Memorandum/Article in Support of Common People In Oregon Directly Prosecuting Quo-Warranto/State-Ex-Rel Criminal-Complaints;

and with applicability in other States and at the Federal Level.

A study of the implications of Oregon Revised Statutes (ORS): 30.510 - 30.640.

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"Individuals" may Bring Complaints "In The Name Of and On Behalf Of the State".

The Legislative Assembly of Oregon and of probably all other American States have enacted various "State-Ex-Rel" Statutes, so-as-to Preserve the Constitutionally-Secured Rights of "We the People" to invoke the old English "Quo-Warranto" Judicial Process. Here-under; when Any Reputable Person Files a "Quo-Warranto Criminal-Complaint", where-in he or she Solemnly Affirms that a "Crime" has been committed against him or her as an Individual, then directly here-by that Individual's "Membership" in that Constitutional "State" is there-by invoked; and further here-by, he or she is Lawfully Empowered to Claim that the same "Crime"which was committed against him or her, has Also been Committed Against "The State".

This is a "Process" which is "Due" to each and every reputable Individual in this State, because of each such Individual's "Relation", as a Socially-Compacted Component-Members of their larger organic Body-Politics, each of which is known as "The State". The term "Rel", at the end of the above-quoted phrase "State-Ex-Rel"; specifically Signifies this "Relation" of this Individual (through Social-Compact) with the remaining members of "We the People" in Our Constitutional "State".

Here-under, when-ever "Any Person" is solemnly accused by any reputable member of the community of Abusing "Any Public-Office or Franchise" in such a "State", such "Person" is Lawfully Required to Respond to the Merits of the Complaint against him or her in the Courts of that State. Any Quo-Warranto/State-Ex-Rel; Complaint in accompaniment here-to, has the Lawfully Authority to invoke this precise process. In efforts to gain a clear comprehension of this unique legal process, a very insightful case-precedent to study, from the Oregon Supreme Court, is the following:

"State Ex Rel Madden V. Crawford (207 Or Mar. 56) (1956) 295 P.2d 174

"This is an original proceeding by Quo Warranto (Oregon Constitution, Art 7 ss 2; ORS 30.510) challenging the right of the defendant James W. Crawford, a duly elected, qualified, and acting circuit judge of the state of Oregon for the fourth judicial district, to sit temporarily as a member of the Supreme Court of Oregon ... .

"... The question is an important and delicate one, because the decision will directly affect the problem of this court which gave rise to the enactment of the legislation involved. We cannot, however, take into account considerations of expediency in making our decision; our sole duty is to determine whether the statute squares with the Constitution and render judgement accordingly. ORS 30.510, in part provides: ...

This enactment is the statutory equivalent of the common-law writ of quo warranto, and an action commenced under it is generally referred to as a proceeding in quo warranto. ... It is the

remedy or proceeding by which is determined the legality of a claim which a party asserts to the use or exercise of an office or franchise and ousts the holder from its enjoyment, if the claim is not well founded. 44 Am Jur 94, Quo Warranto ss 8; 44 Am Jur 100, Quo Warranto ss 22. In 74 CJS 197, Quo Warranto ss 4, the rule is stated thus:

**'In the absence of constitutional or statutory regulations providing otherwise, quo warranto proceedings are the only proper remedy in cases in which they are available. Thus quo warranto, or a proceeding in the nature thereof, is the sole and exclusive remedy and method by which various matters may be tried and determined, as for example, the right and title to office, ...' * * *

Having been appointed to sit as a member of this court pursuant to the provisions of ORS 2.060, defendant has become a defacto judge thereof; he acts under color of authority. Acts performed by him in that capacity are not invalid. A judge defacto is, to all intents and purposes, a judge dejure as to all persons except the state, and continues as such until he is properly ousted from office. He is not a usurper. His acts or his right to act, as a defacto judge, cannot be collaterally attacked. His title or right to the office can be determined only in quo warranto proceedings, brought by or in the name of the state. Here the attack is direct by quo warranto, and the question of the right of the defendant to sit as a member of this court is squarely presented. The color of authority (ORS 2.060) under which defendant assumes to act being unconstitutional and void, defendant is not entitled to occupy the position to which he was appointed by the Supreme Court."**

Please note that the "ORS 30.510" Statute referred to here-in above, is there-in recognized to be the "Statutory Equivalent of Quo Warranto". Here-under; this "State-Ex-Rel" Statute Invokes the "Quo-Warranto" Process. The Oregon Statute reads as follows:

ORS: 30.510: (Action for usurpation of office or franchise.)

An action at law may be maintained in the name of the state, upon the information of the district attorney, or upon the relation of a private party against the person offending, in the following cases:

(1) When any person usurps, intrudes into, or unlawfully holds or exercises any public office, civil or military, or any franchise within this state, or any office in a corporation either public or private, created or formed by or under the authority of this state; or,

(2) When any public officer, civil or military, does or suffers an act which, by the provisions of law, makes a forfeiture of the office of the public officer; or,

(3) When any association or number of persons acts within this state, as a corporation, without being duly incorporated.

As shown in this above case; the Oregon Statute clearly provides for the Common People of the State to proceed in this "State-Ex-Rel/Quo-Warranto" manner. The "Madden" case-precedent presented above here, clearly equates the two terms "State-Ex-Rel", and "Quo-Warranto". And also further; it clearly allows for ""Private Parties", such as the Co-Plaintiffs specified in the accompanying complaint; to "Maintain" this kind of an "Action ...", by proceeding "In the Name of the State". The Statute Clearly Declares that these "Private Parties" can proceed "In the Name of the State". That is Clearly what this Statute says. And the similar Statutes of many other States, such as "the State of Washington", read with similarly significant power de-centralized wording.

Here-under, it becomes very clear, as-to "Why" it is Necessary for any such person to

Proceed "in the Name of" and "On the Behalf of" the "State". This is true, because "the State" is the "Term Used" in our written Constitutional Social-Compact, where-under are primarily recognizable the specific "Duties" are Specified for such "Public-Servants", as "Judges", "District Attorneys", and "Attorneys-General". To comprehend this Quo-Warranto/State-Ex-Rel dynamic even more clearly, it is very wise to attempt to spend a few moments in assembling a very clear and precise definition of the critically-important term "State", as follows:

"State, government. ... This word ... (i)n its most enlarged sense, it signifies a self-sufficient body of persons united together in one community for the defence of their rights, and to do right and justice to foreigners. In this sense, the state means the whole people united into one body politic; (q. v.) and the state, and the people of the state, are equivalent expressions. ..."

Law Dictionary; by John Bouvier; 1856

All following dark-lettered citations are from the same source, as follows:

Black's Law Dictionary 5th Edition, 1979:

"State: A people permanently occupying a fixed territory bound together by common-law habits and custom into one body politic, exercising, through the medium of an organized government, independent sovereignty and control over all persons and things within its boundaries, capable of making war and peace and of entering into international relations with other communities of the globe. ... The organization of social life which exercises sovereign power on behalf of the people. ... In its largest sense, "state" is a body politic or a society of men. A body of people occupying a definite territory and politically organized under one government. State ex rel. Maisano v. Mitchell, 155 Conn. 256, 231 A.2d 539, 542. A territorial unit with a distinct general body of law. ... Term may refer to a body politic of a nation (*e.g.* United States) or to an individual governmental unit of such nation (*e.g.* California). ...

