

Appearance time and place:

Dec. 20, 2007 at 9:00am
East Marion Justice Court
575 Lancaster DR. SE
Salem, Oregon 97301

Person cited:

Wm. J. [REDACTED]
3900 [REDACTED] Ave. NE
[REDACTED], Oregon [REDACTED]

Re: Oregon Uniform Citation and Complaint/Summons # [REDACTED]
(much of that is not understandable to me)

Honorable Judge of Traffic Court:

**This is a *special* appearance and not *general*,
only to deny jurisdiction**

1.

Comes now Private Individual and Citizen Wm. J. [REDACTED], to deny jurisdiction:

The Oregon Uniform Citation and Complaint issued to me fails to follow lawful process to establish jurisdiction, therefore jurisdiction over me and mine is denied.

I learn my position from the United States Constitution and what the United States Supreme Court has to say on this subject. I include herein and quote a very small portion of my learning of that courts decisions in the matter:

"The "willful" qualifications fully protect one whose refusal is made in good faith and upon grounds which entitle him to the judgment of the court before obedience is compelled."

FEDERAL POWER COMMISSIONS v.
METROPOLITAN EDISON CO.,
304 U.S.375 at 387
(emphasis added)

In any case of Just doubt, a person with such doubt may rely upon the greater authority and that greater authority in this case is the United States Supreme Court rulings and statements. I am obedient to the lawful and just laws of this great

nation under God, and I am not an enemy of the government or its various departments and agencies. I am not knowingly in violation of any laws. Where do I learn this? I quote:

"The individual may stand upon his constitutional rights as a citizen. He is entitled to carry on his private business in his own way. His power to contract is unlimited. He owes no duty to the state or to his neighbors to divulge his business, or open his doors to an investigation, so far as it may tend to incriminate him. He owes no such duty to the state, since he receives nothing there from, beyond the protection of his life and property, ...he owes nothing to the public so long as he does not trespass upon their rights.

HALE v. HENKEL,
201 U.S. 43 at. 74-75. (1906)

Pursuant to the above - for me to have trespass upon any of the public there must be an injured person or party. In this matter I and mine is the only injured party, and that upon fraud, abuse and coercion by exercise of sheer power. I further state my case with quotes from the United States Supreme Court:

"Once jurisdiction is challenged, it must be proven."

HAGENS v. LAVINE, 415 U.S.
533, Note 3.

"Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them. "

MIRANDA v. ARIZONA, 384 U.S.
436, 491.

"The exercise of a Constitutionally guaranteed right can not be converted into a crime."

MILLER v. U.S., 230 R.
2nd 486. at 489.

"If the provision [regulation] had no other purpose or effect than to chill the assertion of constitutional rights by penalizing those who choose to exercise them, then it would be patently unconstitutional"

UNITED STATES v. JACKSON, 20
L. Ed. 2d. 138 at 147.

I do fear 'my government', and this response is not to be construed as a challenge to your power which is greatly feared and respected. The purpose here is to make claim and lawful demand for my Constitutional protections from an over reaching government authority threatening to do me harm and I continue to quote the Supreme Court:

"Whatever might be said of Congress' objectives, they cannot be pursued by means that needlessly chill the exercise of basic constitutional rights. Cf. United States v. Robel, 389 U.S. 258 19 L ed 2d 508, 88 S Ct 419; Shelton v. Tucker, 364 U.S. 479, 488-489, 5 L ed 2d 231, 237-238, 81 S Ct 247. The question is not whether the chilling effect is "incidental" rather than intentional; The question is whether that effect is unnecessary and therefore excessive, (underlines are mine)

UNITED STATES v. JACKSON.
390 US 570. 20 L Ed 2d 138, 88 S Ct 1209

"Decency, security, and liberty alike demand that government officials shall be subject to the same rules of conduct that are commands to the citizen. In a government of laws, existence of the government will be imperiled if it fails to observe the law scrupulously. Our government is the potent, the omnipresent, teacher. For good or for ill, it teaches the whole people by its example. Crime is contagious. If the government becomes a law-breaker, it breeds contempt for the law; it invites every man to become a law unto himself; it invites anarchy. To declare that in the administration of the criminal law the end justifies the means-to declare that the government may commit crimes in order to secure the conviction of a private criminal-would bring terrible retribution. Against that pernicious doctrine this court should resolutely set its face."

