the public tranquility."[4]

Plaintiffs have an inherent, unalienable Right to Redress Before Taxes, guaranteed by the First and Ninth Amendments to the Constitution of the United States of America.

The actions defendants are complaining about are consistent with and protected by said Right.

Key to the defense (restoration) of our Constitution is the Peoples' unalienable right to Petition for Redress of Grievances, our servant government's obligation to respond *and the People's ability to enforce (non-violently) the Right to Remedy Grievances.*

Our Founding Fathers knew that if the People allowed the government to turn a blind eye and a deaf ear to the Peoples' Petitions for Redress of Grievances it would be

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[4] "Continental Congress To The Inhabitants Of The Province Of Quebec." Journals of the Continental Congress. 1774 -1789. Journals 1: 105-13.

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the final expression of tyranny and despotism in America, the beginning of the end of our Constitutional Republic with its system of "separate powers' and checks and balances, the beginning of the end of the Great American Experiment -- government of, by and for the People, the beginning of the end of government based on the consent of the People, and the beginning of the end of the most wonderful and powerful expression of the Creator's intent for civil government – popular sovereignty and constitutionally guaranteed *individual,* unalienable rights.

If the People rest satisfied, or apparently satisfied, without opposition and discontent, allowing the government to turn a deaf ear to the People's intelligent and rational Petitions for Redress of Grievances, the People will, in effect, be turning their backs on the Creator and on humanity.

If the Court allows the government to turn a deaf ear to the Peoples' intelligent and rational Petitions for Redress of Grievances, the Court will, in effect, be turning its back not only on the Constitution, but on Nature's God, upon whom the Founders themselves relied in declaring the Peoples' Independence from tyranny.

Must the People acquiesce to the government's turning a deaf ear to their Petitions? No, of course not. As a free People, they possess the ultimate Power in our society.

The Founding Fathers could hardly have used words more clear when they declared, "**... the people … may retain [their money] until their grievances are redressed…."**

By these words, the Founding Fathers fully recognized and clearly stated that the Right of Redress of Grievances includes the Right of r*edress <u>before</u> payment of taxes*, that this Right of *redress before taxes* lies in the hands of the People and that this Right is

the People's non-violent, peaceful means to procuring a remedy to their grievances without having to depend on -- or place their trust in -- the government's willingness to respond to the Peoples' petitions and without having to resort to violence.

This very American Right of Redress of Grievances ***Before Taxes*** has always been deeply embedded in our law.

The founding fathers could hardly have used words more clear when they declared, "the people … may retain [their money] until their grievances are [remedied]."

The founding fathers were well acquainted with the fact that government is the enemy of Freedom, that those wielding governmental power despise petitions from the People; the representatives of the People, in a popular assembly, seem sometimes to fancy that they are the People themselves and exhibit strong symptoms of impatience and disgust at the least sign of opposition from any quarter.

The founding fathers knew that it was possible for the institutions of the Congress, the Executive *and* the Courts to someday begin to fail in their duty to protect the people from tyranny. They knew that unless the People had the right to withhold their money from the government their grievances and Petitions might fall on deaf ears and Liberty would give way to tyranny, despotism and involuntary servitude.

The First Amendment to the United States Constitution states clearly and unambiguously, "Congress shall make NO law …abridging …the right of the people … to petition ***the government*** for a redress of grievances."

While some Rights are reserved with qualifications in the Bill of Rights, there are *none whatsoever* pertaining to the Right of Redress. There are *no* limits on the Right of Redress. Any constitutional offense is legitimately petitionable.

We have established that the Founding Fathers clearly declared that the Right of Redress of Grievances *includes* the Right to withhold payment of taxes while the grievance remains. By the 1st Amendment, the founding fathers secured for posterity the Right of Redress of Grievances *Before* payment of Taxes and they made the Right of Redress *Before* Taxes operate against "*the government*," that is, against *all branches* of "the government," -- the legislative, the executive and the judicial branches. Redress reaches all.

Notice that the founding fathers, sitting as the Continental Congress in 1774, held that this Right of Redress *Before* Taxes was the means by which "the public tranquility" was to be maintained. *Then*, sitting as the Constitutional Convention, the founding fathers declared that one of the major purposes of *the (federal) government* was to "insure domestic tranquility." Therefore, whenever this Right of Redress is violated, the People have a double grievance: a denial of justice by the government *and*, an incitement *by the government* to general unrest.

