by Richard Michael

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Snake Oil for Sale

Whatever You've Got, We've Got The Cure!

USA vs. US.

Have you seen this before? How about ...

- ... de facto and de jure?
- ... the original 13th Amendment (TONA - Titles of Nobility Amendment)?
- ... Congress adjourned sine die in 1861?
- ... gold-trimmed flag?
- ... admiralty jurisdiction?
- ... Uniform Commercial Code?
- ... ALL-CAP NAMES ARE CORPORATIONS?
- ... United States has been in bankruptcy since 1933?
- ... B.A.R. (British Accreditation Registry)?

Have friends or associates approached you to join the Republic for the united States of America (the Republic)?

If none of this is familiar to you, perhaps you're living under a cone of silence. Or maybe you're just not getting away from the high-definition television often enough.

Conclusion first

I don't want to keep you in suspense, because this is a lengthy article, so I'll start off with the conclusion and then provide the evidence to support that conclusion.

- There is no basis for the assertion that the Congress has been operating illegally (as opposed to unlawfully) since the Confederate States seceded from the United States.
- There is no basis for the assertion that the United States of America is a foreign corporation created in 1871 (or any other year, for that matter). There is no secret corporation that is running our government from the shadows.
- There is no basis for the assertion that, even if the so-called original Thirteenth Amendment were ratified, that attorneys would be barred from citizenship and holding public office.

There.

So what's the problem? The problem is that a significant and growing group of people have been hypnotized by these arguments to explain what is wrong with our country. And more significantly, these people are not only distracting and directing the energy of good people away from activity that

will actually solve our ills, but also working directly against those of us who are working on sound solutions.

Purpose of Article

The purpose of the this article is to thoroughly destroy, using reason and logic, some fundamental assertions from what I'll call the narrative. While anyone may have their own opinion, no one is entitled to their own facts, unless supported by evidence.

Earlier this year, several high-profile members of Freedom Force International became visibly and intimately involved with the Republic. I was alarmed because I had been following the activities of the Republic, nee Guardians, almost from the beginning.

It is my intention to disabuse members of Freedom Force, and other potential recruits, of the idea that there is any basis in fact and logic for what the Republic is attempting.

In once sense, I consider that the Republic is a misguided group of well-intentioned people who want to get the United States back on track. I don't know any of them personally and certainly can't determine what is in their minds, except by their outward actions.

In another sense, I can't put it beyond the realm of possibility, although I have no direct evidence, that the Republic is a contrived, controlled opposition movement to the liberty / freedom / patriot movement. This is just the kind of tactic that the opposition would use. Set up an organization that professes to be the legitimate government of the United States and each of the several states. Have that group pull stunts, such as the letter to the governors, that produce negative press. Have that group convince well-meaning and, perhaps desperate, people to join, send money, and spend large amounts of time building and managing this nascent government. And, most significantly, set up the organization on a basis so thin and weak, that it can be destroyed at any useful time by exposing the vacuousness of its foundational principles.

And, perhaps, between these two possibilities lies one in which the insiders of the Republic are merely taking advantage of an entrepreneurial opportunity presented to them by the time and circumstances in which we have found ourselves.

I have no reason to suspect that any of the people who subscribe to this narrative are not sincere in their beliefs. I do suspect, however, that the majority have been hypnotized and misinformed.

The approach I'm taking here is to expose the invalidity of the facts upon which the Republic relies for its existence. There are many, many facts involved, but, as with any foundation, flaws in the initial stages of a foundation make a whole foundation unsound.

There are two prime facts, along with one other fascinating idea, that the Republic has, to put it mildly, misconstrued. In the defense of the Guardians who created the Republic, the Guardians were not the first promoters of these facts. The Guardians were, however, grossly negligent in not doing their own due diligence and independently ascertaining the validity of the line of argument that the Guardians were about to build their organization upon.

A Little History

The Republic started out in late 2009, as far as I can determine. Back then it didn't call itself the Republic. It went by the name of Guardians of the Free Republics (guardiansofthefreerepublics.com

[abandoned]). It also used another domain gotfr.org [also abandoned]. Through the magic of the way-back machine at Archive.org, you can visit some of the pages on the archived web site.

The Guardians were Tim Turner, Tom Schaults, Regan Dwyane, and Sam Kennedy. Later the Turner faction and the Kennedy faction had a falling out and Turner emerged as the victor.

The Guardians had a plan -- The Restore America Plan (TRAP). You can read it at the way-back machine. Implicit in the plan was that the Guardians had the backing of some high-ranking United States military, but names, for obvious (snake oil) reasons, could not be named.

TRAP made many promises. Some of those promises were highly predatory. In other words, TRAP preyed upon people in desperate situations, such as, End the foreclosure nightmare, Instantly vest all mortgages, auto loans and personal business loans "issued" by members of the Fed, and End tax prosecutions for resisting the transfer of private wealth to foreign banking cartels such as I.R.S..

