

Denard Trapp

18 Marland Lane

Tinton Falls, NJ 07724

JOHN J. HOFFMAN
ACTING ATTORNEY GENERAL

RECEIVED

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DENARD TRAPP

Plaintiff,

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AT 8:30 M
WILLIAM T. WALSH
CLERK

v.

WRIT OF MANDAMUS

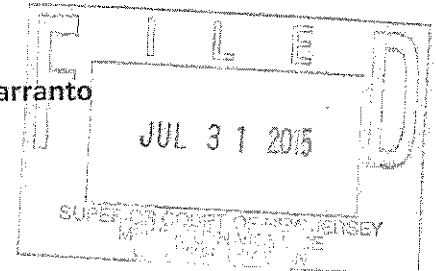
STATE OF NEW JERSEY,

Complaint in the nature of quo warranto

JOSEPH SCHULER,

MATTHEW PARK,

Defendant.



COMES NOW Denard Trapp, sui juris, not a corporate ward of any state or artificial person but live flesh and bone natural man and a sovereign political party holder and a follower of the Torah, demanded a dismissal denying the jurisdiction of Freehold Superior Court over the subject matter in the above-entitled cause, for the following memorandum:

FACTS

This Court is of competent jurisdiction pursuant to Article III of the United States Constitution. On July 20, 2015 Officer Joseph Schuler along Matthew Park and with roughly 50 Jon Doe Officers invaded my house without a search warrant and without knocking and announcing. Their reasoning for the invasion of my house was for my brother Shawn L. Trapp allegedly selling crack to an undercover. When this invasion of my house occurred Shawn L. Trapp was already in police custody. My brother Shawn L. Trapp does not live at my house, but he stays there time to time in a designated area. When the Officers came to my house they did not knock and announce as required by State v. Robinson, instead they busted my door down and entered my home with their guns drawn although they had their alleged target in custody. I announced where I was so I would not cause any alarm to any Officers, I got on the ground as directed and demanded to see a search warrant. They ignored my demand, walked on my back, placed me in handcuffs and had me wait outside as they conducted this illegal search. As they illegally search my entire house, they went into my room where they found my safe that was locked in my closet and located my unloaded .32 caliber hand gun and confiscated it. The Officers ransacked the entire house and after they were finished I was booked, processed and then released. I was never served with the alleged search warrant and a receipt with what was confiscated nor was it left at my house. By entering my home without a search warrant the Officers are in violation of my 4th amendment right, New Jersey R. 3:5-5A, New Jersey R. 3:5-6C and New Jersey R. 3:13-3f. For confiscating my .32 caliber hand gun they are in violation of The Dick's Act of 1902, my 2nd amendment constitutional right, 2nd amendment bill of rights, and N.J.S.A. 2C:39-6E. Which leaves Officer Joseph Schuler along Matthew Park and with all 50 John Does in contempt of court for violating the court order as well as they usurp their office by taking the law in their own hands. Through this entire illegal process the Officers broke my front door as well as my tile by my backdoor and trashed 3 bedrooms.

JUL 31 2015

This illegal process caused intentional infliction of emotional distress by sitting me outside in handcuff so my neighbors can see me, subjecting me to public humiliation.

MEMORANDUM OF LAW

I. The Nature of Subject Matter Jurisdiction.

Article III Section 1 states, "The judicial power of the United States, shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behaviour, and shall, at stated times, receive for their services, a compensation, which shall not be diminished during their continuance in office."

Article III Section 2 states, "he judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority;--to all cases affecting ambassadors, other public ministers and consuls;--to all cases of admiralty and maritime jurisdiction;--to controversies to which the United States shall be a party;--to controversies between two or more states;--between a state and citizens of another state;--between citizens of different states;--between citizens of the same state claiming lands under grants of different states, and between a state, or the citizens thereof, and foreign states, citizens or subjects."

In all cases affecting ambassadors, other public ministers and consuls, and those in which a state shall be party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make.

The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the state where the said crimes shall have been committed; but when not committed within any state, the trial shall be at such place or places as the Congress may by law have directed."

Article I of the Constitution states, "All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives. Under Title 28 Section 453, All Judges take this oath of office swearing to uphold the U.S. Constitution.

"Court must prove on the record, all jurisdiction facts related to the jurisdiction asserted." Lantana v. Hopper, 102 F. 2d 188; Chicago v. New York 37 FSupp. 150

"Once challenged, jurisdiction cannot be assumed, it must be proved to exist." Stuck v Medical Examiners 94 Ca 2d 751 211, P2d 389

The jurisdiction of a court over the subject matter has been said to be essential, necessary, indispensable and an elementary prerequisite to the exercise of judicial power. 21 C.J.S., "Courts," § 18, p. 25. A court cannot proceed with a trial or make a judgment without such jurisdiction existing.

It is elementary that the jurisdiction of the court over the subject matter of the action is the most critical aspect of the court's authority to act. Without it the court lacks any power to proceed; therefore, a defense based upon this lack cannot be waived and may be asserted at any time. Matter of Green. 313 S.E.2d 193 (N.C.App. 1984).

Subject matter jurisdiction cannot be conferred by waiver or consent, and may be raised at any time. *Rodrigues v. State*, 441 So.2d 1129 (Fla.App. 1983). The subject matter jurisdiction of a criminal case is related to the cause of action in general, and more specifically to the alleged crime or offense which creates the action.

The subject-matter of a criminal offense is the crime itself. Subject-matter in its broadest sense means the cause; the object; the thing in dispute. *Stillwell v. Markham*, 10 P.2d 15, 16 135 Kan. 206 (1932).