Today, our concern is the grievance that falls under the heading of a design to subvert the Constitution and laws of the country by those wielding governmental power.

Under this heading, all officers of the government are liable, if they strayed from their oath of office.

If we are to secure our Rights, we must rely on the laws of nature and a reasoned sense of innovation. To rely on precedent is to oppress posterity with the ignorance or chains of their fathers. Being forced by the government to rely on precedent is, *itself*, a grievance.

The sequence of Redress Before Taxes was well established in English law at a time when great numbers of Englishmen traveled to America. They brought with them English history and English law: they brought with them the principle of "taxes with consent"; the unlawfulness of "troops quartered in private homes," of "cruel and unusual punishments," and a whole collection of Rights, such as Redress, Speech, Assembly and Trial by Jury.

Any notion, spurious act of Congress or opinion by a Court that taxes must by paid *before* Redress is a perversion of Natural Law, of modern English law, of the American Constitution and of Truth and Justice.

The reverse principle of "*Taxes Before Redress*" is based on the essence of monarchy and kingly power: the king owns everything under his domain. People possess property under a monarch by his grace alone. Since a king owns everything under his domain, he merely has to speak to lawfully dispose of his property. Thus, if a king imposed a tax on land he imposed it on his own land and whoever occupied the land was obligated to pay the tax to the king's treasury. A tax, then, being a part of the king's property, was legally presumed to be in the possession of the king *before and after its assessment*.

Since the landholder, or landless subject, enjoyed the privilege of tenancy on the land only by the will of the king, he could be required to pay over the tax *before he could contest the assessment*—or redress a grievance.

Thus, the theory that a tax must be paid *before redress* rests on the presumption that society is organized as a monarchy; that all people living therein exist by grace of an

autocrat – whether one man or an assembly of men. *This proposition was soundly rejected by the Founders in designing our unique system of governance.*

In America, such presumptions constitute grievances. The first duty of any officer is to uphold the Constitution – the entire Constitution, without reservation and without bribery or blackmail.

Petitioning the government for a Redress of Grievance naturally includes the ability to compel admissions – the production of information and answers to questions.

Jefferson wrote, "The right of freely examining public characters and measures, and of free communication among the people thereon,…has ever been justly deemed the *only effectual guardian* of every *other* right."

According to the Right of Redress, as the Founders described it, we have a right to withhold taxes *if government violates our rights*. But, as American courts describe the Right, we must suffer the injury, pay the taxes, and only then, sue for Redress against an adversary with *unlimited* resources.

The idea that *taxes* are to be paid *before* redress is asserted by Congress in the Internal Revenue Code at Section 7421, which states, "no suit for the purpose of restraining the assessment or collection of any tax shall be maintained in any court by any person …."

How repugnant! American government is supposed to be organized to protect American citizens; but section 7421 authorizes the IRS to destroy them with impunity and *the judiciary is cooperating with the executive and legislative branches in a collective decision to deny the People their constitutional Rights.* Such acts of government are unconstitutional and *must* be stopped.

In America, the right to petition our government for redress of grievances is the basis of our liberty. Our founders explicitly recognized this right in the very first amendment to our constitution -- for they understood that without it, we could not have a servant government whose power is defined and limited by the consent of the people.

In America, the right to petition our government for a Redress of Grievances is an *unalienable right*. It derives from our faith in a supreme being - an ultimate moral authority from whom we gain our understanding of equality, justice and the rule of law. Implicit in our first amendment constitutional right to petition our government for a redress of grievances, is the government's absolute moral and legal obligation to respond honestly and completely to the people's petition.

This is the essential cornerstone of Popular Sovereignty -- a government of the People, by the People and for the People.

In 1791, the right to petition became primary among the Rights of the People of the United States of America, as expressed in, and guaranteed by, the First Amendment.

Some would now have us believe that our First Amendment right of petition is nothing more than a guarantee of free speech; that this vital constitutional protection - the very basis of our liberty - is simply a right to voice our grievances to the government. Some would try to convince us that We The People do not have the absolute right to an honest and complete response to our petitions -- or the authority to demand that our government correct the abuses and violations of our liberties that result in our petitions. Some would even go so far as to say it is merely a Right to complain, with no expectation of response.