TRAP was implemented on April 1, 2010, possibly as early as March 30 in some states. If you were alert at that time, you would have seen news reporters asking governors in many states about the letter sent to the governor by the Guardians. It was all very breathless reporting. Who were these Guardians to demand, along with a whole list of other demands, that the governors resign?

The news cycle quickly dropped it. In communications I've had with a Republic leader, the Republic is very proud of the fact that all the leaders were visited by the FBI and that none were charged with any crime. The government's reaction to that letter is now worn as a badge of honor.

A month or two after the Guardians sent the letter, the governors of none of the fifty states had resigned. Nevertheless, the Guardians declared victory. TRAP had worked. America had been restored, even if it was business-as-usual in every seat of government in the country. The Guardians had now transformed themselves into the Republic for the united States of America (emphasis added). Having a good Internet sense, the Republic also acquired the domain with of instead of for in it. Turner assumed the role of interim president and organization plans started moving forward.

In November of 2010, Turner and coordinators from 36 (maybe 39) states met at Wind Walker Ranch in Utah. The owners of Wind Walker Ranch were in dire straights and were being foreclosed upon. (Remember the TRAP promises?) At that meeting Turner was elected president and the coordinators were sent back to their respective states to organize a republic for each state and settle each county.

I have gleaned most of this history from countless hours of interviews or teleconference recordings, along with published information scattered across many different official Republic web sites.

The Narrative

Many historical facts, and conclusions about those facts, have been strung together in a lengthy narrative by people who wish to explain how this country has gotten to where it is today.

The Republic and others who subscribe to the narrative, allege that the United States (with appropriate capitalization) is a foreign corporation operating under its own rules that look exactly like the Constitution and that it tricked the people into becoming subjects or slaves of this corporation by ensnaring the people in various adhesion contracts.

The purpose of the narrative is to explain to the people how this situation came about with the expectation that if the people know how it came about, the people can correct it and restore the government to its original purpose.

There are many versions of the narrative. Not all the versions are written, and not all are in an easily understood format. I know of a version that starts with King John on the fields of Runnymede. Another version starts with the First Charter of Virginia of King James I. Each version is espoused by a different individual originator who believes that his research has uncovered something that others have missed.

The most popular version of the narrative is published by Team Law. It starts in 1863 with Lincoln declaring martial law. The Team Law narrative appears to be the original publication of the narrative. The narrative is also included in a much more detailed document called Corporatization and Privatizaition of the Government (Form 05.024, Rev. 10-6-2008) published by Sovereignty Education and Defense Ministry (SEDM). (Note: In the link, the narrative begins on page 121 of 168. However, I have two other versions of this document with the same title and revision information. In the version I downloaded on 2011-07-04 the narrative appears on page 121 of 172; in another version I received from a Republic leader the narrative appears on page 101 of 151. Therefore, it appears that SEDM is modifying this document on a regular basis without changing the revision information.)

The Republic, in its version of the narrative, begins in 1788. The Republic narrative heats up at the Civil War era and puts a lot of emphasis on the adjournment of Congress in 1860. (I believe this is an error, Lincoln took office on March 4, 1861 and the new (37th) Congress didn't convene until July 4, 1861.)

There are several inconsistencies in the Republic narrative stemming from the fact that it is incorporating alleged facts from other sources. For example, the Republic narrative points to 1790 as the time when the individual states become corporations, whereas it asserts the United States became a corporation in 1871. The Team Law narrative refers to vacancies in the United States Senate under the Constitution that existed prior to the 17th Amendment. The main inconsistency is that in regard to which governmental acts are considered legitimate. If, for example, the Constitution was abandoned in 1871 for a corporate charter and a de facto government, what import can be placed on a subsequent act of the de facto government. In other words, why not just say everything beyond 1871 is illegitimate? Taking that approach, however, would not make for such an interesting and lengthy narrative.

In all versions, the purpose of the narrative is the same -- to explain how our current situation came about and why it persists.

The entire narrative, regardless of which one you pick, is an explanation of a situation that relieves the people of responsibility for the actions of its government. According to the narrative, the people were tricked by unscrupulous men. And that all those in positions of power continue the deceit to this day, with full knowledge of it, but are unwilling to expose it for risk of their own personal safety and gain.

Sometimes, the simple explanation is the more persuasive. In my opinion, the people are responsible for the government we have today because the people allowed the government to overreach its lawful power. The overreaching was made possible by a flaw in the United States and all the State constitutions. That flaw is that the constitutions do not provide a mechanism for the people to enforce the provisions of the constitutions on the governments they created. (Bob Schulz of the We The People Foundation will dispute this. While I respect Mr. Schulz for his vision, dedication, and energy, he has yet to have his assertions recognized.) The constitutions only provide for the government to keep itself in check. (I believe this flaw can be corrected and I have created a proposal to address it, but that's another story.)

Who Authored the Narrative?

The genesis of this narrative is hard to pinpoint. Over the past 15 years the Internet has helped to diffuse it even further. Variations and sources abound. To make it even more difficult, the people who created it are mostly, purposely anonymous. Once in a while, a person pops up who claims to be the originator. With the Internet and modern communications technologies being their forum, anyone can claim almost anything. So, it's very difficult to evaluate whether or not these sporadic claims are true.

