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# COMMON LAW PROCEDURE ON ABATEMENT

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## THE ABATEMENT

(Author Unknown)

In regard to questions of law, jurisdiction, venue, and other issues, most Americans are ignorant of what is going on.

The ignorance (not stupidity) makes the people slaves to the courts, government process, and court procedures which makes it easy for governments to gain convictions, impose jail sentences, and levy enormous fines.

Do you know of any Agencies of the Federal, State, County/Borough, or City governments that has ever revealed:

Applications for Driver's Licenses, Registration, License Plates, business licenses, etc., are nothing more than "unconscionable contracts" that subject the people to "foreign courts" under "Emergency Powers" that amount to "Martial Rule?"

That signing such applications is purely voluntary! You have the right to do these normal activities **WITHOUT** such applications?

That such applications are for "benefits," "privileges," and "opportunities," that justify denial of Constitutional Protected Rights that we were born with?

That the people cannot acquire true or "allodial title" to any property purchased with such applications?

That when one hires an "attorney-at-law," the hiring of that attorney automatically denies the individual to the procedures that can protect his/her freedoms?

The answer, of course, is **NO!**

The reason the people were never told - openly - is because the Federal, State, County/Borough, and City governments would lose billions of dollars in revenue. After all, were we not told that "ignorance of the law is no excuse!"

We are not saying that we are the victims of a great conspiracy because all anyone needs to know about this legalistic fraud is found in the public record (if you know were to look). In short, it is not hidden under a rock somewhere.

Americans are ignorant of what the law and lawful procedure is and this ignorance has cost the people their very lives, liberty, and property on a scale never seen before in the United States of America.

The solution is obvious! Teach the people the real law, the lawful process, and procedures in such a manner that they can defend themselves "in-law."

If the people was to learn the basics, the emergency powers, and the government of martial rule; the profits would disappear and these governments would be forced to return to the common law and the Constitution.

We begin with "Abatements as a Public Nuisance" for a variety of reasons, namely:

Abatements respond to the majority of the emergency powers paperwork of the government.

Abatements are simple to understand.

Abatements have the power and effect of an "Indictment" and/or the filing of a case or suit.

Abatements that go unanswered, (with a "Default" filed) are "res-judicata." In other words, the "Default" is final judgment. The issue cannot be re-tried without violating *Article V* of the *Bill of Rights* to the *U.S. Constitution*.

To the best of our knowledge, every Abatement that was properly filed has succeeded in stopping all martial-rule government processes.

Abatements are very low in cost for those who can file their own paperwork. The costs very seldom exceed the fees of the Processor Server.

Abatements that are properly filed are "Public Records" of unlawful acts by governments and they can be used to prosecute such entities if and when lawful governments of the people are restored.

Abatements are a major tool in rolling back emergency powers and martial law governments.

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## WHY ABATEMENTS WORK

To understand why abatements work, we must examine the general nature of:

Emergency Powers, /[1](#)

Martial Law, and

Martial Rule. /[2](#)

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## CHARACTERISTICS OF EMERGENCY POWERS

**NOTE:** The term: "emergency powers" is generic, as used herein. It means any form of military style government (i.e., "martial law" or "martial rule"). Martial law and martial rule are not the same.

## FIRST:

Nations declare "emergency powers" under the "Doctrine of Necessity" when a calamity occurs (e.g. wars, riots, rebellion, national collapse, etc.) that cannot be dealt with in a normal, peaceful manner. This has been the normal manner of dealing with these emergency situations for the last hundred years. Emergency powers are supposed to be only a **TEMPORARY** measure to deal with a crises. When the crises ends, the emergency powers are suppose to end.

In the United States of America, emergency powers were declared by **Franklin D. Roosevelt** in 1933 to be used in the Bank crisis that was in progress when he came into Presidency.

In fact, the crisis was a figment of the bankers' imagination; but it suited **Roosevelt's** plan to seize and maintain control of the nation by "Executive Order."

The Congress "rubber-stamped" **Roosevelt's** E.O's and the federal power grab was on. From that day (March 9, 1933) to the present, America has been under a state of National Emergency and the people have been systematically exploited by every President since. The Congress works to maintain and justify the enormous growth in the power structure of the federal government.

The states of this Nation co-operate with the federal government because they also benefit from a massive increase in their tax revenues and powers.

## SECOND:

The area over which "emergency powers" may be declared can cover a part of a state (city or county); several states, or an entire nation as is the case today.

## THIRD:

The single most dominant feature of all emergency powers government(s) is **UNLAWFUL** civil authority. Civil courts cease to exist and they are replaced by "Courts of Summary Judgment" with the appearance of legitimacy but without substance. /3

The Court's process and procedures are a mix of rules from previous lawful courts and military courts. Traffic Courts, for example, are "Courts of Summary Judgment" that are using "military rules" as applied to civilians.

An example of this is seen when defining "traffic infractions." "Infractions" are not defined in most state Codes, but is defined in "The Manual of Courts Martial" (1994) /4

along with the terms of "contempt," "appeal," etc., and in other military sources. This, by itself, should tell us all something.

#### FOURTH:

Emergency powers government(s) vary in the degree of the emergency declared. The most extreme is called "Martial Law." The benign, less restrictive form is "Martial Rule." Currently, the United States is under the less restrictive form called "Martial Rule."

"Martial law" puts all major resources in an emergency powers area (i.e., transportation, food, minerals, metals, communications) under the direct control of the Nation's Armed Forces and its Commander-in-Chief, the President of the United States.

In its raw sense; "martial law" governs via "democracy," not a "republic." "Military law" uses "municipal law." Courts are draped with quasi-civil (republican) forms of law, evidenced by draped Military Standards in Court rooms (i.e., the gold-fringed flag of the United States mounted on a pole).

