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STATUS OF CITIZENS

The most significant identity an individual can have is his status in the world of law. From his position and standing in relation to the state flows his entire capacity to do, create, and exist at his highest level.

In the United States, a citizen has rights which are constitutionally guaranteed, not to be restricted by government. But there are natural rights and there are rights created by government, the difference being manifested in the status of the person in question. The natural rights, or rights at the common Law, are those belonging to natural persons--those people who are citizens in the United States and who possess the power of political action. These inalienable rights of men, as the Declaration of Independence calls them, are absolute in our governmental system, not to be infringed or abridged by any office or process of the governing powers. Only Natural persons or mortal man has political rights. These "institutory" powers are where we shall focus; the created rights held by subjects of

franchise, or other privileges granted by the State, are of another nature and not in the same class with the rights of men.

All law in America is based on the status of the individual. All legislation, judicial actions, and administrative policy is based on status, for there are different classes of citizens and subjects. (For example, under the 14th Amendment, "equal protection" is applied to corporate "persons" as "citizens," even though, strictly speaking, they are simply subjects.) Though a law be termed "general" and not special, it must be decided by the court as to whom it will apply. The application of laws, or statutes (as they really are only expressions of the law) is basically unknown as to the fullest extent of their range. Only in individual cases can it truly be determined according to the facts surrounding the respective case.

Therefore, the status of the party must be determined before the Court should proceed and before the Court can make an intelligent decision. How can status be determined if it is not pleaded? How can it be pleaded except by statements of fact, and of the constitutional application and intent of the particular statute in the case? The way to determining law is to plead all the facts in a case in such a way as to show the status of the parties, and therefore, the rightful scope of the statute.

"Where fundamental rights are in question, there shall be no rule making or legislation which would abrogate them."
(Miranda vs. Arizona) Among the most important rights the people hold are those protected by the Bill of Rights, but these are only a scant few of all the capacities, abilities and potentials

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of any one human being. The Bill of Rights were only a statement, brief and definite, that the Founders considered the Constitution to be a strictly expressed grant of political power by the people to a governmental structure designed to protect their rights first and foremost, and never, under any pretense, to violate any right held by the people.

Perhaps the right of greatest importance, of greatest value to the free citizen of these United States in his association with his fellowman and his government, is the absolute ownership of property. From this absolute dominion, said Thomas Jefferson, flows all free society, and without it, of course, comes dictatorship and oppression. If the owner of the property shall not have unconditional control and use of it---who shall? If the owner shall not reap the profits of the use of property, who shall? Who shall have the fruits of labor? Should it be the man whose right it is to labor? Who but a freeman can claim this right?

America was founded on this principle; that no taking of property could occur without just compensation. That is, if government should proceed to demand from the citizen some of his wealth, it shall be only in return for a just service, duly warranted, that was rendered him by government.

As the constitutional protection of rights is a joint effort between the citizen and his government, this protection is a voluntary one, arising from the consent of the individual, and he must pay for his own government, to whatever extent it serves him.

Whereas a corporation holds its wealth in franchise, or at the grace of government, and can thereby be taxed on the holding or the profits of that property. However, a natural person has an inalienable right to acquire and possess all the subjects of property, land, goods, etc. (Art. I Sec. I NEVADA Constitution), and not be hindered nor have his rights regulated by his government. A tax on an act is regulation of that act.

A tax which is based on the supposed value of a property specie, is a tax on the holding of the property. While taxation to pay for constitutional government is a demand on the possessions of a citizen, the just tax can only be for the services rendered to that citizen according to his particular status in law. To put it in general terms, the natural person has the least taxation upon him, while the corporation must bear the most. "For the natural person owes nothing to the state except for the protection he receives therefrom." (Hale v. Henkel) As Rights of property are natural rights, the Natural Person does not owe his government the returns or benefits of his possessions; the corporation does.

Contingent to the right to possess is the right to acquire. Acquiring property in a thing is often done with lawful money; a medium of exchange for all transactions. Without money, men would be severely hampered in their right to acquire. Fundamental rights of property, therefore, include the right to have and use a lawful medium of exchange.

But what if the medium has no purchasing power? What if

it will not pay debts? How can a man buy when he cannot pay the debt in the transaction?

The basic question in property rights is Quid pro quo, or something for something. This is the basic principle of all transactions of the market place, or between private parties. If a man give nothing and receive something, he has robbed his neighbor, and still owes him.