An indictment or complaint in a criminal case is the main means by which a court obtains subject matter jurisdiction, and is "the jurisdictional instrument upon which the accused stands trial." *State v. Chatmon*, 671 P.2d 531, 538 (Kan. 1983). The complaint is the foundation of the jurisdiction of the magistrate or court. Thus if these charging instruments are invalid, there is a lack of subject matter jurisdiction.

Without a formal and sufficient indictment or information, a court does not acquire subject matter jurisdiction and thus an accused may not be punished for a crime. *Honomichl v. State*, 333 N.W.2d 797, 798 (S.D. 1983).

A formal accusation is essential for every trial of a crime. Without it the court acquires no jurisdiction to proceed, even with the consent of the parties, and where the indictment or information is invalid the court is without jurisdiction. *Ex parte Carlson*, 186 N.W. 722, 725, 176 Wis. 538 (1922).

Without a valid complaint any judgment or sentence rendered is "void ab initio" *Ralph v. Police Court of El Cerrito*, 190 P.2d 632, 634, 84 Cal. App.2d 257 (1948).

Jurisdiction to try and punish for a crime cannot be acquired by the mere assertion of it, or invoked otherwise than in the mode prescribed by law, and if it is not so acquired or invoked any judgment is a nullity. 22 C.J.S., "Criminal Law," § 167, p. 202.

The charging instrument must not only be in the particular mode or form prescribed by the constitution and statute to be valid, but it also must contain reference to valid laws. Without a valid law, the charging instrument is insufficient and no subject matter jurisdiction exists for the matter to be tried.

Where an information charges no crime, the court lacks jurisdiction to try the accused. *People v. Hardiman*, 347 N.W.2d 460, 462, 132 Mich.App. 382 (1984).

[W]hether or not the complaint charges an offense is a jurisdictional matter. *Ex parte Carlson*, 186 N.W. 722, 725, 176 Wis. 538 (1922).

An invalid law charged against one in a criminal matter also negates subject matter jurisdiction by the sheer fact that it fails to create a cause of action. "Subject matter is the thing in controversy." *Holmes v. Mason*, 115 N.W. 770, 80 Neb. 454, citing *Black's Law Dictionary*. Without a valid law, there is no issue or controversy for a court to decide upon. Thus, where a law does not exist or does not constitutionally exist, or where the law is invalid, void or unconstitutional, there is no subject matter jurisdiction to try one for an offense alleged under such a law.

If a criminal statute is unconstitutional, the court lacks subject-matter jurisdiction and cannot proceed to try the case. 22 C.J.S. "Criminal Law," § 157, p. 189; citing *People v. Katrinak*, 185 Cal.Rptr. 869, 136 Cal.App.3d 145 (1982).

Where the offense charged does not exist, the trial court lacks jurisdiction. *State v. Christensen*, 329 N.W.2d 382, 383, 110 Wis.2d 538 (1983).

Not all statutes create a criminal offense. Thus where a man was charged with "a statute which does not create a criminal offense," such person was never legally charged with any crime or lawfully convicted because the trial court did not have "jurisdiction of the subject matter," *State ex rei. Hansen v. Rigg*, 258 Minn. 388, 104 N.W.2d 553 (1960). There must be a valid law in order for subject matter to exist.

In a case where a man was convicted of violating certain sections of some laws, he later claimed that the laws were unconstitutional which deprived the county court of jurisdiction to try him for those offenses. The Supreme Court of Oregon held:

If these sections are unconstitutional, the law is void and an offense created by them is not a crime and a conviction under them cannot be a legal cause of imprisonment, for no court can acquire jurisdiction to try a person for acts which are made criminal only by an unconstitutional law. *Kelly v. Meyers*, 263 Pac. 903, 905 (Ore. 1928).

Without a valid law there can be no crime charged under that law, and where there is no crime or offense there is no controversy or cause of action, and without a cause of action there can be no subject matter jurisdiction to try a person accused of violating said law. The court then has no power or right to hear and decide a particular case involving such invalid or nonexistent laws.

These authorities and others make it clear that if there are no valid laws charged against a person, there is nothing that can be deemed a crime, and without a crime there is no subject matter jurisdiction. Further, invalid or unlawful laws make the complaint fatally defective and insufficient, and without a valid complaint there is a lack of subject matter jurisdiction.

The Accused asserts that the laws charged against ^{Denard DT} ~~Trapp~~ Trapp are not valid, or do not constitutionally exist as they do not conform to certain constitutional prerequisites, and thus are no laws at all, which prevents subject matter jurisdiction to the above-named court.

The complaints in question allege that the Accused has committed several crimes by the violation of certain laws which are listed in said complaints, to wit:

- 2C:39-5B – Unlawful Possession of a Weapon
- 2C:39-3K – Possession of handcuffs
- 2C:24-4A – Endangering the welfare of a child

I have been informed that these laws or statutes used in the complaints against myself are located in and derived from a collection of books entitled "New Jersey Statutes." Upon looking up these laws in this publication, I realized that they do not adhere to several constitutional provisions of the New Jersey Constitution.

By Article 4 of the Constitution of NEW JERSEY (1947), all legislative power shall be vested in Senate and General Assembly. This Article also prescribes certain forms, modes and procedures that

must be followed in order for a valid law to exist under the Constitution. It is fundamental that nothing can be a law that is not enacted by the Legislature prescribed in the Constitution, and which fails to conform to constitutional forms, prerequisites or prohibitions. These are the grounds for challenging the subject matter jurisdiction of this court, since the validity of a law on a complaint or indictment goes to the jurisdiction of a court. The following explains in authoritative detail why the laws cited in the complaints against the Accused are not constitutionally valid laws.