The people of a state, in their collective capacity, considered as the party wronged by a criminal deed, the public, as in the title of a cause, "The State vs A.B."

Ex Rel and Ex Relatione: Upon relation or information. Legal proceedings which are instituted by the attorney general (or other proper person) in the name and behalf of the state, but on the information and at the instigation of an individual who has a private interest in the matter, are said to be "on the relation" (*ex relatione*) of such person, who is usually called the "realtor". Such a cause is usually entitled thus: "State *ex erl.* Doe v Roe."

Quo Warranto: /kwow wera'entow/. In old English practice, a writ in the nature of a writ of right for the king, against him who claimed or usurped any office, franchise, or liberty, to inquire *by what authority* he supported his claim, in order to determine the right. It lay also in case of non-user, or long neglect of a franchise, or misuser or abuse of it; being a writ commanding the defendant to show *by what warrant* he exercises such a franchise, having never had any grant of it, or having forfeited it by neglect or abuse. 3 Bl.Comm. 262.

An extraordinary proceeding, prerogative in nature, addressed to preventing a continued exercise of authority unlawfully asserted. Johnson v. Manhattan Ry. Co., N.Y., 289 U.S. 479, 53 S.Ct. 721, 77 L.Ed. 1331. It is intended to prevent exercise of powers that are not conferred by law, and is not ordinarily available to regulate the manner of exercising such powers.

The remedy of "quo warranto" belongs to the state, in it's sovereign capacity, to protect the interests of the people as a whole and guard the public welfare, and it is a preventative remedy addressed to preventing a continued exercise of an authority unlawfully asserted, rather than

correcting what has already been done under that authority. Citizens Utilities Co. of Cal. V. Superior Court, Alameda County, 56 Cal. App.3d 399, 128 Cal.Rptr. 582, 588. "Quo warranto" is legal action whereby legality of exercise of powers by municipal corporation may be placed in issue. People ex rel. City of Des Plaines v. Village of Mount Prospect, 29 Ill.App.3rd 807, 331 N.E.2d 337, 377.

The federal rules are applicable to proceedings for quo warranto "to the extent that the practice in such proceedings is not set forth in statutes of the United States and has heretofore conformed to the practice in civil actions." Fed.R. Civil P. 81 (a)(2). Any remedy that could have been obtained under the historic writ of quo warranto may be obtained by a civil action of that nature. U.S. v. Nussbaum, D.C.Cal., 306 F.Supp. 66."

Summarizing from the first of the above; "State ... signifies a self-sufficient body of persons united together ... for the defence of their rights, ... state, and the people of the state, are equivalent expressions". Also: "A people ... bound together by common-law habits and custom into one body politic, exercising, ... control over all persons and things within its boundaries ... considered as the party wronged by a criminal deed ..." Please note that the term "Body-Politic" is used Three Times in of the above citations. Here-under, it is good to cite the related-term "Constitution", as follows:

"Constitution: The organic and fundamental law of a nation or state, which may be written or un-written, establishing the character and conception of it's government, laying the basic principles to which its internal life is to be conformed, organizing the government, and regulating, distributing, and limiting the functions of the different departments, and prescribing the extent and manner of the exercise of sovereign powers.

A charter of government deriving its whole authority from the governed. The written instrument agreed upon by the people of the Union or of a particular state, as the absolute rule of action and decision for all departments and officers of the government in respect to points covered by it, which must control until it shall be changed by the authority which established it, and in opposition to which any act or ordinance of any such department or officer is null and void. In a more general sense, any fundamental or important law or edict ... ."

"Constitutional Law. (1) That branch of the public law of a nation or state which treats of the organization, powers and frame of government, the distribution of political and governmental authorities and functions, the fundamental principles which are to regulate the relations of government and citizen, and which prescribes generally the plan and method according to which the public affairs of the nation or state are to be administered.

(2) That department of the science of law which treats of constitutions, their establishment, construction, and interpretation, and of the validity of legal enactments as tested by the criterion of conformity to the fundamental law." Black's Law Dictionary 5th Edtn, 1979, West Pub. Co.

From the above definitions, may be derived the two other terms of "Body-Politic" and "Organic-Law". These two terms clearly relate to an "Organic Body" with Individual People forming its Many Sociological Component-Parts. This term "Body-Politic" is specifically meant to denote a Group of People moving together for their Mutual Protection and Benefit. This is all analogous to a "flock of birds" or "school of fish"; acting toghether, in concert, organically and harmoniously. These are tangible/real entities, with solidly-physical component-parts. Each of these entities are logically recognizable as Voluntarily-Forming Their Own separate physical, collective, Organic-Community. A Community of People such as this is a "Constitutional Body-

Politic", specifically and only because it is an "Organic Body-Politic". The terms "Organic" and "Constitutional" being clearly "Equivalent"; just as the terms "State" and "People" are "Equivalent"; all as shown in the above quotations.

Also as above quoted; Each American Constitutional "Body-Politic" has been Organically Drawn-Together for the Singular Purpose of "the Defence of Their Rights, and to do right and justice to foreigners". This is the Singular Purpose for the Formation of the Organic (both Un-Written and Written) Constitutional Social-Compacts. This is true at the Federal, State, and All Lower Levels of Government. This is Clear from the Prioritized Position of the term "Justice" in the very "Preambles" of Both the Federal and State Written "Constitution" Documents.

Under these "Social-Compacts", the Constitutionally-Recognizable "Rights of the People" are the "Top Priority". These "Rights of the People" are set forth with-in the Constitutional "Social-Compact" are to be secured by the Lawful "State". To further support these conclusions, it is good to look to the definitions of the term "Right", which are commonly rendered as follows:

"Right: As a Noun, and taken in the abstract sense, means justice, ethical correctness, or consonance with the rules of law or the principles of morals. In this signification it answers to one meaning of the Latin "jus", and serves to indicate law in the abstract, considered as the foundation of all rights, or the complex of underlying moral principles which impart the character of justice to all positive law, or give it ethical content. ... And the primal rights pertaining to men ... existing prior to positive law. But leaving the abstract moral sphere and giving to the term a juristic content, a "right" is well defined as "a capacity residing in one man of controlling, with the assent and assistance of the state, the actions of others." As an adjective, the term "right" means just, morally correct, constant with ethical principles or rules of positive law. It is the opposite of wrong, unjust, illegal. ... A legally enforceable claim of one person against another, that the other shall do a given act or not do a given act. That which one person ought to have or receive from another, it being with held from him, or not in his possession. In this sense, "right" has the force of "claim", and is properly expressed by the Latin "jus". ... Natural rights are those which grow out of the nature of man and depend upon personality, as distinguished from such as are created by law and depend upon civilized society; ... they are those which are plainly assured by natural law; ... those which, by fair deduction from the present physical, moral, social, and religious characteristics of man, he must be invested with, and which he ought to have realized for him in a jural society, in order to fulfill the ends to which his nature calls him.