An educated guess is that this primary narrative, on which the variants are based, is probably the work of Eric Madsen of Team Law. His history indicates that he's been around at least from the early 1990's and much of the existing references at some point, link back to him.

Team Law's Standard of Review

To its credit, Team Law espouses a standard of review. Here is what it says about that standard. (See Standard of Review.)

... The next biggest problem is people fail to do their own firsthand research from the source; instead, they rely on third party sources. You must know your own nature and the capacity in which you serve any relationship and you must do your own research from the actual facts and history of the relationship. ...

... Team Law uses this standard for review in every review we do. It is key reason we rarely get anything wrong in our reviews; the other reasons are we always go to the source and verify facts rather than ever trusting any third party information; and, we stick to the law and historical facts.

So there you have it. I'll demonstrate in Fact 2, below, how Team Law can, when necessary, mold the facts by a sleight of hand to draw a conclusion based on nothing but pure conjecture. The moral is that no one's perfect.

Fact 1: Congress adjourned sine die.

So what happened in 1861? And what significance does it have?

Sine die is a Latin term. Having studied Latin for two years in high school, I can say unequivocally that the term means without a day. You can also look it up on the Internet if you don't happen to have a Latin-English dictionary handy. What it means in the context of a body like Congress, which operates under parliamentarian rules (the rules of conducting meetings), is that Congress adjourned at some point and didn't set a day to reconvene.

If you know anything about meetings, you've probably heard of Robert's Rules of Order, which is the parliamentarian's bible. No matter what the situation, you can count on finding the answer in the rules, whether you like the answer or not.

The Republic would have you believe that adjourning sine die is an insurmountable problem. If you subscribe to the Republic's premise, no session of Congress since 1861 has been legitimate because of this error in 1861. It's not insurmountable. Firstly, the Constitution actually provides some of the rules, and any meeting body can supplement the rules, if they agree.

Some versions of the sine die theory allege that Congress, after the representatives and senators of the Confederate States left, didn't have a quorum, and without a quorum, Congress couldn't have a legitimate meeting of any kind.

Let's look at the facts.

When the 36th Congress ended on March 3, 1861, there were 34 states, if you include Kansas which was admitted a month earlier. The 37th Congress, convening for the first time on July 4, 1861, would have had 68 senators and 238 representatives if all elected members were seated. Only seven states had seceded prior to March 4, 1861, accounting for 14 senators and 33 representatives. The Constitution (Article I, Section 4, paragraph 2) actually sets the day of the only required meeting as the first Monday in December of each year. In 1861, that Monday fell on December 2, 1861. The Constitution (Article I, Section 5, paragraph 1) requires a simple majority for a quorum. Even when you add the 8 more senators and 33 more representatives of the four states that seceded after March 4, 1861, Congress still could seat a quorum in both houses. Then add to that the fact that some senators from seceded states occupied their seats even after their states seceded. Several of those senators were expelled on July 11, 1861 by a Senate resolution. And some representatives from Tennessee never left their seats during the Civil War.

And if you want to get really technical, if the Confederate States were declaring that they were no longer part of the United States, why would they even be counted for the purposes of a quorum? I recognize that there is a logical conflict here. During the entire Civil War era, the northern states maintained that the Confederate States could never leave the union. However, when the war ended, it took no time at all for the victors to lay conditions on those same states to override their sovereignty and impose conditions on those states' re-entry into the union. All in violation of the very Constitution which purportedly held the states together in a permanent union in the first place. But the salient point remains, that no matter how you view the situation in 1861, there was never an issue of a quorum. The unionist states always had a numeric majority.

So, the issue of a quorum as a reason that Congress could not reconvene after adjournment sine die is baseless. And the alleged fact that Congress adjourned sine die is of no matter because the by-laws (Constitution) of the Congress explicitly set the required date for its annual meeting, if all else were to fail.

And that doesn't even take into account the power given to the President, the Senate Majority Leader, and the Speaker of the House to call the Congress or their respective houses into special session. And that's exactly what Lincoln did to bring the Congress into session on July 4, 1861. (Can you imagine how Congress handled all the business of the United States in only three months of the year back then?)

In my opinion, someone liked the exoticness of a Latin phrase and then went with it to come up with an explanation that makes all acts of Congress from there forward unlawful.

Fact 2: Organic Act of the District of Columbia in 1871.

Now we'll address the major fallacy and most significant underpinning of the narrative.

The author of the SEDM document, which is referenced above, does not identify himself, but the content appears to be virtually identical to that found at Team Law. From the changes of style and inconsistent usage in the overall document, it looks like the SEDM document is the product of many authors.

Regarding the 1871 Act, on page 121 of the SEDM document on lines 28 to 38, one finds this.