Lawful civil authority never flies Flags, only "Banners" (which are always hung from the top of the Flag with the red and white stripes hanging vertically). Banners are never hung on a pole. Banners on a pole never represent civil authority, only military authority on the march. /5

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## EVIDENCES OF EMERGENCY POWERS

#### FIRST:

Under emergency powers, there must be an active and visible occupation of the land by armed troops of the entity that declares emergency powers. This is called "open and notorious, armed and hostile, occupation of the land."

Is there an armed occupation of America? The answer is: **YES**.

Under the guise of national emergencies (hurricanes, floods, earthquakes, etc.); all National Guard units were "federalized" and all policemen, firemen, highway patrol, state marshals, and county sheriffs were placed under control of the Guard since 1972. They are all under the control of the "Federal Emergency Management Administration" (F.E.M.A.) who is the cover for the centralization of military and law enforcement

powers under the Federal government and the Commander-in-Chief, the President of the United States.

Though the law enforcement officers may not know it; they are a force occupying the land for the Federal government. We, the people, are held hostage by our own neighbors.

The reason why "Active Duty" federal forces are stationed in all National Guard Armories is obvious. They are there to sustain the emergency powers control of the states and counties by the federal government and to maintain "martial rule" in the hands of the President as Commander-in-Chief.

By these means, the federal martial rule government maintains "open, notorious, and hostile, armed occupation of the land."

### SECOND:

Military law only recognizes "municipal law." So the states had to create Municipal Courts to punish "infractions" of Motor Vehicle Codes. Such courts fly the FLAG of the Commander-in-Chief, (gold fringed Flag) and they are really an arm, or extension of the power of the President. Their primary function is to collect "war reparations" through "fines," "penalties," etc.. They all operate as "quasi-military" courts using summary court martial proceedings.

This is why such Courts only try "matters of fact" and why Judges make and declare law on a case by case basis without the controls of precedent or constitutional restrictions. Municipal Court Judges do this because they act for the Commander-in-Chief (in the field) under emergency conditions. Judges make decisions to resolve the case under "Doctrines of Necessity." In such courts; the Constitution, Supreme Court Decisions, and Civil Stare Decises, are not permitted.

Under emergency powers, the final authority is always with the Chief Military Commander (which in this Nation is the Commander-in-Chief, [i.e., the military office of the President of the United States]).

This accounts for the "Executive Order" snow storms since **Franklin D. Roosevelt**(who openly declared of his seizure of Emergency Powers in March, 1933 [via Executive Orders]).

"Executive Orders" have the force and effect of law when they are published in the Federal Register (and by this means they become: "Public Policy").

### THIRD:

Under emergency powers, there is no lawful civil or constitutional authority and there are no **LAWFUL** Civil Courts. And without

Civil Courts, there can be no lawful civil or administrative process.  
This is the key to understanding why "Abatements" work.

All emergency power process **MUST BE DEFECTIVE** in form, content, and authority when such process is compared to lawful process. And as defective as it is, **IT IS VALID IN ALL CASES EXCEPT WHEN ABATED.**

All court appearances are **VOLUNTARY** because the Process Rule is: **ALL DEFECTS OF PROCESS ARE CURED BY VOLUNTARY APPEARANCE.** Lawful or constitutional process has no bearing on the case. It does not matter how many errors one finds in the Process from emergency powers courts, if you appear, you have informed the court that you have waived the defects of process. Submission to defects in process waves the protection of fundamental rights.

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## **SPECIAL APPEARANCES**

There are many who believe that special appearances (by paperwork, motions, etc.,) nullify a Court's jurisdiction. Under emergency powers, this is a false doctrine.

There are no remedies in challenging a Court's jurisdiction except by abating its process.

### **FIRST:**

"Abatements" are not a challenge to a court's jurisdiction, they are merely a "good faith" attempt to correct errors in process (i.e., "clear up the errors, judge, and I will appear").

"Special Appearances" fail when a Judge knows what he is doing. Under "Martial Rule," Judges do whatever they want, whenever they want, so long as he does not alarm the public or disturb the peace.

Jurisdiction is always granted to try jurisdictional questions, even if one goes to higher Courts. Defendants grant jurisdiction without knowing it, because they never challenge the process that creates the jurisdiction. "Process" is perfected by "appearance," special or otherwise.

Also the Court is not the building nor is it the Judge or anyone else. It is the paperwork. If the Court's paperwork is defective, there is no Court and it ceases to exist.

By necessity, field Officers (Judges, Highway Patrol, State Troopers, Sheriffs, etc.) exercise powers of life and death to maintain authority given to them by International Law that prohibits lawful civil authority or constitutional mandates because such

procedures are too timely and clumsy for military, quasi-military, operations. Constitutional and Common Law precedents are too restrictive of Federal, State, County/Borough and City powers.

Military Courts exercise "benefit of discussion" /6 that gives a Court jurisdiction as soon as a Demandant answers a question or demands any response or action of a Military Court.

## SECOND:

"Arrest Warrants" and Procedures do not conform to Constitutional Law because they don't have to if a Defendant appears in person or by "special appearance" paperwork.

"Arrest Warrants" with a Judge's signature (black ink) and proper Affidavits with true Court seals, are instruments of lawful process and cannot be used in emergency powers courts.

## THIRD:

Federal, State, County, and City emergency powers Courts (and other entities) manipulate the English grammar to protect their own International Law status. Thus, a state either writes its name as "The State of Alaska" (instead of "Alaska State") or in caps (instead of proper upper and lower case letters), or they use abbreviations such as CA, AK, TX, MT, KS, and so on, ad nauseum, all of which are "misnomers" and are not names at all.

Also, International Law requires that neither party to a case (the State and the person) can appear in their own name, but only under the nom de guerre (war name), as indicated by a name in all caps or one name with an abbreviation.