(Blacks Law Dictionary, 5th Edition)

"Jurisprudence is specifically concerned only with such rights as are recognized by law and enforced by the power of the state. We may therefore define a "legal right" in what we shall hereafter see is the strictest sense of that term, as a capacity residing in one man of controlling, with the assent and assistance of the state, the actions of others. That which gives validity to a legal right is, in every case, the force which is lent to it by the state. Anything else may be the occasion, but not the cause of its obligatory character." (William Casey Jones, Director of the School of Jurisprudence, University of California. Pg 121/199, Section 160; Footnotes; "Commentaries on the Laws of England", by William Blackstone; Bancroft Whitney)

In all of these authoritative sources, we find that Anglo-American Jurisprudence considers the term "State" to invoke a Socially-Compacted Relationship where-under specific

Individual Members who Solemnly Affirm that they have Suffered a Crime, are Guaranteed the Right to "Control ... Others" ... by way of their "Relationship" with the "State", until that Accusation has been Fully Resolved. Here-under, Logic Dictates that they will not be able to "Control" those "Others", Unless they can also Control the "Public-Servants" of the "State".

When a Member of the "Social-Compact" is Directly and Physically Injured by a Criminal Act, it is an Injury To Every-Other Member of that Socially-Compacted Community. It is a "Breach of the Peace", a "Trespass", a "Common-Law Crime" of "Malum in Se", aka: "a Wrong in It's-Self". All Members are Bound-Toghether under the Terms of this "Social-Compact" to Defend the Rights of Each-Other against all such Physical Crimes. It is like banging your thumb with a hammer. When one member of the body suffers pain, all other true members of that same body sympathetically feel that same pain. These are Natural/Organic "Laws", and they are the Same for All Organic "Bodies-Politic", and they are the Same for All "Constitutional States". This is Why the above citations indicate that "Organic Law" is the same as "Constitutional-Law".

These Physical "Injuries" to Individual Members of Body-Politic are recognizable as "Common-Law Crimes", and they have all been commonly referred to in American Jurisprudence as "Public Crimes". Such "Public Crimes" are all Opposed To the "Private Crimes", which are also deceptively termed as "Quasi-Crimes". These "Private Crimes" find their Source in the "Malum-Prohibitum" based Statutory Dictates of Majority-Rule "Legislative Bodies", which in one form or another have (at least temporarily) come under the controlling influence of some form of a Private "Special Interest" Group or Person.

Here-under, when it comes time to En-Force these Constitutionally-Lawless Malum-Prohibitum Based Statutes, the Pubic-Servant Prosecutors and Judges Routinely, Knowingly, and Purposefully Prosecute Multitudes of Honorable People, all by Taking "Silent Judicial Notice" that such Honorable People have some-how "Contracted" or other-wise some-how established "Minimal Contacts" and a "Legal Nexus" with some form of a "Private-Law Jurisdiction". In order for such "Private-Law" to be En-Forced in the Public Courts of the State, some form of "Legal Nexus" as this must be found, where-under "Minimal-Contacts" between the Targeted "Victim" and the "Private-Law Jurisdiction" are established. This is usually accomplished though a "Presumption" that some form of "Commercial Contract" exists between the unwitting Accused and his Accuser. A few Definitions would be good here, as follows:

"Private Law: As used in contradistinction to "Public Law", the term means all that part of the law which is administered between citizen and citizen, or which is concerned with the definition, regulation, and enforcement of rights in cases where both the person in whom the right inheres and the person in whom the obligation is incident are private individuals. See: also: Private bill; Public law; Special law." Black's Law Dictionary 5th Edtn, 1979.

When-ever these Public-Servant Judges and Prosecutors are pressed for the Reason "Why" they have Dis-Regarded the Constitutionally Secured "Rights" of an Honorable-American/Victim in question; they will, begrudgingly plead that the "Accuser Sets the Forum"; and that under the Terms of the Accuser's Complaint "Private Law" was being En-Forced, because of some or another form of "Legal-Nexus" (aka: "Minimal Contacts") which the Victim had established with the Private-Jurisdiction which was seeking to En-Force Obedience to its Private Claim. These Judges will then Finally Declare that the Constitutional-Rights of the

Accused can Only be Secured in such cases through a "Counter-Complaint", where-under the "At Law" Jurisdiction of the Court is invoked. This idea is routinely but superficially communicated to first-year law-school students in such case-law precedents as follows:

"the Court of Appeals held it was not an abuse of discretion for the district judge, ... to try the equitable cause first even though this might, through collateral estoppel, prevent a full jury trial of the counterclaim and cross-claim which were as effectively stopped as by an equity injunction. ... the use of discretion by the trial court under Rule 42(b) to deprive Beacon of a full jury trial on its counterclaim and cross-claim, as well as on Fox's plea for declaratory relief, cannot be justified. ... Thus any defenses, equitable or legal, Fox may have to charges of antitrust violations can be raised ... in answer to Beacon's counterclaim. ... By contrast, the holding of the court below ... would compel Beacon to split his antitrust case, trying part to a judge and part to a jury. Such ... is not permissible.

Our decision is consistent with the plan ... to effect substantial procedural reform while retaining a distinction between jury and nonjury issues and leaving substantive rights unchanged. Since in the federal courts equity has always acted only when legal remedies were inadequate, the expansion of adequate legal remedies ... necessarily affects the scope of equity. ... This is not only in accord with the spirit of the Rules and the Act but is required by the provision in the Rules that '(t)he right of trial by jury as declared by the Seventh Amendment to the Constitution ... shall be preserved * * * inviolate.' ...

Since the right to jury trial is a constitutional one, however, while no similar requirement protects trials by the court, that discretion is very narrowly limited and must, wherever possible, be exercised to preserve jury trial. ... 'In the Federal courts this (jury) right cannot be dispensed with ... nor can it be impaired by any blending with a claim, properly cognizable at law, of a demand for equitable relief ... ." Beacon Theatres, V. Westover, US Supreme Court (1959); 359 U.S. 500, 79 S,Ct. 948, 3 L.Ed. 988.

So, to be fair; there is a "Legal Mechanism" in place which can theoretically Abort the "Private-Laws" the Summary/Military EnForcement Process of the so-called "Equity" Jurisdiction. Theoretically here-under; Constitutional "Due Process of Law" is adequately Secured for the Accused.

But in practice, and as a practical matter; Almost All of the Lower Trail-Level Courts Refuse to Follow this very good Precedent, merely coldly telling the victim that if he does not like the decision, to "Appeal". And the few victims with the knowledge, money, and energy to complete the "Appeal", are quite Likely to be Refused the Justice which they deserve at that "Appellate" Level also; at least if their case is anything which has any significant implications at all for "Setting a Precedent" which might Interfere with the Routine Abuses of the "Private Jurisdiction" which such Judges seem so habitually Prejudice towards .

And so, this is where the "Massive Fraud" against "We the People" who collectively compose this State's Organic Body-Politic occurs. Here-under; the Public-Servant Judges and Prosecutors of these Courts Must "Pretend" to Be "Not Aware" that the Average Honorable American has Absolutely "No Idea" that "Private Laws" of some form of "Private Jurisdiction" are being EnForced Against Him thought the so-called "Equity" Summary Court-room Process. These Judges Must Pretend that the Victim is Not being Un-Fairly and Un-Justifiably being Rail-Roaded into a "Private-Law" Jurisdiction. They Must Pretend to be "Ignorant of the Law", in it's Organic/Constitutional Sense; concerning the Natural/Organic Meaning of such simple terms as

"Justice", "Fundamental Fairness", and "Due Process of Law". At Every Stage of this Summary/Military Process, they Must Pretend to be under the Good-Faith Delusion that This Non-Organic and Non-Constitutional "Code of Human Conduct" is "Lawful" to Apply against the Un-Suspecting Component-Members of the Body-Politic of "We the People"; i.e. "the State".