1871: District of Columbia Organic Act of 1871, 16 Stat. 419-429 created a "municipal corporation" to govern the District of Columbia. Considering the fact that the municipal corporation itself was

incorporated in 1801, an "Organic Act" (first Act) using the term "municipal corporation" in 1871 can only mean a private corporation owned by the municipality. Hereinafter we will call that private corporation, "Corp. U.S." By consistent usage, Corp. U.S. trademarked the name, "United States Government" referring to themselves. The District of Columbia Organic Act of 1871, 16 Stat. 419-429 places Congress in control (like a corporate board) and gives the purpose of the act to form a governing body over the municipality; this allowed Congress to direct the business needs of the government under the existent martial law and provided them with corporate abilities they would not otherwise have. This was done under the constitutional authority for Congress to pass any law within the ten mile square of the District of Columbia. See section 13.2 to see the effect of the District of Columbia Act of 1871. (Emphasis added.)

SEDM generally uses many references to cases, documents, and dictionaries to support its points. This practice enhances the hypnotic nature of the presentation. With so much obscure detail and references, it generates an air of authority that encourages the uncritical acceptance of its conclusions.

When the SEDM document references the 1871 Act, it makes a true statement that the 1871 Act "created a 'municipal corporation' to govern the District of Columbia." On this point, no one can disagree, because the purpose of the act is so clearly stated.

That all that part of the territory of the United States included within the limits of the District of Columbia be, and the same is hereby, created into a government of the name of the District of Columbia, by which name it is hereby constituted a body corporate for municipal purposes, and may contract and be contracted with, sue and be sued, plead and be impleaded, have a seal, and exercise all other powers of a municipal corporation not inconsistent with the Constitution and laws of the United States and the provisions of this act. [District of Columbia Organic Act of 1871, 16 Stat. 419-429]

The very next sentence in the SEDM document, however, is complete conjecture and unsupported by any reference.

Considering the fact that the municipal corporation itself was incorporated in 1801, an "Organic Act" (first Act) using the term "municipal corporation" in 1871 can only mean a private corporation owned by the municipality.

At a minimum, this sentence shows a basic misunderstanding, and more to the point, speculation based on the misunderstanding. The analysis simply breaks down at this point. The author errs when he states that "Organic Act" means "first act." That is simply false. An "Organic Act" is an organizational act (note the root word). Organic Acts are numerous throughout the laws enacted by Congress. Sometimes they are called organic acts and sometimes they are not. (See: Wikipedia: Organic Act)

Why did the author in a document that contains hundreds of references not even look up the phrase "Organic Act" anywhere? How about Black's Law Dictionary? While you may not have a Black's Law Dictionary at hand, a quick search finds this at Excerpts from Black's Law.

Organic Act - An act of Congress conferring powers of government upon a territory. In re Lane, 135 U.S. 443, 10 S.Ct. 760, 34 L.Ed. 219. A statute by which a municipal corporation is organized and created is its "organic act" and the limit of its power, so that all acts beyond the scope of the powers there granted are void.

Organic law. The fundamental law, or constitution, of a state or nation, written or unwritten. That law or system of laws or principles which defines and establishes the organization of its government.

That's two references for "organic" that describe the organizational nature of the noun that it modifies. There are other meanings of the adjective "organic", but none of them reasonably apply in context.

And let's not forget that statutes are subject to judicial review. Judges have established rules of review specific to statutory language. The most basic rule of statutory construction is that titles and headings do not control the meaning of the statute, even in constitutions. In fact, many lengthy statutes include language that explicitly restates that common sense principle. Titles and headings are merely helpers for people to organize written language. You can observe that regularly in modern legislation, like the now infamous Patient Protection and Affordable Care Act of 2010. No court would look to the title to determine what the law means. What counts is the operative language of the act. In 1871, the Congress could have called the act, the Send a Man to the Moon Act of 1871. The operative language of the act would still control and it would be viewed by any court as a re-organization act for the District of Columbia. Reliance on titles and headings in any statute to determine what the law means, therefore, is totally misplaced. The author of the SEDM document should have known better.

Any organization can be re-organized and many are over the course of their existence.

The following is a chronology of the different organizations that have governed the District of Columbia from National Association to Restore Pride in America's Capital.

February 27, 1801: Congress divides the [District] into the counties of Washington and Alexandria.

May 3, 1802: Congress grants the City of Washington its first municipal charter. Voters, defined as white males who pay taxes and have lived in the city for at least a year, receive the right to elect a 12-member council. The mayor is appointed by the president.

May 4, 1812: Congress amends the charter of the City of Washington to provide for an eight-member board of aldermen and a 12-member common council. The aldermen and the common council elect the mayor.

March 15, 1820: Under the Act of 1820, Congress amends the Charter of the City of Washington for the direct election of the mayor by resident voters.

July 9, 1846: Congress passes a law returning the city of Alexandria and Alexandria County to the state of Virginia.

May 17, 1848: Congress adopts a new charter for the City of Washington and expands the number of elected offices to include a board of assessors, a surveyor, a collector and a registrar.