OLMSTEAD v. UNITED STATES.
277 U.S. 944 at 485

"It has become axiomatic that '[p]recision of regulation must be the touchstone in an area so closely touching our most precious freedoms'."

UNITED STATES v. ROBLE.
19 L. Ed. 2d. 508 at 515

Through the Creator God, I am a person committed to His Righteousness with an Integrity that will not permit, me to knowingly participate in a wrong regardless of the benefits derived to myself, a friend or loved one. I will not knowingly look for or use "loop-holes" or "bend" the rules or truth to fit my needs. I accept, my obligations in life as from God, and perform them as my "... duty to fear God and keep His Commandments." (Eccl. 12:13)

It would appear that I am not alone in my personal allegiance to God, for in Congress, (from the floor of the House recorded in volume 45 at pgs 2512 and 2513) Mr. Moon of Tennessee talks about our country, its government, and its Constitution, from which I quote here in part:

"...You had no constitution upon which a republic could survive for a century until the immortal Jefferson and his compeers charged their souls with God-like spirit to heave a tottering nation once again up to glory, and had passed the first ten amendments to the Federal Constitution. In these are the renewed faith, the hope of human government and human happiness. There you find the declarations that make real Constitution and determine the purposes of this government; there you learn the lesson that the Federal Government while supreme within the sphere of it's jurisdiction is but a half sovereign; there you learn that the state government while supreme within the sphere of its constitutional powers is but a half sovereign; there you learn, too, of the inalienable rights of the people not delegated to any government. This trinity of rights-federal, state, and individual-is the consummation of a system at once the most unique, free, and powerful in the history of human governments. The exercise separately but in unison of these powers makes a complete sovereignty. ... Mr. chairman, one third, perhaps, of mankind believes in the doctrine of the Nazarene. ... there may at last be union and oneness with God. The vast number of the earth believe in the immutable laws of nature and that nature is God and that God is love. Strike down the faith of a people, if you will, and the world will move back to the darkness of medieval ages. ... So, too, in the affairs of a nation. This Republic was builder on the foundation of equality. It was built and maintained that truth and justice and liberty might not perish. It knows no law above the sublime individuality and power of its citizenship regulated and controlled by its Constitution. It knows no sovereign save that of the common citizen. [Applause]" (emphasis added)

I further quote Chief Justice John Marshall along this same line:

"... I have always thought, from my earliest youth till now, that the greatest scourge an angry Heaven ever inflicted upon an ungrateful and a sinning people was an ignorant, a corrupt, or a dependent judiciary."

Chief Justice John Marshall as quoted in
EVANS v. GORE, 253 U.S.245 at 251:

I wrote to Senator Stevens when he was chairman of the Constitutional centennial to inquire about this Nations Constitution and he confirmed it to be a viable and reliable document.

The above quotation from the floor of Congress is very clear. That speech and the responsive applause shows that Congress, as well as the Supreme Court, recognizes the limitations of the power of Congress. Any power not granted to Congress certainly cannot be granted to its creations; those creations being all other branches of government and/or their policies notwithstanding. And in that speech it is recognized that our Government is made up of three separate but partial Sovereigns. None of those sovereigns are complete in themselves but all three, working together for the common good of this Nation right down to the individual, becomes "A" Sovereign. The common good, that we are working together to achieve, is identified and protected by and through our Constitution. To that end I strive, as I submit to and commit myself with personal knowledge of and relationship with that living God, through Jesus Christ and His Holy Spirit, the same spoken of in said speech, supra.