This is nonsense! This is dangerous talk to a free people. We *will not* listen to those who would denigrate our Constitution, and undermine the principles of liberty and justice that gave birth to our nation. At best they are imbeciles, and at worst they are tyrants -- or "sharing bedrooms" with tyrants.

We must guard against this nonsense. We must harden our hearts to these false notions that government is God. We must recognize that even in the long run *government can never be rational, without a principled Constitution firmly rooted in Liberty.* Government has but one legitimate purpose -- to serve and protect all of the people equally. Government is not God. It is our servant. It is accountable to the People.

The right to Petition for Redress of Grievances *is the final protection* -- the *final, peaceful check and balance* in our system of Constitutional government in which the government derives its limited powers *from the consent of the sovereign people*. This is the right which publicly reveals and reiterates for all, who is Master and who is Servant.[5]

[5] The First Amendment right to petition the government for redress of grievances is an **individual, unalienable** right of every American. Our constitutional republican form of government, with its' attendant process of democratic representation, was designed to promote the will of the majority, while, with equal force, securing the unalienable rights of individual Americans. Our constitution imposes strict prohibitions on the the voting majority's power to deny, impair, or in any way interfere with the natural, unalienable rights of the individual. As American citizens, we each have the lawful authority to **directly** petition our servant government for a redress of grievances concerning **any** violation of our unalienable rights, including those implicitly retained by the Ninth and Tenth Amendments. The right of **the individual citizen** to exercise this constitutional authority is not contingent upon, nor conditioned on, the popular support of the voting majority, nor is it subject to the arbitrary discretion of any elected or appointed government representative/s. The individual right to petition for redress of grievances (along with every other provision of the First Amendment) is, per force, worthless, absent the individual petitioner's ability to compel a truthful, accurate, timely and complete response from the government. In summary, it cannot be credibly argued that representative democracy (and the choice between two equally repugnant alternatives at the voting booth) is somehow an effective substitute for the First Amendment's guarantee that every American has the lawfully authority to **directly** petition his servant government for a redress of grievances--and to get a timely, honest answer.

The way the system is now working is in sharp contrast to the way it was designed to work. *The servant is taking over the House:* the government has brought us to the brink; the Constitution is hanging by a thread.

Not only is the government neglecting its duties, it is operating outside the boundaries the People have drawn around its powers.

These are some of our grievances.

First: In violation of the War Powers Clauses of the Constitution, the President has colluded with the Congress to pass legislation that authorized the President to make the decision to apply the armed forces of the United States of America in hostilities in Iraq *without a congressional Declaration of War.*

Second: In a hasty response to widespread fear and panic following 9/11, our elected representatives voted on the "U.S.A. Patriot Act" (with many having not read it), which by the plain language of the Act, *violates and seizes a number of the unalienable rights of the People.*

Third: Our government has relinquished direct control of the monetary system of this nation to a *privately owned* central bank and has transformed our money into nothing but limitless debt. And, a significant portion of the Federal Reserve stock is held by *foreign* entities.

And Fourth, the U.S. Department of Justice and the Internal Revenue Service reneged on their July 2001 agreement to appear at a public forum to answer the People's Remonstrance and well-documented legal charges directly asserting the lack of statutory or Constitutional authority for the federal income tax and the systemic abuses of our unalienable rights in the daily operations of the IRS.

These are tyrannical and despotic acts. Are they to be tolerated by the People?

Let us thank our forefathers for their vision, foresight and innate understanding of the nature of man, political power, and government corruption in recognizing the explicit right of the People to petition their government for redress.

On October 7, 2002, four Petitions for Redress of these grievances were posted on the internet. The four Petitions, signed by thousands of American citizens who reside in all 435 Congressional Districts, were hand delivered to the offices of each member of the House of Representatives and each member of the Senate (in Washington DC) on November 8, 2002. Then, the Petitions were each formally served on the President on the twelfth.

The Petitions address specific constitutional grievances relating to: 1) the War Powers Clauses of the Constitution and the Iraq Resolution; 2) the privacy, due process and free speech clauses of the Constitution and the USA Patriot Act; 3) the money clauses of the Constitution and the Federal Reserve System; and 4) the tax-related clauses of the Constitution and the federal Income Tax system.

