

Bonding of corporations

What is Bonding ?

All of the acts of an artificial person such as a corporation or municipal corporation are included in three general classes of action, namely legislation, judication and execution, that is, the creation of policies or statutes (legislation), the creation of processes designed to enforce the policies or statutes (judication), and the enforcement of the policies or statutes by a mercenary agent, officer or officers of the corporation (execution). Each of the acts of a corporation involve their own separate liabilities, so each act must be separately insured and that to the degree which each act is separately probable to create a damage. Each general class of actions is regulated by a set of insurance policies or bonds the character of which is peculiar to that class of actions.

Bonding is the insurance of a job against the damage which its performance might cause to persons or property. Bonding is applied to the conception of the job, to the end product of the job and to every step or stage in between the first and last stages in law, bonding is applied to:

- (1) the conception or legislation of the statute,
- (2) to the enforcement of the statute, and
- (3) to every process in between legislation and enforcement.

Bonding a municipal corporation is gambling on official behavior, and each application has its own odds for success and its own terms of payoff. In the mathematical theory of insurance and bonding, the bond on one statute, enforcement process or officer is no more transferable to another statute, enforcement process or officer, respectively, than the insurance policy on one motor vehicle is transferable to another motor vehicle, or the bet on one horse in a race is transferable to another horse in that race.

Bonding principles and maxims

In plain language

The purpose of bonding is to provide redress for accidental damage, and to prevent deliberate negligence (gross negligence), deliberate damage, and criminal malpractice, i.e., malfeasance. Civil malpractice bonds are designed to protect an agency from its own officers. Civil malpractice bonds are designed to protect the public from official accidental malpractice. Civil malpractice and civil malpractice bonds are bonds against situations that might occur in statutory construction (legislative), in the enforcement process (judicative), or in the enforcement act of an enforcement officer (executive).

A misuse or misapplication of a statute or of a public office is deemed civil by a bonding company if it is accidental, and is deemed criminal by a bonding company if it is deliberate or the result of gross negligence.

A bonding company issues a bond on a statute or on an official process, act, or office only against accidental misuse or misapplication of the statute or official process, act, or office.

Why a uniform bonding code.

In reality a government rules first by force and only secondly by the consent of the people governed.

But, energy is the primary resource for all action, and money is its social symbol. Consequently, the public method of bringing malfeasant officials of municipal corporations under control always has been, is, and always will be economic. Only that government which can be sued by the public, or whose officers can be sued by the public, can be made to answer to the public need for redress of grievances.

The authority of a government is purchased by the government for the government:

(1) with money called red, collected by force or by threat of force, for example, by taxation and fines.

(2) by threats of imprisonment,

(3) by selective prosecution in favor of the municipal corporation, and

(4) by the claims payoff of bonding companies.

Municipal bonding is intended for accidental misuse of power: bonding is not intended to protect officials in the deliberate misuse of power, that is, the commission of criminal acts.

Many officials think that they can do wrong and hide behind the limited liability and the bond of the municipal corporation for which they work. They forget the real basis of their authority. Only when malfeasant officers have been drawn out into the open away from the veil of limited access to, and the limited liability of, the municipal corporation, can they be compelled to answer civilly for their antisocial behavior and be made to surrender their own personal property for their own unlawful acts.

The only suits which officers of a renegade government can be made to answer to are publicly filed criminal complaints with civil value noted per title 18 USC § 241, § 242 because failure of prosecution would reinstate the lawful remedies of dueling and civil war. Therefore all prosecutors and other supporting officials must be bonded. A prosecutor who does not prosecute a malfeasant official becomes a malfeasant prosecutor, and thrusts the public at the bonding company.

Bonding companies in order to survive, must cancel the bond on a malfeasant prosecutor for his lack of specific performance and make him dependent on his own personal resources for the seat of his own authority. Otherwise, the criminal offense reverts to a citizen's collection on the civil bond.

The public is getting better educated in commercial defense and offense. The time has come for bonding companies to get smart also, or be financially devastated by official malfeasance. The uniform bonding code is a first step toward better bonding.

The Uniform Bonding Code -- (UBC)
Modern bonding practice

With the advent of powerful computers has come the possibility of analyzing data much more quickly and thoroughly and in terms of the general economic principles of Leontief input--output matrix analysis. (see studies in the structure of the American economy by Wassily Leontief --1953, and the world economy in the year 2000 by Wassily Leonitef, an article in the Scientific American of September 1980. (Wassily Leontief was the 1973 Nobel prize winner in economics.) In the modern system of wagering, as applied to insurance and malpractice bonding, several political--legal--economic factors including legislation, Judication, execution (enforcement) and the behavior of the general public are treated mathematically as separate industries within the legal system, with the result that these industries can be interrelated by a system of feedback equations and computations.

The individual workings and behavior of each industry can be much more closely monitored, and the behavior of the government and public can be predicted and manipulated.

This amounts to the application of feedback computing to reliable gambling on the economic success or outcome of any given statute or legal process. It results in a scientific bonding system, and results in a transfer of the power and authority of government over to the bonding companies where it belongs if governments do not want to behave themselves. (Money talks. bonding controls.).

The bonding problem

As human population increases and mutual human tolerance decreases, municipal corporations tend to become less sensitive to individual human needs and tend to become more antisocial toward the public. It has been put crudely that municipal corporations become slaughterhouse operations with law enforcement officers running the sledgehammer department. Judges ignore the rights of the people and legislators generate heaps of laws, without perfecting the ones already existing to make them fit for bonding. Defective statutes and defective legal processes become an invitation for every sort of official malpractice and malfeasance including economic oppression, And the public, in retaliation, begins suing for every injury putting the bite on the bonding companies.

The solution

In order to survive in the commercial marketplace, the smaller bonding companies have had to become more selective and scientific in their bonding practice. In the past, bonding was based on marketing a bond which covered a broad aggregate of "bondable"; objects, acts, and persons.

When a large claim was made against a small bonding company, the claim could bankrupt the small company, especially if the company could not collect its corresponding funds from the parent bonding underwriter. By partitioning the coverage better, and by excluding persons of an antisocial disposition, tie claims could be minimized, thus favoring solvency of the bonding company.

In the old aggregate bonding system, an antisocial enforcement officer operating on an adjudication statute using a adjudication enforcement process could create a monstrous civil rights or constitutional claim against the bonding company which was underwriting the general bond on the municipal corporation for which the officer worked.

In order to maintain credibility in the bonding marketplace, the bonding company would have to pay off the claim against the bond even though the official act was criminal instead of civil.

[birds of one feather] if in addition, the municipal corporation was operated by an antisocial office staff, it would tend to support, and retain in employment, the antisocial enforcement officer rather than the more civilized officers on the staff, if for no other reason than because an antisocial officer was more likely to bully the public into dropping malpractice suits and paying revenue into the corporate coffers, and thereby keep the corporate paychecks coming.

When such an antisocial corporation would get sued, as inevitability would happen, the bonding company working under the old system of aggregate bonding, would get ripped to shreds, perhaps even bankrupted. Of course the injured bonding company would tell the municipal corporation to take its business elsewhere, and the next bonding company, being somewhat more cautious, might refuse to bond the corporation or ask a larger premium to cover the gambling risk. Ultimately the municipal corporation would not be able to buy a bond due to its "track record" and the consequent high cost of bonding, with the result that the municipal corporation would resort to what is called "self-bonding".

In the past, the state incorporation laws have required all corporations engaged in business potentially hazardous to the public safety, health, and welfare to be bonded against public accident and the malpractice of their officers, more recently however, "self-bonding" has become a state condoned option extended to municipal corporations to insulate them against prosecution for violation of the general state incorporation laws which demand public hazard licensing and bonding for all corporations. A corporation that is "self-bonded"

is a limited corporation (ltd.) with a low ceiling of limited liability.

The term "self-bonded" is a fraudulent misrepresentation of the corporate liability status. It says in effect that the payment of the commercial debts of the corporation will take second place to the payment of the malpractice obligations of the corporation. Furthermore, "self-bonding" cannot possibly be expected to cover the anti-civil rights and anti-constitutional malpractice potential of today's modern antisocial municipal corporations. Simply put, "self-bonding" is "no bonding"; it is corporate limited liability misrepresentation and fraud.

[bonding is valid only when it is provided by an independent third party money wagering pool with no conflict of interest and no possibility of the bonded party dipping into the till.]
In order to pull out of the municipal corporate bonding rat race, the smaller bonding companies have had to adopt a set of bonding policies aimed at segregating, partitioning, and making more certain, their liabilities in the bonding marketplace.

The following excerpts from the uniform bonding code contain a presentation of those policies.

Claims access

Pursuant to civil rights law

Improper enforcements which run counter to the U. S. Constitution can involve as many as thirty-five (35) violations of the provisions of the united states constitution valued per title 18 USC § 241 at \$10,000 per constitutional violation, per offense, per officer, per injured party, when the officer is acting as a part of a law enforcement agency effort.

The civil value is therefore approximately \$350,000 per enforcement offense, per enforcement officer, per injured party.

The statutes enabling the suit and civil. Claim are part of the federal civil rights act of 1871 (Title 42 USC § 1983, § 1985, § 1986,...).these statutes guarantee, among other things the equal protection of the law for racial minority groups. Although the argument is commonly raised that these statutes only apply to racial minority population groups, they actually apply to racial discrimination regardless of the race and regardless of the population of the group.

The application of these equal protection statutes to only racial minority population groups would create a racial discrimination

against racial majority population groups and hence impose a "justice minority" situation upon the racial majority population groups. This would make the racial minority statutes applicable to a majority race, because the intended purpose of the statute is to eliminate the prejudicial discrimination of the law and its enforcement, not to favor any specific race, color, creed, religious faith, sex, or population group. The issue can be made even clearer by a second very appropriate example.

The legal professions' labor union, the bar association, was established immediately after the civil war to substitute a system of general slavery to replace the old system of black slavery, by guaranteeing a monopoly of the courts for attorneys, judges, and municipal corporations (city, county, state). This labor union, the bar association, has forbidden the instruction of law in the public schools, has forbidden anyone but union (bar) attorneys to give legal advice, and has prevented anyone from being assisted in court by a non-union lawyer or by a non-lawyer, thus converting the courts into closed union shops.

This corresponds to pre-civil war united states wherein blacks were not taught to read and were not allowed to get a public education lest they become strong enough persons to speak out against their repression and overthrow their slave masters. The unionization of the legal system by the bar association makes the people individually, and the public as a whole, a legal justice minority group with access to the civil rights act of 1871 and to title 42 USC § 1983, § 1985, and § 1986.

The bar associations act in violation of anti-trust and anti-monopoly laws of the U. S..

Organized crime in government

Government officials maintain control of the courts by "licensing lawyers" and by forbidding the common citizen to "practice law" or give "legal advice". Three phrases which have never been adequately defined for any statute.

To protect government dominance, "law schools" are the only schools allowed to teach law, and specifically "safe law" (attornment).

To protect malfeasance, attorneys are forbidden to file criminal complaints against malfeasance officials, officers and clerks and against officers of other corporations. If they disobey, they lose their "license to practice law".

Similarly when the citizen files a criminal complaint against a public official, the prosecutor is expected to protect the public official

from prosecution for official malfeasance by exercising some mystical doctrine of "selective prosecution" (an act of misprision of crime) which is nothing more or less than an excuse for legal prejudice to issue from the prosecutor's office calculated to overthrow the public's legal redress against official malfeasance.

