

# "HOW-TO" INFORMATION FOR SOVEREIGNS 6TH-AMENDMENT JURISDICTIONAL CHALLENGE

By Howard J. Freeman

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## AMENDMENT VI

"In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense."

Since we often deal with usurpation of power by the hirelings of government, it is not a single lawless action that we must contend with, but rather a 180 degree turning in the "order of power" making the sovereign citizens, under "de jure" government, into subjects of the bureaucrats in our present "de facto" government."

We all know that true "law" leaves everyone free to do as one pleases so long as there is no damage done to life, liberty or property of another. Upon a sworn complaint of damage by a fellow sovereign citizen, one may be brought into a Court of Law and ordered to pay for proven damage to another. That is where true law ends. When we come upon something "called" law which compels us to perform in some specified manner, we know that what is "called" law in that instance, is "not true law," but that it properly comes under what our Constitution terms as "equity." Equity Jurisdictions are authorized in our Constitution, and they stem from our unlimited right to contract. An Equity Jurisdiction compels performance upon the exact letter of any contract obligation. So any statute, ordinance or regulation which compels us to perform in a specified manner must, of necessity, involve a contract of some kind: be it written, oral or implied. It is around "implied" contracts that licensed attorney legalese has worked to "use our Constitution" to destroy our rights declared to be inalienable rights by the Constitution and unalienable by the Declaration of Independence, the Supreme Law of the Land and of the Law of Nations.

The Constitution is still an obstacle in the path of those who seek complete and absolute mastery over the citizens of this nation. The obstacle in the path is, that State Statutes or City Ordinances that compel performance around a contractual base of American contractual law must be considered "Civil" Statutes or "Civil" ordinances to be enforceable in an Equity Jurisdiction, and Article III, Sec. 2, Clause 2 of the U.S. Constitution states that any Civil controversy in which a State is a party, cannot be tried in a State Court, but that the U. S. Supreme Court has original jurisdiction in such cases. So, States and Municipalities, in order to try violations of State Statutes or Municipal Ordinances in their own Courts, have to declare that said violations are of a "Criminal" nature, since State and Municipal Courts are empowered with a Criminal Jurisdiction to hear offenses against the people of the City. It is in this area that the Sixth Amendment approach to a jurisdictional challenge is effective, and it works as follows:

Suppose you are stopped for not using your car's seat belts in a State which has a statute that compels performance in the fastening of seat belts in any moving motor vehicle. It is foolish to talk to the arresting officer; demand of him only that you be tried in a Court of Record. At arraignment in such a Court the Judge will read the charge, and the State Statute that you supposedly violated. He will call the Statute Law, but you know that it is not true

law, because it compels performance, but let the Judge have his say because your chance will come later. After the Judge reads the charge, and the "law" you violated, he will ask if you understand the charge against you. Always say "No." The Judge will then ask what it is about that simple charge, that even a fool could understand, yet you do not understand? Tell him that the Sixth Amendment to the U. S. Constitution requires him to inform you of the "nature" and "cause" of the action against you. Ask him: "Judge, is the action against me in this Court a Civil Action, or a Criminal Action?" The Judge, now answering under your Sixth Amendment authority to ask, will tell you that the action before his Court in this particular case is a Criminal Action. Now, while you have the Judge responding to your first question, ask him the question, that he does not want to answer.

Question #2 is as follows:

"Judge, I need further instruction regarding the 'nature' of this charge pending against me in order that I may properly defend against it. As you know, Judge, there are two separate and distinct, Criminal Jurisdictions authorized for this Court by the U. S. Constitution: One is for Criminal Action under a Common Law Jurisdiction, and the other is a Condition of Contract violation under the Criminal Aspects of an Admiralty Jurisdiction. As you well know, Judge, the defenses for a Criminal Action under a Common Law Jurisdiction are distinctly different from the defenses under an Admiralty Jurisdiction. Which Jurisdiction: Common Law or Admiralty, is this Criminal Action pending against me to be tried under?"

There are four possible responses that you will receive from the above question. I will cover all four:

Response #1:

"This is a Crime against the People of this State so it is a Criminal Action under a Common Law Jurisdiction."

With that response, you now repeat into the record of the case as follows: "Thank you Judge, let the record of this particular case against this particular individual (include your name) show that this Court has gone on record as stating that the pending Criminal Action in this case is to be tried under a Common Law Jurisdiction." If the Judge does not dispute you at this point, you have set a Common Law Case in concrete, and no future Court can alter that fact.

Now you can ask that the case be dismissed for want of jurisdiction, since there is no injured party in this case to give the Court a cause of action under a Common Law Jurisdiction. Also, in a Common Law Jurisdiction, you have ALL of your rights from the Magna Charta through the Constitution, and it is a felony under 18 U.S.C. Section 241 for any Judge to deny you any right guaranteed by the Supreme Organic Law of the land (under said Criminal Action under a Common Law Jurisdiction, which is now established in the record of the case.) You may put the Judge on Constructive Notice of the above law, which if violated after Constructive Notice of same, causes the Judge to lose his immune status as a judge, opening him to trial as an individual on the felony charges.

Response #2: (of the Judge to question #2)

"I am sorry. I am not here to advise you on the law. If you want answers to such questions, I advise you to contact a licensed attorney."

YOU: "But, your honor, the Constitution requires this Court to tell me the nature of this Criminal Action pending against me. How can I properly defend myself, which I am lawfully entitled to do, if I am not told the type of Jurisdiction the case is to be heard under?"

THE JUDGE: "I told you before, if you want answers to legal questions of this nature I advise you to secure the services of a licensed attorney."