I have sovereign rights without the scope of government and those rights are protected by the Constitution for the United States of America, and the Supreme Court created there from; to that I make claim for my protection in this matter.

I have, by Institutional design, been deceived by UN-Constitutional practices of Constitutional authorities, operating under color of law, into submitting myself to a jurisdiction which I did not then and do not now belong, nor was I ever required to belong. I no longer voluntarily submit to that jurisdiction, Lawful service is required.

Quotations from the Supreme Court in further support:

"A state may not impose a charge for the enjoyment of a right granted by the Federal Constitution."

MUDOCK v. PENNSYLVANIA.
319 U.S. 105 p 113. (1943)

"[E]ven the war power does not remove constitutional limitations safeguarding essential liberties."

HOME BLDG. & LOAN ASSN. v. BLAISDELL,
290 U.S. 398, 476, 78 L ed 413, 422,
54 S Ct 231, 89 ALR 1481 (1934) as quoted in
UNITED STATES v. ROBELS, 389 U.S. 258,
19 L Ed 2d 508. 88 S Ct 419.

2.

Re: Citation # [REDACTED] issued to my wife at the same instance:

OBJECTION

I object to my wife being treated separately from me in this matter and her being forced to bear the burden and responsibility for decisions made by me, her husband, and I want the charges in this citation against her to be expunged from her driving record.

We are husband and wife and have been for nearly 50 years. When we were married in our church we became one by design of our Creator God, and the government does not have the authority to change that.

The system, whereby I am forced to author this appearance, is operating under color of law by design and training and has abandon it's Constitutional authority to enforce department policies with coercive powers exerted against me.

It is common understanding that the United States Constitution is identified as the Supreme Law Of The Land. That document being the Supreme Law, states in Article VI Clause 2, and again I quote:

"This Constitution and the laws of the United States which shall be made in pursuance thereof and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary not with standing."

"The exercise of a Constitutionally guaranteed right can not be converted into a crime."

MILLER v. U.S.,
230 R. 2nd 486. at 489.

"If the provision [regulation] had no other purpose or effect than to chill the assertion of constitutional rights by penalizing those who choose to exercise them, then it would be patently unconstitutional"

UNITED STATES v. JACKSON,
20 L. Ed. 2d. 138 at 147.

I have learned by all the above and more that no department of government is ever authorized to disobey or violate the law under any condition; obeying the law "scrupulously" is an obligation of all employees holding any position or office of government and that only upon Oath or Affirmation to defend and protect said Constitution.

There are many employees occupying powerful seats in government, particularly those exercising the powers of enforcement, that learn to abuse by practice the power of their office under color of law.

The Supreme Court said, regarding the Chilling affect, that if I fear to make claim to such Constitutional right and protection, that when I obey lawful authority out of fear for my self preservation, that when such over zealous officials threaten me with pain and suffering causing me to draw back from making my claim for those protections and retained rights not delegated to any government, such chilling affect is coercive use of deadly force and is not permitted by any government officer, employee or court.

I have learned and continue to learn of this Nations Individual Rights and Constitutional Protections from such unchecked coercive power of government employees. As long as this Nation still has it's Constitution, and Senator Ted Stevens, of Alaska, in answer to my letter to him on this very subject said our Constitution is still a viable and unchanged document, I will, by the help and guidance of my Creator God, pursue the preservation of this Nations Godly Heritage as it is protected by said Constitution and your oath to uphold, obey and protect it yourself.

William J. [REDACTED]

VARIFICATION

I, William J. [REDACTED] Jr. , do herewith affirm that I am the author of this letter and that first being duly sworn according to law, I state that all the statements contained in this letter by my own research and study are true and correct to the very best of my knowledge, understanding, information and belief.

signed _____
William J. [REDACTED]
3790 [REDACTED] Ave. NE
[REDACTED], Oregon [REDACTED]

Affirmed and subscribed before me this [REDACTED] day of December, 2007

signed _____
Notary Public State Of Oregon residing in Salem

My commission expires _____
Seal