Be reminded that Emergency Powers Courts have no lawful process because they have no lawful authority. All Process by such Courts is therefore "defective" because the Courts are forbidden to use lawful Process unless and until it is voluntarily given to them.

The real irony is that the Federal Government (in cooperation with the States) have created "Emergency Powers Courts" to expand their power and increase revenue. But by doing so, they have become vulnerable to lawful Process.

Furthermore, there is very little that they can do about it now without coming directly into conflict with International Law. This is why the United States government will never pull out of the United Nations because the United Nations is the source of authority for the the United States to protect itself under International Law.



The point is if one who brings a properly written lawful Process against unlawful Process, he/she will prevail.

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## ATTORNEYS - AT - LAW

**A WORD OF CAUTION:** One who hires an Attorney-At-Law cannot bring a lawful Process against an Emergency Powers Court because Attorneys are Agents of the Court (Officers of the Court) and they only use the Process allowed by the Court (that licensed the Attorney to practice before that Court). /7 All "Bar Members" are Agents of Emergency Powers Courts. You must, therefore, **never** hire an Attorney to appear on a case in an Emergency Powers Court. Doing so makes one "non compos mentis" (i.e., not mentally competent) and automatically gives the Court jurisdiction over one's self. /8

"Arrest Warrants" (with a signature of a Judge [black ink] that is supported with proper "Affidavits" and "Court Seals") are lawful Processes and they cannot be used within Emergency Powers Courts. That is why such "Warrants" are never proper.

What about the Constitution of the United States of America in all this? Basically (without lawful Process or authority), the Constitution is a dead letter, a facade, that is manipulated at the Federal government's whim because lawful Process, itself, is based upon the Constitution and thus the Process is inter-dependent.

**Abraham Lincoln** set the precedence for the subversion of the Constitution during the War between the States in 1860. /9 The Federal government's use of the Constitution came down to this: If the Constitutional fits a federal need, it is used. If the Constitution doesn't fit, it is ignored. /10

This is why so many U.S. Supreme Court decisions (e.g. "Right to Privacy" cases, "Abortion Rights, Social Security, etc. [for which there are no Constitutional precedents]) are made. A "social agenda" is impossible without "Doctrines of Necessity" and "International Law" to justify the imposition of Emergency Powers as a first priority.

Keep in mind that there is no "Federal Social Security" before the passage of the "Internation Labor Organizations Treaty" of 1935. This "Treaty" mandated a social consciousness and enfranchisement of the masses. This process ended in the massive entitlements programs that the people are burdened with today.

The hidden Constitutional problem for Americans under Emergency Powers is that all Constitutional Rights become "privileges" that can be given or taken away at whim, by necessity and International law. Do you recall Mark Furman replying to all questions in regard to the infamous slander tapes in *California v. Simpson*? Did he not declare that: "I

wish to assert my Fifth Amendment "**PRIVILEGE**." Mr. Furman did not assert a "**RIGHT**" - only a **PRIVILEGE**, using the words given to him by his attorney/agent of an emergency powers Court.

"Privileges" (being removable at a Commander-in-Chiefs' whim), tells us why the Congress feels so free to modify Constitutional Rights, (such as those in the 2nd Amendment [i.e., "gun ownership," etc.]).

The remaining question is: "How are Emergency Powers and Martial Law, (or Martial Rule) terminated?"

### FIRST:

A Commander-in-Chief can terminate emergencies by Executive Orders (E.O.'s). Upon such an Order, the emergency ends on a specific date and time. But a lawful civil authority must exist (United Nations?) to which he may cede authority.

### SECOND:

If one is conquered by another, the conquering power can terminate Emergency Powers by its own Executive Orders or decrees. This point deserves some expanded discussion for reason which will become clear in a minute. We must remember that the United States is, by International Law and Supreme Court decisions, "a foreign principal" with respect to the states of the Union. Furthermore; under "Title II" of the "United States Code," **THE CONGRESS is not POSITIVE LAW, only a Resolution. /11** This means that this "USC Title" stands only until it is successfully challenged in the Courts. Why is this? Did not the Congress abandon without proper recess, its first Session during Lincoln's administration in 1860? Does this not tell us why the United States flag flies over all state flags since **Franklin D. Roosevelt's** "Executive Order" changed the "Trading with the Enemy Act" of 1917.

### THIRD:

The emergency can be terminated by the people **IF** they restore lawful Civil Courts, Processes, and Procedures. And under the authority of "inherent political powers," re-establish proper civil and "de jure" government. **ABATEMENTS** are a primary tool in achieving a peaceful and lawful restoration of Godly authority to this Nation. By now, you, the Reader, can see why "Abatements" are one of the most important tools the people have. If the people lawfully resist any submission to Emergency Powers Courts,

Process, Procedure, and the unlawful paperwork that are responded to by lawful Process, would be nullified - ab initio, nunc pro tunc.

If the people were to restore lawful Process and Procedure, how would they restore lawful authority in the Courts? The answer is by re-forming lawful jural societies and use the remedies provided in the Bible (Christianity, Common Law, and Assize Courts/Juries, in conjunction with the Grand Jury), where necessary.

On the subject of Christianity; we cannot forget that it is **STILL** law and adopted as such by many states. In the Old Testament we find not just our moral law, but Godly rules of restitution as well. The Holy Bible is the standard of law on which the Common Law is based.

"Common Law" grew out of English medieval ecclesiastical Courts where the people had no access to the Kings' Bench. In the Christian churches, the people found true justice based upon the Bible. And most important, the Biblical common law connects the Bible with the Constitution of the Untied States of America.

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## **A WORD OF WARNING**

The Federal, State, County/Borough, and City governments **WILL NOT** assist the people in restoring Common Law and the Constitution because it is not in their interest to do so. Why? Because the entire system of welfare, income taxes, the codes, ordinances, rules, regulations, and bureaucracy, would cease to exist in very short order - within the states.