Natural law in the public

Were it not for elections, a constant infusion of new people into the political, legal, and economic systems, and the basic good character of enough people and their willingness to sacrifice for their cause and go public with their issues and complaints, the tendency of malfeasant government agents to crush all resistance to the official will would win.

The most powerful tools of the common citizen are the u.s.

Constitutional first amendment rights of a citizen including:

- (1) the legislative right of freedom of religion,
- (2) the judicative rights of freedom of speech and freedom of the press, to publish criminal complaints and distribute them publicly throughout the court of public opinion by filing them in the county recorder's office and by distributing them on the street, and
- (3) the executive right to peaceably assemble and petition the government for a redress of grievances---
 - (a) to pierce the veil of corporate limited liability by bringing an unprosecuted criminal act before the court of public opinion by filing it in the county recorder's office and by distributing it on the street, and by recording it with the county recorder in the form of an affidavit of obligation (distress, distress infinite, lien, seizure).
 - (b) to declare the affidavit of obligation to be an accounts receivable in the ordinary commercial sense ("a security" -- 15 USC), and
 - (c) to enforce the collection of the debt/obligation by commercially dishonoring the debtor.

Bonding of governments in general conclusion

A government (its officials, its officers, and its clerks) will not be bonded:

- (1) if it does not eliminate its own internal malfeasance with the same diligence that it pursues civilian felons. (in other words, a government shall clean its own nest thoroughly.)
- (2) if it rules by force without reason and/or without the consent of the people which it governs. In such a case it shall be deemed a criminal government and its officials, officers and clerks shall be deemed criminally malfeasant.
- (3) if it behaves with malice or with deliberate contempt or rudeness toward its citizens.

1.0 legislative input

Input/definitions and principles

Words called terms are used to construct the ships of state called statutes. When the terms are not properly defined, the statutes become like ships without rudders. They move easily in any direction and do all manner of damage on the rivers of life.

Terms without definitions are daggers of law.

The input/definitions and principles of legislation will be bonded only if the bonding company finds that

- (1) all "common terms" in the stated principles are used and intended to be used according to their common dictionary definition.
- (2) all special terms in the stated principles are exhaustively
 - (a) listed, and
 - (b) defined using "common terms".
- (3) the "principles" are universally accepted as true---- also called "axioms of law", or "maxims of law".

A simple example of an axiom or maxim of law would be: (definition: "hire" = a wage or reward for work.) [Axiom/maxim: A workman is worthy of his hire.]

1.1 - bonding and definitions

General concepts

--commercial considerations--

(Definitions, Principles, Axioms, Maxims)

The bondability of a statute (legislative), the bondability of the process created and used to enforce a statute (judicative), and the bondability of the act of enforcement and of the enforcement officer (executive) all rest primarily and absolutely upon the ability to write a binding contract in very definite terms between the bonding company and the bonded party or parties.

No bonding company will enter into a bonding agreement unless the definitive terms of the bonding contract are laid out to the precision that is likely to be tested by public claims against the bond.

The legislative bond

A statute, in order to be bondable, must satisfactorily define the terms and concepts used or involved in the construction of the statute. [a statute shall not be bonded if the terms and concepts of the subject matter of the statute are not both exhaustively listed and clearly defined.]

Definitions (ordinary)

Malfeasance -- unlawful or wrongful act

--wrongdoing in general

Malpractice -- improper or illegal treatment (med)

-- improper or immoral conduct.

Crime –

- (a) an act that subjects the doer to legal punishment.
- (b) the commission or omission of an act specifically forbidden or enjoined by public law.
- (c) any grave offense against morality or social order
- (d) wickedness
- (e) iniquity

Synonym -- offense.

Criminal -- penal law v. Civil law. (implying crime or heinous wickedness)

Civil -- citizen rather than ecclesiastical or military-

Civil law -- legal relations between citizens or between citizen and state legal rights

Slander -- oral malicious falsehood

Libel -- written slander

1.2 -- bonding and principles/maxims

Statutes are the motor vehicles of government. They are used to collect revenue, to collect power, and to provide public service.

Properly constructed statutes serve the public properly, poorly constructed statutes serve poorly, or destructively. A defective statute is easily misused. The easy misuse of a statute is an invitation to a rampant misuse of the statute.

(1) if a statute can be misused to get money or power, its misuse is likely.

(2) if a statute can easily be misused to get money or power, its misuse is virtually certain.

(3) defective statutes invite the deliberate misuse of the statutes,

(4) deliberate misuse (misapplication) of a statute is a criminal act.

The lack of job insurance/bonding makes people personally more cautious, causing a decrease in accidents, negligence, malfeasance, and crime.

The cost of bonding pas discourages negligence. The bonding of negligence encourages the commission of negligence on the part of those who do not pay the premium.

A bonding company shall not bond negligence.

No statutes are bonded against deliberate misuse, i.e., criminal use.

If malfeasance (criminal malpractice) were to be bonded, that bonding would encourage malfeasance.

Malfeasance if unchecked will multiply, therefore, a bonding company shall not bond malfeasance or criminal malpractice.

Criminal acts include acts committed in violation of a citizen's constitutional rights and in violation of guarantees of equal

protection of the law (civil rights).

Statutes which encourage criminal acts in order to enforce the statutes, are not bondable statutes.

The bonding of criminal acts would encourage the commission of criminal acts, hence criminal acts (crimes) cannot be bonded.

Bonding companies are not required to bond what they do not want to bond.

A bonding company only pays claims for damages against a bond which it sells/issues.

A bonding company must pay a claim on a bond which it has sold if the condition of the bond claim is satisfied.

A bonding company will not bond a defective statute because it does not want to pay the claim on the misuse of statute.

Bonding a defective statute is an invitation to bankruptcy.

2.0 -- legislative control

The control/ logic of legislation will be bonded only if the bonding company finds to its satisfaction that:

- (1) the definitions of the terms used in the logic are bonded
- (2) the principles used in the logic are bonded
- (3) the logic being used to design the statute tests, and the conclusions obtained represent, all of the possible combinations of principles and applications (situations) for which the specific statute is being designed, and
- (4) none of the conclusions derived from the cited tested combination of principles and applications contradicts any principle, or condition known to be wholesome to civilization,
- (5) if a conclusion logically derived from the cited tested combination of principles and applications contradicts any condition known to be wholesome to civilization, then the reason for the contradiction has been pursued relentlessly until the cause of the contradiction has been understood perfectly, lest the definition, the principle, the logic, or the understanding of the application be faulty.
- (6) a complete record has been kept of the definitions, principles, and logic underlying the design of the statute and that record is publicly available.

2.1 -- bonding public education

Re: right vs. Wrong

It is said that ignorance of the law is no excuse for wrong action; that all persons are presumed to know the difference between right and wrong, hence, know the law. If that is true:

- (1) there would be no reason for public education in law and the practice of law.

- (2) then there would be no reason to have law schools.
- (3) then there would be no reason why citizens could not "practice law without a license".
- (4) then there would be no reason why a citizen should not or could not sit beside a friend in court and counsel them.

Thomas Jefferson put it well when he said. "I know no safe depository of the ultimate powers of the society but the people themselves; and if we think them not enlightened enough to exercise their control with a wholesome discretion, the remedy is not to take it from them, but to inform their discretion".

Thomas Jefferson's letter, September 28, 1820.

What he said was that the common public should be able to "practice law without a license" and to be able to do so, they should be given a public education in law.

The public and the bonding companies would both benefit from such a situation. It would eliminate the professional law conspiracy which preserves the malfeasance of public officials, injures the public, and precipitates most of the claims against bonding companies.

Therefore, bonding companies shall engage the policy that they shall not bond (insure) public schools which do not teach their student body law and "the practice of law", and specifically shall not bond public schools which do not teach:

- (1) the declaration of independence
- (2) the U. S. Constitution
- (3) the method of writing an event log for a law case
- (4) the method of compiling a document log
- (5) the method of compiling a document analysis log
- (6) the method of analyzing legal briefs, civil complaints, and criminal charges
- (7) the method of writing affidavits
- (8) the method of writing and filing U. S. Criminal complaints
- (9) the method of writing a quality contract
- (10) the method of composing expository information for distribution on the street.
- (11) the method of distressing and liening property, and
- (12) several other processes valuable to a citizen for securing their rights against, and overthrowing the malfeasance of, public officials.

A public official, clerk, or servant shall loose his bond:

- (1) if he interferes with the education of the public in matters of law and the "practice of law".

(2) if he refuses to give to a citizen legal advice about a process with which he is familiar or if he refuses to give to a citizen legal advice which he is qualified to give because of his familiarity with and pertaining to the normal course of his public service.

No public servant or citizen shall be held legally liable for any Information which he shall give when it is given upon demand Pursuant to a citizen's written or spoken writ of mandamus (an order to come to one's aid) pursuant to Title 42 USC § 1986, the brother's keeper statute of the United States code.

(3) if he injures or oppresses any citizen who is acting in good faith and good behavior with a genuine and honest intent to practice law and/ or to give legal counsel or assistance to others.

(4) if he tries to get a citizen prosecuted for "practice of law Without a license" where there is no clear evidence of false advertising, fraud, or injury to the party being counseled.

(5) if he tries to get a citizen prosecuted for "practice of law without a license" in order to eliminate competition in a litigation, a legal process, or the legal "industry", generally.

(6) if he operates a court or the legal system as a facility of a legal labor union (bar association) reserved for state licensed attorneys only, that is, as a closed union shop.

2.2 -- bonding taxation statutes

Just compensation vs. Fraudulent taxation

A government/public trust is supposed to operate on taxes, and if a government operates commercial enterprises using money in competition with a free enterprise public, then the money of the citizens is being used in competition with the citizens and that will discourage the payment and collection of taxes. It will cause tax rebellion.

(conflict of interest)

Therefore, all revenue raised by a government's offices of public trust must be obtained by the performance of public service not provided by ordinary free enterprise businesses. Public service is the only type of business in which a government is supposed to be employed. ["Nor shall private property [taxes] be taken for public use without just compensation [valuable, publicly needed and publicly wanted service rendered by government"]. ---- the U. S. Constitutional 5th amendment.

The 16th amendment of the U. S. Constitution does not base the assessment of taxes on services vices rendered by the government for the public. But rather upon the services rendered by public citizens for third parties, hence, the 16th amendment of the U. S. Constitution

violates the 5th amendment of the U. S. Constitution.

Essentially the only lawful personal tax assessable for operating a government is a per capita tax determined by dividing the cost of operating the government by the number of emancipated citizens (or persons of majority age --eighteen years old or older).
[A U. S. Constitutional 5th amendment system of taxation based on just compensation requires a per capita tax.]

A legislator will not be bonded if he legislates or attempts to legislate a law to create a source of revenue without providing an equally valuable public service which the public needs and wants.
(just compensation)

In a U. S. Constitutional 16th amendment deduction system of taxation there are three economic industries,

- (1) capital,
- (2) goods, and
- (3) services (labor).

Each has a one hundred percent (100%) deductibility of overhead. Therefore, the common man who works to support his family can deduct all of his household expenses for his part of providing the labor force of the nation. There would be nothing left to tax.

Originally the U. S. Constitutional 16th amendment applied only to corporate income. Since its beginning, its wording "taxation on income from whatever source derived" has been applied by the I. R. S.

- (1) to the common laboring household although it is 100 % deductible
- (2) to gifts and inheritance to which government has contributed no valuable service.

Which funds are, therefore, being taxed twice, and
(3) to collecting taxes on crime, namely, bank robbery, organized crime, and hard drug sales (25% excise tax), making the government a beneficiary of, hence favorable toward the commission of paying crime.