II. By Constitutional Mandate, all Laws Must Have an Enacting Clause.

One of the forms that all laws are required to follow by the Constitution of NEW JERSEY (1947), is that they contain an enacting style or clause. This provision is stated as follows:

Article IV Legislative Section VII subsection 6. The Laws of this State shall begin in the following style: "Be it enacted by the Senate and General Assembly of the State of New Jersey."

None of the laws cited in the complaints against the Accused, as found in the "NEW JERSEY Statutes," (Updated through P.L. 2015, ch.24, and JR6 of 2014), contain any enacting clauses.

The constitutional provision which prescribes an enacting clause for all laws is not directory, but is mandatory. This provision is to be strictly adhered to as asserted by the Supreme Court of Minnesota: Upon both principle and authority, we hold that article 4, § 13, of our constitution, which provides that "the style of all laws of this state shall be, 'Be it enacted by the legislature of the state of Minnesota,'" is mandatory, and that a statute without any enacting clause is void. *Sjoberg v. Security Savings & Loan Assn*, 73 Minn. 203, 212 (1898).

III. What is the Purpose of the Constitutional Provision for an Enacting Clause?

To determine the validity of using laws without an exacting clause against citizens, we need to determine the purpose and function of an enacting clause; and also to see what problems or evils were intended to be avoided by including such a provision in our State Constitution. One object of the constitutional mandate for an enacting clause is to show that the law is one enacted by the legislative body which has been given the lawmaking authority under the Constitution.

The purpose of thus prescribing an enacting clause-"the style of the acts"-is to establish it; to give it permanence, uniformity, and certainty; to identify the act of legislation as of the general assembly; to afford evidence of its legislative statutory nature; and to secure uniformity of identification, and thus prevent inadvertence, possibly mistake and. Page 4 of 17 53 fraud. *State v. Patterson*, 4 S.E. 350, 352, 98 N.C. 660 (1887); 82 C.J.S. "Statutes," § 65, p. 104; *Joiner v. State*, 155 S.E.2d 8, 10, 223 Ga. 367 (1967).

What is the object of the style of a bill or enacting clause anyway? To show the authority by which the bill is enacted into law; to show that the act comes from a place pointed out by the Constitution as the source of legislation. *Ferrill v. Keel*, 151 S.W. 269, 272, 105 Ark. 380 (1912).

To fulfill the purpose of identifying the lawmaking authority of a law, it has been repeatedly declared by the courts of this land that an enacting clause is to appear **on the face of every law** which the people are expected to follow and obey.

The almost unbroken custom of centuries has been to preface laws with a statement in some form declaring the enacting authority. The purpose of an enacting clause of a statute is to identify it as an act of legislation by expressing on its face the authority behind the act. 73 Am. Jur.2d, "Statutes," § 93, p. 319, 320; Preckel v. Byrne, 243 N.W. 823, 826, 62 N.D. 356 (1932).

For an enacting clause to appear on the face of a law, it must be recorded or published with the law so that the public can readily identify the authority for that particular law which they are expected to follow. The "statutes" used in the complaints against the Accused have no enacting clauses. They thus cannot be identified as acts of legislation of the State of New Jersey pursuant to its lawmaking authority under Article IV Legislative Section VII subsection 6 of the Constitution of NEW JERSEY (1947), since a law is mainly identified as a true and Constitutional law by way of its enacting clause. The Supreme Court of Georgia asserted that a statute must have an enacting clause, even though their State Constitution had no provision for the measure. The Court stated that an enacting clause establishes a law or statute as being a true and authentic law of the State:

The enacting clause is that portion of a statute which gives it jurisdictional identity and constitutional authenticity. Joiner v. State, 155 S.E.2d 8, 10 (Ga. 1967).

The failure of a law to display on its face an enacting clause deprives it of essential legality, and renders a statute which omits such clause as "a nullity and of no force of law." Joiner v. State, supra. The statutes cited in the complaints have no jurisdictional identity and are not authentic laws under the Constitution of New Jersey.

The Court of Appeals of Kentucky held that the constitutional provision requiring an enacting clause is a basic concept which has a direct affect upon the validity of a law. The Court, in dealing with a law that had contained no enacting clause, stated:

The alleged act or law in question is unnamed; it shows no sign of authority; it carries with it no evidence that the General Assembly or any other lawmaking power is responsible or answerable for it. * * * By an enacting clause, the makers of the Constitution intended that the General Assembly should make its impress or seal, as it were, upon each enactment for the sake of identity, and to assume and show responsibility. * * * While the Constitution makes this a necessity, it did not originate it. The custom is in use practically everywhere, and is as old as parliamentary government, as old as king's decrees, and even they borrowed it. The decrees of Cyrus, King of Persia, which Holy Writ records, were not the first to be prefaced with a statement of authority. The law was delivered to Moses in the name of the Great I Am, and the prologue to the Great Commandments is no less majestic and impelling. But, whether these edicts and commands be promulgated by the Supreme Ruler or by petty kings, or by the sovereign people themselves, they have always begun with some such form as a evidence of power and authority. Commonwealth v. Illinois Cent. R. Co., 170 S.W. 171, 172, 175, 160 Ky. 745 (1914).

The "laws" used against the Accused are unnamed. They show no sign of authority on their face as recorded in the "New Jersey Statutes." They carry with them no evidence that the Legislature of New Jersey, pursuant to Article IV Legislative Section VII subsection 6 of the Constitution of NEW JERSEY (1947), is responsible for these laws. Without an enacting clause the laws referenced to in the

complaints have no official evidence that they are from an authority which I am subject to or required to obey.