Let us turn to the Abatement process and examine its form and content and see how its process is implemented.

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## **GENERAL CHARACTERISTICS OF AN ABATEMENT**

The technical form of an "Abatement" is basically the same as any other Process Form.

At the top of the Form is the "Location" as to where the Defendant is to send his/her reply to the Demandant's Abatement.

Next is the "Heading" that states the name of the Court and its location.

Below the Heading and to the left side of the page is the "Place" where we state the "name" and "status" of the parties to the action (Demandant and Defendant).

Below the Heading and to the right side of the page is where we state the "case number" and the "type of action" (e.g. Plea In Abatement).

Following the sub-headings (3 & 4 above) is the "main body" that states the "law and maxims" that justify issuance of the action (In this case, it is an "Abatement").

In a typical Traffic Citation Abatement, the Demandant's Abatement Form may look like this:

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Respond to: Christian Name  
General Delivery  
Van Nuys, California

superior court, Los Angeles county, California

-- Christian Name --, Sui Juris, )  
Demandant, ) Sheriffs' Case No.

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)  
against, )  
) Part One  
L.A. VALLEY MUNI COURT, )  
21201 VICTORY BLVD. SUITE 120 ) Plea In Abatement  
CANOGA PARK, CA 91303, )  
Defendant. )

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Notice the above Form:

The Abatement filer is "Demandant" and the person to whom the Abatement is sent is called the "Defendant."

The use of the term: "against" instead of "versus."

The lower case spelling of the name "superior court."

The Defendant and Defendant's "address" is spelled out in all upper case letters.

The Demandant's "location" is to "General Delivery."

The designation "Part One" is in the Common Law venue.

The uniqueness of the Abatements written form is explained further. The key to successful abatements depends upon several subtle differences between "emergency powers forms" and the "in-law forms."

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## WHAT IS IN A NAME?

In the "Heading" of the Abatements there is a correct way and a wrong way to spell the name of the Court in which the Abatement is filed. There is a correct and wrong way to spell every name on any piece of paperwork issued to or received from a Court or any other government entity as the "Rules of English Grammar", make clear.

**THESE PURELY TECHNICAL POINTS MUST NOT BE IGNORED.** They mean the difference between the "success" or "failure" of the Process. In English Grammar, capitalizing the first letter of a noun makes it a "proper noun" denoting a specific individual, place, or thing. In law, capitalizing means that the Process was sent to a **SPECIFIC** place or thing (type) of Court. The same name (un-capitalized) is a different Court of General Jurisdiction or Common Law.

The spelling of a Demandant's or Defendant's name also makes a difference in who the Demandant or Defendant is. One whose name is spelled in all "caps" is a 14th Amendment "person." One whose name is spelled as a proper noun is not a person, but is a "Christian." The spelling determines whether the parties are "real" or "fictitious."

If the Demandant's and/or Defendant's name is spelled in all upper case letters, the spelling fails to conform to English Grammar Rules, but still has specific meaning in Emergency Powers Courts.

Any name that is typed in all upper case letters is a "nom de guerre," or "war name" that is evidenced of who and what the Court or person really is. **ONLY COURTS UNDER EMERGENCY POWERS USE ALL UPPER CASE LETTERS TO SPELL NAMES.** Emergency Powers Courts cannot use lawful grammar rules because they are used only in lawful Process. **ALL DOCUMENTS CREATED BY EMERGENCY POWERS SPELL THE NAMES OF ALL PERSONS, CORPORATIONS, OR OTHER ENTITIES (including Addresses at times) IN ALL UPPER CASE LETTERS.**

To prove this, check your Driver's License, Social Security Card, Union Card, Credit and Insurance Cards, etc., and see how often your name appears in upper case letters (or abbreviations to your name). If you find a card that does not spell your name in upper case letters, it is because the card is either old or the issuing entity is ignorant. It may be

also that the entity does no "trade or business" nor accepts a benefit, privilege, or opportunity from emergency powers.

Often, whole documents (i.e., Verified Complaints) are typed in upper case letters by District Attorney offices, especially in traffic cases. Where the "Complaint" is not in all upper case letters, only key names (e.g. addresses and entities) are in upper case letters or abbreviated.

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## THE MAIN BODY

The first item in the "Body" of the Abatement Form is the "statement of correction of spelling of Demandant's name." The Demandant must state his/her full, true Christian name in proper English grammar (upper and lower case letters). **THE DEMANDANT MUST SPECIFICALLY DENY THAT A NAME APPEARING IN ALL UPPER CASE LETTERS IS DEMANDANT'S NAME.** You must remember that no man can be **LAWFULLY** sued in any but his properly spelled, full Christian name (first and middle name). Use the word: "Christian" to describe your name because this is how the Common Law describes it.

In regard to Abatements filed against the Internal Revenue Service (IRS), the IRS has responded to the spelling argument and "re-issued" the paperwork with a change in the spelling of Demandant's name by spelling it with upper and lower case letters, but it is never a true Christian name because they always changed one name to an abbreviation. The Common Law says: "an initial is no part of a name and is defined as a "misnomer."" /12

Christians cannot have two names, i.e. a Christian name and a nom de guerre. We are baptized in one name that includes a first and second name. Emergency Powers gave us a second name that "slanders" our Christian name. No man can be prosecuted without giving consent to Process from an Emergency Powers Court.

Your full Christian name may be: John Kenneth Doe, but the IRS will always submit their paperwork with J. Kenneth Doe, or J.K. Doe, or John K. Doe, or JOHN KENNETH DOE, none of which are a lawful Christian name. By responding with another Abatement that notes the error, the IRS has no choice but to go away. The point is - all emergency powers entities know what they are doing and why.