With the exception of the Income Tax Petition, the Petitions for Redress include specific questions, which We the People expected to be answered. The Petitions respectfully requested each congressperson and the President to send a representative to meet with the People at 2 P.M. on the National Mall, to either answer the questions OR tell the People when the questions will be answered.

With respect to the Income Tax Petition, we were further along. Those questions have already gone unanswered by the government following its receipt of an earlier Petition for Redress. The current, second, Petition on the Income Tax Grievances moved

the petitioning process to the next level with its list of demands. There is more to the petitioning process than the mere submittal of the "despised" petitions.

With the failure to respond, we can see a clear pattern. Our elected representatives do not feel compelled to respond to the People.

We were forced to take the appropriate next step.

We have reached the point where the institutions of the Court and the Congress and the Executive have failed in their Constitutional duty to protect the people from tyranny, The government is refusing to answer the Peoples' allegations of governmental wrongdoing. Unless the People withhold their money from the government their grievances will fall on deaf ears and Liberty will give way to tyranny, despotism and involuntary, economic servitude.

Every adult in this nation has a personal duty and a moral responsibility, that stem directly from our heritage, to repel the tyrannical acts of those to whom the People have granted well defined and limited powers.

The right to Petition is the foundation of Popular Sovereignty and is the direct vehicle for the peaceful, non-violent resolution of matters involving errant government. This right is the procedural mechanism that enables the People to call *any branch* of their servant government before them.

In America, there are only two things that stand between the people and government tyranny -- our Constitution, *and our will as a free people to protect and defend it.*

These petitions are about us -- We the People. They are proof of our resolve to correct our government's abusive and unlawful behavior.

As a People, who are we? And who do we want to be? What kind of country do we want to leave to our children and future generations of Americans?

Will we tolerate tyranny merely to be comfortable?

Again, we ask: What does a free People do when confronted with a government that refuses to honor, and systemically schemes to evade, the boundaries and limitations established for it by We the People?

We engaged in another Constitutionally unauthorized war. We stand at the brink of the meltdown of a monetary system based on the endless conjuring of debt. Under the guise of "protecting" us from terrorists, our government is attempting to seize our most fundamental rights and deprive us of their protections. To finance it all, the IRS and the Department of Justice use intimidation by, and the power of, the police state to enforce and prosecute offenses of tax "laws" --- yet they continue to refuse to cite the specific legal authority that purportedly allows them to enforce those laws.

If the People fail to act, we will end forever the chapter in human history when a People reigned sovereign, and the chains of a written constitution limited and bound their government to their service.

We *have* a choice. The court has a choice.

We went to Washington DC for answers, but we did *not* get them. Now we are demanding that our government obey the Constitution, which, after all is a strongly worded set of principles to govern *the government*, not the people.

By the terms and provisions of the Constitution the People have not only formed their government and enabled the government to act in certain ways, they have purposely and markedly restricted and prohibited the government from acting in certain *other* ways.

The nature of our resistance is clear. It is not an act of anarchy or rebellion; rather it is an act of resistance to a government that is violating the purposes for which the Creator -- through the People and the Constitution -- has ordained civil government.

We are not "anti-war." We are not "anti-tax." We are "pro-constitution" and "anti-fraud."

Thus far we have pursued peaceful reconciliation and petition. It is the President and the Congress who have refused to respond to our Petitions for Redress of Grievances, in violation of the 1st Amendment.

We did not initiate this conflict. We have been fully committed to peaceful reconciliation and have pursued that course for decades.

We have no desire for resistance or violence of any kind. However, in the People's peaceful reconciliation attempts, the Peoples' petitions and appeals have been met with force, and in some instances with *near- military force*.

The defense of our homes, families, properties and possessions is a most important point to us. It is our heritage. *It is our Right*.

There is not the most distant thought of subverting the government or of hurting the interest of the people of America, but of defending our personal Rights, Freedoms and Liberties from unjust encroachment.

There was not the least desire of withdrawing our allegiance from the leaders of the branches until it became absolutely necessary -- and, indeed, it has been their own choice.

Our political leaders know that our cause is just.

