

# The American Sovereign, Chapter IV

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In order to truly appreciate the nature of the breakdown of our system of government, you must first understand the court system as originally set up by the framers of our Constitution. Under this system, courts only operated under three venues: common law, equity, and admiralty.

Common law venue courts are the general courts of the people. They handle criminal and civil actions in which there are real, damaged parties (the State is not a real party in interest). If you commit a crime that causes damage to your neighbor, such as theft, murder or assault, or in some other way directly caused damage to another human being, you then have to answer for that act in a court of common law, with an impartial jury evaluating the arguments and the facts in the case, examining the nature and content of the applicable law, and then rendering its verdict on the matter. Courts of common law deal exclusively with matters of fact and substance. There are very few "official" courts of common law remaining within the Union states and the District of Columbia.

Courts of common law date back to 1215 and the signing of the Magna Charta. Common law embodies the principle that you can do anything whatsoever that you want to do, *so long as you do not cause damage to another*. It pre-dates America and its use in American courts is not subject to statutory legislative authority, but is a prerequisite of constitutional judicial process in our country.

America is enjoying an unprecedented resurgence in common law venue courts, established and presided over by We the People. Government officials have propagandized these courts as having no legal substance, claiming that they are not courts of law and that their actions are a form of domestic terrorism designed to prevent "legitimate" government officials from doing their jobs (i.e. taking your property and giving it away to someone who didn't earn it). This is simply not true.

The common law venue courts are the courts of the people. They sit at the county level, and the county is the highest form of government under our system, because it is the closest to the people, who are the rulers.

They are courts of the people because in America, the people are the rulers and government officials are their servants. If you clearly understand this, then how can you allow a government official (a servant) to dictate to a Citizen (the master) that His Court is not lawful? Can the servant compel the master to attend him? Of course not! Officials decry the validity of common law venue courts of the people because they want to keep the majority of Americans ignorant of their natural rights. If you still have any doubts I suggest you review *Ensminger v Farm Credit Bank of Wichita; First National Bank of Okeene, 10th Circuit Court of Appeals, April 7, 1995, Nos. 94-64515, 94-6417, D.C. Nos. CIV-94-1038-R, CIV-94-1040-R*. During this case the Tenth Circuit Court of Appeals acknowledged the validity and authority of the county common law venue courts of the people. All Circuit Courts must follow suit.

If you followed the 1998 impeachment hearings, you heard Independent Prosecutor Kent Starr mention common law several times during his testimony to Congress.

Equity courts handle civil matters arising out of contract disputes. When there is a disagreement relating to a dispute or obligation, it is brought before an equity court, which explores and examines the nature of the contract, and then renders a decision. Equity courts also hear liability

cases, which by their very nature go beyond substance and fact and could therefore not be heard in a general common law venue court.

In matters involving amounts greater than twenty (20) dollars in either court, the involved parties are entitled to a trial by an impartial jury (Sixth Amendment U.S. Constitution).

Admiralty courts, also known as Article I courts because that is their constitutional source, deal with criminal and civil matters which involved the breaking of some international treaty or pact. For example, if Japan had some kind of agreement to conduct trade with the United States, and then went back on that agreement or violated that agreement in any way, that action would come before an admiralty court. Admiralty courts are courts under the Executive Branch of government. They operate under military jurisdiction and military court rules.

Admiralty courts also hear matters involving crimes committed in international waters.

### **The United States is Bankrupt**

It is an established fact that the United States federal government was dissolved by the *Emergency Banking Act* on March 9, 1933 (*48 Stat. 1, Public Law 89-719*). House Joint Resolution 192 of the 73rd Congress, in session June 5, 1933, entitled *Joint Resolution to Suspend the Gold Standard and Abrogate the Gold Clause*, dissolved the sovereign authority of the United States and the official capacities of all United States governmental offices and Departments.