Money must convey property in something, else it is only a mutual debt. Debt is not a satisfactory proposition to everyone, so debt cannot be a medium of exchange. Article I, Section 10, of the Constitution states: "No state shall make anything but gold and silver coin a tender in payment of debt." (Roger Sherman's addition). The founders intended this to be the end of the question of money: gold and silver coin. At the state level, taxation is for duly constituted government, process in the courts, and all other legal transactions of the government. The protection of property rights are also secured in the states, by guaranteeing that no state can enforce collection of taxes or any discharge of debt in anything but gold or silver coin; that is, payment with specie which transfers legal title to property. This clause binds the states down. They are bound to operate at the Common Law.

History is rife with examples of the subterfuges and resulting oppressions and slavery from paper "money". The Founding Fathers wished, once and for all, to bar the door against this oft-repeated debauchery of the people's wealth. They knew

that no surer way to destroy a nation and the quality of life for all its people exists than the insidious horror of paper money, for it drives out the gold, and gives the power of government into the hands of the few (George Bancroft). Such, though, has been the situation in the United States since 1933. In fact, the door that opened on the economics of a totalitarianism, was with the founding of the Federal Reserve System in 1913.

The results of leaving behind the monetary system established by the Constitution have been disastrous, as could be expected. Jefferson warned against paper money and central banks. Washington considered it crime of the first water (order?) to allow a printing of bills of credit. The results have been far-reaching and insidious, reaching into every facet of life, and overturning, in due time, the very relationship of citizen and government!

For the overturning of the monetary system from one of specie to one of irredeemable paper has brought about the replacement of the Common Law by custom. It is well known that the merchant traditionally dealt in bills and notes, based upon customs called Law Merchant. He had his own "law" because he dealt not in substance (coin), but in promises, or "the potentiality of substance". Therefore, he was barred from the process of the Common Law courts.

Today, however, as there is no constitutional economic system, everyone is deemed a merchant in equity, or in the custom of merchants; this newer status brought on by his dealings of a mercantile nature. What happened to the Common Law? It went out

with the gold standard. Why Congress bragged of "suspending" the Constitution itself in 1933 when they repudiated the gold standard dollar and all such obligations in House Joint Resolution 192 (now 31 USC 463).

Is it possible that there was a plan, or several plans, as to the kind of laws which could be promulgated upon this "new society" where supposedly no one operated at the Common Law any more?

Of course it is possible, for HJR 192 opened the door for infinite application of the Law Merchant at the Federal level, and the regulatory Roman civil law at the state level. And with the bounds of the Common Law removed from all business transactions, all business fell into the class of privilege, just as merchants had always operated. The incredible growth of regulatory law, taxes, and bureaus has been based upon the new "status" created by Congress in a statement of policy that all persons operate under corporate capacity and, therefore, can be taxed and regulated as such.

And true enough, the natural person who does not deal in banks and credit is rare today; almost everyone has given up the status of citizen at Law for the "convenience" of transacting business in credit. This is essentially the privilege of limited liability for the payment of debts. This is a corporate privilege not existing at the Common Law; therefore the jurisdiction over these acts is one of a commercial nature.

But does this mean that there are no citizens who can and do operate at law? This leads to the question of the

Constitution.

Is the Constitution a statute enacted by Congress?

Or is the Constitution the people's government and the Supreme Law of the Land?

If a statute, then it pertains to only a class of persons, who, by reason that there is no lawful money today, are, in fact, extinct.

If the Constitution be the Supreme Law of the people, by the people, and for the people, then it is the birthright of all citizens of the United States, never to be repealed or undermined by Congress. If a birthright, then it is recoverable at any time, for like the Prodigal Son, a citizen may choose to leave behind a life of the alien and return home to the law of his fatherland -- the Constitution.

In this day of economic strife and destruction, the proposition of changing one's economic status might be increasingly desirable to a citizen. How is he to do this? Through the establishment of a central bank and the repudiation of payment of debts by Congress, the American people were placed upon credit of the Federal Reserve System. As credit does not pay debts at Law, and because there is no lawful money in circulation today with which to pay debts, the citizen is, in fact, an insolvent upon bank credit, using credit to transact business. Not even the Federal Reserve Note can pay a debt, for it is legal tender for debts and not in payment of debts. (Note: Article I, Section 10, says "No state shall make anything but gold and silver coin a tender in payment of debts.")

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Yet acts of congress cannot violate the Constitution. And the fact is that congress has attempted to overthrow the Bill of Rights and negate the property rights of every American by removing from the people their sovereign medium of exchange mandated by the Constitution itself.

The Congress, on June 5, 1933, bragged of "suspending the Constitution" itself by repudiating payment of debts. This act, in conjunction with acts of the President, deluded the people into giving up their gold coin in exchange for paper intended to be irredeemable thenceforward. As a congressman of the day remarked, these acts had for their design the establishment of a new form of government.