YOU: "Thank you, your honor, I would like the record of this case to show that this court has refused my request made, under the authority of the Sixth Amendment to the U. S. Constitution, to be informed of the 'nature' of the jurisdiction by which this Criminal Action is to be tried, and would like the record to show that the Criminal Action pending against (your name) is a Criminal Action under a secret jurisdiction known only to licensed attorneys making it impossible for one to defend himself in *Propera Persona*."

Response #3: (of the Judge to question #2)

THE JUDGE: "This case is to be tried under Statutory Jurisdiction."

YOU: "Thank you, your honor. I am not acquainted with the Court rules for such a Jurisdiction. I will, however, accept such Jurisdiction if this Court, prior to trial date, will provide me with, or tell me where I can find a book containing the Rules of Criminal Procedure for Statutory Jurisdiction."

Since there are no such rules published, the Judge will advise you to obtain the services of a licensed attorney. At that point, speak into the Court Record as listed in Response #2 that the Court intends to conduct a Criminal Action against you under a secret jurisdiction known only to licensed attorneys.

Response #4: (of the Judge to question #2)

THE JUDGE: "This case will be tried under an Admiralty Jurisdiction."

YOU: "Thank you, your honor, but, as you know, an Admiralty Jurisdiction depends upon a valid international contract in dispute. I am not aware of having entered into any such contract and so I deny that any such contract exists. Will you have this prosecuting attorney prove into the record of this case that a valid international contract exists as a fact of law, and that I am a party to said contract, and that my being a party to said contract obligates me to obey this State Statute #\_\_\_" etc.

Most prosecuting attorneys would be at a loss to offer such proof. This takes the problem off the Judge's back, and places it on the back of the prosecuting attorney (where it belongs!). Failure of proof of Admiralty Jurisdiction on his part is ground to have his action dismissed by the Court.

Should you run into a learned prosecuting attorney, who would dare to expose the legalese by which the order of power in the United States has been turned upside down, allow him to proceed with his proof, which will be along this fashion:

"Your Honor, in 1933 the American People, being sovereigns in this country, voted Franklin D. Roosevelt into the position as their spokesman and president. In order to accomplish the task desired of him, Mr. Roosevelt had to spend more money than the sovereign citizens were willing to pay in taxes. This made it necessary for the people's representative to borrow bank credit from the International Banking Houses. It was written into that loan contract that the loans of bank credit, in addition to the interest (usury) upon them were to be repaid in gold coin. By the year 1938 the International Banking Houses had extended their credit to the United States in excess of the gold coin, available for repayment of same, thus the former sovereign citizens of the Nation, through Mr. Roosevelt their representative, could no longer meet their contract obligations to pay their international debts in gold coin, and they

lost their sovereign status under the Common Law, because of this default on the debt to the International banking houses, and the Bar Associations accommodated the situation by blending "law" with "equity" in 1938 in such a way as not to alarm the American citizens over their newly acquired servile status. As every licensed bar attorney knows, the rules of equity are quite different from the rules of law. American equity compels performance upon the letter of a contract obligation, or in the interest of the creditor in case of financial default, but it allows a jury trial for controversy above \$20.00, and it outlaws debtors prisons. However, the equity jurisdiction of International default on debt is tried in Admiralty Courts, which do not recognize any of the constitutional protections of American Equity Courts, since they are international. A Jury in an Admiralty Court is only advisory to the Chancellor (called Judge) who may rule contrary to a jury verdict if he wishes. Also Admiralty Courts impose Criminal penalty on those who fail to perform. The legislative bodies in America today, no longer pass Public "law" statutes, pursuant to the limitations upon such statutes by National and State Constitutions, but rather our legislative bodies in America are now the Sovereign, over the Courts and Executive officers, as well as over all of the so-called citizens, and their function is to pass Public "policy" statutes in the interest of the nation's creditors, which civil statutes contain Criminal penalties under an Admiralty Jurisdiction. In this particular Public Policy Statute requiring the fastening of seat belts, the defendant is charged with a Criminal Action for his failure to perform within a public policy statute written in the interest of the Nations' Creditors, who feel they want this man protected from his own careless behavior because dead men pay no taxes, and the nations' Creditors need this man's labor to help pay the International debt, which is in default. This Court has an Admiralty Jurisdiction over the person of this defendant in this Criminal Action, because he failed to perform according to the contract for the repayment of the nation's debt."

Your answer to the above is to challenge the validity of a contract to which you were not a direct party and you inform the Court that the validity of the international Contract, upon which this case rests, must be settled before the trial on issues may begin.

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## O U T L I N E

Note: this outline of Mr. Freeman's work is not complete. I got interrupted and never finished it. Read the text carefully. Maybe you can finish it.

- **Is action civil or criminal**
  - **Criminal**
    - **Is criminal jurisdiction common law or admiralty?**
      - **Common law**
        - **Dismiss for want of jurisdiction**
          - **There is no injured party**
      - **Admiralty**
        - **have attorney prove into record valid int'l contract exists**
        - **You are party to contract**
        - **Contractual obligation to the state**
  - **Statutory jurisdiction**
    - **See civil**
  - **Get a licensed attorney**
    - **See civil**
  - **Civil**

- **Is state a party? Supreme court has jurisdiction**
  - **Statutory jurisdiction**
    - **What are court rules for this jurisdiction?**
      - **(They don't exist, but if you ask this question, the judge might just refer you to the court rules of another jurisdiction.)**
    - **Get a licensed attorney**
      - **(see next)**
  - **Get a licensed attorney**
    - **Insist upon being informed of nature of this criminal action. Let the record show secret jurisdiction**