Social security sham

The social security system of the IRS Operates a fraudulent insurance/bonding scheme in competition with honest free enterprise insurance/bonding companies as follows:

If a husband and wife both pay into the social security insurance system out of their common social and commercial conjugal relationship, and if one dies, the other gets the payment of the social security benefit of only one person.

This is a mutual financial sacrifice of two people joined as one social commercial unit, paid back only' partially to the surviving person.

That is blatant insurance fraud on the part of the social security

insurance system.

The social security system finances so many social service programs which it was never intended for, that it is in constant financial trouble, a sales tax is no better.

Federal law (title 42 of the U.S. Code, § 1994) includes an anti peonage law which declares that no natural person (citizen) can be compelled to work for free (not even to collect taxes or do bookkeeping for the IRS Or the state sales tax commissions).

Even if the government agrees to pay for the collection of the taxes, the law allows that a citizen can refuse to work for any specific person or organization.

Also, many persons do not believe it to be patriotic to pay taxes to the IRS the IRS is a Rothschild enterprise, not a part of the u.s.

Government, and there has been a movement in government to brand, as right wing anti--Semitic, those patriots who point out the that the IRS, the federal reserve, and the FDIC., are all well known financial enterprises of the Rothschild family of Europe.

In fact, much of the tax protest movement, and much of the civil rights violations heaped on citizens by the legal establishment because of tax rebellion, arise out of the now common knowledge that the "national debt" has been created by a sequence of wars financed on both sides by the Rothschild family to force the u.s. To borrow money from Rothschild banks, creating an attachment of all U.S. property as collateral to pay off Rothschild war loans.

The shouts of anti-- Semitism are not coming from common persons, but from the Rothschild banking system which detests having the burglar's mask ripped off of its face, and which uses anti--Semitism as a decoy.

[It should be clear that it is pure financial insanity to bond any statutes, processes or enforcements connected with any form of tax collection other than those based upon a per capita tax.]

2.3 -- bonding exigency statutes

Statutory fraud

(emotional urgent necessity statutes)

A legislator is said to be engaging in the confidence game of statutory fraud when he by the legislation of statutes) creates a false problem for, or artificial or fraudulent need if, any citizen or group of citizens in order

(1) to justify the creation of the capacity to offer a solution for the false problem created, or

(2) to justify the collection of taxes or revenue to finance the solution of the problem created.

A fraudulent need or want is a need or want which.

(1) has not been solicited by the public,

(2) has been pawned off on the public: --

(a) by coercive suggestion,

- (b) by lack of representation, or
- (c) by misrepresentation of its consequences:
 - (i) for the good of the many at the expense of individual liberty or property, or
 - (ii) for the good of any one at the expense of the freedom of many (lottery), and
- (3) which is not a valuable service to the public generally.

A legislator is said to be engaging in statutory fraud when he creates a false source or apparent source of supply (a false solution) for any citizen or group of citizens in order;

(1) to create, for the government, the capacity to create problems for the public, or

(2) to create, for the government, a source of revenue/taxation without representation (e.g., the lottery).

Bonding vs. Lottery

Responsible wagering versus non--responsible wagering

Taxation without representation

An example of the creation of a fraudulent need or want or an apparent source of supply is the operation of a state lottery. Such a system is solicited by the public. Because a large portion of the public likes, hence wants to gamble. However the consequences of a state lottery are not honestly represented to the public by the state, and the lottery does not render a valuable service for the public. Money from the lottery gives state high officials a sense of independence which makes them feel that they can do without bonding and can risk malfeasance because they have adequate funds with which to manipulate inferior officers, clerks, and the public.

Although bonding is wagering -- you might call it insurance gambling it is wagering on official behavior. You might call it "responsible gambling" or "responsibility gambling". Bonding is gambling done by government, not gambling done by the public.

Bonding has the just purpose of regulating government, by making governments pay premiums (bets) for the misbehavior of its agents, and forcing antisocial agents to go to jail or pay out of their own pockets for the damage which they cause.

A government is not supposed to operate on an economic base of non--responsibility "gambling" such as a lottery because that is a system of "taxation without representation". Money obtained by a government from "non--responsibility gambling" is money that the government will spend as it sees fit to do so without accounting to the public for it.

It will give officials a sense of being able to act independently from representing the interests of the public.

Power corrupts, and absolute power corrupts absolutely.

Having money from "non--responsibility gambling" such as a lottery also makes government's agents feel that they have enough money to

work with, that they can ignore responsibility bonding and free themselves from the restrictions which responsibility bonding imposes on their behavior.

Since a lottery gives money to the state, it gives power to the state. Since the state's control of that money is independent of public control or control by a bonding company, the state's use of that money becomes autocratic or absolute.

Again ---- Power corrupts and Absolute Power corrupts absolutely. When citizens provide money to government by way of state wide gambling, such as the lottery, they are giving the government the power to enslave them with their own money. Gambling might make a very few persons free by making them wealthy, but only by enslaving all of the remainder of the people, little by little, day by day.

A public swept up into gambling on a state lottery delivers over to a state unlimited taxation without representation. The money which flows in such a system can become so great that the officers of the state become addicted to power, drunken with power, and corrupted to the degree known as organized crime.

Money is not substance, it is only the symbol of substance.

Real property (real estate) is substance. Mineral wealth is substance.

Control of transportation routes waterways and ports conveys substance.

As soon as a state can establish a lottery, it will use the income to finance the seizure of substance and the means of conveying substance (real estate, mineral wealth, waterways, ports, and transportation routes, etc.)

Set free from the behavioral restrictions of bonding by its monetary wealth the state will degenerate to an organized crime syndicate and resort to the seizure of substance (real estate etc.) And the means of the conveyance of substance (waterways, etc.) By condemnation, eminent domain, and the issuing letters of marches and reprisal (orders to march and seize) to mercenary law enforcement officers.

Legislators who legislate a potentially publicly hazardous statute, must themselves be bonded against the possibility of being sued for any misuse of that statute which could arise as a consequence of the defective construction of the statute.

A legislator will not be bonded if he legislates or attempts to legislate a law to create a source of revenue without providing an equally valuable public service which the public needs and wants.

(just compensation) A solution in need of problems

Environmentalism

Governments create causes and problems in order to justify taxation and political domination. They always need a credible enemy to create the urgent necessity to ask for more money and to make more laws for "the good of the public" and "in the interest of national security."

To obtain the "consent of the public", governments create problems, or

scenarios of problems, so that they will be able to offer solutions which an ignorant and somewhat gullible and self-- serving public will buy.

The classic political example is the now publicly known strategy by which president F.D. Roosevelt and Winston Churchill maneuvered the Japanese into attacking the U.S. Fleet at Pearl Harbor, December 7, 1941.

(The Final Secret Of Pearl Harbor by Rear Admiral Robert A. Theobald; Pearl Harbor After A Quarter Of A Century by Harry Elmer Barnes)

Although there are many very real environmental problems, environmentalism, as a political lever, is the latest trick to obtain the "consent of the public".

It is legally known as the new world order, it is economically known as globalism. "environmental" statutes must be closely examined for exigency fraud.

Some of the exigency statutes of present day governments are designed by bag and military war games computers. The economic war games computers are the new guns of governments, firing statutes and economic and social situations as bullets.

(A Report From Iron Mountain by Leonard C. Levin; Silent Weapons for Quiet Wars --available from America's Promise Newsletter -- P.O. Box 30,000 Phoenix, AZ 85046)

2.4 -- bonding insurance statutes

Compulsory insurance

The bonding of statutes, which require natural persons (non-- incorporated persons) to purchase insurance, must be very carefully analyzed, and be regarded with the utmost caution.

As a general rule, it is against the law for any entity to compel any citizen to pay any wager or premium for the privilege of not being injured or for the privilege of not being threatened with injury.

(protection insurance racketeering) (U.S. R.I.C.O. Laws.)

Corporations may be required, by the state in which they are incorporated, to purchase public hazard insurance because the corporation, being an artificial/paper person (a legal fiction), is regarded as having no conscience other than the state, making the state, as a silent partner of the corporation, financially responsible for the acts of the corporation. (that which the Lord giveth, the Lord taketh away.)

When the benefit which the state gives to the corporation is limited liability, which is a limited commercial responsibility to the commercial public, then the state must protect the commercial public, to a reasonable extent, from a potential lack of commercial responsibility of the corporation or from a tendency toward a potential lack of commercial responsibility of the corporation, by requiring the corporation to purchase hazard bonding. This requirement protects the public from some losses, and protects the state from some

civil liability, by a showing of commercial good faith action.

Compulsory motor vehicle insurance

Citizens are required to surrender the ultimate title of ownership of their motor vehicles (the manufacturer's statement of origin/mso) to their respective states in exchange for a certificate of title of ownership and license plates.

The state owns the vehicle because it holds the ultimate title to the motor vehicle. The citizen has the permission to use the vehicle. The permission can be revoked at any time by the state.

(Research the case of February 10, year unknown), Tennessee department of revenue operations wherein supervisor, Denise Rottero, before Judge Greer. (she explained Tennessee's auto registration process.)

The vehicle can be seized and auctioned off to provide revenue for the state.

For example, the state of Oregon seizes and auctions citizens' motor vehicles as a penalty for soliciting a prostitute, proving that the auto belongs to the state.

Because the state has the ultimate ownership of all of the vehicles used by all of its citizens, the state also has the ultimate liability for all accidents in which those vehicles become involved.

This is a potential reason for the state to compel citizens to purchase motor vehicle insurance.

Another obvious reason:

The state is a silent partner in every insurance corporation incorporated in that state, and so, many of the insurance companies within the state are mere alter egos or "second selves" of the state.

In this insurance scheme the state makes it mandatory for the citizen to buy a product which the state is selling. The individual state will get part of the insurance business; the interstate insurance companies, regulated by the united states securities and exchange commission, will get the remainder of the insurance business.

Also, states need civil malpractice insurance.

This sort of insurance comes from "above", from interstate insurance companies and international maritime insurance companies such as Rothschild, so, some states prostitute their legislative power as an inducement to get insurance companies to give them a better payment rate for their own malpractice insurance coverage premiums for their own corporate activities, (by compelling citizens to purchase motor vehicle insurance).

In any compulsory motor vehicle insurance scheme, a citizen's purchase of motor vehicle insurance is guaranteed by a threat of injury in the form of a suspension of the driver's license, seizure of the vehicle, fines, and imprisonment if the citizen does not comply with the state's mandate.

This creates the basic fabric of a protection insurance racket, hence a very real credibility problem for insurance and bonding companies.

The bonding problem gets really nasty when a judge compels a citizen to either buy auto insurance or to quit driving "his" (the "citizen's") car.

Because a bond or insurance is only a promise to pay and not a tangible product, a citizen can lawfully and rightfully argue that, like a savings and loan or a bank, an insurance/bonding company might not be around when damage is done and it is time for a claim payoff.

Therefore the citizen can lawfully guarantee the auto insurance policy by putting a common law lien on enough of the property of the law enforcement officer and the judge to cover the face value of the insurance policy. (this commercial lien cannot be removed)

A federal R.I.C.O.. Action against the enforcement officer and the judge can also compel them to pay all of the premiums for all of the persons which they have compelled to buy insurance.

The voluntary purchasing of motor vehicle insurance is smart. It is a good investment. However, compulsory purchase of any sort of insurance in order to continue the daily act of living is protection insurance racketeering.

Any bonding company which bonds compulsory motor vehicle insurance statutes is going to have big irresolvable problems, and any officer or judge who enforces compulsory motor vehicle insurance statutes is laying themselves wide open to economic ruin.