Some of the items in an Abatement are common to all Abatements and some are only specific to emergency powers entities. The items in an Abatement's Body fall under "Chapter Headings" and are both general and specific in what they say to a Defendant. **BE ADVISED THAT SPECIFIC ITEMS TO AN IRS ABATEMENT ARE DIFFERENT FROM SPECIFICS IN AN ABATEMENT TO THE ANY OTHER**

GOVERNMENT ENTITY. Let us examine those general items of error that are listed in all Abatements.

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## THE ABATEMENT MAIN BODY

### (General Characteristics)

Generally in writing an Abatement Body, items listed are Emergency Powers Process errors in spelling and capitalization of words. **A WORD OF WARNING:** Emergency powers entities are "masters of deception" in using "choice of words" and wording in a Process.

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## WHAT IS IN A WORD?

One may see a phrase similar to the following in Emergency Powers Process:

**"You must appear at ....."**

At first glance, this sentence appears to demand a Court appearance in person, but in law, "must" means "may." What is really being said is:

**"We invite you to appear ....."**

The bottom line is that your physical appearance is voluntary, not compulsory. But if you fail to answer the Process, voluntary or not, a new Process comes back and this time the wording will be "mandatory." This Process is issued because you had opportunity, time, place, and a date to respond and you didn't. **YOU ARE NOW IN DEFAULT OF PROCESS.** By not answering concedes jurisdiction over you to the Emergency Powers Court.

You had time, place, notice, and opportunity. Your failure to do so made you vulnerable. Now, you will be compelled by "Warrant of Physical Arrest" at the emergency powers convenience to appear. Of course, the Arrest Warrant (and subsequent process) will be just as defective as the first, but because you didn't respond, the government knows that you have no lawful process and are thus "defenseless." The emergency powers government can feel safe to proceed against you even with faulty Process. And remember

- if you are in jail, it is tough to write good Process because you will then be considered a "prisoner of war" and denied all the normal assistance the volunteers get.

Other words used in deception are: "Notice of," which means: "an invitation to." This is an invitation to whatever the other noun or subject was on the document. "Notice to Appear," "Notice of Trespass," "Order to Show Cause," "Order and Demand," and many, many, others, are similar kinds of deceptive word games.

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## THE LETTER

Emergency powers entities often write their first Process in the form of a letter that is steeped in codes, ordinances, rules, and regulations. The average man normally responds to the letter with a letter that doesn't challenge their Process as in an "Abatement."

On the question of the use of a letter, the law is very clear. "Letters" have no force or effect in law and therefore, **YOUR LETTER IS NO ANSWER**. It matters not that they sent you a letter, **YOU CANNOT RESPOND WITH A MERE LETTER**. The letter from an Emergency Power Entity has one purpose, and that is to feel out the victim and see what he/she will do. If you volunteer and don't respond with an Abatement, it is a slam dunk for the government and you are the "*Slamee*."

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## SPECIAL NOTE

All Abatements discussed herein are "Non-Statutory." This means that they do not depend upon an de facto government statute, code, authority, ordinance, rule, or regulation, to give them lawful effect.

There are only two authorities used in these Abatements. They are the Common Law (and the Common Law Codes where existent) and Maxims of law. **DO NOT USE ANY CITES FROM ANY COURT DECISIONS** because they are all based on statutory authority - not law (this includes decisions of the State and Federal Supreme Courts). Using **ANY** statutory authority **DESTROYS** the force and effect of non-statutory Abatements and opens the door to emergency powers statutory counter-attacks.

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## **SPECIFICS OF AN ABATEMENT**

Specific statements in Abatements apply only to the specific Emergency Powers who have sent papers to a potential Defendant. You would use statements in IRS Abatements that you would not use in Traffic Court or State entity Abatements.

The following specifics may be used in almost any Abatement with the appropriate modifications to account for the entity you are dealing with.

"Your items are refused for cause without dishonor and without recourse to me and returned herewith because they are irregular, unauthorized, incomplete, and void process."

"All documents were received but not accepted."

"Your agents are imposing provisions of a contract counter to public morals."

"your paperwork has failed to affirmatively show your entry upon my privacy."

"Your paperwork alleges violations of law foreign to my venue, which no oath, promise, or law, attaches me thereto."

"Your office is not established in the (whatever State) Constitution.

"Your paperwork has no foundation in law for the reason that they are not from an office recognized by the people or general laws of (whatever State).

"Your paperwork has no warrant in law and are not judicial in nature."

"Your paperwork is not sealed by the recognized authority of the (whatever State)."

"Your paperwork is incomplete and defective upon its face due to insufficient law."

"Your paperwork does not have upon its face, my Christian appellation, nor do the additions in the compellation upon the items herewith returned, apply to me."

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## **IRS SPECIFIC EXAMPLES**

What follows are specific statements to be made to the Internal Revenue Service.

The IRS employees are not state judicial officers having power to issue Orders or Judgments of any kind.

The mentioned de facto corporation (IRS) is a person subject to jurisdiction of this state.

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## TRAFFIC COURT SPECIFIC EXAMPLES

**PLEASE TAKE NOTICE THAT THE FOLLOWING SPECIFICS ONLY APPLY TO CALIFORNIA.** For you to use the following examples in another State, the citations must be researched and changed to reflect the subject State's law.

"Whereas, pursuant to the due process requirements of the Constitution and of the Statutes of 1927, Chapter 752, Section 40, appearance for violations of provisions of Motor Vehicle Act of 1913, as amended, are to be before a magistrate in the township wherein the alleged offense occurred, or before any magistrate in the county, if there is a municipal Court at the county seat. Therefore, said citation is mis-processed in said Municipal Court.

"Whereas Municipal Court employees are **NOT** state judicial officers according to the Penal Code of California, approved February 14, 1872, part 2, Title III, Chapter 3, Sections 807, 808, the municipal courts judges are not magistrates having power to issue a warrant for the arrest of a person charged with a public offense.