When the question of the "objects intended to be secured by the enacting clause provision" was before the Supreme Court of Minnesota, the Court held that such a clause was necessary to show the people who are to obey the law, the authority for their obedience. It was revealed that historically this was a main use for an enacting clause, and thus its use is a fundamental concept of law. The Court stated:

All written laws, in all times and in all countries, whether in the form of decrees issued by absolute monarchs, or statutes enacted by king and council, or by a representative body, have, as a rule, expressed upon their face the authority by which they were promulgated or enacted. The almost unbroken custom of centuries has been to preface laws with a statement in some form declaring the enacting authority. If such an enacting clause is a mere matter of form, a relic of antiquity, serving no useful purpose, why should the constitutions of so many of our states require that all laws must have an enacting clause, and prescribe its form. If an enacting clause is useful and important, if it is desirable that laws shall bear upon their face the authority by which they are enacted, so that the people who are to obey them need not search legislative and other records to ascertain the authority, then it is not beneath the dignity of the framers of a constitution, or unworthy of such an instrument, to prescribe a uniform style for such enacting clause. The words of the constitution, that the style of all laws of this state shall be, "Be it enacted by the legislature of the state of Minnesota," imply that all laws must be so expressed or declared, to the end that they may express upon their face the authority by which they were enacted; and, if they do not so declare, they are not laws of this state. *Sjoberg v. Security Savings & Loan Assn*, 73 Minn. 203, 212-214 (1898).

This case was initiated when it was discovered that the law relating to "building, loan and savings associations," had no enacting clause as it was printing in the statute book, "Laws 1897, c. 250." The Court made it clear that a law existing in that manner is "void" *Sjoberg*, supra, p. 214.

The purported laws in the complaints, which the Accused is said to have violated, are referenced to various laws found printed in the "New Jersey Statutes" book. I have looked up the laws charged against me in this book and found no enacting clause for any of these laws. A citizen is not expected or required to search through other records or books for the enacting authority. If such enacting authority is not "on the face" the laws which are referenced in a complaint, then they are not laws of this state;" and thus are not laws to which I am subject. Since they are not laws of this State, the above-named Court has no subject matter jurisdiction, as there can be no crime which can exist from failing to follow laws which do not constitutionally exist.

In speaking on the necessity and purpose that each law be prefaced with an enacting clause, the Supreme Court of Tennessee quoted the first portion of the *Sjoberg* case cited above, and then stated:

The purpose of provisions of this character is that all statutes may bear upon their faces a declaration of sovereign authority by which they are enacted and declared to be the law, and to promote and preserve uniformity in legislation. Such clauses also import a command of obedience and clothe the statute with a certain dignity, believed in all times to command

respect and aid in the enforcement of laws. *State v. Burrow*, 104 S.W. 526, 529, 119 Tenn. 376 (1907).

The use of an enacting clause does not merely serve as a "flag" under which bills run the course through the legislative machinery. *Vaughn & Ragsdale Co. v. State Bd. of Eq.*, 96 P.2d 420, 424 (Mont. 1939). The enacting clause of a law goes to its substance, and is not merely procedural. *Morgan v. Murray*, 328 P.2d 644, 654 (Mont. 1958).

Any purported statute which has no enacting clause on its face, is not legally binding and obligatory upon the people, as it is not constitutionally a law at all. The Supreme Court of Michigan, in citing numerous authorities, said that an enacting clause was a requisite to a valid law since the enacting provision was mandatory:

It is necessary that every law should show on its face the authority by which it is adopted and promulgated, and that it should clearly appear that it is intended by the legislative power that enacts it that it should take effect as a law. *People v. Dettenthaler*, 77 N.W. 450, 451, 118 Mich. 595 (1898); citing *Swann v. Buck*, 40 Miss. 270.

The laws in the "New Jersey Statutes" do not show on their face the authority by which they are adopted and promulgated. There is nothing on their face which declares they should be law, or that they are of the proper legislative authority in this State.

These and other authorities then all hold that the enacting clause of a law is to be "on its face." It must appear directly above the content or body of the law. To be on the face of the law does not and cannot mean that the enacting clause can be buried away in some other volume or some other book or records.

Face. The surface of anything, especially the front, upper, or outer part or surface. That which particularly offers itself to the view of a spectator. That which is shown by the language employed, without any explanation, modification, or addition from extrinsic facts or evidence. *Black's Law Dictionary*, 5th ed., p. 530.

The enacting clause must be intrinsic to the law, and not "extrinsic" to it, that is, it cannot be hidden away in other records or books. Thus the enacting clause is regarded as part of the law, and has to appear directly with the law, on its face, so that one charged with said law knows the authority by which it exists.

IV. Laws Must be Published and Recorded with Enacting Clauses.

Since it has been repeatedly held that an enacting clause must appear "on the face" of a law, such a requirement affects the printing and publishing of laws. The fact that the constitution requires "all laws" to have an enacting clause makes it a requirement on not just bills within the legislature, but on published laws as well. If the constitution said "all bills" shall have an enacting clause, it probably could be said that their use in publications would not be required. But the historical usage and application of an enacting clause has been for them to be printed and published along with the body of the law, thus appearing "on the face" of the law.

It is obvious, then, that the enacting clause must be readily visible on the face of a statute in the common mode in which it is published so that citizens don't have to search through the legislative journals or other records and books to see the kind of clause used, or if any exists at all. Thus a law in a statute book without an enacting clause is not a valid publication of law. In regards to the validity of a law that was found in their statute books with a defective enacting clause, the Supreme Court of Nevada held:

Our constitution expressly provided that the enacting clause of every law shall be, "The people of the state of Nevada, represented in senate and assembly, do enact as follows." This language is susceptible of but one interpretation. There is no doubtful meaning as to the intention. It is, in our judgment, an imperative mandate of the people, in their sovereign capacity, to the legislature, requiring that all laws, to be binding upon them, shall, upon their face, express the authority by which they were enacted; and, since this act comes to us without such authority appearing upon its face, it is not a law." *State of Nevada v. Rogers*, 10 Nev. 120, 261 (1875); approved in *Caine v. Robbins*, 131 P.2d 516, 518, 61 Nev. 416 (1942); *Kefauver v. Spurling*, 290 S.W. 14, 15 (Tenn. 1926).