June 1, 1871: The elected mayor and council of Washington City and Georgetown, and the County Levy Court are abolished by Congress and replaced by a governor and council appointed by the president. An elected House of Delegates and a non-voting delegate to Congress are created. In this act, the jurisdiction and territorial government came to be called the District of Columbia, thus combining the governments of Georgetown, the City of Washington and the County of Washington. A seal and motto, "Justitia Omnibus" (Justice for All), are adopted for the District of Columbia.

June 20, 1874: The territorial government of the District of Columbia, including the non-voting delegate to Congress, is abolished. Three temporary commissioners and a subordinate military engineer are appointed by the president.

June 11, 1878: In The Organic Act of 1878, Congress approves the establishment of the District of Columbia government as a municipal corporation governed by three presidentially appointed

commissioners: two civilian commissioners and a commissioner from the military corps of engineers. This form of government lasted until August 1967.

December 24, 1973: Congress approves the District of Columbia Self-Government and Governmental Reorganization Act, P.L. 93-198, which establishes an elected mayor and a 13-member council.

Without further research, it appears that the 1871 Act was at least the third, but not the final, re-organization of the District of Columbia. In 1871, the District changed from a mayor organization to a governor organization. When the new District government bankrupted itself in 1874, Congress stepped in to replace it with a temporary commissioner organization. Then in 1973, Congress re-organized the District again and it went back to a mayor organization (so that Marion Barry could embarrass us all).

When you review the chronology, you can see another Organic Act in 1878, just seven years later. One might ask, why isn't this significant? Didn't it also create a municipal corporation? The SEDM document does not address this. It doesn't fit into the narrative. Nor does the 1973 Reorganization Act, which remains in effect to this day, fit into the narrative.

Logically, anything that derives from a false statement, must also be false.

This is not to say that everything in the SEDM document is false. It's obvious that the authors have put a lot of effort into establishing the basis for a lot of objections to the current government. However, the 1871 Act is used to arrive at a false conclusion, that a second (de facto) government was established in 1871. All the analysis that is based on this de jure - de facto dichotomy, must also be false.

Before concluding the analysis of the 1871 Act, we'll address the Republic's reliance on another source for its somewhat unique narrative. When you view the Republic's History page, look for the almost hidden link just above the section titled The basic terms are:. It's a link to another source, USA vs US, that also lays out the chronology of the narrative. In the section titled Corporation, two United States Supreme Court cases are referenced that purportedly support the conclusion that a corporation called the United States was established by the 1871 Act.

The Supreme Court cases cited in support of the position are Metropolitan R. Co. v. District of Columbia, 132 U.S. 1 (1889) (a case about whether a statute of limitations should apply to the District of Columbia in a suit to recover expenses it incurred) and District of Columbia v. Camden Iron Works, 181 U.S. 453 (1901) (a case about a covenant, a special type of contract which requires a seal). (As an aside, notice that the municipal corporation, the District of Columbia, is party to these cases, not the United States, as the narrative might suggest.)

There is nothing unusual about either of these cases. In Metropolitan, the court ruled that the municipal corporation was not a sovereign entity because it was governed and created by Congress. In other words, it was merely a municipal corporation that had to abide by the same laws and rules as any other municipal corporation, so it could not recover from Metropolitan because the statute of limitations applied.

In Camden Iron Works, the municipal corporation tried to get out of paying on a covenant because there was no corporate seal on the agreement and the municipal corporation didn't even have a seal. The Supreme Court didn't agree and held that the seals of the commissioners would work just as well.

So, once again, hypnotism, the uncritical acceptance of an idea, is at work. Throw in a couple old Supreme Court cases that no one will take the time to read, and the conclusion gains instant credibility. The efforts of the owner of USA vs US are a lot less professional than those of the SEDM

authors, but the only reasoned conclusion can be that the 1871 Act created a municipal corporation named the District of Columbia. The SEDM authors don't even make an attempt to bridge the jump between a corporation named the District of Columbia and a corporation named the United States.

Fact 3: The Original 13th Amendment

This is, perhaps, the most interesting bright, shiny object in the narrative. On May 1, 1810, Congress proposed an amendment to the Constitution to the seventeen (at that time) States. It's commonly referred to as the Titles of Nobility Amendment (TONA).

If any citizen of the United States shall accept, claim, receive, or retain any title of nobility or honour, or shall without the consent of Congress, accept and retain any present, pension, office, or emolument of any kind whatever, from any emperor, king, prince, or foreign power, such person shall cease to be a citizen of the United States, and shall be incapable of holding any office of trust or profit under them, or either of them.

The TONA was passed by Congress with the intent to put some teeth into the language found in Article I, Section 9, paragraph 8 of the 1787 Constitution. It accomplished this by imposing penalties -- loss of citizenship and loss of eligibility for office -- on people who violate it.