3. Legislative Output

The output/ conclusion of legislation will be bonded and become a valid and lawful statute thereby, only if the bonding company finds that:

- (1) the definitions of the terms used in the conclusion are bonded,
- (2) the principles used in the conclusion are bonded,
- (3) the logic used in the conclusion is bonded,
- (4) the conclusion has been presented to the public for criticism of its construction and/or effect,
- (5) if the conclusion presented to the public has been negatively criticized because of its construction or effect, then the conclusion has been returned to the analysis and logic stage to test and justify it's construction and effect,

and

- (6) the legislated conclusion, after it has been subjected to public scrutiny and further analysis, is economically feasible for a wager on its public application, if it survives this last step, the conclusion is said to be perfected for legislative bonding, and becomes a judicable statute.

[A legislated conclusion becomes a valid and lawful statute only if it is legislatively bonded.]

4. Judicative Input, Generally

An official, officer, or clerk will not be bonded:

- (1) if he uses the power of his public office, or his position in that

office, or his power of enforcement:

(a) to harass or to oppress a citizen, or

(b) to create obstacles to prevent a citizen from exercising his remedies by the due course of the law.

(2) if he deprives or hinders a citizen in the free exercise of rights guaranteed or of the equal protection of the law: guaranteed by the u.s. Constitution, or guaranteed by the constitution of the state by which the officer is employed, or guaranteed by the constitution of the state into which the officer's work takes him.

(3) if he interferes in a citizen's U.S. Constitutional first amendment

(a) legislative rights of freedom of religion

(b) judicative rights of freedom of speech and freedom of the press (the right to access the court of public opinion)

(c) executive rights to peaceably assemble and petition the government for a redress of grievances (i.e. file civil and criminal complaints-- especially against malfeasant public officials).

(4) if he will not file or receive the filing of a criminal complaint (no filing fee is required) against a public official when such is necessary to curb the malfeasance of that official. (see also 5.2 -- bonding of district attorneys)

4.1 -- judicative input, specifically

The process of receipt of data input/ allegations for judication by the government will be bonded only if the bonding company finds that no act was committed by any official, officer or clerk:

(1) to ridicule, harass, oppress, injure, or punish the citizen for submitting or attempting to submit affidavits, allegations, arguments, claims, criminal complaints and/or demands for consideration, litigation or prosecution,

(2) hinder or prevent the composition (writing), receiving, filing, or processing of the citizen's affidavits, allegations, arguments, considerations, claims, criminal complaints and/or demands.

This rule also applies to the composition, receiving, filing, and processing of the affidavits, allegations, arguments, claims, criminal complaints and demands of prisoners.

For example the enforcement process of an enforcement officer will not be bonded if the judicial process of receipt of data input/ affidavits Is not bonded, or is not bondable.

Example:

Translation [if it is found that an accused person was not allowed by an official or clerk to file a counter complaint with the prosecuting attorney, then the official process of the complaint against the accused party and all official processes thereafter will not be bonded unless and until this defect of process is rectified and the accused party has had adequate time and opportunity to recover from the damage caused by being denied the opportunity to file the said counter

complaint.]

An officer sued for false imprisonment for violation of the equal protection of the law (here the prisoner's right to counter complaint) because of an unbondable judicial process of failing to receive data input, will pay for the damages out of municipal corporate property or his own personal property.

5.0 judicative control

The court rules, jurisdiction, and the processes of consideration of affidavits and other filings, litigation, and prosecution will be bonded only if the bonding company finds that:

Court rules

- (1) the general rules or local rules of the court contain an explanation of the purpose of existence of each and every rule so that the purpose of the rule will take priority over the wording of the rule, and so that substance will take priority over form, that
- (2) the general rules or local rules of the court contain common terms and plain wording and are of such simplicity that the common citizen can easily understand and easily and quickly make use of the rules without the need of a counselor.

Jurisdiction

- (3) the setting of the case is proper, the parties to the action are all truthfully stated and all civil and criminal elements are clearly identified and segregate into their own jurisdictional categories.
- (4) a criminal case brought in behalf of the peace and dignity of the state:
 - (a) has been brought ex rel, Accusers, that is "on the telling or relation/story of the accuser" with the accusation being related to the prosecuting attorney by the accuser,
 - (b) has named the accuser in the setting of the case, and
 - (c) contains the signed and notarized affidavit of the accuser in the body of the complaint.

Otherwise, the state would become the plaintiff/accuser, the case would become federal, and the bonding company would become potentially liable for an agent's false accusation and false imprisonment of a party to the case.

- (5) the U. S. Constitutional 7th amendment civil elements of answering, discovery, deposition, interrogatories, etc., have been put on temporary hold as a U. S. Constitutional 6th amendment protection against self-incrimination, pending a U.S. constitutional 6th amendment prosecution.
- (6) the U. S. Constitutional 6th amendment processes have been carried out before the U. S. Constitutional 7th amendment processes have proceeded, and these 6th amendment processes have proceeded without delay.

Consideration of affidavits

- (7) all affidavits have been considered, answered. And affirmed or

denied categorically point--for--point in writing.

Litigation and prosecution

(8) all officials, officers, and clerks involved in the processes of litigation have obeyed the constitution of the united states and the constitution of the state wherein they are employed so that;

(a) the citizens involved have received equal protection under the laws and

(b) the citizens' remedies by the due course of law have been protected and guaranteed.

(9) the officials, officers, and clerks involved in the processes did not operate the court and/or the judicial process as a closed union shop, that is, did not exclude or hinder non-- union lawyers, non-- union counsels, non-- union paralegals, non-- union laborers, or any other non--union citizens from exercising the equal profession, the equal practice, the equal performance, the equal perfection and the equal protection of the law.

(10) the officials, officers, and clerks involved in the processes did not act in concord, union, or conspiracy to interfere with or minimize the citizens' creative access to discovery, evidence, counsel and/or remedy by the due course of law,

Service of legal process

(11) no party to the case, nor the court, has been allowed to use the U.S. Mail to "serve" papers which are required by law to be "served" not "sent". A U. S. Postal carrier is not employed and bonded as a witness, hence is not a lawful legal process server

5.1 bondability of lawyers and attorneys

(lawyer and attorney are not synonymous)

Attorn --law -- to agree to recognize a new owner of a property or estate and promise payment of rent to him.

Feudal law-- to consent to the transfer of land by the lord of the fee and to the continuance of one's own holding under the new lord; also, to accord homage to a lord.

Attornment--feudal law-- the acknowledgment by the tenant of a new lord on the alienation of land; also, the acknowledgment by a bailee that he holds property for a new party.

Funk and Wagnall's

Practical standard dictionary

Attorn--law-- to turn over; to transfer to another money or goods; to assign to some particular use or service. To consent to the transfer of a rent or reversion. To agree to become tenant to one as owner or landlord of an estate previously held of another, or to agree to recognize a new owner of a property or estate and promise payment of rent to him.

Attorn--feudal law-- to turn over; to transfer to another money or goods; to assign to some particular use or service. Where a lord

aliened his seignior, he might, with the consent of the tenant, and in some cases without, attorn or transfer the homage and service of the latter to the alienee or new lord.

Attornment -- in feudal and old English law--a turning over or transfer by a lord of the services of his tenant to the grantee of his seignior. (lordship--title: seignior, sir) the doctrine of attornment grew out of the peculiar relations existing between the landlord and his tenant under the feudal law, and the reasons for the rule never had any existence in this country, and is inconsistent with our laws, customs, and institutions.

Black's law dictionary
revised fourth edition

We need to take a very close look at these words in order to understand the role of an attorney. The setting is old England. The aristocracy held the land. The lower class tilled the land as tenants. When the land changed hands from one aristocratic lord to another aristocratic lord, a treaty was made between the tenants and the new lord lest civil war break out between the tenants and the new lord. (this transfer of power with treaty was called attornment.)

Attornment was the method of peacefully passing land from one aristocrat to another aristocrat without disturbing the class structure. It consisted of a peaceful method of maintaining a noble class of citizens acceptable to the common people. This does not mean that the common people liked the situation, they suffered evils while evils were sufferable, and made their treaties of attornment. Therefore, in English law attornment was a method of guaranteeing an unequal protection of the law for the rich and the poor, but one which was at least tolerable for the poor. It was a "peaceful" maintenance of the class structure. An attorney's role in this system was to provide the ceremony of the acquiescence of the poor, and to do so in such a manner (modus operandi), as to preserve and maintain the class structure, the peaceful unequal protection of the law.

It is eminently clear that an attorney's role has not changed, attorney's still practice attornment.

Lawyer -- a person learned in the law. One who understands law and who loves law for its capacity to rectify the evils of society. One who professes and practices "liberty and justice-- for all" and therefore the equal protection of the law. Lawyers "practice" law.

The U.S. Constitution provides over thirty guarantees of the equal protection of the law. A lawyer supports those provisions of guarantee; an attorney opposes those provisions. (in America, a lawyer obeys the u.s. Constitution, the supreme law of the land).

An attorney does not obey the u. S. Constitution. Therefore, technically, a lawyer is bondable and an attorney is not bondable.

State bar associations, which deal with both extremes, must therefore rely upon "self bonding".

Testing a counsel

There are both good and bad counsels. In reality, many so-called "lawyers" practice attornment, and many so-called "attorneys" practice law. Most persons think the terms "lawyer" and "attorney" mean the same thing and would not know how to distinguish one from another.

Even the professionals call themselves "attorneys--at--law", a contradiction of terms, which shows the confusion which prevails in law. For the present purposes of the uniform bonding code, the counsels will not be discriminated against because of the term they use to identify their occupation. Only their behavior and "track record" will be used to determine their bondability.

You know a tree by the fruit which it bears. An apple tree does not grow cherries and a cherry tree does not grow apples.

To give an extreme example;

A lawyer will file criminal charges against a judge for failure to protect a citizen's U.S. Constitutional rights; an attorney will not.

There are many such tests and contracts of specific performance can be provided to would-be counsels to find out what they are actually ready, willing, and able to do.

When it is necessary, a lawyer will act as a substitute and go to jail for a cause in which he believes, whereas an attorney will only dabble at "law", will ask to be removed from a case when the going gets rough becomes a battle, and will run in the face of the enemy, therefore they deserve an action of a summary court martial.

5.2 -- bonding of district attorneys

A city, county, state, or federal district attorney (including a u.s. District attorney called a u.s. Attorney), shall lose his bonding and shall not be bonded:

- (1) if he refuses to properly identify himself to the citizen when asked to do so including giving the citizen the name and address (or telephone number) of his bonding company and his bond policy number (bond number).
- (2) if he fails or refuses to receive, for filing, a criminal complaint from a citizen against a citizen or an official.
- (3) if he refuses to mark or stamp the citizen's confirmed (compare with original) copy of the citizen's complaint with any of the following:
 - (a) "received"
 - (b) name of receiving office
 - (c) date
 - (d) time
 - (e) signature or initial of receiving clerk or official so that the citizen can have an official receipt for delivery of his complaint.
- (4) if he fails or refuses to make a reasonably diligent effort to process the citizen's complaint (42 USC § 1986).

(5) if he fails or refuses to see to it that the citizen's complaint is placed in the right hands for processing and/or answering.

(6) if he does not make every effort to make sure that the complaining party knows of the status or location of the complaint in the legal system, and does not give the complainant written notice of the same when it is possible.

5.3 -- the bonding of prosecuting attorneys

A prosecuting attorney shall lose his bonding, shall not be bonded, and shall be deemed unbondable:

(1) if he refuses to prosecute a complaint when it is possible to do so, regardless of who the complaint is against.