"Whereas the "Warrant of Arrest Notice" concerning an unlawful warrant, imposes upon my privacy, and

"Whereas my privacy is a constitutionally secured right; therefore, said "Warrant of Arrest Notice" is harassment and a public nuisance.

"Whereas the Plaintiff has used forms of money inimical to public welfare according to the standards set by the California Constitution of 1849, Article 4, Section 34, and;

"Therefore, the contract for bail is contra bonos mores..

"All the foregoing I stand ready to verify.

"Whereas pursuant to the Political Code of the State of California, approved March 12, 1872, Part I, Title III, Section 54, mentioned municipal courts, subject to the jurisdiction of this state, and

"Whereas the citation is deemed irregular and unauthorized, and

"Whereas there appears to be no factors which would warrant adjustment of the abatement."

---

The first item listed and seen on the Plea In Abatement below the sections discussed above, is simply styled as follows:

---

**PLEA IN ABATEMENT**

By John Kenneth, (Doe), Sui Juris:

In the matter of: **CITATION NO. 1318910.**

To All And Sundry Whom These Presents Do Or May Concern:

---

After the above comes the introduction, chapters, and the ordering clause. Note the comma (,) between the Demandant's middle name and family name. This is good form as the only names you own are your first and middle names. Your family name is held in common by many in your family and you have no exclusive ownership of it.

---

# THE ABATEMENT INTRODUCTION, CHAPTERS, AND ORDERING CLAUSE

## (INTRODUCTION)

The format for the introduction in a non-statutory Abatement is normally patterned after the following:

---

### Introduction

This is a Plea In Abatement issued pursuant to Common Law rules applicable to such cases, against a municipal court, located at 21201 Victory Blvd., Suite 120, Canoga park, Los Angeles county, California; because, said municipal court is imposing provisions of a contract counter to public morals.

Part one of this matter shall be known as the Plea In Abatement and contains the following documents titled:

**Plea In Abatement**, and,

**Verification.**

---

Notice that we styled the court location in numbers and words as is commonly done in emergency powers designations because that is the designation at which **THEY** accept mail.

But in writing our location (avoid the term: "**address**"), we spell out all numbers if you do not use a General Delivery location. For example, in writing the number of a street on which a Court is located (see above), the Court writes its own "address" in numbers (i.e., 21201). For our purpose, we would write the same number by spelling it out as: Two One Two Zero One.

---

## THE CHAPTERS

"Chapter One" of an Abatement has its own "Title" and begins with an inventory of papers returned to the Court, and a short statement telling why the papers are being returned. Next, we state the reasons why a Court's Process is defective. It looks

something like the following:

---

Chapter One:  
Return of Papers and Averments

Please find enclosed the following mailed items:

**One:** WARRANT OF ARREST NOTICE, and,

**Two:** CITATION (number 1318919).

These items are refused for cause without dishonor and are being returned, herewith, because they are irregular and unauthorized, based upon the following, to wit:

---

By now you have probably filled up "Page One" of the Abatement and where you would put the page number at the bottom, center of the page you would type "Page One of (total pages in Abatement)". This page may look like the following:

---

Firstly:

Whereas, pursuant to constitutional due process requirements and Statutes 1927, Chapter 752, Section 40, appearances for violations of provisions of the Motor Vehicle Act of 1913, as amended, are to be before a magistrate in the township wherein the alleged offense occurred, or before any magistrate in the county, if there is a municipal court at the county seat.

Therefore, said **CITATION NO. 1318919** is mis-processed into said municipal court; and,

---

Here is where the next errors by the court are written down, or one may list several errors all properly separated as follows under the "Secondly," "Thirdly," "Fourthly," "Fifthly," type of headings:

---

Secondly:

Whereas, municipal court employees are not State Judicial Officers and according to THE PENAL CODE OF CALIFORNIA, approved February 14th, 1872, Part II, Title III, Chapter III, Sections 807 and 808, the municipal court judges are not magistrates having power to issue a warrant for arrest of a person charged with a public offense, and;

Whereas said **WARRANT OF ARREST NOTICE** concerning an unlawful warrant imposes upon my privacy, and;

Whereas my privacy is a constitutionally secured right,

Therefore, said **WARRANT OF ARREST NOTICE** is harassment and a public nuisance, and;

Thirdly:

Whereas, the Plaintiff has used a form of money inimical to public welfare according to the standard set by the California Constitution of 1849, Article IV, Section 34,

Therefore, the "Contract for Bail" is contra bonos mores.

All of the foregoing I stand ready to verify.

---

Chapter One is now complete and we begin "Chapter Two," a simple discussion of issues, and it may appear as follows:

---

Chapter Two.  
Discussion.

Whereas, pursuant to **THE POLITICAL CODE OF THE STATE OF CALIFORNIA**, approved March 12, 1872, Part I, Title III, Section 54, mentioned municipal court is a person subject to the jurisdiction of this state; and,

Whereas, the **CITATION NO. 1318919** is deemed irregular and unauthorized; and,

Whereas, there appears to be no factors which would warrant adjustment of the Abatement.

---

"Ordering Clauses" are vital to an Abatement's success because, without it, you cannot get "Default Judgment," and with no "Default Judgment," there is NO "Res Judicata." The clause appearing below is for a California traffic case. You must research your own state laws to determine the specifics of which law applies.

---

Chapter Three.  
Ordering Clause.

Whereas, pursuant to **THE POLITICAL CODE OF THE STATE OF CALIFORNIA**, approved March 11th, 1872, Part II, Title XIV, Chapter I, Section 1003; wherein it does say, that:

"Every direction of a court or judge, made or entered in writing, and not included in a judgment, is denominated an order."

Said municipal court shall abate the matter of: **CITATION No. 1318919** or file a written response, within thirty (30) days of the release of this Plea In Abatement, showing why the Abatement should not be imposed. Any written response must include a detailed factual statement and supporting documentation.