Here-under; an "Illusion" Must be Maintained, so that the Pre-Judicial "Prejudice" of these Corrupted "Public-Servant" Judges and Prosecutors can Routinely be Supported and Advanced through "Plausible Denial". Here-under; they Must "Construct" a Set of "Artificial Rules" so that the "Illusion" of "Impartiality" may be Maintained; and so that Charges of "Arbitrary" and "Prejudicial" EnForcement against Un-Suspecting People can be "Plausibly Denied". Here-under; a "Fiction of Law" Must be Created and Maintained. This is the Sole-Purpose of the above-referenced "Private-Law".

Under this "Fiction of Law" and "Private Law"; Judges can Declare with a straight-face that the Accused had No "Constitutionally-Secured Rights", because he had "Contracted Them Away". When pressed for Reason "Why" the Accused was Never Told of this "Contract" being En-Forced Against Him; these Judges will declare again with straight faces that such would amount to "Private Support" of the Victim, and that it is Not Among Their "Duties" to be "Assistance of Counsel" for the Common American People. This "Private-Law Jurisdiction" is all remarkably Similar in its Essential Nature to the "Babylonian-Whore" of Revelation 17 and 18. It relies heavily on "Commerce"; and it trades on "Slaves and the Souls of Men", as clearly stated in Revelation 18: 9-13 (King-James Version). Here-under; the Victim has "No Rights"; but is regarded as a Commercial form of "Property", just as referred to as the "Slave" in Revelation.

This is what Routinely Happens in All Civil-Courts of the U.S.A., the various States, and All Municipalities there-under. And as out-lined in the Accompanying Complaint, this "Massive Fraud" amongst Corrupted "Public-Servant" Judges and Prosecutors, Amounts To a Criminal Racketeering "Conspiracy". And actually, up-on further contemplation of the Far-Reaching Nature of this Massive Conspiracy, and its Obvious Under-Lying Effort to Fundamentally Forcibly Disenfranchise Massive Numbers of Honorable Americans from their Constitutionally-Secured Rights to be able to Access "Due Process of Law"; and to there-by use the "Deadly-Force" of Police and Sheriff Department Officers Against Them; here-under it seems that the "Law" would consider all of this to Lawfully Amount To "Treason".

To Counter this Massive Fraud-based "Conspiracy", when Individual Members of Any State's Body-Politic are so Lawlessly Imprisoned, Physically Harmed, or Terrorized; Quo-Warranto/State-Ex-Rel Process specifically gives these "Private Persons" so afflicted, the "Right" to "Control the ... State", so-as-to there-by: "Control ... the Actions of Others". They Do This by "Proceeding In the Name of the State". This specific wording referring to the ability of Particular Individuals to "Control ... Others", by way of their "Control" over the "State", is clearly set forth in both of the above citations.

In all such complaints as these, and including the one in accompaniment here-to; the Complaining Parties are "Joint Tenants in the Sovereignty" through the "Social-Compact" which Defines this "State". This is shown through the following very early U.S. Supreme Court

Citation, as follows:

"The revolution, or rather the Declaration of Independence, found the people already united .... From the crown of Great Britain, the sovereignty of their country passed to the people of it; ... . "We the people of the United States, do ordain and establish this constitution." Here we see the people acting as sovereigns of the whole country; and in the language of sovereignty, establishing a constitution by which it was their will, that the state governments should be bound, and to which constitutions should be made to conform...

It will be sufficient to observe briefly, that the sovereignties in Europe and particularly in England, exist on feudal principles. That system considers the prince as the sovereign, and the people his subjects; it regards his person as the object of allegiance, and excludes the idea of his being on an equal footing with a subject, either in a court of justice or elsewhere. That system contemplates him as being the fountain of honor and authority; and from his grace and grant, derives all franchises, immunities and privileges; it is easy to perceive, that such a sovereign could not be amendable to a court of justice, or subjected to judicial control and actual constraint... The same feudal ideas run through all their jurisprudence, and constantly remind us of the distinction between the prince and the subject.

"No such ideas obtain here; at the revolution, the sovereignty devolved on the people; and they are truly the sovereigns of the country, but they are sovereigns without subjects... and have none to govern but themselves; the citizens of America are equal as fellow-citizens, and as joint tenants in the sovereignty.

From the differences existing between feudal sovereignties and governments founded on compacts, it necessarily follows that their respective prerogatives must differ, Sovereignty is the right to govern; a nation or state sovereign is the person or persons in whom that resides.

In Europe, the sovereignty is generally ascribed to the prince; here it rests with the people; there the sovereign actually administers the government; here never in a single instance; our governors are the agents of the people; and at most stand in the same relation to their sovereign, in which the regents of Europe stand to their sovereigns. Their princes have personal powers, dignities and preeminence, our rulers have none but official; nor do they partake in the sovereignty otherwise, or in any other capacity, than as private citizens."

Chisholm Ex'r. v. Georgia; 2 Dall. {U.S.} 419, 1 L.Ed. 440, {U.S.Ga. 1793}.

In the above quoted text is the phrase "Joint Tenants in the Sovereignty". This means Each of "We the People", as "Individuals", and Under Our Constitutional Social-Compact. And the line that says "Our Governors are the Agents of the People", means that all "Public Servants"; such as the Civil "Judges" receiving these documents, are all "Public Servants", under "Master/Servant Relationship" to Each of "We the People". Yes, that is precisely what was the "Original-Intent" behind the Constitutions of these "United States of America", and her various "States". The Various State Statutes Recognize this, and in Oregon it is recognized under ORS 162.005 (2-a); as follows:

(2) "Public servant" includes: (a) A public officer or employee of the state or of any political subdivision thereof or of any governmental instrumentality within the state ...".

Here-under; Each of "We the People" are these "Joint Tenants in the Sovereignty" of these "United States of America". Each of us are in the "Master Position" of this "Master/Servant Relationship". This is our "Relation" to the "Public-Servants" of both this "State" and of these "United States of America". This is Why each of "We the People" are all

Lawfully Entitled to proceed with all of the authority of any "Attorney General" of this State or Nation; or of any "District Attorney" with-in any of the Counties of this State. This is all plainly implied by the opening quoted-wording of ORS 30.510; and the similar wording of the similar statutes of the other states.

All such "Public Servants" as the "Attorney General" or "District Attorney", as well as All of the Judges touching upon All Cases such as this, are All "Servants" of "We the People". These "Public Servants" are under a partially Disabled "Relation" to this "State of Oregon" ; where-under they are in the "Servant" position, under traditionally-recognizable Civil/Municipal "Master-Servant" Relationships. These "Public Servants" are also recognizable as "Civil Servants", and they are all recognizable under "Law" as being under a "Legal-Disability".

This "Legal Disability" is traceable back as far as "Magna-Charta"; where the Barons Refused to Trust "King John" with such significant power to Directly Prosecute the Common People. This is Why "Civil Servants" Must Proceed Through "Grand Juries" Before they can Secure "Criminal Indictments". By them-selves, these "Public-Servants" have No Lawful Authority to Directly File Criminal-Complaints against Individual Members of the People's Socially-Compacted "State". The terms of "Magna Charta" Specifically Prohibit this. And that great old Common-Law Document is Grand-Fathered In to our various State Constitutions, through such provisions as the Ninth and Tenth Amendments at the Federal Level; and through similar Constitutional Provisions at the various State Levels. We will be glad to provide a fuller citations up-on specific good-faith request.