(2) if he resorts to "selective prosecution", i.e., any excuse of immunity for an official, in order to protect a malfeasant official from prosecution.

(3) if he resorts to "selective prosecution", i.e., false or malicious prosecution of a citizen, in order to punish or destroy a citizen for attempting to have a malfeasant official prosecuted.

5.4 -- bonding of judges

A judge shall lose his bonding shall not be bonded, and shall be deemed unbondable;

(1) if he fails to protect the u.s. Constitutionally guaranteed remedies of due process and the equal protection of the laws of any citizen appearing in his court of law or of any citizen appearing in any court of the county in which he works whose case may come to his attention by any means.

5.5 -- bonding of attorneys

A lawyer or an attorney shall lose his bonding, shall not be bonded, and shall

be deemed unbondable:

(1) if he fails to protect the remedies of due process and the--equal protection of the law of either his client or of the adverse party in an action in an adversary system of law, each lawyer or attorney shall protect the representation of fact for their own party, but shall protect the legal process for both parties without exception. (title 42 USC § 1986).

5.6 -- bonding an 'amicus curiae'

(friend of the court -- especially when under a (citizen's writ of mandamus pursuant to title 42 u s c § 1986).

It is not necessary for a non--incorporated lawyer or 'amicus curiae' (friend of the court) to be bonded. But a lawyer or an 'amicus curiae', If he chose to be bonded, shall lose his bond and shall not be bonded:

(1) if he uses his involuntary intervention to interfere with constitutional due process,

(2) if he does not speak and act openly for the best interests of both opposing adverse parties, even if paid by one party and sits as

counsel to that party. An amicus curiae may favor the cause of one side of an action, but must serve the due process of both sides of an action in order to be of service to the system of law as a whole..

If the judge is acting in insurrection and rebellion against the U.S. Constitution, and the judge shows no signs of mending his ways or correcting his court procedure, it is usually best for the 'amicus curiae' to file a notice of criminal malpractice (malfeasance) with the court administrator, and with the bonding company in person, by fax, or by telephone to immediately establish reversible error and civil damage in the case.

6. Judicative Output

The process of judgment will be bonded only if the bonding company finds that:

(1) the terms, definitions, principles (axioms), logic, and conclusion underlying the statutes being used in a judgment are all bonded, i.e., the statute used is a valid and lawful statute, i.e., is a bonded statute.

(2) the process of receipt of data input is bonded.

(3) the court rules. The jurisdiction and the processes of consideration of affidavits, litigation and prosecution are all bonded.

(4) a jury trial was granted, if it was not waived in writing by all parties to the suit,

(5) a summary judgment hearing was not imposed in place of a jury trial as long as there was so much as one genuine issue of material fact or one unprosecuted element of criminal behavior, criminal malpractice, or official or clerical malfeasance.

(6) the jury was allowed to come to a verdict by ballot while sitting in the court room without retiring to the jury room to arrive at a verdict.

Note: retirement of a jury to a jury room for deliberating a verdict is internal jury tampering, creating an homogenized verdict, constitutes conspiracy to convict or to vindicate, and makes every member of the jury individually and personally liable for the verdict, regardless of the content of the verdict.

(7) (a) If a summary accusation or complaint, judgment, and execution of contempt has been brought against a person appearing before the court because his behavior or argument in favor of his rights in that court displeases the judge or is held by that judge to be contrary to the order and decorum of the court, and

(b) then

(i) the accusing judge has made out the complaint of contempt,

(ii) the accused has been tried by a second judge, yielding a judgment of contempt, and

(iii) a third judge has agreed in writing to accept the total liability for both the accusation or complaint of contempt and the

judgment of contempt if either or both of the first two judges has acted with malfeasance in the contempt process, and
(iv) the third judge has yielded the order of execution of contempt. If the contempt charge is later found to be improper or unlawful, the personal liability of the third judge will be proportional to the number of judges acting in defect of the law (i.e., treble damages). This rate of damages corresponds to the treble damages of a u.s. Rico (racketeer influenced and corrupt organization) suit. The third judge will have to sue the other two judges to recover remedy from them.
(8) the order of execution of the judgment has an attached check list containing a signature verified entry for every step of the process which must be bonded in order for the over--all process to be perfected for judicial bonding.

Each step must have a space provided for reference to any attached comments on irregularities in the process.[an order of judgment becomes a valid and lawful order of execution only if it is judicially bonded.

6.1 -- bonding of judicial consequence

A government official, officer, or clerk shall lose their bond, shall not be bonded, and shall be deemed unbondable:

(1) if he fails to answer, or fails to require an answer to, a citizen's complaint and affidavit of information categorically point--for--point, except that, where criminal accusations are made, he shall have the right to remain silent, or allow silence (on--answer) as a protection against self-- incrimination. Otherwise, the ordinary rule is: [an affidavit unrebutted stands as the truth.]

(2) if he knowingly imprisons, or keeps as a prisoner, a citizen in violation of that citizen's U.S. constitutional rights and equal protection of the law. The offense shall repeat the application of pertinent remedy statutes each and every twenty--four (24) hours.

(3) if he refuses a prisoner the materials and information necessary for the prisoner to defend, acquit, or vindicate himself. The offense shall repeat the application of pertinent remedy statutes each and every twenty--four (24) hours.

Note: if an officer or clerk, who has lost his bond, gives aid and comfort to a citizen or to a prisoner deprived as described under this chapter, and shall

prove himself genuine, the same shall recover his bondability

7.0 -- executive input

Principles of executive bonding

Qualifications for bonding enforcement officers

The input/qualifications of an executive/enforcement officer shall be bonded. Pursuant to state incorporation laws, any official, officer, or clerk, of any municipal corporation (city, county, state) engaged

in any activity potentially dangerous or hazardous to the public safety, health and welfare must be bonded and must carry an identification card which declares his bonding status.

In a scientific bonding system, the executive bond on a reasonable officer with a good social attitude, a "good track record", and a good education, is less expensive than the bond on (a rookie cop, constable on patrol) just as the automobile insurance on an older, sensible, seasoned, and proven driver is less than the auto insurance for a younger, impulsive, and unproven driver.

The glass house doctrine

It is the executive branch which ultimately commits the statutory duties which the legislative and judicative branches order up for the control and punishment of citizens.

[A person who lives in a glass house should not throw rocks at others.]

Likewise a government infested with malfeasant officials, officers and clerks is in no position to pursue felons in the public sphere. If it would be credible in the eyes of the public and the bonding companies, then it must first eliminate its own malfeasance with the same diligence that it would pursue the civilian felon.

Grace/escape

In all complaints of a citizen against a public law enforcement officer, the complaining citizen has the general responsibility of protecting the general enforcement of the laws by giving every opportunity of grace and escape to the officer complained against. The complainant must always remain sensitive to the fact that a law enforcement officer is

Constantly subject to the most psychologically demanding emergency situations and the most dangerous social combinations, and must be given every benefit of the doubt so that he can survive his daily work.

7.1 -- no criminal bonding

Criminal acts may not be bonded against prosecution or litigation or there would be people who would become bonded as a license to commit criminal acts in violation of the peace and dignity of the state.

Likewise, corporations may not be established by a person to hide the criminal acts of that person behind corporate limited liability, or there would be people who would incorporate their activities in order to secure for themselves a license to commit criminal acts behind the corporate limited liability veil in violation of the peace and dignity of the state.

Corporate limited liability, as it pertains to civil commercial Obligations, is a delicate enough creation without the criminal aspect, and is only because business people accept the idea that they are gambling in commerce when they deal with a corporation that there is any honesty at all in the limited liability concept of a

corporation. For if a person uses a corporation to run up a commercial debt with the intent to abscond at some future time, then that corporation becomes simply an instrumentality, called and alter ego, for

the commission of crime.

It is for this reason that the state is a silent partner in every state incorporated artificial person, and has--the responsibility of policing the use or misuse of corporate limited liability. There is no corporate limited liability for the commission of crimes.

Criminal acts coed by corporate officials, officers, and clerks pierce tie limited liability veil of every type of corporation and artificial (purely legal) person. Also criminal accusation always pierces tie veil of corporate limited liability.

Criminal acts

An official, officer, or clerk who commits a criminal act (a crime) or gross negligence of duty against a citizen or against the public generally:

- (1) shall lose his bond,
- (2) shall not be protected by his official bond,
- (3) shall not be protected by the limited liability of tie corporation, trust, or office of public trust which employs him,
- (4) shall be personally liable (financially responsible) for the damage which that crime or gross negligence causes, and
- (5) must pay for the damages out of his own personal assets of real and personal property.

A citizens recourse against official crimes is to file his claim in the form of a criminal complaint/U.S. First amendment petition for redress of grievances with a civil value noted on the complaint, but with tie U.S. 7th amendment process on hold as not immediately answerable, and with the civil value pending the outcome of the U.S. 6th amendment

Criminal prosecution.

The criminal claim puts payment of the bond on hold and pierces the veil of corporate limited liability exposing the officer to unlimited attachment of personal property unless he is prosecuted and vindicated by prosecution. If the prosecutor does not agree to prosecute the case within thirty days, or such time as is reasonable for investigation of the charges, (Not to exceed 60 days without reasonable cause), then the matter reverts to a civil action standing half inside and half outside of the corporate veil with the bonding company, the corporation, and the officer standing liable for the damages.

What if the bonding company!!

Compels the prosecution

If the bonding company compels the prosecution and the acts of the officer are clearly criminal, then tie bonding company can argue for

release of the liability of the bonding company for the officer's actions, provided the bond was written to dissuade criminal acts. Since the prosecutor must have a bond in order to be a prosecutor in fulfillment of his job description, it follows that the bonding companies collectively have the power to compel the prosecutor to prosecute on the criminal charges to attempt to vindicate the officer and to protect the relevant (directly affected) bonding company from a claim or to minimize the claim against the bonding company.

If the Bonding Company does not compel Prosecution

If the bonding company does not compel prosecution, then the first claim of liability is against the bonding company up to the face value of the bond, and the remaining claim of liability is against the corporation and against the officer for the unpaid balance of the claim. The officer, against whom the complaint and accusation has been made, also has the right to defend his interests by demanding that he be prosecuted and vindicated. Both the complaining party and the prosecutor have the obligation to serve notice on the accused officer if the prosecutor will not prosecute, thereby giving the officer a chance to protect his interests by demanding a prosecution.

7.2 -- bonding of attitude

(1) the principles of economics are more and more being used to establish scientific bonding practices which eliminate the bonding, hence employment, of anti--social enforcement officers.

(2) the bond on an enforcement officer is based on the officer's social attitude and past performance, that is, his "track record."

(3) an antisocial officer is generally defined as a person who:

(a) has a bad social attitude

(b) thinks he is bonded-- for any sort of social behavior whatsoever

(c) thinks he has to prove himself by being socially abusive or macho toward members of the general public.

(4) antisocial officers create bad enforcement situations which cause citizens to file malpractice claims with bonding companies.

(5) therefore a credible bonding company will not bond a known antisocial enforcement officer.

7.3 -- bonding of education

Principle ---- ignorance of the law is not an allowable excuse for a law enforcement officer to use when exercising the power to enforce the law. An officer must know and understand all of the processes which must be bonded before he can act on an execution of judgment. An officer, although presumably acting in his official capacity, has no commercial escape or grace through a bonding company when the statute he enforces is not bonded against accidental misuse.