The manner in which the law came to the court was by the way it was found in the statute book, cited by the Court as "Stat. 1875, 66," and that is how they judge the validity of the law. Since they saw that the act, as it was printed in the statute book, had an insufficient enacting clause on its face, it was deemed to be "not a law." It is only by inspecting the publicly printed statute book that the people can determine the source, authority and constitutional authenticity of the law they are expected to follow.

It should be noted that laws in the above cases were held to be void for having no enacting clauses despite the fact that they were published in an official statute book of the State, and were next to other laws which had the proper enacting clauses.

The preceding examples and declarations on the use and purpose of enacting clauses shows beyond doubt that nothing can be called or regarded as a law of this State which is published without an enacting clause on its face. Nothing can exist as a State law except in the manner prescribed by the State Constitution. One of those provisions is that "the laws" of this State shall begin in the following style: "Be it enacted by the Senate and General Assembly of the State of New Jersey." (Article IV Legislative Section VII subsection 6). All laws must be published with this clause in order to be valid laws, and since the "statutes" in the "New Jersey Statutes" are not so published, they are not valid laws of this State.

V. Definition of Person and Why it Doesn't apply to the People.

The word "person" in legal terminology is perceived as a general word which normally includes in its scope a variety of entities other than human beings. See e.g. 1 U.S.C. sec 1. *Church of Scientology v. U.S. Dept. of Justice* (1979) 612 F.2d 417, 425.

Under the rule of construction "expressio unius est exclusio alterius" where a statute or Constitution enumerates the things on which it is to operate or forbids certain things, it is ordinarily to be construed as excluding from its operation all those not expressly mentioned. Generally words in a statute should be given their plain and ordinary meaning. When a statute does not specifically define words, such words should be construed in their common or ordinary sense to the effect that the rules

used in construing statutes are also applicable in the construction of the Constitution. It is a fundamental rule of statutory construction that words of common usage when used in a statute should be construed in their plain and ordinary sense.

According to the New Jersey Legislator Acts, Laws, and Statutes Section 1:1-1 General Rules of Construction it states:

In the construction of the laws and statutes of this state, both civil and criminal, words and phrases shall be read and construed with their context, and shall, unless inconsistent with the manifest intent of the legislature or unless another or different meaning is expressly indicated, be given their generally accepted meaning, according to the approved usage of the language. Technical words and phrases, and words and phrases having a special or accepted meaning in the law, shall be construed in accordance with such technical or special and accepted meaning.

Therefore, Denard Trapp have not committed a crime, in a civil or criminal matter, for that all statutes refer only to persons.

According to the New Jersey Legislator Title 1-Acts, Laws, Statutes Section 1:1-2 Words and Phrases defined, it states Unless it be otherwise expressly provided or there is something in the subject or context repugnant to such construction, the following words and phrases, when used in any statute and in the Revised Statutes, shall have the meaning herein given to them.

Person: The word "person" includes corporations, companies, associations, societies, firms, partnerships and joint stock companies as well as individuals, unless restricted by the context to an individual as distinguished from a corporate entity or specifically restricted to 1 or some of the above enumerated synonyms and, when used to designate the owner of property which may be the subject of an offense, includes this State, the United States, any other State of the United States as defined infra and any foreign country or government lawfully owning or possessing property within this State.

Referring back to *expressio unius est exclusio alterius* the statute 1:1-1 or 1:1-2 did not enumerate human being, man or woman so therefore since human being, man, or woman was not enumerated it is excluded from the statute. I have also distinguished myself from any and all corporate or artificial entities.

The right to creation means we are bound to only our creator. I have not been created by THE STATE OF NEW JERSEY so therefore I am not bound to them.

VI. History of the Constitution

We the People of the United States, menaced for the past 100 years by collectivist trends, must seek Revival of Our Strength by re-Educating Ourselves in the Spiritual Foundations, Principles and Ideals which are the bedrock of our Republic, the Principle and Conviction of the Sacredness of every Human Life, and in the understanding of Our Responsibilities in the care and maintenance of those Foundations. To that end is this HTML Edition presented.

"Government is not reason, it is not eloquence, it is force; like fire, a troublesome servant and a fearful master. Never for a moment should it be left to irresponsible action." ---George Washington, speech of January 7, 1790 in the Boston Independent Chronicle, January 14, 1790

"The establishment of our institutions," wrote President Monroe, "forms the most important epoch that history hath recorded. They extend unexampled felicity to the whole body of our fellow-citizens, and are the admiration of other nations. To preserve and hand them down in their utmost purity to the remotest ages will require the existence and practice of virtues and talents equal to those which were displayed in acquiring them. It is ardently hoped and confidently believed that these will not be wanting."

In this era of world-wide social and political change, it behooves us, as never before, to know the fundamentals of our Constitution which, in times of stress as well as in peace, has provided the American people with a more enduring and practical government, and a greater degree of prosperity than any other people have ever had. It is well to remember the words of James Madison as we search for Truth in Self-Government and in Our Understanding of this Great Document of Liberty, Freedom, Justice and Prosperity.

"A popular government without popular information, or the means of acquiring it, is but a prologue to a farce or a tragedy, or perhaps both. Knowledge will forever govern ignorance, and a people who mean to be their own governors must arm themselves with the power which knowledge gives." -- James Madison letter to W. T. Barry, August 4, 1822

"In proportion as the structure of a government gives force to public opinion," wrote Washington in his Farewell Address, "it is essential that public opinion should be enlightened."