No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince or foreign State. [Article I, Section 9, paragraph 8]

If it were not for two researchers who dusted off an 1825 edition of the Constitution printed by the State of Maine in a little library in Maine in 1983, there would be no story. The legacy of that serendipitous discovery is a story that is simply fascinating and revolves around two wars and the controversial aftermaths. (By the way, that discovery was the impetus for the 1992 ratification of the 27th Amendment, which had been submitted to the eleven States in 1789.) I'm not going to repeat the story here, except to say that the investigation brought to light an 1819 publication of the Virginia Statutes which included the TONA. The publication provides the basis for a conclusion that Virginia ratified the TONA and thereby the requisite number of States (13 of 17) had ratified it.

I've spoken with the TONA Committee earlier this year as a result of other research that I was doing. I have to admit, the TONA Committee's presentation of its findings and its arguments are quite compelling. In my opinion, it's on a par with the historical research and conclusions on which the The DaVinci Code was based. The challenge for the TONA Committee is that no State or Federal government recognizes its conclusions.

When I was researching Fact 1, above, I came across a reference to the Constitution of the Confederate States of America (CSA) which claimed that it adopted almost all of the provisions of the 1787 Constitution, including the Bill of Rights. This got me to wondering whether the CSA Constitution might shed some light on the TONA Committee's claim, absent the fog of the Civil War and the Reconstruction Acts.

Indeed, Article I, Section 9 of the CSA Constitution, among other provisions, includes, almost word for word, the first eight amendments to the 1787 Constitution in paragraphs 12 through 19. Paragraph 11 is identical to Article I, Section 9, paragraph 8 of the 1787 Constitution except for the substitution of Confederate States for United States. But there is nothing in the CSA Constitution of 1861 that corresponds to the TONA. So, if the seceding States, which included Virginia, did not include the TONA penalties in their constitution, might that not be an argument against it having been recognized as ratified in the War of 1812 era. This argument is not conclusive, however, because Virginia joined

the CSA after the CSA Constitution had been adopted. I only raise it because the TONA Committee does not address it, perhaps because no one has raised it previously.

Like I said, the story is fascinating. But what's the point in relation to the narrative? The narrative uses the absence of the TONA and the adoption of the Reconstruction period amendments as further evidence that Corp U.S. is not operating under the 1787 Constitution, but under a different, but confusingly similar, Constitution. (See: Corporatization and Privatizaition of the Government, p. 122.)

This assertion in the narrative is another of those slippery points. The Thirteenth Amendment was ratified in 1865. And the remaining Reconstruction amendments were ratified by 1870, prior to the passage of An Act to provide a Government for the District of Columbia on February 21, 1871. By 1871, the three Reconstruction amendments were widely accepted as the Thirteenth, Fourteenth, and Fifteenth Amendments. So the connection between the so-called original Thirteenth Amendment and the alleged incorporation of the United States in 1871 is, at a minimum, strained.

But what's the point? Well, the bigger point depends on what the TONA means. This is the interesting and fascinating shiny, bright object that the narrative dangles in front of people. The promoters of the narrative interpret the TONA to prohibit lawyers from holding any public office of the United States or of the several States. (See: Legal Brief Explaining the Scam, linked from Corporatization and Privatizaition of the Government, p. 122.) Please note, the TONA Committee, to its credit, does not endorse this or any other interpretation.

If it were not for this interpretation, the TONA would be a big so what! Here is the gist of the argument, taken from the Legal Brief.

16. The title "Esquire," which Attorneys have freely adopted and claim, is a "title of nobility or honor." They have no right to be a citizen of the united States, and cannot hold any office of trust or profit. All laws passed by a Senate, or a House of Representatives, that has a sitting member who claims the title of Esquire, or any other Title of Nobility, are null and void.

17. When an Attorney is admitted to the "Bar" they are granted the title "Esquire." In England a knight held the title of "Squire" and his armor bearer was granted the title "Esquire". King George, of Revolutionary War fame, established the International Bar Association (IBA) and authorized the IBA to grant the title of Attorney and the associated title, Esquire, to all Lawyers who joined the IBA. Because the International Bar Association, to which the other Bar Associations, ABA and State Bars belong, still grants the titles of "Attorney" and "Esquire" as approved and permitted by the King, or Queen of England the titles "Attorney" and "Esquire" are titles of nobility granted by the King or Queen of England.

Again, whoever, originated this part of the narrative, makes a claim with only the most tenuous link to fact and reason. So what does esquire mean?