Failure to answer this Plea In Abatement within the time prescribed, herein, will result in a "Default" and "Default Judgment" and subject Defendants to civil and/or criminal liabilities, pursuant to International law and the Law of Nations.

Your remittance should be marked with the Sheriffs' case number, and mailed to the following location:

[Your full Christian name]  
General Delivery,  
[City name], [full name of your state]

Dated this \_\_ [spell the date] \_\_day of \_\_ [spell number of month] \_\_A.D.  
Nineteen Hundred and Ninety Six.

Private Citizen, First Class [Your name], Sui Juris  
[spell the full Christian name here]

[Your signature]

---

**NOTE:** You must use "General Delivery" as your location (not address) because that location is where **YOUR** court is. Your court is everywhere

in general and nowhere in specific. Addresses are specific and a benefit.  
"Privilege," or "opportunity" are words that you want to avoid using.

The best practice is to use "General Delivery" in all dealings with  
emergency powers governments and their entities.

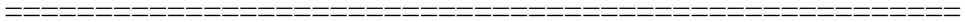
The "Verification" is simple in its form. A "Verification" is a statement of affirmation  
that you have read and know the contents of the Abatement and that you believe the  
statements to be true. A "Verification" is typed on a separate page and it is the last page  
in the Abatement before the "Proof of Service" of Process. A typical verification page is  
as follows:



Respond to: [Your Christian Name], Sui Juris,  
General Delivery,  
[Your City], [Your state spelled out]

superior court, Los Angeles county, California

[Your Christian Name], Sui Juris )	Sheriffs' Case No. _____
Demendant, )	
)	Part One.
against, )	
)	Verification.
L.A. VALLEY BR MUNI COURT )	
21201 VICTORY BLVD., SUITE 120 )	date: June 10th, A.D. 1996
CANOGA PARK, CALIFORNIA 91303 )	
Defendant )	



**Verification.**

In Witness, Whereof, knowing the law of bearing false witness before God and men, I  
solemnly affirm, that, I have read the annexed Plea In Abatement and know the contents  
thereof; that the same is true of my own knowledge, except as to the matters which are  
therein stated on my information or belief, and as to those matters, I believe them to be  
true.

Dated this \_ [spell the date ] \_ day of \_ [spell number of month] \_, A.D.  
Nineteen Hundred and Ninety Six.

Private Citizen, First-Class [Your Name], Sui Juris  
(type in your Christian name here)

[Your signature]



---

Remember to spell out all dates. For example, "the twenty-second day of the tenth month." **Never** use calendar names as the names of months. Thus, "January" is written as the "First month," and so on.

In the "Ordering Clause," always allow thirty (30) days for an response as per the "Federal Rules of Civil Procedure," not counting Sundays and Holidays, in your calculations.

---

## SERVICE OF PROCESS

The Abatement is now complete and ready to serve upon an emergency powers entity. But the "Service of Process" is conducted according to specific rules, so pay attention to the following.

To get the process served, do the following steps:

Make two copies of the Plea In Abatement paperwork.

**NOTE:** Outside California, the name of the court you file process in may be different. In Texas and Oklahoma, for example, there are county district courts which are the same as Superior Courts in California.

After finalizing the document, take it to the CIVIL division of the Sheriffs' Department and request an instruction sheet for process of service. **DO NOT ASK FOR A CASE NUMBER.**

Allow the Clerk to process the Abatement and when asked for a case number, tell them there is no case number yet. If you let them, they will assign a case number for you to your Abatement.

Once you have a case number, write it in the blank you left on Page One of the Abatement (and on all copies you have made).

Fill out the instruction sheet directing the Sheriff to whom, and where, and what time the Respondent(s) may be served. The costs of having a Sheriffs' Deputy to do "Service of Process" for you varies from state to state. In California, the cost is Twenty-Five Dollars.

If the Sheriffs' Office refuses to serve Process for you, you may remind the staff of the Sheriff that the Sheriff also "possess a Judicial capacity, and may hold a court and summon a jury for certain purposes; this jurisdiction, in this respect, is at common law quite extensive. This branch of his powers, however, is circumscribed in this country by the statutes of the several states, and is generally confined to the execution of writs of inquiry of damages, and the like (e.g Abatements), sent to him from the superior courts (your court) of law." [Bouvier's Law Dictionary "Sheriff"; 1 Sharswood, Blackstone, Comm, 389].

Wait thirty (30) days before you have your "Default" processed. Serve the "Default" in the same manner as above (Remember - the thirty days does not include Sundays or Holidays.)

When the Sheriffs' Office has served your Process, they will return to you a "Proof of Service." Make enough copies of the Sheriffs' "Proof of Service" and attach one copy to all the remaining copies of your original Abatement and put them away in a safe place.

**REMEMBER - BE SURE AND GET THE SHERIFFS' OFFICE TO "TIME STAMP" YOUR CONFORMED COPY THAT YOU KEEP.**

---

## **FACTS THAT MIGHT ASSIST YOU:**

A problem that Demandants are having, occasionally, is that some states (e.g. Alaska) doesn't have Sheriffs or the Sheriff will not serve their Abatement. If this is the case with you, send your Abatement via Registered Mail. Before placing your Abatement in the envelope, pay the Postal Clerk for a machine generated adhesive Stamp (the same type that are used for sending packages). Have the Postal Clerk place it in the upper right hand corner on the first page of your Abatement and then have the Postal Clerk "date stamp" across the Stamp. Use the Registered Mail number as your case number and write it in the space that you provided for it. You can also bring conformed copies with you and do the same process with those for your records or for hand delivered copies to other parties in cases where time is of the essence.

When mailing your Process, always insert an "Certificate of Mailing" that states the name of the individual, who is of age to be a witness, that is mailing the Process for you. **UNDER COMMON LAW, YOU CANNOT MAIL YOUR OWN PROCESS.** The "Certificate of Mailing" is your "Proof of Process" which also describes the contents of the Process (Complaint, Summons, Exhibits, etc.).