By creating a new status of insolvency nationwide, the congress opened wide the door for a new system of law; regulatory, commercial law promulgated by ministerial agencies, bureaus, and magistrate courts at both federal and state levels. For all persons of the insolvent class, or in other words, all those dealing totally without lawful money in their business affairs there is a body of customs and usages termed law merchant, or mercantile equity, long used by merchants since the 13th century to expedite disputes in commercial contracts. The custom of merchants is largely enacted under the terms and principles of the Civil Law in the states by the legislatures.

How does this affect the status of a citizen in the court? Due to the economic situation, it is assumed that all persons operate on credit and that the common Law is nowhere applicable. All are assumed to be "merchants in equity," and

thereby governed by the "general commercial law."

This brings us to the Erie R. R. v. Tompkins case of 1938. It was a landmark case because it overturned the 96 year old doctrine of Swift v. Tyson. Stated in Erie, "there is no general federal common law," meaning that there is no base of common law generic to the states. This decision was a direct ratification of HJR 192, passed five years earlier, and effects a repudiation of the basic principle of the Constitution, that the people as one created for themselves as Americans a general law and a supreme law, binding upon every government official in the United States, both state and federal. It is the birthright of every natural person who is a citizen of these United States, never to be abrogated, repudiated, diminished, or "suspended" by the governmental offices it created, or by any other office created under "commercial law."

In fact, Erie implied that the "commercial law" or law merchant, was the province of the state as common law! This travesty of decisional law is the central issue today for anyone wishing to maintain a status of citizen at law, for it necessitates a statement of repudiation by the person himself. This could be called an equity disclaimer statement.

"This natural person is by all intents and purposes a merchant and trader at law on a cash basis, without recourse to Standard Lawful Money, and enjoys no privilege of limited liability for the payment of debts. I deny all jurisdictions of mercantile equity brought on by HJR 192 of June 5, 1933, expressly Law Merchant, Roman Civil Law, and Admiralty Law, and demand all of my rights at the Common Law."

A statement of this sort is the beginning pleading in

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any case today in order to establish the Common Law status of the party in court. As mentioned above, the application of laws is the court's function. If status of one of the parties is a bar to the action, then it must be so pleaded, by stating the facts surrounding the case, and the facts surrounding the law.

Laws are intended to operate upon the privileged person, being a corporation or otherwise enfranchised individual. There is another fact to surround the law -- intent of the lawmakers. In NEVADA law, that is the decisional law of NEVADA'S highest court, if there is a question between an application of a statute which would be unconstitutional and one which would not, the choice must be in favor of the lawful application so as to preserve the statute. Therefore, in the individual case, it is far wiser to plead that the application of a certain statute in that case would violate rights, that to plead that the statute is unconstitutional; for, one can easily see, the statute may have an application in some othercase, making it a constitutional law. It is assumed in our law that the Legislators were aware of their limits and intended no violation of the supreme law in any enactments.

To whom does a statute apply? That is the question for the Court's judgement. Policemen on the street, or bureaucrats or agents cannot decide for themselves, and they should be so instructed. The Courts are the forum for redress of grievance, and let the word transmit to the Legislature of its ignorances.

Respectfully Submitted,

William E. Wagoner Jr.

WILLIAM E. WAGONER JR.
A FREEMAN WITHOUT COUNSEL

CERTIFICATE OF SERVICE

I, William E. Wagoner Jr., do hereby certify that I delivered a true and correct copy of the foregoing document on this 11th, day of October, 1984, to the Douglas County Records Office in the county of Douglas, in the state of Nevada.

William E. Wagoner Jr.
William E. Wagoner Jr.
A Freeman Without Counsel

JURAT: I, Notary Public in and for the State of Nevada, residing at ZEPHYR COVE witness that on this day, one known to me to be the above signature, did personally appear before me and upon the above expressed and implied oath or affirmation and verification, affixed the above executed signature hereto.

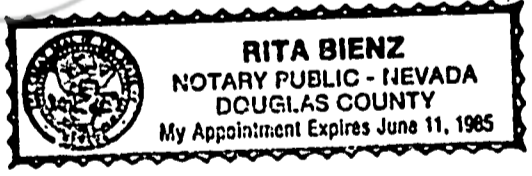
My Commission expires on June 11, 1985

Rita Bienz
Notary Public

10-11-84
Date

Seal

REQUESTED BY
William Wagoner Jr.
IN OFFICIAL RECORDS OF
DOUGLAS COUNTY, NEVADA



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SUZANNE DELOREAU
RECORDER

\$16⁰⁰ PAID. Bh DEPUTY

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