> **esquire** n. [L. scutum, a shield; Gr. a hide, of which shields were anciently made.], a shield-bearer or armor-bearer, scutifer; an attendant on a knight. Hence in modern times, a title of dignity next in degree below a knight. In England, this title is given to the younger sons of noblemen, to officers of the king's courts and of the household, to counselors at law, justices of the peace, while in commission, sheriffs, and other gentlemen. In the United States, the title is given to public officers of all degrees, from governors down to justices and attorneys. Indeed the title, in addressing letters, is bestowed on any person at pleasure, and contains no definite description. It is merely an expression o[f] respect. [Webster's 1828 Dictionary] (Emphasis added.)
>
> **knight** n. 1. Originally, a knight was a youth, and young men being employed as servants, hence it came to signify a servant. But among our warlike ancestors, the word was particularly applied to a

> young man after he was admitted to the privilege of bearing arms. The admission to this privilege was a ceremony of great importance, and was the origin of the institution of knighthood. Hence, in feudal times, a knight was a man admitted to military rank by a certain ceremony. This privilege was conferred on youths of family and fortune, and hence sprung the honorable title of knight, in modern usage. A knight has the title of Sir. [Webster's 1828 Dictionary]

Regarding the use of Esquire, as an expression of respect, examine the envelopes and letters written by almost anyone in the 19th Century. I suggest that Samuel Clemens (Mark Twain), no fan of either lawyers or Congress, would be a suitable example to establish the validity of Webster's assertion. In this transcription of Mark Twain - Personal Correspondence, you can see how each party in the exchange addressed each other as Esquire, though none of the parties were, in fact, attorneys.

Further, the American Bar Association (ABA) was founded in 1878 and is, truly, a voluntary association. Those who join pay dues and no State or Federal jurisdictions requires membership in the ABA in order to practice law.

As for the State bar associations, there are a hodgepodge of organizations. There is a difference between being admitted to the bar, which is the ability to practice law in a particular State or Federal jurisdiction, and being a member of the bar or bar association. It's confusing because different States have different rules, but being admitted to the bar is a court, and sometimes also a State, requirement. Where the practice of law is regulated, it is called an integrated bar. Integrated bars first appeared in the United States in the 1920's. And neither bar admission nor membership confers a title of any kind. It may be appealing to a large segment of the population to echo the sentiment of a character in Shakespeare's Henry VI, Part 2: The first thing we do, let's kill all the lawyers. But look at how far you have to stretch to subscribe to the conclusion that, in 1810, and again in 1871, the Congress recognized not only that the TONA had been ratified, but also that it penalized lawyers and prohibited lawyers from holding public office. That's the kind of stretch of reasoning needed by the narrative, especially since bar associations, as we know them today, didn't exist back then.

Because the term nobility is nowhere defined in the Constitution, we need to go to other sources. While I was not able to find a United States Supreme Court case that defines nobility, we can go to some generally recognized sources.

> **nobility. n.** 2. Antiquity of family; descent from noble ancestors; distinction by blood, usually joined with riches. 3. The qualities which constitute distinction of rank in civil society, according to the customs or laws of the country; that eminence or dignity which a man derives from birth or title conferred, and which places him in an order above common men. In Great Britain, nobility is extended to five ranks, those of duke, marquis, earl, viscount and baron. 4. The persons collectively who enjoy rank above commoners; the peerage; as the English nobility; French, German, Russian nobility. [Webster's 1828 Dictionary]

> **NOBILITY**. In English law. A division of the people, comprehending dukes, marquises, earls, viscounts, and barons. These had anciently duties annexed to their respective honors. They are created either by writ, i.e., by royal summons to attend the house of peers, or by letters patent, i.e., by royal grant of any dignity and degree of peerage; and they enjoy many privileges, exclusive of their senatorial capacity. 1 Bl. Comm. 396. [Black's Law Dictionary, 1st Ed., 1891]

After examining the definitions of esquire, knight, and nobility, you can glean a kind of hierarchy. The nobility are a select group of people of privilege for themselves and their descendants. A knight is not part of the nobility, but is one permitted to bear arms. That's quite a big deal, if you don't already have that natural right, as we do here in the United States. And an esquire is merely an attendant to a knight. So, while knighthood may be a big deal to Paul McCartney, Elton John, and Mick Jagger, the

People, as sovereigns, are already above that level. So, even if one can attach esquire, as a title, to lawyers, lawyers are not nobility, in any sense of the word. In America, nobility requires that you be in the movies or on television!

Before concluding this section, I want to point out there is some ambiguity in the language of the TONA. This ambiguity is in the object of the list of verbs -- any title of nobility or honour. This clause could reasonably be read two ways resulting in two slightly different meanings. One could read it in this way any title of (nobility or honour) or this way any (title of nobility) or (honour). The difference is whether honour is intended to mean a type of title or whether it is intended to be broader than a mere title. In either case, it is clear from the definitions, that while the honorable title of knight may be either a title or an honor, the knight's servant (esquire) has so such designation.

So whether or not the TONA was ratified, a reading of its language that esquire is such a title and that lawyers get this title from the English monarch is without a basis in either fact or law. In my opinion, this interpretation of the TONA is a modern fabrication to fit a pre-determined outcome.

Is the United States a Corporation

So is the United States government a corporation? And are all of the fifty state governments corporations as well?

Don't be surprised by an affirmative answer.

The United States, as established in 1787 by the Constitution, has all the characteristics of a corporation. It has incorporators (the people), a charter (the Constitution), a purpose (the Preamble), officers (Article II), directors (Article I), shareholders (the people), by-laws (the Constitution), and a seal.