"Almost every provision in that Instrument [The Constitution]," said a great jurist, "has a history that must be understood before the brief and sententious language employed can be comprehended in the relations its authors intended."

Each clause or word in the Constitution was carefully designed to protect the individual -- his life, his liberty and his property. By a few, the erroneous belief has been spread that the Constitution is a barrier in the way of American progress. Actually the Constitution is a coat of mail which man himself has fashioned for his own protection, and which he has changed from time to time that the protection might be the more complete -- protection against the abuse of power by his servants in the legislature or Congress, whom he may dismiss at election time or by impeachment, and against whose invasion of his rights he can appeal to the courts; against his executive officers, whom he may dismiss by impeachment or ballot; against his judges, whom he may remove for lack of "good behavior." His government is not his master, as the king or dictator has always been, but his servant."

"In questions of power then," wrote Jefferson, "let no more be heard of confidence in man, but bind him down from mischief by the chains of the Constitution."

The Founders of the Republic feared parties of the people as much as they did a royal government. "Whenever there is an interest and power to do wrong," wrote Madison to Jefferson in 1788, "wrong will generally be done, and not less readily by a powerful and interested party than by a powerful and interested prince."

The notes which are to follow will disclose the truth of that statement. See Also "Undermining the Constitution - A History of Lawless Government"

There is no more interesting fact to be learned about our Constitution than that of its influence upon the nations of the world. While Americans know in a general way that under their Constitution thirteen scattered agricultural communities have developed into a nation of fifty states of the most varied resources, with the highest social and educational advantages, they are not aware that our Constitution has been copied in whole or in part throughout the earth. "The Republic of the United States," states Lord Bryce, Ambassador Extraordinary and Plenipotentiary at Washington from Great Britain from 1907 to 1913, author of "The American Commonwealth" (1888) and professor of civil (Roman) law in the University of Oxford from 1870 to 1893, writing ("Studies in History and Jurisprudence", Vol. 1, p.168) of what he called a "rigid" constitution -- one like ours, which can be changed only by a method different from that whereby other laws are enacted or repealed -- "has not only presented the most remarkable instance of this type in the modern world, but has by its success become a pattern which other republics have imitated. . . . The constitutions of all the forty-five [now 50] States of the Union are rigid, being not alterable by the legislatures of those States respectively. This is also true of the Constitution of the Dominion of Canada, which is alterable only by the Imperial Parliament. Mexico and the five republics of Central America, together with the nine republics of South America, have all adapted constitutions which their legislatures have not received power to change."

The Commonwealth of Australia adopted a constitution (1900) following ours more closely even than that of Canada (1867) did; and in 1909, after the Boer War, the Union of South Africa adopted a similar constitution, but owing to the diversity of the races and interests which were united, it does not follow the American model so closely as do those of Canada and Australia. France, Belgium, and Switzerland have put in their constitutions many provisions first employed in ours; but to the extent that other countries have failed to follow the Constitution of the United States their governmental structures are weak, as the study of the notes will reveal. It is to be seen, further, that the underlying principles of our Constitution were not formulated in a day. When our forefathers declared their independence some of the colonists had lived under written charters from the English Crown for one hundred sixty-nine years, or three-fourths as long as the -1674 years we have lived under the present Constitution. During that long term many of the Colonies were practically self-governed. The English historian Lecky ("England in the Eighteenth Century") says that all of them enjoyed greater privileges in this respect than did the English people themselves. It will be seen from a study of the notes that many leading principles of the Constitution were adoptions or adaptations of what the colonists had worked out in experience while they were subjects of the English government; and that after the Declaration of Independence the States framed constitutions of their own from which many important provisions were borrowed by the Constitutional Convention and made a part of our fundamental law. Many other provisions of our Constitution merely state principles of English law as the colonists thought that they should be applied in the new day.

Thus, in 1780, seven years before the Constitution was drafted, Massachusetts put in its Constitution what became the classic statement of the American theory of the division of governmental powers:

"In the government of this commonwealth the legislative department shall never exercise the executive and judicial powers, or either of them; the executive shall never exercise the legislative and judicial

powers, or either of them; the judicial shall never exercise the legislative and executive powers, or either of them -- to the end that it may be a government of laws and not of men."

Nearly a year before the Constitutional Convention sat James Madison began working out what was called "the Virginia plan" of a form of government. Charles Pinckney of South Carolina took with him to the Convention a carefully drafted plan. Alexander Hamilton of New York had drawn such an elaborate scheme of government "that," says Taylor ("Origin and Growth of the American Constitution"), "it might have gone into effect the next day if it had been adopted." Other plans and suggestions almost without number were presented to the Convention. Taylor says that the three plans mentioned were the real basis of the Convention's work, that they were restatements of principles contained in a document published in Philadelphia by Pelatiah Webster in 1783.

In addition to this careful preparation after more than a century of self-government, there were in the Convention men of extraordinary natural ability and wide experience, like Washington, Franklin, Hamilton and Madison. There were men who had studied law at the Inner Temple in London, who had been educated in the University of Edinburgh, who had been graduated from American colleges, who had been governors of States, chief justices of supreme courts, and men who had achieved distinction at the bar and in business life. Edmund Burke stated in the House of Commons in March 1776, that more books of law were going to America than of any other kind. Of the fifty-five members of the Constitutional Convention, thirty-one were lawyers. Blackstone's Commentaries were taught by Chancellor Wythe in William and Mary College before the Declaration of Independence. John Marshall, Thomas Jefferson, and James Monroe were among his pupils.