The receivers of the United States bankruptcy are the international bankers via the United Nations and the International Monetary Fund. The real losers are the American people, for we have lost the lawful structure of our once great country.

According to one judge (who asked that his name remain anonymous), he attended a secret meeting of the judiciary in April 1933. All the higher judges, top attorneys and U.S. attorneys were present. They were told that "America is a bankrupt nation. It is owned completely by its creditors. The creditors own the Congress, they own the Executive, they own the Judiciary, and they own the state governments. Take silent judicial notice of this fact, but never reveal it openly. Your court is now operating in an admiralty jurisdiction. Call it anything you want, but do not call it admiralty, because we do not want to explain ourselves to the American public..." (paraphrased). You see, due to the fact that the United States could not pay its debts, international contracts and treaties were broken, invoking admiralty (military) jurisdiction throughout the country.

"Mr. Speaker, we are here now in Chapter 11. Members of Congress are official trustees presiding over the greatest reorganization of any bankrupt entity in world history, the United States Government. We are setting forth hopefully, a blueprint for our future. There are some who say it is a coroner's report that will lead to our demise."

*Rep. James Traficant, Jr., United States Congressional Record March 17, 1993, Vol. 33, page H-1303*

The reason they cannot call it admiralty jurisdiction is that your defense would be quite different in admiralty jurisdiction than under common law. Under admiralty jurisdiction there must be a valid international contract in dispute. If you know that you are under admiralty jurisdiction and they have admitted on the record that you are in an admiralty court, then you can demand that the

international maritime contract in dispute, to which you are supposedly a party and which you supposedly have breached, be placed into evidence. You would be within your rights to say, "...well, I never knew I was involved with an international maritime contract, so I deny that any such contract exists. If this court is taking jurisdiction under admiralty law, the place the contract in evidence so that I may challenge its validity."

In order to comply, the court would have to place the federal debt into evidence. They would have to admit that the international bankers own the whole nation; that we are a nation of slaves. They are not likely to do so.

## **All Official Courts are Under Admiralty Jurisdiction**

Our "official" courts today are all operating under admiralty jurisdiction, except the Court of Claims in Washington D.C., which remains under common law. You can easily identify an admiralty court by noting the presence of a gold fringed flag in the courtroom. This is a military flag which denotes admiralty jurisdiction within that court.

Â"2-3. Sizes and occasions for display.

b. National flags listed below are for indoor display and for use in ceremonies and parades. For these purposes the United States flag will be rayon banner cloth, trimmed on three sides with golden yellow fringe, 2.5 inches wide. It will be the same size as the flags displayed or carried with it.

c. Authorization for indoor display.

(4) each military courtroom."

*Army Regulation 840-10, October 1, 1979*

"The flag of the United States shall be thirteen horizontal stripes, alternate red and white; and the union of the flag shall be forty-eight stars, white in a blue field.

*61 Stat. 642, July 30, 1947*

4 United States Codes, Section 1

If you walk over to your local town hall, you will probably find an American flag hanging on a pole outside, one which does not have a gold fringe attached. Inside the Council Chamber however, you will always find the gold fringe on the flag.

## **Colorable Law and the Uniform Commercial Code**

At the time of the United States bankruptcy, the federal government set up a system of colorable law to go along with its already established colorable currency (Federal Reserve Notes). The word *colorable* means something that appears to be genuine but is not. Maybe it looks like a dollar, and maybe it spends like a dollar, but if it is not redeemable for lawful money-silver or gold-it is

colorable. If a Federal Reserve Note is used in a contract, then it becomes a colorable contract which must be enforced under colorable jurisdiction. In other words, after creating Federal Reserve Notes the government had to create colorable jurisdiction to cover the kinds of contracts which use them.

Color of Authority: That semblance or presumption of authority sustaining the acts of a public officer which is derived from his apparent title to the office or from a writ or other process in his hands apparently valid and regular.