But the "Civil/Municipal" Office of the "Attorney General", as well as the Institution of the so-called "Grand Jury"; have Both been Specifically Constructed as "Fictions of Law"; for the Specific Purpose of Thwarting the under-lying Organic-Law of our Constitutional States and Nation, as preserved through "Magna Charta". Though the "Gand Jury" is loved by many honorable people, its Only Purpose is to Authorize the Arrest and/or Prosecution of a Fellow-Member of the Body-Politic when No Natural/Real Person has Sworn-Out a Criminal-Complaint Against Him. The so-called "Grand Jury" can do Nothing which a Single Sovereign American can not do by merely following "Due Process of Law" and Directly "Swearing-Out" a "Criminal Complaint" him-self. These so-called "Grand Juries" Exist Solely for the Convenience of Corrupted "Civil/Private-Law Prosecutors" who can Not Get Any Natural/Real Person to Swear-Out a Criminal-Complaint.

To be fair; these "Obstructions" were in place under the "Civil/Municipal Law" in England, even Prior to the very birth of our Nation through our ancestors "Declaration of Independence" in 1776.

Each of "We the People", including these Complaining Parties; are under No such "Legal Disability", as are our Constitutionally-Recognizable "Public Servants". We may state "Criminal" Complaints Directly. Such is plain from the above citations, and including Oregon's Revised Statutes, at ORS 30.510. And in further support of these renderings of "Law", 133.007, 133.015, and 135.715; declare similarly; and two of these read as follows:

"133.007 Sufficiency of information or complaint.

(1) An information or complaint is sufficient if it can be understood therefrom that:

(a) The defendant is named, or if the name of the defendant cannot be discovered, that the defendant is described by a fictitious name, with the statement that the real name of the defendant is unknown to the complainant. (b) The offense was committed within the jurisdiction of the court,

except where, as provided by law, the act, though done without the county in which the court is held, is triable within. (c) The offense was committed at some time prior to the filing of the information or complaint and within the time limited by law for the commencement of an action therefor.

(2) The information or complaint shall not contain allegations that the defendant has previously been convicted of any offense which might subject the defendant to enhanced penalties. (3) Words used in a statute to define an offense need not be strictly followed in the information or complaint, but other words conveying the same meaning may be used."

"135.715 Effect of nonprejudicial defects in form of accusatory instrument.

No accusatory instrument is insufficient, nor can the trial, judgment or other proceedings thereon be affected, by reason of a defect or imperfection in a matter of form which does not tend to the prejudice of the substantial rights of the defendant upon the merits."

This State's Statutes and Constitution Indicate Clearly that the "Law" Governing the setting-forth of a "Criminal Complaint" by a Member of the Body-Politic of the State, is very "Liberal". The main Goal here is obviously directed to Support the Fundamental Principles of Quick and Efficient Administration of Justice. To Make "Individual Americans" Proceed Through "District Attorneys" or "Attorneys General" would "Obstruct" this General Constitutional-Principle which Requires the "Quick and Efficient Administration of Justice".

There is No-where any indication of any form of under-lying "Mis-Trust" of the common People, in their ability to responsibly apply such Power. There is No Where Any Indication that the Prosecution of Criminal Complaints is to be Exclusively Lodged in the Hands of such Civil/Municipal "Public-Servants" as "District-Attorneys" and "Attorneys-General".

The fact that these immense powers have been Lawfully Placed In the Hands of the Common People; is generally recognized in the various provisions of most state constitutions; and especially in their various "Bill of Rights" provisions. In Oregon's Constitution; this is shown clearly (among other provisions) and quite prominently in the following citations:

Preamble: We the people of the State of Oregon, to the end that Justice be established, order maintained, and liberty perpetuated, do ordain this Constitution.

"Article 1, Section 1. (Natural rights inherent in people). We declare that all men, when they form a social compact are equal in right: that all power is inherent in the people, and all free governments are founded on their authority, and instituted for their peace, safety, and happiness; and they have at all times a right to alter, reform, or abolish the government in such manner as they may think proper."

Article 1, Section 10. (Administration of justice). No court shall be secret, but justice shall be administered, openly and without purchase, completely and without delay, and every man shall have remedy by due course of law for injury done him in his person, property, or reputation.

If "All Power is Inherent in the People", as Article 1 Section 1 above declares; then surely "We the People" have the Power to "Prosecute" Our Own Criminal-Complaints "Directly". Under these Constitutional Concepts, "We the People" do Not Need the Intervention of such Civil/Municipal "Public Servants" as "Attorneys General" or "District Attorneys". And if Justice is to be Administered "Without Delay", as Article 1 Section 10 declares above; then placing any "Un-Necessary Requirement" on the Common Individual seeking that "Justice", is

going to work a "Delay" in his ability to have such Justice delivered to him. Any such a "Delay" would clearly be an "Un-Constitutional" Violation of the above Constitutional Declarations.

The Usurpation and Subversion of the Authority of "The State":

Personnel from the State and Federal "Departments of Justice", and the various local "District Attorney Offices" are fashionably Considered to be the Only People Capable of Bringing "Criminal-Complaints" before the Courts of this States Civil Government. Here-under; these "Public Servants" frequently Proceed "In the Name of", and "on the Behalf of" the "State". Every-one who has observed such proceedings, has clearly witnessed such "Government Prosecutors" routinely "Proceeding" "In the Name of and On the Behalf of the State".

But under the citations rendered further above here-in; it logically follows that the "Field of Candidates" who have a Lawfully "Right" to Prosecute such "Criminal Cases", Must Be greatly "Expanded" so-as to Allow for Common People to Actively Prosecute such cases. That would include the Class-Action Plaintiffs specified in the Criminal-Complaint presented in accompaniment here-to. This is precisely Identical to the underlying "Intent" behind the multitude of "State-Ex-Rel" Statutes in almost every State in the Union, and as quoted from Oregon Statutes at the opening of this document.

In their efforts to Subvert and Usurp the Lawful Authority of "We the People" to Directly Prosecute Our Own "Criminal Complaints" through this "Quo-Warranto" Process; Corrupted Public-Servant Prosecutors and Judges have frequently raised such statutes as the following:

34.810: Scire facias and quo warranto. The writ of scire facias, the writ of quo warranto, and proceedings by information in the nature of quo warranto are abolished, and the remedies heretofore obtainable under those forms may be obtained by action in the mode prescribed in ORS 30.510 to 30.640.

Here-under, the simplistic argument is frequently advanced that the Common People can-Not proceed in this manner, because "Quo-Warranto has ben Abolished". Howe-ver; when the full context of this single-sentence Statute is examined; it clearly states that "the remedies heretofore available under those forms may be obtained ... in 30.510 ... ."