They know that we, the People, struggle for that freedom to which all men are entitled -- that we struggle against oppression, seizure, plunder, extortion and more than savage barbarity.

We are not moved by any light or hasty suggestion of anger or revenge. Through every possible change of fortune we adhere peaceably to this determination.

Our property and happiness have been attacked. Our self-defense against an aggressor government is righteous.

Our civil action is for the cause of civil justice -- a righteous struggle, undertaken in defense of our property, our happiness and our families. It is to oppose the invasions of usurped power. *We will bravely suffer present hardships and face future dangers*, to secure the rights of humanity and the blessings of freedom for generations yet unborn.

It is our obligation, as responsible citizens of this country, to set a proper value upon, and to defend to the utmost, our just rights and the blessings of Life and Liberty. Without this personal commitment, a few unprincipled individuals would tyrannize the People, and make the passive multitude the slaves of their power. Thus it is that civil action is not only justifiable, *but an indispensable duty* to correct these wrongs.

It is upon *these principles* that we are resisting the government and will oppose force with non-violent force.

How? Any wage earner who gives money to the federal government and any employer who withholds money from the paychecks of working Americans is undermining the People's Rights, Freedoms and Liberties. Under the present circumstances, *their behavior* must be considered to be *un-American*.

As our Founders said so clearly: "If money is wanted by Rulers who have in any manner oppressed the People, [the People] may retain [their money] until their grievances are redressed, and thus peaceably procure relief, *without trusting to despised petitions* or disturbing the public tranquility."

How? We the People *must* get Redress of Grievances before payment of taxes.

No Answers. No Taxes!

The only practical, peaceful and morally appropriate option available to plaintiffs, under the present circumstances, is to withhold the payment of taxes from the government. Without money, the government cannot continue to operate outside the boundaries the People have drawn around its power, i.e., it cannot continue its abuse of power while continuing to ignore Petitions for Redress.

On November 14, 2002, the government again refused to respond to the People's proper and well-researched Petitions for Redress concerning grave matters of freedom and liberty. It chose the line of direction the plaintiffs have taken.

Plaintiffs believe the only non-violent option available is for employees, employers and the self-employed across this nation to hold and keep in their possession money they would otherwise have turned over to the government, until the government properly responds to plaintiffs' Petition for Redress.

Ironically, in the context of income taxes, and as the research of a growing body of credentialed professionals and researchers in the Tax Honesty Movement has conclusively established, federal income tax laws do not apply to most Americans' "income" and, in any event, cannot be enforced by the US government inside the fifty states for lack of bona fide federal legislative jurisdiction. So in effect, plaintiffs have

been issuing a call for massive "civil *obedience*", i.e., "Redress BEFORE Taxes", i.e., "No Answers, NO TAXES."

Plaintiffs have legally provided, through local and regional seminars and live nationwide broadcasts, at no cost to others, documentation and procedural instructions for employers, employees and the self-employed on how to legally stop withholding, filing and paying any taxes that are directly tied to and based on an individual's labor and wages.

Plaintiffs intend to legally provide, through a Legal Defense Fund, legal assistance to each and every corporation, association or individual member that has decided to stop withholding, filing and paying taxes that are directly tied to and based on an individual's labor and wages and who has been contacted by the government because of their actions.

The 537 facts in plaintiffs "Statement of Beliefs and Facts Regarding the Individual Income Tax" have been sworn to, under oath, by attorneys, CPAs, accountants, law clerks, IRS agents and expert tax law researchers. At the same time, the government has steadfastly refused to say whether those 537 facts are true or false, refusing to respond to our Petition for Redress. See Exhibit FFF.

Under the circumstances, the Internal Revenue Code is unconstitutional in its application.

"An unconstitutional act is not law, it confers no rights, it imposes; no duties, affords no protection, it creates no office, it is in legal contemplation, as inoperative as though it had never been passed." Norton vs Shelby County, 118 US 425 p 442.

The general rule is that an unconstitutional statute, though having the form and name of law, is in reality no law, but is wholly void, and ineffective for any purpose;

since unconstitutionality dates from the time of its enactment, and not merely from the date of decision so branding it. No one is bound to obey an unconstitutional law and no courts are bound to enforce it. 16 Am Jur 2d, Sec 177 late 2d Sec 256.