When our Constitution was written Harvard College (1636) had been sending out educated young men for just a century and a half, William and Mary College (1693) had been graduating learned youths for almost a century, Yale College (1701) had been contributing to the education of the people for more than three quarters of a century, and Princeton (1746) had been teaching for half a century. The people were well prepared for their great endeavor.

The task of the Constitutional Convention was not to construct a government from the foundation up. There had already been firmly set by experience thirteen base-stones in the form of State republican governments. Upon these, and for the benefit of their population as a whole, the National structure was placed. This super government was to deal with foreign nations, and also to administer at home all matters of National (as distinguished from State or local) character. The National government was to be supreme in its domain, and the State governments were to be sovereign in all affairs not National or foreign. As will be seen, this duality, while conducing to a happy balancing of governmental powers, has at the same time been the strongest force in political and material advancement. For the Nation has learned from the States, as they have learned from one another and from the Nation. Many changes have been brought about by the action of States which might never have resulted were action by the whole people called for in the first place. Of the numerous illustrations which might be given of the effect of State action upon National opinion perhaps the best is found in the laws (local option or prohibitory) restricting the manufacture and sale of intoxicating liquors. Without precedent action and demonstration by the States the Eighteenth Amendment would not been adopted. This observation may be repeated as womanhood suffrage, the trial of which in many States led to the Nineteenth Amendment. In many ways the competition of the States has been vitalizing and

progressive. It is a question whether a vast republic not having such political subdivisions could long stand.

It is not generally mentioned that our present fundamental law is the second written form of government of the United States. The first was called the Articles of Confederation. The Articles went into effect as a government of "the United States of America" in 1781.. In 1777, less than a year after the Declaration of Independence, the Articles which had been drafted were adopted by the Convention chosen by the Continental Congress 1 to frame them. But owing mostly to disputes regarding western lands (the royal grants to the Colonies reaching westward indefinitely), the last State did not give its ratification until 1781. The Articles were so inadequate that within four years plans originated at Mount Vernon to remodel them. Washington and a company of statesmen recommended the calling of a convention the next year (1786) at Annapolis. Only five States sent representatives and, therefore, the Convention adjourned to the next year at Philadelphia. All the States except Rhode Island were then present by representatives. Washington, a delegate from Virginia, was chosen to preside. "Let us raise a standard to which the wise and honest can repair," he said; "the event is in the hand of God." The Convention, which was called to remodel the Articles of Confederation, cast them aside and drafted an entirely new instrument.

Pains have been taken in the notes to state everything simply and clearly, and as fully as the restricted space would permit.

It is recommended that the General Index, the Landmark Court Case Index and the Constitutional History of this presentation receive diligent study, and that as a matter of review, the Constitutional Quiz be taken.

For historical value the dates of the great decisions and of the leading acts of Congress have been given. Citations of volumes and pages have been omitted because they are not followed up by the run of readers and they are unpleasant to most eyes. But for the help of lawyers, and others who may wish to go beyond the text, a short table of the leading cases is presented.

Acknowledgment is due to Mr. Gardiner Lathrop of the Chicago Bar, to Mr. William DeForest Manice of the Bar of New York City, and to Mr. Blackburn Esterline of the Bar of the City of Washington for very helpful readings of the manuscript.

As stated at the outset, this explanation of the Constitution has been prepared under the conviction that the American never has had within reach the means of acquiring that knowledge which, as a citizen, he should first of all possess.

Note 1. The Continental Congress was the provisional or emergency government which was made up of delegates from the several States and which acted as their united authority from the time that the dispute with the English Government assumed its most serious aspect (1774) until the Articles of Confederation went into effect in 1781.

"In addition to the very important charge of managing the war," said President Monroe, discussing the Continental Congress, "that Congress had under consideration at the same time the declaration of independence, the adoption of a confederation for the States, and the propriety of instituting State governments, with the nature of those governments, respecting which it had been

consulted by conventions of several of the Colonies. So great a trust was never reposed before in a body thus constituted." Thomas James Norton. Chicago, February, 1922

"The question whether an act repugnant to the constitution can become the law of the land is a question deeply interesting to the United States; but, happily, not of an intricacy proportioned to its interest. It seems only necessary to recognize certain principles, supposed to have been long and well established, to decide it.

"That the people have an original right to establish for their future government such principles as, in their opinion, shall most conduce to their own happiness, is the basis on which the whole American fabric has been erected....

"This original and supreme will organizes the government, and assigns to different departments their respective powers. It may either stop here, or establish certain limits not to be transcended by those departments.

"The government of the United States is of the latter description. The powers of the legislature are defined and limited; and that those limits may not be mistaken, or forgotten, the constitution is written. To what purpose are powers limited, and to what purpose is that limitation committed to writing, if these limits may, at any time, be passed by those intended to be restrained?

"If an act of the legislature, repugnant to the constitution, is void, does it, notwithstanding its invalidity, bind the courts, and oblige them to give it effect? Or, in other words, though it be not law, does it constitute a rule as operative as if it was a law? This would be to overthrow in fact what was established in theory; and would seem, at first view, an absurdity too gross to be insisted on." -- Chief Justice Marshall.

Whether the framers of the Constitution intended that the Supreme Court should in proper cases hold unconstitutional acts of Congress and acts of the legislatures of the States is answered Yes. The subject was fully discussed not only in the Constitutional Convention, but also in the State ratifying conventions and in print. Oliver Ellsworth, in the Connecticut Convention, stated clearly the practice then intended precisely as it exists in the courts today:

"This Constitution defines the extent of the powers of the general government. If the general legislature [Congress should at any time overleap their limits the judicial department is a constitutional check. If the United States go beyond their powers, if they make a law which the Constitution does not authorize, it is void; and the judicial power, the National judges, who, to secure their impartiality, are to be made independent, will declare it to be void. On the other hand, if the States go beyond their limits, if they make a law which is a usurpation upon the Federal [National] government the law is void; and upright, independent judges will declare it to be so."