When this Statute is read in this full context, it becomes clear that the word "Abolished" has absolutely No Substantive Effect on the Availability of traditional "Quo-Warranto" Remedies to "We the People". The Old English forms of "Quo Warranto" and "Actions in the Nature of Quo Warranto" may be "Abolished" so far as those terms are used Statutorily; how-ever the Vast Repository of "Law" in support of those particular actions have been Transferred directly on over to ORS 30.510, as clearly shown by this above-quoted 34.810 Statute. This so-called "Abolishing" of "Quo-Warranto" is nothing new. Case Law Precedent on this point reads:

"Or. 1912. Under L.O.L. ss 363, ORS 34.810 abolishing writs of quo warranto and proceedings in the nature of quo warranto, the right to relief under section 366, sub 3, ORS 30.510, by action at law in the name of the state ... is analogous to the older methods." State Ex Rel Brown v Sengstaken, 122 P. 292, 61 Ore 455, Am .Ann.Cas. 1914 B.230 (28 Or D 2d -86)

And on the specific issue of the Lawful Authority of the Common People to Directly Prosecute "Criminal Complaints"; this new phrase "Information in the Nature of Quo Warranto" becomes very important to closely examine; because it is under this specific body of Law where-

in is Included the Right to proceed "Criminally". "Corpus Juris Secundum" summarizes as follows:

"Quo Warranto: The writ of quo warranto is an ancient common law, prerogative writ and remedy. Indeed, it is one of the most ancient and important writs known to the common law. The ancient writ was in the nature of a writ of right for the king, against him who claimed or usurped any office, franchise, or liberty, to inquire by what authority he supported his claim, in order to determine the right, or in the case of nonuser, long neglect, misuse, or abuse of franchise, a writ commanding defendant to show by what warrant he exercised such franchise, never having had any grant of it, or having forfeited it by neglect or abuse.

... a quo warranto proceeding is of a public nature, and not a personal action, it being rather an inquisition which the sovereignty, by its courts, institutes to ascertain whether its prerogative rights have been invaded; ... . quo warranto is a direct, rather than a collateral, attack on the record or other matter assailed ... . Originally the information in the nature of quo warranto, which succeeded the ancient writ, was essentially a criminal prosecution instituted for the purpose of subjecting defendant to punishment by fine, as well as judgement of ouster ... Thus quo warranto, or a proceeding in the nature thereof, is the sole and exclusive remedy and method by which various matters may be tried and determined, as, for example, the right and title to office ... ." Corpus Juris Secundum; West Publishing Company; Volume 74 Pages 174 - 189.

"Information in the Nature of Quo Warranto" is shown above in "Corpus Juris Secundum", to be "essentially a Criminal prosecution". Here-under, "Reasonable" People will see that this process does work to establish a Remedy whereby "Private Parties" can access Public "Criminal" Procedural Remedies. Such General/Public-Law is in Clear Harmony with the "... All Power is Inherent in the People ..." General Principle of Oregon's Constitutional-Law, as set forth previously in Article 1 Section 1. Any Other Policy; is Directly Antagonistic there-to; as we are sure that Any Conscience-Bound Jury will Agree.

Hereunder, it is shown that any predisposition by Public-Servant Judges towards Limiting the 30.510 "Action at Law" to merely those Remedies which are "Civil" in nature, is clearly in error. By reducing these Remedies to "Civil", such Remedies are reduced to "Private". This is shown here:

"Civil Action: Action brought to enforce, redress, or protect private rights. In general, all types of actions other than criminal proceedings."

"Civil Law: That body of law which every particular nation, commonwealth, or city has established peculiarly for itself; more properly called "municipal" law, to distinguish it from the "law of nature", and from international law. Laws concerned with civil or private rights and remedies, as contrasted with criminal laws." Black's Law Dictionary 5th Edtn, 1979.

These citations show that by allowing Quo-Warranto Proceedings to be reduced to "Civil Proceedings", that they would thereby be reduced to resolving "Private" conflicts. This is as in Conflicts "Between Two Citizens"; and which do Not involve a "Breach of the Peace". This Private/Civil Jurisdiction is mostly focused on such superficial concerns as "Contract Enforcement". It is truly amazing that the Common People are so Obstructed in their ability to Directly Prosecute such "Criminal Prosecutions", when this is precisely what they need in order to secure their "Peace Safety, and Happiness"; as so strenuously Prioritized State and National Constitutions.

Under the light of ORS 34.810, it becomes clear that ORS 30.510 is "Intended" to Encompass "Information in the Nature of Quo Warranto". The above -quoted CJS clearly summarizes the matter by accurately stating that such action "was essentially a Criminal prosecution". Here-under, "Reasonable" People will promptly see that ORS 34.810 and 30.510 taken together do work to establish a Remedy where-by "Private Parties" can access Public and "Criminal" Procedural Remedies. Such is in clear harmony with the "... All Power is Inherent in the People ..." statement in Article 1 Section 1 of Oregon's Constitution; as previously quoted.

This shows that By Reducing the scope of ORS 30.510 to merely "Civil" Remedies, that there-by would be Obstructed the Right of Individual Members of this State's Body-Politic of "We the People" to Invoke Constitutional "Due Process of Law", so-as-to Non-Violently Defend OUR STATE from Constitutionally Recognizable "Enemies of the State". And this is Especially Important concerning OUR Ability to Defend OUR STATE from Subversively-Corrupted "Public-Servants" who would Abuse their Positions of "Public-Trust". As shown in the previously quoted ORS 34.810, the essential elements of all "Quo Warranto" related "Common-Law Actions", are incorporated into ORS 30.510.

Further, the vast repository of traditional "Quo Warranto" related "case-law precedents" show that this Remedy was "Public" in Nature; and that through the "Information in the Nature of Quo Warranto", this body of Law included the Right to proceed "Criminally". As quoted above; "Corpus Juris Secundum" summarized that well.

Clearly, under his Private/Civil Form of Procedure; the Interest of the "State of Oregon" in it's "Public-Capacity" can-Not be served. This is true because the "Private-Party" Individual which is specifically authorized to Proceed under such Statutes as ORS 30.510, wound there-under be "Barred" from entering the "Public Realm". Such policy as this would surgically Abort the Guts of the ORS 34.810 "Quo Warranto" from the more-general 30.510 Statute. This would be in Direct Violation of the clear wording of ORS 34.810, which specifically mandates that these traditional and well-settled "Quo Warranto" Remedies for "Criminal Prosecutions" are to be Preserved to the Common-People under ORS 30.510. It would also Violate this Statute's indicators that these Criminal Remedies are to be Equally Available to the "Private Party" proceeding there-under, as to the "District Attorney".

By way of further example, a quick look at ORS 133.220 and 133.225, it is shown that "Private Persons" can make "Arrests" whenever they see "Crimes" Committed. Now "Reasonable" People will surely ask "Why" would the Legislature modernly allow "Private Persons" the Power to go around "Arresting" Criminals for "Public" Crimes, and there-by actually Risking direct Blood-Shed; and yet Not Allow those Same People the Right to "Prosecute" those "Public" Crimes?

Such is surely penny-wise and pound-foolish, dysfunctional; and "Inconsistent Sets of Directions" leading directly to the Sociological "Nervous Breakdown" of "Pablov's Dogs" as referred to by Professor Heart; as follows:

"The law which governs daily living in the United States is a single system of law; it speaks in relation to any particular situation with only one ultimately authoritative voice, however difficult it may be on occasion to discern in advance which of two or more conflicting voices really carries authority. In the long run and in the large, this must be so. People repeatedly subjected, like Pablov's dogs, to two or more inconsistent sets of directions, without means of resolving the

inconsistencies, could not fail in the end to react like the dogs did. The society, collectively, would suffer a nervous breakdown." Professor Hart; 54 Columbia Law Review 489-497 (1954)

Because 236.010 (as quoted above) shows that "An office shall become vacant ... if ... the incumbent is convicted of an infamous crime, or any offense involving the violation of the oath ..."; here-under, it is shown that Conviction of certain Crimes involving Violation of Oath to uphold the Constitution of this State of Oregon or the Untied States of America, Works That "Forfeiture of the Office", as referred to in ORS 30.510.