All "Defaults" should be sent in this manner (Registered), and when the Abatement was assigned a Sheriffs' case number, continue to use that Sheriffs' number on the Default.

Always remember to write across all returned papers: "**refused for cause without dishonor and without recourse to me.**" **Never** quote the **Uniform Commercial Code (UCC)** on this and **never** inject into your Abatement any Court Case Cites or Statutory Code Cites. Code Cites that are to be used have to come from "Common Law Codes" that were created before your State was incorporated, (which would be sometime previous to 1880). Other than Common Law Code cites of your State, you should not change the text and form of a typical Abatement. **Never** write about facts of the case and **never** quote any law but Common Law. **Never** file an Abatement into a statutory Court. If you do any of these "**never(s)**," you will sham your court and make the Abatement null and void.

If you cannot find a corresponding "Ordering Clause" in your State Common Law Codes, use the same quoted clause from the California Code, but begin it with:

"Pursuant to The Constitution of the united States of America at Article IV, Section one and Section two, Clause one, the following American Maxim of Law is binding in all of the states of the American Union; wherein it does say, that: "Every direction ... etc.""

Occasionally, problems arise for some users of the abatement process due to a lack of understanding of the critical balance between statutory and non-statutory process or the disregard of time proven explanations.

Always use "**General Delivery**" as your return location for answers from the Defendants. The reasons being:  
"**General Delivery**" is the only Common Law venue remaining in the postal system.

A home address or P.O. Box is located in a statutorily created commercial venue under the Uniform Commercial Code (UCC).

"**General Delivery**" is a "Traditionally Vested Right" that was established from the beginning of the Post Office Department and is the only part of the Post Office Department that remains today.

"**General Delivery**" is where your own personal court is located; everywhere in General and nowhere in specific. (see Black's Law Dictionary, all editions; "**COURT**" `In International Law'; "The person and suite of the sovereign; the place where the sovereign sojourns with his regal retinue. wherever that may be.").

In America. the people are king, as in; "Every man's home is his Castle." There will be one Main Post Office in your town that receives "General Delivery." In some cases, you may have to apply for it or they will return your mail to the sender. If application is necessary, fill in that the reason you want "General Delivery" is because you have a "transient lifestyle." The meaning of "transient" is the opposite of "resident." In the Post Office Manual, General Delivery is for "transients" only. "Transient" means "sojourner." "Resident" is short for "Resident Alien Enemy". After General Delivery is established, remove the mail box from your house or cancel your P.O. Box. This is a must, as it removes you from that statutorily created commercial venue.

Always use as your court below for your return location, ...superior court, --- county, Utah, Ohio, etc., (your state). Always use a small (s) on superior and small (c) on court. It doesn't matter if there is no superior court in your county, for this caption does not refer to their court, but indicates your court, which is superior to all others. **Never** use county of -- -, always --- county, and always use a small (c) on county.

If the county Sheriff will not serve and the Post Office Clerk will not date stamp your Abatement, put the upper portion of the first page of the Abatement (from the top to Chapter One) in the Public Notice section of the newspaper in the county where the Abatement is to be served. Use the Public Notice number as your case number. On all three types of service, always hand deliver a complimentary copy to all Defendant parties. Hand delivered copies are always to be done by a friend or one not connected with the suit.

Always refer to the refused items as "returned papers" or "items." Do not call them "documents," as they are not worthy of that title. Always capitalize "Me," "My," "Myself," "Right," "Private" and "Privacy."

Where State Codes are quoted and you have no reference for your State, simply replace with the "General Laws of Utah, Ohio, (your State)": for example, with: "Whereas, pursuant to constitutional due process requirements and the General Laws of Arizona, said Alien Enemy agents are not State Judicial Officers having power to issue Orders or Judgments of any kind; and,".



# Abatement Examples

The following are sample Abatements:

## The Basic Abatement

This is the basic form of an Abatement. It can be used as a format for most non-statutory Abatements.

## Abatement of IRS Summons enforcement

This is a sample Abatement that may be used to abate a "Court Ordered" enforcement of an IRS Summons.

## Abatement of IRS Liens and Levies

This is sample Abatement that may be used to abate IRS Liens and Levies.

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## FOOTNOTES

[1](#).See, "Senate Report on Emergency powers," No 93-574, the most comprehensive work to date on the real power of the President and Congress, and also admits openly that the Federal government is under emergency powers and has been so since F.D.R..

[2](#).See, Birkheimer, "Military Government and Martial Rule," 1914, (770 pages). The research team that put this book together searched through 42 Titles on the questions of military, government, martial law, and martial rule and recommends this work as the best to date.

[3](#).See Black's Law Dict., 3rd edition, on "government, de facto."

[4](#).The Manual of Courts Martial (1994) is actually a sample update of the 1985 version and is available from most Federal book stores and the U.S. Government Printing Office the last time we checked.

[5](#).See the various Manuals of Colors of the U.S. Armed Forces.

[6](#).See Corpus Juris Secumdum, vol. 7. Secs. 4 & 7, "attorney client privilege."

[7](#).See, Blacks Law Dict., 3rd ed, "ward of the court."

[8](#).See, Blacks Law Dict., 3rd ed., "discussion."

9.See Lincoln's Executive Order No. 1, April 21, 1861

10.See Title 28, US Code, Sec. 453.

11.See, Table of Contents, Vol. I, U.S. Titles and Codes. There is an asterisk (\*) next to Title II, [The Congress]. Checking at the foot of the page and you will find that all Titles with such an asterisk are "Resolutions," not "Positive Law," which means, that "Resolutions" are "Policy" until challenged.

12.See, Burns, Dictionary of Law, 1792, under "misnomer."