When an officer commits an accidental misuse of his office or of a statute, or accidentally acts on an unjudicial statute, the bonding company will pay on the bond only to the extent of a reasonable degree of error or accident. Nothing in the agreement between the bonding

company and the bonded party shall be construed to free the official or officer from investigating and knowing whether or not his own actions or the statute acted upon or enforced were adequately bonded. Whatever portion of the damage claim remains after the bonding company has paid its reasonable obligation to the bonded party, shall be paid out of the assets of the municipal corporation and/or out of the real and personal property of the official or officer who misacted. An enforcement officer of a municipal corporation (city, county, state), who operates without a bond or who enforces a judicatio statute is acting outside of the public hazard licensing and bonding statutes governing municipal corporations. A bonding company has no financial responsibility for such an officer. Such an officer is regarded to be out of uniform, outside the shield or veil of his official capacity, and is a common citizen operating upon his own personal liability and risk. If an officer was deceived, by the government (municipal corporation) for which he works, into performing his "duties", namely, of accepting statutes, carrying out judgments of execution, or exerting enforcement beyond the limits of his bonding, then, the officer shall not have a claim on the bonding company, and his personal property shall become attachable for the satisfaction of claims of damages, and he will have to make his claim against his employer. In the case of an judicatio statute, the employer will have to make its claim against the state legislature and the state generally for the Construction and advertisement of an judicatio statute. If a citizen knows how to enforce his civil remedies under the laws of commerce, and if the claim of the citizen for civil damages exceeds the face value of the bond, then the officer who victimizes that citizen can easily be bankrupted.

7.4 -- bonding of specific performance

Modern scientific bonding is based on a number of factors which mathematically determine the price of the wager (premium) charged by the bonding company. Some of these factors are:

- (1) the psychological stability and sociability of the officer (is he antisocial, does he have a good social attitude, is he reasonable?),
- (2) the "track record" of his daily performance (past performance),
- (3) how much legal education the officer has and what kind of Legal education does he have relevant to the laws that he will be required to enforce,
- (4) the specific performance (job description) of the officer being bonded,
- (5) the types of judicatio statutes he will enforce,
- (6) the types of bonded statutes he will enforce,
- (7) the types of paper enforcement processes he will use, and
- (8) the types of enforcement acts he will engage in (especially the violent ones).

An officer is acting without the protection of a municipal bond, is

acting on
the municipal corporate assets, or is acting "out of uniform" and on
his own
personal liability if he:

- (1) behaves in a clearly antisocial manner,
- (2) does not have an education in law adequate for his specific performance as a law enforcement officer,
- (3) is not adequately bonded for law enforcement, i.e., to enforce the Law,
- (4) does not have an adequate identification card or does not show his identification card when necessary,
- (5) acts on an *judicatio* statute, and/or
- (6) violates a citizen's u.s. Or state constitutional rights or equal protection of the law.

The identification card of a law enforcement officer declares the authority of the officer to act by:

- (1) stating the specific performance of his job for which he is bonded, such as the class of statutes he is bonded to enforce,
- (2) stating that he is licensed and bonded,
- (3) stating the name of the bonding company which is bonding the executive acts of the officer, and
- (4) stating the bond (policy) number of the officer's bond (insurance).

An officer who cannot or does not display his official identification card is deemed out of uniform and acting as an ordinary citizen on his own personal liability. His personal property is then the true pledge underwriting his authority.

Liability by association

An officer can be sued for the injury caused by the acts) of another officer, if the acts) was committed and the injury was caused while the two officers worked together. The assessment of the transfer of liability rests upon such concepts as reasonable diligence, accident, neglect, and conspiracy.

7.5 -- authority

- (1) a statute has no social authority, or the capacity to be enforced, without an author, and has no author without the assumption of social liability or financial responsibility for the statute authored.
- (2) any attempt to exercise social authority by enforcing a statute without assuming a corresponding measure of social liability for the enforcement of the statute constitutes fraud.

The only authority which an official, officer, or clerk of a government (e.g., municipal corporation) has to use, act upon, or enforce a statute resides in and arises out of the financial responsibility for the acts and actors as follows:

- (1) the legislation--the construction of the statute.
- (2) the content of the statute itself.

- (3) the judication--the exercise of the judicative power.
- (4) the judicative process itself
- (5) the execution--the enforcement paper process which is used as a reason to enforce the statute.
- (6) the enforcement act of the enforcement officer, and
- (7) the enforcement officer.

This financial responsibility for the acts and actors will usually be provided

from one or more of the following three sources:

- (1) the bonds on the acts and the actors (insurance on an official act or person),
- (2) the sacrifice, forfeiture, or pledge of the government/corporate property, real or movable, or
- (3) the sacrifice, forfeiture, or pledge of the personal property, real or movable, of the official, officer, or clerk who is using, acting upon, or enforcing the statute.

The total value in property or money extractable from these three sources must be sufficient to sustain a suit at law and pay for the damages caused as a consequence of using, acting upon, or enforcing the statutes, that is, in defense of each specific performance of the jobs or of the persons, the said performance of said jobs being the product of the government known as public service.

A government official, officer, or clerk who is 'not' bonded or who loses his bond, shall be held financially responsible for his own actions. He shall have, as the only support for his own authority, the pledge of his own personal property, real and movable, to satisfy the damages which he causes to citizens by his exercise of that authority.

7.6 -- bonding municipal corporations

Many municipal corporations (city, county, state) have quietly chosen to operate without malpractice bonding in violation of state corporate public hazard bonding laws because their bonding is expensive. Often municipal corporations claim to be "self bonded", but because civil rights suit claims are often, and properly, astronomically large, such in--house bonding is actually fraud, and passes liability on to the officials, officers and clerks

of the municipal corporation. Municipal corporations have had to resort to lies and deceptions concerning the bonding of their officers in order to get their officers to put on a uniform and go out to fight for the corporation. The officers are not told that their public hazard bond is not adequate, and they are not told that if their on--the--job activities involve them in a situation where the face value of the bond is not sufficient to cover an injury (physical, mental, emotional, legal, etc.) To a public citizen, then the citizen will have the right to sue the officer for a sufficient amount of the officer's personal property (real and/or movable) in order to be paid

the difference between the amount of the damage claim and the face value of the bond.

A municipal corporation will lose its executive enforcement bond or be rendered unbondable:

- (1) if it hires an enforcement officer and sends him out into the public to do official enforcement duties without bonding his enforcement processes and actions. The officer must be provided with a written notarized declaration of his job description.
- (2) if it fails to tell an officer or clerk that he is not adequately bonded. The officer must be provided with a written notarized declaration of his bonding status.
- (3) if it fails to issue an identification card to an enforcement officer declaring:
 - (a) that the officer is bonded,
 - (b) the name of the officer,
 - (c) the officer's enforcement classification,
 - (d) the name of the municipal corporation for which he works,
 - (e) the name of the bonding company which is bonding his enforcement,
 - (f) the bond (policy) number of the officer,
 - (g) the address and/or telephone number of the bonding company (bonding companies want to know who is cheating them. Many municipal corporations are not bonded or are not adequately bonded and never tell their employees about it.),
 - (h) a picture of the officer.
- (4) if it does not provide a law enforcement officer with a sufficient education in law and process so that the officer can properly carry out his law enforcement duties as agreed to in his job description..
- (5) if it engages an enforcement officer to enforce an "judicatio statute" which by its hazardous nature must be bonded.
- (6) if it engages an enforcement officer to violate a citizen's u.s. Constitutional or state constitutional rights or equal protection of the laws

8.0 -- executive control

The control/enforcement process of an executive/enforcement officer will be bonded only if the bonding company finds that:

- (1) before executing an order of execution the officer had in his possession:
 - (a) a faithful recap (recapitulation) of the case representing both sides of the argument, hand--signed by the author of the recap (who is liable for his recap),
 - (b) an original hand--signed verified bonding check list of the complete court process,
 - (c) an original hand--signed copy of the judgment and the order of the Execution of Judgment,
 - (d) a proper personal identification card including

- (i) that the officer is bonded,
- (ii) the name of the officer,
- (iii) the officer's enforcement classification,
- (iv) the name of the municipal corporation for which he works,
- (v) the name of the bonding company which is bonding his enforcement,
- (vi) the bond (policy) number of the officer,
- (vii) the address and/or telephone number of the bonding company, and
- (viii) a picture of the officer,
- (e) a proper personal business card which the officer could hand out to the public and to the persons arrested containing all of the same information as given in part (1) (d) except for the picture, because of the expense of picture cards.

9.0 -- executive output

The output/enforcement act of an executive /enforcement officer will be bonded only if the bonding company finds to its satisfaction that: Taking into consideration the urgency and hazard of the situation, the officer, while enforcing the paper process, acted in a reasonable manner as regards:

- (a) the reading and understanding of the recap,
- (b) the reading and understanding of the verified bonding list,
- (c) the reading and understanding of the judgment,
- (d) the reading and understanding of the order of execution of judgment, and when enforcing -----
- (e) properly identifying himself,
- (f) properly serving necessary papers, and
- (g) properly notifying people of their rights.

9.1 -- bonding jail procedure

A government, or an official, officer, or clerk of a government will lose its/his bond, will not be bonded, and will not be bondable if a person, hereinafter referred to as the "prisoner", which it/he handles, who has been charged and arrested but who has not been convicted:

- (1) has been denied or delayed anything, or any right, or the equal protection of the law necessary for the prisoner's defense which an uncharged and unarrested citizen would have at his use, service, and disposal.
- (2) has been denied or delayed legal paperwork in the prisoner's case, including but not limited to affidavits of accusation, police reports, arrest was, mailing addresses for the delivery of all legal paperwork, etc.
- (3) has been denied or delayed the counsel of, or communication with any lawyer, attorney, spouse, relative, friend, non--union paralegal, non--union lawyer, etc., needed for his personal safety and legal defense.
- (4) has been denied or delayed necessary appearances and opportunity to speak before a judge in court and on the court record ("necessary"

as defined by the prisoner not as defined by the jailer, the judge, or the court), and/or consideration from the jailer, the judge or the court, and/or a hand signed record of the proceedings before the judge and the court.

(5) has been denied or delayed a copy of anything:

(a) the prisoner has signed while entering or dwelling in the jail,
or

(b) the prisoner has been required to sign while entering or dwelling in the jail.-- (it is best to not sign anything).

(6) has been denied or delayed the physical basics, namely, light, heat, simple comforts, rest, writing materials or any other obvious physical means necessary to compose, write, and perfect the prisoner's defense, (said basics to be provided at no cost to the prisoner).

(7) has been denied or delayed the opportunity to effectively file counter complaints against the prisoner's accusers, and those who have handled and processed the prisoner's case. (see also 4.0 judicative input specifically.)

(8) has been denied-- a readable copy of the holy bible printed in a language in which the prisoner is educated or fluent.

(9) has been denied or delayed access to law books of the prisoner's choice.

(10) has been denied or delayed medical needs.

Note: The county shall provide all of the above services immediately to the unconvicted prisoner at no cost to the prisoner. Any county which fails to meet the above criteria will itself be totally liable for its own acts. It is not inconceivable that a county violating the above criteria could accumulate over one hundred million dollars worth of civil damages

In one day's time involving only one prisoner. No credible bonding company wants anything to do with that kind of obligation.

9.2 -- escalation

A law enforcement officer will lose his bond if he oppresses a citizen to the point of civil rebellion when that citizen attempts to obtain redress of grievances (U.S. Constitution first amendment). When a state, by and through its officials and agents, deprives a citizen of all of his remedies by the due process of law and deprives said citizen of the equal protection of the law, the state commits an act of mixed war against the citizen, and, by its behavior, the state declares war on the citizen. The citizen has the right to recognize this act by the publication of a solemn recognition of mixed war. This writing has the same force as the declaration of independence. It invokes the citizen's U.S. Constitutional 9th and 10th amendment guarantees of the right to create an effective remedy where otherwise none exists.