Here-under, and by way of "Relation" to this "State", and as allowed in ORS 30.510; "Private Parties" have the Right to Invoke Process to "Oust" an accused corrupted "Public-Officer" from his Office; and he has the Right to do this when the Only Grounds for such an "Ouster" is a "Criminal Act" alleged to have been committed by the "Public Officer".

Further here-under; the Artificial Limitation which is inclined towards by some Public-Servant Prosecutors and Judges Against allowing any "Criminal-Prosecution" by "Private Parties" would entirely Shut-Down the Ability of these "Private Parties" so-as-to Show that the "Criminal Acts" done by these "Public Officers" ... "Makes a Forfeiture of the Office ...".

Such an inclination to Prohibit such "Private Parties" from showing such a "Forfeiture of Public Office" by way of Complained-of "Criminal Acts" is a here-by clearly Proven to be a most serious "Error". Further, after such a clear explanation of these "dynamics of law" as presented here-in, any such interpretation by presiding public-servant Judges; may easily be construed by Juries who eventually try this case, to be Evidence of "Conspiracy" by such a Judge to Protect the Originally Criminally Complained of Corrupted Public-Servant.

The accompanying Criminal Complaint seeks to accomplish major reforms in the present manner in which governmental personnel accomplish their duties. This goal is sought through the prosecution and conviction of a large number of accused corrupted "Public-Servants", all of whom are taking criminally un-fair advantage of present Defects in our American and various State systems of government. "Public-Servant Prosecutors" are at the very Core of these Defects in our present system of government; and many may be named in the accompanying Complaint.

Such complaints indirectly seek to establish "Precedents", where-under Presently Centralized Control over "Criminal-Prosecutions" is Wrested From such "Public-Servant Prosecutors" as State and Federal "Attorneys General" and the Local County "District Attorneys".

Here-under; these "Public-Servant Prosecutors" have a "Conflict of Interest" as it relates to such Broad-Based Accusations as contained in the accompanying Criminal Complaint. Carried to its logical conclusion, and the People's Authority will actually gain its firm footing, and Common Americans every-where will discover that they can Directly Prosecute Criminal-Complaints. It is self-evident, that under such a scenario; the "Job Security" of these "Public Servant Prosecutors" is quite liable to "Wither and Die"; just like Karl Marx so declared that the "Communist State" would eventually do, under truly popularly-based governance.

The point is, that, if this Quo-Warranto/State-Ex-Rel Process is actually allowed to function for the Common People in the manners in which this State's Constitution and Statutes Requite; then in their most favorable light, these "Public-Servant Prosecutors" will have their Wages and/or Influence in the Community seriously Curtailed, simply because "We the People"

will have learned to address these concerns for our-selves, and there-by there will be much less need among us for their services. Because these realities would tend to Prejudice and "Taint" the most virtuous of the people who presently hold these offices; here-under these "Public Servant Prosecutors" should Not be allowed Control over this Criminal Complaint.

They might be allowed to assist, and they might even be ordered by this court to assist. This would actually be welcomed by these litigants. But such "Public-Servant Prosecutors" should Not be allowed in-to a position of Control of this case. Any accompanying Criminal-Complaint has been composed by common oregonians. The very Nature of wide-spread "Criminal-Conspiracy" alleged there-in, of Necessity Implicates a Prejudicial "Conflict of Interest" from with-in the realm of those "Public-Servant Prosecutors". For if such a wide-spread "Conspiracy" as this does actually exist, then of necessity that indicates at minimum that those "Public-Servant Prosecutors" have been turning a prejudicial "Blind Eye" towards those so commonly and openly committing such Crimes.

In fact, any such accompanying complaint will quite probably indicate that many such "Public-Servant Prosecutors" are directly Named there-in for Criminally-Abusing their present defacto Monopoly over the Criminal-Prosecution Process. It seems reasonable that such people would be quite likely to feel a sympathetic and prejudicial in favor of their fellow "Public-Servant Prosecutors". We presently see no scenario under which any person so employed could be trusted to impartially direct the prosecution of this case.

We realize this is an un-orthodox and novel manner of proceeding; and that perhaps it will cause some significant discomfort to many of the Judges hearing it. Yet we also realize that this State's "Rules of Civil Procedure"; at Rule 17, and governing the "Signing of Pleadings ..."; declares:

"Certifications to court. C(1) An attorney or party who signs, files or otherwise submits an argument in support of a pleading, motion or other paper makes the certifications to the court identified in subsections (2) to (5) of this section, and further certifies that the certifications are based on the person's reasonable knowledge, information and belief, formed after the making of such inquiry as is reasonable under the circumstances. C(2) A party or attorney certifies that the pleading, motion or other paper is not being presented for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation. C(3) An attorney certifies that the claims, defenses, and other legal positions taken in the pleading, motion or other paper are warranted by existing law or by a nonfrivolous argument for the extension, modification or reversal of existing law or the establishment of new law." Rule 17, Oregon Rules of Civil Procedure.

The general "Theory of Law" set-forth in these documents, is all centered around the idea of the "Em-Powerment" of the Common American People. Citations have been exhaustively presented here-in, supporting the idea that these concepts are very well-founded in this State' s Constitutional and Statutory Law. Here-under, the above-cited Rule 17-C is well-complied with, in that these Interpretations of Law are "warranted by existing law or by a non-frivolous argument for the extension, modification or reversal of existing law" .

The here-in presented citations can make the reality of this Law Clear to our fellow common disenfranchised working-class Americans. And these Ex-Rel Plaintiffs have an Ex-Rel Right to present these precise issues to them, through the public judicial-process sought in these

documents. More citations in support of all of this, are now presented as follows:

"And the Constitution itself is in every real sense a law - the "Lawmakers being the People themselves", in whom under Our System All Political Power and Sovereignty primarily Resides, and through whom such Power and Sovereignty primarily Speaks.

It is by that law, and not otherwise, that the legislative, executive, and judicial agencies which it created exercise such political authority as they have been permitted to possess.

The Constitution speaks for itself in terms so plain that to misunderstand their import is not rationally possible. "We the people of the United States," it says, "do ordain and establish this Constitution ..."

Ordain and Establish ! These are definite words of enactment, and without more would stamp what follows with dignity and character of law. The framers of the Constitution, however, were not content to let the matter rest here, but provided explicitly - "This Constitution, and the Laws of the United States which shall be made in pursuance thereof; ... shall be the supreme Law of the Land; ..."

The supremacy of the Constitution as law is thus declared without qualification.

That supremacy is absolute; the supremacy of a statute enacted by Congress is not absolute but conditioned upon its being made in pursuance to the Constitution. And a judicial tribunal, clothed by that instrument with complete judicial power, and, therefore, by the very nature of the power, required to ascertain and apply the law to the facts in every case or proceeding properly brought for adjudication, must apply the supreme law and reject the inferior statute whenever the two conflict." Carpenter v. Carter, 298 US 296 (1935)

The above citation clearly states that "a judicial tribunal * * * (is) required to ascertain and apply the law to the facts in every case or proceeding properly brought for adjudication, ...".