*Black's Law Dictionary, Sixth Edition*

Color of Law: "The appearance or semblance, without the substance, of legal right. Misuse of power, possessed by virtue of state law and made possible only because wrongdoer is clothed with authority of state, is action taken under color of law."

*Atkins v. Lanning, D.C. Okl., 415 F. Supp. 186, 188*

Color of Law: "Mere semblance of a legal right."

*State ex rel. West v Des Moines, 96 Iowa 521, 65 NW 818*

In America today the official courts are under "statutory" jurisdiction, which is not a genuine admiralty jurisdiction; it is colorable admiralty jurisdiction which judges are enforcing because the American people are using colorable money. Colorable admiralty jurisdiction is known as "statutory" jurisdiction. "Statutory" jurisdiction is not mentioned anywhere in the Constitution and is therefore an unlawful and nonexistent venue.

Once Federal Reserve Notes became unredeemable (Read In A State of Emergency) the government needed a system of law which was completely colorable from start to finish. This system of law was codified as the Uniform Commercial Code (UCC) and has been adopted by every corporate State. The UCC is colorable law and is currently used in all official courts. It used to be called the Law Merchant or the Law of Redeemable Instruments because it dealt with paper that was redeemable in exchange for items of substance.

It is important for you to understand that all courts and all governments throughout the United States-including the 50 corporate (not Union) States-must follow and obey the Uniform Commercial Code. However, in order for the UCC to be implemented there had to be a provision requiring it to be in harmony with the common law. This requirement may be found at UCC Section 1-103 which, when invoked along with UCC Section 1-207, represents a powerful method of protecting your natural rights from encroachment by the government.

"The (Uniform Commercial) Code is "complementary" to the common law which remains in force except where displaced by the Code."

*North Carolina National Bank v McCarley & Co.*

*34 NC App 689, 239 SE2d 583, 23 UCCRS 455 (1997)*

*Uniform Commercial Code, Section 1-103:6*

“A party who with explicit reservation of rights performs or promises performance or assents to performance in a manner demanded or offered by the other party does not thereby prejudice,’ ‘under protest’ or the like are sufficient.”

*Uniform Commercial Code, Section 1-207*

Regarding UCC 1-207, a more detailed explanation is in order. Should you wish to preserve your God-given rights from invasion by the government, you need to clearly understand the meaning of this section of the Uniform Commercial Code.

Whenever you invoke UCC 1-207 by placing the words “without prejudice UCC 1-207” or “under protest UCC 1-207 next to or directly above your signature on any government or quasi-government document, you are declaring two things on the record. First, you are stating that your signature in no way indicates any waiver of your unalienable rights. In fact, you are informing the other party(ies) that at no time do you waive your rights, whether such waiver is expressed or implied.

Second, you are stating that your signature cannot be used to compel you to perform under terms of a contract, unless those terms were clearly and accurately explained to you *before you issued your signature*. It is crucial that you understand these meanings if you are to use UCC 1-207, because if you are ever questioned by a judge or other government officials to what this means, and you do not know the proper answer, your usage will be disallowed. This is why sovereignty must be an individual and personal decision; each of you must make the time to learn the meaning of the relevant laws. It isn't particularly difficult, but you must do it if you wish to live free.

If you want to protect your rights from being violated by government and quasi-government officials, one excellent tool is to always use UCC 1-207 when signing any document which involves the government in your activities, whether directly or indirectly. These types of documents include, without limitation, IRS Forms, bank signature cards, traffic or other legal citations, court documents of any kind, drivers and other license applications, library card applications, etc. You should also use it when endorsing the back of a check, because when you negotiate a bank draft you are involving the Federal Reserve System in your private business.

## **We Have Been in a State of Emergency Since 1933**

To find out more about Jurisdiction, Colorable Law, the Uniform Commercial Code, our state of emergency, and your Nom de Guerre or war name please contact [Freedom Bound International](#) and ask to purchase Brent-Emory. Johnsons book “The American Sovereign” or you can purchase it online [here](#).