MISCONDUCT OF AND HONEST SERVICES FRAUD BY GOVERNMENT EMPLOYEES

"Ignorance of the law does not excuse misconduct in anyone, least of all in a sworn officer of the law." *In re McCowan* (1917), 177 C. 93, 170 P. 1100.

See: *United States v. Classic*, 313 U.S. 299, 313 U.S. 326, "Misuse of power, possessed by virtue of state law and made possible only because the wrongdoer is clothed with the authority of state law, is action taken 'under color of' state law."

SCREWS v. U.S., 325 U.S. 91 (1945)

Page 325 U. S. 105 "violates the statute not merely because he has a bad purpose, but because he acts in defiance of announced rules of law. He who defies a decision interpreting the Constitution knows precisely what he is doing. If sane, he hardly may be heard to say that he knew not what he did. Of course, willful conduct cannot make definite that which is undefined. But willful violators of constitutional requirements, which have been defined, certainly are in no position to say that they had no adequate advance notice that they would be visited with punishment. When they act willfully in the sense in which we use the word, they act in open defiance or in reckless disregard of a constitutional requirement which has been made specific and definite. When they are convicted for so acting, they are not punished for violating an unknowable something???"The generality of the section made applicable as it is to deprivations of any constitutional right, does not obscure its meaning or impair its force within [313 U.S. 299, 329] the scope of its application, which is restricted by its terms to deprivations which are willfully inflicted by those acting under color of any law, statute and the like.

Absent legislative action, judicial control may be imposed to protect a citizen from what might develop upon its facts to be an unconstitutional invasion of his right of privacy. *Davidson v. Dill*, 180 Colo. 123, 503 P.2d 157 (1972).

"A statute does not trump the Constitution." *People v. Ortiz*, (1995) 32 Cal.App.4th 286.

"The police power of the state must be exercised in subordination to the provisions of the U.S. Constitution." [emphasis added] *Panhandle Eastern Pipeline Co. vs. State Highway Commission*, 294 US 613; *Bacahanan vs. Wanley*, 245 US 60.

"It is well settled that the Constitutional Rights protected from invasion by the police power, include Rights safeguarded both by express and implied prohibitions in the Constitutions." *Tiche vs. Osborne*, 131 A. 60.

?An officer who acts in violation of the Constitution ceases to represent the government?. *Brookfield Const. Co. v. Stewart*, 284 F. Supp. 94.

In *Scheuer v. Rhodes*, 416 U.S. 232, 248-9 (1974), the Supreme Court rejected a claim of absolute immunity for state executive officers under 42 U.S.C. 1983:

Graham v. Connor, 490 U.S. 386, 109 S.Ct. 1865 (1989) (claims that law enforcement officials have used excessive force in the course of a "seizure" of a person are more properly characterized as invoking Fourth Amendment protection and must be judged by reference to Fourth Amendment "reasonableness standard").

?An officer who acts in violation of the Constitution ceases to represent the government?. *Brookfield Const. Co. v. Stewart*, 284 F. Supp. 94. Furthermore, according to the First Circuit, a public official can steal honest services from his public employer in two ways: (1) the official can be influenced or otherwise improperly affected in the performance of his duties, or (2) the official can fail to disclose a conflict of interest, resulting in a personal gain. *U.S. v. Woodward*, 149 F.3d 46, 57 (1st Cir. 1998) (relying upon the court's earlier decision in *U.S. v. Sawyer*, 85 F.3d 713, 724 (1st Cir. 1996).

In *U.S. v. Bloom*, 149 F.3d 649, 655 (7th Cir. 1998) The Seventh Circuit has held that "[m]isuse of office (more broadly, misuse of position) for private gain is the line that separates run of the mill violations of state law fiduciary duty . . . from federal crime." The court went on to note that "in almost all of the intangible rights cases decided . . . (before *McNally* or since ? 1346), the defendant used his office for private gain" but also noted that "secret conversion of information received in a fiduciary capacity is a form of fraud against the owner of that information."

HONEST SERVICES FRAUD

"Is that the public is not getting what it expects and deserves as in this matter: honest, faithful, disinterested service from a public official. This act applies when a public official fails to disclose a conflict of interest." *U.S. v. Mangiardi*, 962 F. Supp. 49, 51 (M.D. Penn. 1997).

The court held that "'honest services' contemplates that in rendering

some particular service . . . , the defendant was conscious of the fact that his actions were something less than in the best interests of the employer or that he consciously intended such actions. State does not have to indemnify police officers' defenses against criminal charges *Helduser v. Kimmelman*, 467 A.2d 1094 (NJ App. 1983).

OWEN v. CITY OF INDEPENDENCE, 445 U.S. 622 (1980): A municipality has no immunity from liability under 1983 flowing from its constitutional violations and may not assert the good faith of its officers as a defense to such liability. Pp. 635-658

"There is no crueller tyranny than that which is exercised under cover of law, and with the colors of justice ..." - *U.S. v. Jannotti*, 673 F. 2d 578, 614 (3d Cir. 1982).

Griffin v. Maryland, 378 U.S. 130 (1964) "If an individual is possessed of state authority and purports to act under that authority, his action is state action. It is irrelevant that he might have taken the same action had he acted in a purely private capacity or that the particular action which he took was not authorized by state law."

"One who exercises jurisdiction out of his territory cannot be obeyed with impunity." [10 Co. 77; Dig. 2. 1. 20; Story, *Confl. Laws* ' 539; Broom, *Max.* 100, 101].

Bell v. Wolfish, 441 U.S. 520 (1979) "Fourth Amendment protects the 'right of the people to be secure in their persons . . . against unreasonable searches and seizures.' The essence of that protection is a prohibition against some modes of law enforcement because the cost of police intrusion into personal liberty is too high..?"

United States v. Lee, 106 U.S. at 220, 1 S. Ct. at 261 (1882). Also see: "No officer of the law may set that law at defiance with impunity. All the officers of the government from the highest to the lowest, are creatures of the law, and are bound to obey it."

The employer's liability is documented proof of an "affirmative link" between the conduct of the employers and the constitutional and statutory deprivation. *Rizzo v. Goode*, 423 U.S. 362 (1976). Purpose of statute that mandated that any person who under color of

law subjected another to deprivation of his constitutional rights would be liable to the injured party in an action at law was not to abolish immunities available at common law, but to insure that federal courts would have jurisdiction of constitutional claims against state officials. Act March 3, 1875, 18 Stat. 470. *Butz v. Economou* 438 U.S. 478, 98 S.Ct. 2894 (U.S.N.Y.,1978).

Paquete Habana, 189 U.S. 453,465, 23 S. Ct. 593; *O'Reilly de Camara v. Brooke*, 209 U.S. 45, 52, 28 S. Ct. 439; *Dodge v. United States*, 272 U.S. 530, 532, 47 S. Ct. 191; When these unlawful acts were committed they were crimes only of the officers individually. The government was innocent, in legal contemplation; for no federal official is authorized to commit a crime on its behalf. When the government, having full knowledge to avail itself of the fruits of these acts in order to accomplish its own ends, it assumed moral responsibility for the officers' crimes.

United States v. Harris, 106 U.S. 629(1883) - penalized all conspiracies to deprive any person equal protection of the laws (14th Amendment).

Malfeasance in office, or official misconduct, is the commission of an unlawful act, done in an official capacity, which affects the performance of official duties. Malfeasance in office is often grounds for a for cause removal of an elected official by statute or recall election. Malfeasance has been defined by appellate courts in other jurisdictions as a wrongful act which the actor has no legal right to do; as any wrongful conduct which affects, interrupts or interferes with the performance of official duty; as an act for which there is no authority or warrant of law; as an act which a person ought not to do; as an act which is wholly wrongful and unlawful; as that which an officer has no authority to do and is positively wrong or unlawful; and as the unjust performance of some act which the party performing it has no right, or has contracted no, to do. ? See: *Daugherty v. Ellis*, 142 W. Va. 340, 357-8, 97 S.E.2d 33, 42-3 (W. Va. 1956) (internal citations omitted). Also See: *United States v Lee* 106 U.S. 196, 1 S.Ct. 240 (1882): the Court stated: "No man in this country is so high that he is above the law. No officer of the law may set that law at defiance with impunity. All the officers of the government, from the highest to the lowest, are creatures of the law and are bound to obey it. It is the only supreme power in our system of government, and every man who by accepting office participates in its functions is

only the more strongly bound to submit to that supremacy, and to observe the limitations which it imposes upon the exercise of the authority which it gives," at 220.

The burden of constitutionality shifts to the government where its action interferes with the exercise of 1st Amendment Rights. *Fond du Lac County v Mentzel*, Wisc App 1995, 536 NW2d 160, 195 Wisc 2d 313.

Illinois Supreme Court orders new trial in case where jury reduced award to man shot by officers based on comparison of plaintiff's own negligence to officers' "willful and wanton" misconduct; whether such reduction would be proper would depend, court finds, on whether officers' misconduct was "intentional" as opposed to merely "reckless" *Poole v. City of Rolling Meadows*, 167 Ill 2d 41, 656 N.E.2d 768 (1995).

In reversing lower court, court finds county can be liable for intentional acts of police officers. *Cox v. Prince George's Co*, 460 A. 2d 1038 (Md 1983).

Is it the duty of the Florida Attorney General's office as to the statutory duty to investigate claims and complaints made by any private citizen, which would indicate a failure to promptly and thoroughly investigate a claim and/or complaint may be charged and/or deemed as "bad faith" as cited in *Davy v. Public National Ins. Co.*, 5 Cal. Rptr. 488 (failure to investigate may evidence bad faith)? It is true that a common law tort of invasion of privacy actually consists of four distinct kinds of actions: (1) Unreasonable intrusion upon the plaintiff's seclusion or solitude or into his private affairs; (2) Public disclosure of private facts about the plaintiff; (3) Publicity which places the plaintiff in a false light in the public eye; (4) Appropriation, for the defendant's advantage, of the plaintiff's name or likeness as cited in *Industrial Found. of the S. v. Texas Indus. Accident Board.*, 540 S.W.2d 668, 682 (Tex.1976), cert. denied, 430 U.S. 931, 97 S.Ct. 1550, 51 L.Ed.2d 774 (1977). See also, *Mark v. King Broadcasting Co.*, 27 Wash.App. 344, 618 P.2d 512 (1980)? If an agent acts "adversely to his employer in any part of the transaction or omits to disclose any interest which would naturally influence his employer's conduct in dealing with the subject of employment, it is such a fraud upon his employer as [the agent] forfeits any right to compensation for his services. (*Murray v Beard*, 102 NY 505 [1886])." (*Beatty v Guggenheim Exploration Co.*, 223 NY 294, 304 [1918]).

"The faithless agent rule thus is founded upon the agent's duty of loyalty to the principal." G.K. ALAN ASSOC., INC v LAZZARI, 44 AD3d 95, 101 [2d Dept 2007]).

"... no interest legitimately protected by the Fourth Amendment is implicated by governmental investigative activities unless there is an intrusion into a zone of privacy, into 'the security a man relies upon when he places himself or his property within a constitutionally protected area.'" HOFFA v. UNITED STATES, 385 U.S. 293, at 301 (1966).

Separate counsel ordered for officer and county in Section 1983 suit Dunton v. Count of Suffolk, 729 F.2d 903 (2nd Cir. 1984); Officers have no right to counsel of their choice in Dunton-type conflicts See Suffolk County Pat Ben Assn v. Suffolk County, 595 F.Supp. 1471 (E.D. NY 1984).