Here-under, the Judges before whom the accompanying complaint has been presented, are "Required" to "Ascertain and Apply the Law to the Facts" of this Complaint, directly against those Individuals named there-in". Another citation in support of all of this, is the following:

"We [Judges] have no more right to decline the exercise of jurisdiction which is given, then to usurp that which is not given. The one or the other would be treason to the Constitution." U.S. v. Will, 449 U.S. 200, 216, 101 S.Ct. 471, 66 L.Ed.2d 392, 406 (1980); Cohens v. Virginia, 19 U.S. (6 Wheat) 264, 404, 5 L.Ed 257 (1821).

The "predecessors in interest" of "We the People" Gave the Judges of this State their Franchise as "Public Servants" with-in Our State's Judicial Department. This has been Passed Down to Us Modern Members of our general State's "Body-Politic". Here-under; "We" have now come before the Judges of this State by way of our "Relation" there-to. Here-under; we are "Demanding" that such Public-Servant Judges exercise their "Original Jurisdiction" to "Try" this case. This means: "at the inception" of this case, from the Filing of the accompanying Complaint, For-ward.

"Burden of Proof":

The following citations show that the "Burden of Proof " is On The "Accused":

"A writ of quo warranto is one of the extraordinary remedies afforded by law, though it still retains some of it's ancient criminal aspects, such as enabling the court to fine the defendant, yet it casts the burden of proof upon the defendant to make disclosure concerning the facts averred, by the relator." State ex rel. Hallgarth v. School Dist. No. 23, Union County, 172 P.2d 655,

179 Or. 441. (1946) (Citation from 28 Oregon Digest, 2nd -86)

Quo Warranto: 2. *Pleadings* in *quo warranto* are anomalous. In ordinary legal proceedings, the plaintiff, whether he be the state or a person, is bound to show a case against the defendant. But in an information of *quo warranto,* as well as in the writ for which it substituted, the order is reversed. The state is not bound to show anything, but the defendant is bound to show that he has a right to the franchise or office in question; and if he fail to show authority, judgement must be given against him. Law Dictionary, by John Bouvier; 1868 - 1870

This is proper in the grander scheme of "the Law", because it is a "Privilege" to be a "Public Servant", and People En-Trusted with such Power should be "Vigilant" in Keeping such "Public Records" as to Prove that They are Exercising their Offices of "Public Trust" in Responsible Manners. As the above citations show, if such "Public Servants" are So Arrogant in their Abuses of Office as to Fail to Records the Lawfulness of their Activities, then they should be Immediately Removed there-from.

And that is precisely the Manner in which "the State" and we Plaintiffs listed in the accompanying Quo-Warranto /State-Ex-Rel Criminal-Complaint are Moving This Court.

Summary:

The earlier citations clearly show that "We the People" Are "The State". That means that "We" can proceed "State Ex Rel", because of our "Relation" to this "State". The accused Corrupted Public-Servants who are Named in the accompanying complaint, are there-in Sworn to be Regularly Administering Lawless and Aggressive Force against "We the People" of this Nation and State. This is Sworn to be a "Pattern of Behavior", as Recognized in State and Federal Racketeering Statutes. Here-under, these "Rogue Officers" have Defied the "Law". They are "Outside" of the "Sphere" of the Law. They are "Outlaw". Those who Break such Law have "Gone to War with the Community". Authoritative citations affirm this in the following:

"... the evidence which comes to us from England and elsewhere invites us to think of a time when law was week, and its weakness was displayed by a ready recourse to outlawry. ... he who defied it was outside its sphere; he was an outlaw. He who breaks it has gone to war with the community; and the community goes to war with him. It is the right and duty of every man to pursue him, to ravage his land, to burn his house, to hunt him down like a wild beast and slay him; for a wild beast he is; not merely is he a friendless man, he is a wolf.

"History of English Law; Frederick Pollock and Frederic Maitland, (1899). Cambridge University Press, Volume 2, Pages 449 and 450.

This citation shows clearly that in times past, "Any" Law-breaker was viewed as Being At "War with the Community". "Law" was a most serious and revered object, unlike seemingly today, with its insane number of malum-prohibitum based regulations, all designed to micro-manage the lives of responsible adults. "Law" was then viewed as a Godly and Religious Concern, not to be routinely violated by Licentious Licence of Rogue Public-Officials; as seems now the common practice. It was "Over-Arching Law", under which the Monarch him-self could be de-throned and punished.

Here-under, is shown that "War with the Community" is a Label which may lawfully be attached to All Law-Breakers. And while this most serious escalation of Judgement might be

tempered by a conscience-bound Jury, when examining the punishment appropriate for a hungry thief who stole a loaf of bread; yet when acting well-paid Governmental Executive and Judicial Officers are effectively Granted Licence to Conspire to Murder and Kidnap For-Ever, then Honorable Members of Our State and Nation's Constitutional Bodies-Politic consider it to be entirely Justified to describe these activities as "War Against the Community".

The present Multitude of "Crimes Against the People" which are set-forth in the accompanying Complaint, are greatly Similar to that set forth in most States "Racketeering and Corrupt Organizations" (RICO) Statutes. In Oregon this is done at ORS 166.715 - 166.720. Here-in; a "Pattern of ... Activity" is found to be the "Justification" for the Drastic Escalation of the Seriousness of the Charges. And we will Prove this "Pattern" At Trial. The "Pattern of Activity" which has been set forth in the accompanying complaint is there-in Sworn to be similarly "Conspiratorial" in its Nature.

Yet this "Pattern of Activity" goes way Beyond the mere Economic Focus of the RICO Statutes. The Crimes Complained-of in these documents are alleging Violence and Constitutionally-Subversive "Malice afore-thought". What we see here is a "Pattern" of "Lawlessly-Violent Activity". In this case; the concerns associated with the Racketeering Statutes, and their "Class A Felony" Penalties; are all "Insufficient" to Adequately Address the Epidemic Proportions of the Very Broad-Based "Pattern of Lawlessly Violent Activity" alleged in the accompanying complaint. This is much More Detrimental to the Peace, Safety and Happiness of "We the People" who Compose this State's "Body-Politic"; than mere "Racketeering" concerns.

Because of this Maliciously and Conspiratorially Criminal Circumvention of the Constitutional and Statutory Laws of this State and Nation by an Epidemic of Corruption amongst Corrupted Public-Servants; here-under, this all effectively amounts to a "State of War" against "We the People" of this Nation and State. In the "Eyes of the Law", as well as to Conscience-Bound and "Reasonable People" concerned here-with; these acts in turn amount to what is recognizable as: "Treason".

The accompanying complaining-parties are confident that at a Jury of such Conscience-Bound and "Reasonable People" as this, will promptly Convict the here-in Accused of the Crimes set-forth in the accompanying Complaint. Here-under, the previously referenced Racketeering-Based "Pattern of Lawlessly Violent Activity" is more effectively termed a "Pattern of Treasonous Activity".

The text composed here above should be Sufficient to Explain to "Reasonable People" the "Basis in Law" for this Complaint, and for this court to assume jurisdiction over it.

Composed in council with others, by:

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