> "CORPORATION 6. Nations or states, are denominated by publicists, bodies politic, and are said to have their affairs and interests, and to deliberate and resolve, in common. They thus become as moral persons, having an understanding and will peculiar to themselves, and are susceptible of obligations and laws. Vattel, 49. In this extensive sense the United States may be termed a corporation; and so may each state singly. Per Iredell, J. 3 Dall. 447." [Bouvier's Law Dictionary, 1856 Edition]

Corporations are legal fictions that permit organizations to take on a persona so that people and legal personae can transact business with them as a single entity rather than as individuals. The issue raised by the narrative is not that the United States and the several states are corporations, it's that they are somehow secret, private, foreign corporations with some unseen hand guiding them. That certainly could be true, but there's nothing significant about it. People in positions of money and power are always operating behind the scenes and undoubtedly guide governments through influence exerted upon the people who act as agents of the government, whether elected or not.

Because the several states and the United States are each sovereign within the domain granted to them by their constitutions, they are also foreign corporations, each with respect to the other. This is unlike a corporation created under the laws of the several States and the United States, which are domestic with respect to the government under which laws it was created. So just as a New York corporation is foreign with respect to the State of Florida, so too is the United States corporation foreign with respect to each of the several States. Note also that in this aspect, corporations do not have the same rights as the people, who can change domicile at will, of the several States. Because they are creations of law, corporations are subject to the laws of the several States.

Team Law Original Jurisdiction Government

Based on its narrative, since 1993, Eric Madsen of Team Law has seated original jurisdiction (de jure?) governors and national senators. What gives the Republic exclusive ability to create its own separate government? Team Law was the first to do it and is still doing it. Even under the de jure argument, how can one rationalize two de jure governments?

Apparently Madsen and Turner have been aware of each other for quite some time. It also appears that there is animus between the two as evidenced by a very recent post, The Agent Provocateur, Tim Turner, claims to be the nation's President. When you click that link, you'll notice how Madsen, a possible originator of the narrative, characterizes Turner as PredatoryMarketerTT. So, here Madsen warns people against the newcomer, Turner, and his Republic scheme.

Settling the Counties

And there is a lot to question about the Republic beyond the underpinnings of the narrative that I have addressed here. A significant part of the Republic organizational plan is to re-settle the counties of each state. It appears, from what is written and said about this at the various Republic web sites, that this concept is based on the idea that the counties are the building blocks of the states.

In written queries to the Republic, I questioned the basis for its fixation on county constitutions. Those queries have gone unanswered.

There is absolutely no historical basis for this of any kind. The original colonies and every subsequent territory and state were all created from the top down. Nowhere is there support for the concept that counties got together and created states. It was always the state that divided its territory into counties for local administration. Many state constitutions, such as Oregon's, actually provide rules for county organization.

So where does this settling counties idea come from? I don't know. I can surmise, however, that many of the promises made by the Republic depend on control of the county apparatus for title to land, access to judicial remedies, and recordation of legal documents. In order to fulfill that promise, the county government would have to be controlled, since no state governments administer land and other property in the way that counties do.

Conclusion Reprise

The underpinnings of the narrative of Corp U.S., which has spawned the de facto versus de jure argument, is completely lacking in factual basis. The narrative is based on a leap that is not supported by any facts. Most likely, one author, possibly Madsen, made this leap many years ago. Others leaped with him, like lemmings, over the same cliff. I'm sure I am not the only one who has spotted this conjecture, but I'm not aware of anyone who has challenged it in a written form, like this.

When all else fails, Madsen and Turner and many of their followers all turn to scripture or religion or belief. I submit that that is not sufficient to change the direction this country has been headed for a very long time. Whether or not they are sincere in their belief makes no difference. The ultimate outcome is that the very Constitution that the Republic purports to defend will not come to its aid in supporting its scheme.

There are many persuasive people in the world. Some use their powers of persuasion for the selfish benefit of themselves. When they injure others by their persuasion, under the common law, they are liable for damages to those injured.

I challenge anyone who subscribes to the narrative to produce the facts that support any of the items I've addressed in this article.

What Should You Do?

If you are a member of the Republic, challenge your leaders to produce the facts. Don't let them resort to scripture or religion or belief, unless you adhere to them as your spiritual leaders as well.

If you are a leader in the Republic organization, consider your common law liability for propagating a scheme that might be considered by some to be fraudulent.

Recent events have come to my attention that suggest there are fissures in the Republic organization. My wish is for the Republic's peaceful and early demise.

There are others of you who may not be connected with the Republic, but you are part of an organization that is proceeding on the basis of the narrative or one its versions. Reconsider what you are doing if the premise of what you are doing is based on the underpinnings of the narrative discussed here. You have, in all likelihood, been hypnotized. Snap out of it!

If you have friends or associates who have subscribed to one form or another of the narrative, use this article to challenge them as to the basis of the scheme under which they are operating. This is not harmless. It divides the very people who would otherwise be working in concert toward achieving governments operating under the charters that created them rather than above them.

http://lib.store.yahoo.net/lib/realityzone/UFNsnakeoil.html

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