Another court in the same jurisdiction ruled that the City of New York did not have to provide representation by private attorneys at city expense when a conflict of interest exists City officials in that case also refused to provide any counsel to the individual police officers because of departmental disciplinary charges against them for the alleged beating of the plaintiff Mercurio v. City of New York, 592 F.Supp. 1243 (E.D. NY 1984).

Federal civil rights statutes do not provide for indemnification or contribution; separate action required for city to implead third-party defendant Valdez v. City of Farmington, 580 F.Supp. 19 (D.NM 1984).

County obligated to pay \$40,000 judgment against officer for intentional tort Chatham County Commissioners, 324 S.E.2d 448 (Ga 1985).

Deputy acted "under color of state law" when he allegedly sexually assaulted female motorist after stopping her for traffic violations; sheriff could be liable on basis of allegations of inadequate training, retention, and supervision Johnson v. Cannon, 947 F.Supp. 1567 (M.D. Fla 1996).

City may be required to pay attorney's fees to attorney privately retained by officers sued for civil rights violations Beane v. City of Sturgeon Bay, 334 N.W.2d 235 (Wis 1983).

Estate of man killed by emergency response team after he killed officer did not show that his death was pursuant to policy of excessive force; city liable for \$9360 for negligence *Baldwin v. City of Seattle*, 776 P.2d 1377 (Wash App. 1989).

New York statute requiring city to assume officers liability for negligence requires payment of officers' attorney fees *Phillips v. Legeret*, 529 N.Y.S.2d 579 (A.D. 1988).

City does not have to indemnify off-duty officer for his legal fees in defending against criminal charges *Meyerson v. Bayonne*, 449 A.2d 542 (NJ Super AD 1982).

Federal court holds that a county government is a "person" susceptible to suit under federal civil rights law *Smallwood v. Jefferson county Government*, 753 F.Supp. 657 (WD Ky 1991).

County could be liable for alleged conspiracy by sheriff and others to subject her to trial on false charges using fabricated evidence and perjured testimony; sheriff was final policymaking official for county in law enforcement area *Turner v. Upton County, Texas*, 915 F.2d 133 (5th Cir. 1990).

Alabama city council resolution agreeing to pay sums city employees become legally obligated to pay as damages did not cover punitive damages or damages for intentional wrongs *Carr v. City of Florence*, 729 F.Supp. 783 (N.D.Ala 1990).

Police detective did not have any duty under federal law to investigate claims that arresting officer engaged in criminal activity in using allegedly excessive force against arrestee, and was therefore entitled to summary judgment on federal civil rights claim against him asserted by arrestee. *Hale v. Vance*, 267 F. Supp. 2d 725 (S.D. Ohio 2003). [N/R]

Jury finds officers guilty of assaulting bicyclist and conspiring to cover it up *Stone v. City of Chicago*, 738 F.2d 896 (7th Cir. 1984).

Over \$1 million awarded to survivors of a 1958 shooting victim *Bell v. City of Milwaukee*, 746 F.2d 1205 (7th Cir. 1984).

Acting chief of police liable for destroying mug shot requested by plaintiff's attorney *Zmija v. Baron*, 326 N.W.2d 908 (Mich.App. 1982).

County liable for \$767,302 in damages and \$77,500 in attorneys' fees

to arrestee injured by untrained deputy sheriff during arrest; appeals court upholds liability on the basis of failure to train; plaintiff also awarded \$20,000 in punitive damages against deputy. *Brown v. Bryan County, OK.*, No. 98-40877, 219 F.3d 450 (5th Cir. 2000).

Police officers were not authorized to make warrantless regulatory inspections of bars under regulatory scheme, so that trial court improperly granted dismissal of bar owner's Fourth Amendment claims. The plaintiff, however, failed to show that the township police department had a custom of raiding establishments owned by or associated with African-Americans. *Watson v. Abington Township*, No. 05-4133, 2007 U.S. App. Lexis 3485 (3rd Cir.).

the entity's policy or custom must have been the "moving force" behind the alleged deprivation. See: *Polk County v. Dodson*, 454 U.S. 312, 326 (1981).

This "custom or policy" requirement is a rule of respondeat superior that the Plaintiff may prevail in a common law action. See: *Kentucky v. Graham*, 473 U.S. 159, 166, 105 S. Ct. 3099, 87 L. Ed. 2d 114 (1985).

The common law has never granted police officers an absolute and unqualified immunity, and the officers in this case do not claim that they are entitled to one. Their claim is rather that they should not be liable if they acted in good faith and with probable cause in making an arrest under a statute that they believed to be valid. Under the prevailing view in this country a peace officer who arrests someone with probable cause is not liable for false arrest simply because the innocence of the suspect is later proved. Restatement, (Second), Torts § 121 (1965); 1 Harper & James, *The Law of Torts* § 3.18, at 277-278 (1956); *Ward v. Fidelity & Deposit Co. of Maryland*, 179 F.2d 327 (C. A. 8th Cir. 1950). A policeman's lot is not so unhappy that he must choose between being charged with dereliction of duty if he does not arrest when he has probable cause, and being mulcted in damages if he does. Although the matter is not entirely free from doubt, the same consideration would seem to require excusing him from liability for acting under a statute that he reasonably believed to be valid but that was later held unconstitutional, on its face or as applied.

The Court of Appeals held that the officers had such a limited privilege under the common law of Mississippi, and indicated that it would have recognized a similar privilege under § 1983 except that it felt compelled to hold otherwise by our decision in *Monroe v. Pape*, 365 U.S. 167 (1961). *Monroe v. Pape* presented no question of immunity,

however, and none was decided.

We also held that the complaint should not be dismissed for failure to state that the officers had "a specific intent to deprive a person of a federal right," but this holding, which related to requirements of pleading, carried no implications as to which defenses would be available to the police officers. As we went on to say in the same paragraph, ? 1983 "should be read against the background of tort liability that makes a man responsible for the natural consequences of his actions." 365 U.S., at 187. Part of the background of tort liability, in the case of police officers making an arrest, is the defense of good faith and probable cause.

The corporation is a creature of the State. It is presumed to be incorporated for the benefit of the public. It receives certain special privileges and franchises, and holds them subject to the laws of the State and the limitations of its charter. Its powers are limited by law. It can make no contract not authorized by its charter. Its rights to act as a corporation are only preserved to it so long as it obeys the laws of its charter." See: *Payton v. New York*, 445 U.S. 573 (1980), the United States Supreme Court stated that ?the Fourth Amendment has drawn a firm line at the entrance to the house. Absent exigent circumstances, that threshold may not reasonably be crossed without a warrant.? 445 U.S. at 590. This Court recently noted: The circumstances in which the Supreme Court has applied the exigent circumstances exception are ?few in number and carefully delineated.? They include pursuing a fleeing felon, preventing the destruction of evidence, searching incident to a lawful arrest, and fighting fires. Outside of those established categories, the Supreme Court ?has often heard, and steadfastly rejected, the invitation to carve out further exceptions to the warrant requirement for searches.?

Haas v. Henkel, 1909, 30 S.Ct. 249, 216 U.S. 462, 54 L.Ed. 569, 17 Ann.Cas. 1112 where court said: "The statute is broad enough in its terms to include any conspiracy for the purpose of impairing, obstructing, or defeating the lawful functions of any department of government," and *United States v. Walter*, 1923, 44 S.Ct. 10, 263 U.S. 15, 68 L.Ed. 137. In *Henkel*, party conspired to use official government information in a scheme of fraud.

Federal Civil Enforcement - "Police Misconduct Provision", This law makes it unlawful for State or local law enforcement officers to engage in a pattern or practice of conduct that deprives persons of rights protected by the Constitution or laws of the United States. (42

U.S.C. 14141), Cause of Action (A)(B)- makes it unlawful for state or local law enforcement agencies to allow officers to engage in a pattern or practice of conduct that deprives persons of rights protected by the Constitution or U.S. laws commonly referred to as the Police Misconduct Statute,. The United States is authorized to initiate a civil investigation into allegations regarding systemic violations of the Constitution by law enforcement agencies. As stated above, the investigation of OCSO is focused solely on an alleged pattern or practice of excessive force in OCSO's ECW use. In *Graham v. Connor*, 490 U.S. 386, 394-95 (1989), the Supreme Court held that claims of excessive force are to be judged by Fourth Amendment standards. See also *Kesinger v. Herrington*, 381 F.3d 1243, 1248 (11th Cir. 2004); *Garrett v. Athens-Clarke County*, 378 F.3d 1274, 1279 - things to be seized.

Persons who are denied rights guaranteed to them under federal law may vindicate these rights in appropriate cases by various remedies in federal courts, such as direct review by United States Supreme Court, obtaining injunction or habeas corpus, bringing suit for damages under 42 USC 1983, or invoking criminal sanctions under 18 USC 241, 242. *Greenwood v Peacock* (1966) 384 US 808, 16 L Ed 2d 944, 86 S Ct 1800. The Fourth Amendment of the United States Constitution states the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or Affirmation, and particularly describing the place to be searched, and the person. See: *U.S. v. Harris*, 106 U.S. 629 (1883) Penalized all conspiracies to deprive any person equal protection of the laws. Also see: "There is no crueler tyranny than that which is exercised under cover of law, and with the colors of justice ..." - *U.S. v. Jannotti*, 673 F.2d 578, 614 (3d Cir. 1982). 18 USC 242 was enacted to enforce Fourteenth Amendment. *Screws v United States* (1945) 325 US 91, 89 L Ed 1495, 65 S Ct 1031, 162 ALR 1330.

Attorney's views on questions of a cop's harassment of his illicit lover's ex-husband

Sent: Sunday, November 22, 2009 2:36 PM

One issue that has surfaced involves an officer illegally accessing a FL DHSMV driver license file.

This guy's wife fell in love with a Sarasota Sheriff and then left him. Over a two year period, the Deputy illegally accessed this guy's DDL file 47 times. He has sent certified letters asking for an explanation and, of course, the Sheriff has not responded. I believe this guy needs to get before a judge on a 119 action to compel a response. THIS MAY BE AN AGENCY POLICY VIOLATION. ALSO ABUSING THIS

POSITION TO GAIN INFO. MAYBE GROUNDS FOR A CIVIL ACTION.

He made a 119 request to the DMV ? and they actually gave him the IRIS and DAVID reports, identifying each inquiry (never thought they would do that regarding law enforcement inquiries). The access to his DDL file started in the fall of 2007. He became aware of it in the fall of 2008 after he reviewed the DMV response. THEN MAYBE HE NEEDS TO SUE THE SHERIFF FOR NOT SUPERVISING THE GUY AND FOR SOME TYPE OF RECORDS

INVASION--I HAVE NOT RESEARCHED THIS AREA OF THE LAW.

1. Regarding the state statute of limitations, am I correct in understanding that the state statute starts to toll upon discovery of the criminal acts?

FS Chapter 775.15

I believe we are talking about FS Chapter 815 on a state level (third degree felony) and 42 USC 1983.

I understand that the Federal courts adjudicating civil rights claims under 42 U.S.C. ?1983 must borrow the state statute of limitations applicable to personal injury actions under the law of the forum state. In Massachusetts, most Section 1983 actions must be brought within three years from the date the cause of action accrued. Street v. Vose, 936 F.2d 38 (1st Cir. 1991).

2. Is Florida the same regarding 42 USC 1983 actions? DON'T KNOW ABOUT 1983 ACTIONS. Three years from the date the cause of action accrued ? or is it when the person became aware of the violations?

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