"Do not separate text from historical background. If you do, you will have perverted and subverted the Constitution, which can only end in a distorted, bastardized form of illegitimate government." -- James Madison, Primary Author of the Constitution, President of the United States, Mainstream Militant and Revolutionary

In so many instances, fueled by greed, avarice, and self-aggrandizement, Our Elected Servants have subverted the Principles of the Constitution and Its strictures on the limitation of Government.

"Time has proven the discernment of our ancestors; for even these provisions, expressed in such plain English words that it would seem the ingenuity of man could not evade them, are now after the lapse of more than seventy years, sought to be avoided. Those great and good men foresaw that troublous times would arise, when rulers and people would become restive under restraint, and seek by sharp and decisive measures to accomplish ends deemed just and proper, and that the principles of constitutional liberty would be in peril unless established by irrepealable law. The history of the world had taught them that what was done in the past might be attempted in the future.

The Constitution of the United States is a law for rulers and people, equally in war and peace, and covers with the shield of its protection all classes of men, at all times, and under all circumstances. No doctrine involving more pernicious consequences was ever invented by the wit of man than that any of its provisions can be suspended during any of the great exigencies of government. Such a doctrine leads directly to anarchy or despotism." -- The Supreme Court of the United States, 1866 c31

"They saw all the consequences in the principle and they avoided the consequences by denying the principle." -- James Madison

"Because if . . . [An Unalienable Natural Right of Free Men] . . . be exempt from the authority of the Society at large, still less can it be subject to that of the Legislative Body. The latter are but the creatures and vicegerents of the former. Their jurisdiction is both derivative and limited: It is limited with regard to the coordinate departments, more necessarily is it limited with regard to the constituents. The preservation of a free Government requires, not merely, that the metes and bounds which separate each department of power be invariably maintained: but more especially that neither of them be suffered to overleap the greater Barrier which defends the rights of the people. The Rulers who are guilty of such an encroachment, exceed the commission from which they derive their authority, and are Tyrants. The people who submit to it are governed by laws made neither by themselves nor by an authority derived from them, and are Slaves -- James Madison, June 1785.

". . . that the mass of mankind has not been born with saddles on their backs, nor a favored few booted and spurred, ready to ride them legitimately, by the grace of God." -- Thomas Jefferson's Last Letter, June 24, 1826

"Legislators have their authority measured by the Constitution, they are chosen to do what it permits, and NOTHING MORE, and they take solemn oath to obey and support it. . . To pass an act when they are in doubt whether it does or does not violate the Constitution is to treat as of no force the most imperative obligations any person can assume." --- Judge Thomas M. Cooley

VII. Constitution for the United States of America Adopted July 2, 1788

In effect March 4, 1789

The Preamble

It is important to notice that this is a government of the people, not of the States. Under the Articles of Confederation, in effect as our first form of "national" government, agreed to by the Continental Congress on November 15, 1777 and in force after ratification by Maryland on March 1, 1782 until the ratification of the Constitution for the United States in 1788 and George Washington's inauguration as the nation's first President under the Constitution on April 30, 1789, the States as political entities, and not the people, entered into "a firm league of friendship", each State retaining "its sovereignty, freedom and independence." The new Constitution for the United States brought in a new Nation, the United States of America, deriving its "just powers from the consent of the governed."

"The people, the highest authority known to our system," said President Monroe, "from whom all our institutions spring and whom they depend, formed it."

"Its language, 'We the People,' is the institution of one great consolidated National government of the people of all the States, instead of a government by compact with the States for its agents," exclaimed Patrick Henry in the Virginia ratifying assembly while leading opposition to its adoption, "The people gave the [Constitutional] Convention no power to use their name. "Some States restricted the authority of their delegates to revising the Articles of Confederation. It was claimed that the casting aside of the Articles of Confederation (which could be altered or amended only by the concurrence of every State) for a constitution to become effective when adopted by nine of the thirteen States was revolutionary. It was, in fact, a coup d'Etat. Revision only was uppermost in the minds of many. On February 21, 1787, the Congress existing under the Articles called a convention "for the sole and express purpose of revising the Articles of Confederation and reporting to Congress and the several legislatures such alterations and provisions therein as shall, when agreed to in Congress and confirmed by the States, render the federal Constitution adequate to the exigencies of government and the preservation of the Union." But it was the belief of the Constitutional Convention that as the new instrument was to go to the people for ratification or rejection, the objections stated by Henry and others were really unimportant.

In Order to form a more perfect Union,

Meaning "a more perfect union" than had been achieved by the Articles of Confederation.

"In the efficacy and permanency of your Union," wrote Washington in his Farewell Address, "a government for the whole is indispensable. . . . Sensible of this momentous truth you have improved upon your first essay [the Articles of Confederation] by the adoption of a Constitution of government better calculated than your former for an intimate Union and for the efficacious management of your common concerns."

The Union, made "more perfect" by the Constitution was nevertheless in later times said to be dissoluble at the pleasure of any State that might wish to secede. In his Farewell Address (1796)

Washington had called upon the people "indignantly" to frown "upon the first dawning of every attempt to alienate any portion of our country from the rest or to enfeeble the sacred ties which now link together the various parts." To put the question beyond controversy it required a four year Civil War, after the secession of the southern States, beginning with that of South Carolina in December, 1860, following the election of Abraham Lincoln to the Presidency in the preceding month.

In a great debate in the Senate between Daniel Webster of Massachusetts and John C. Calhoun of South Carolina, the former contended that the National Government through its Supreme Court, is the ultimate expounder of its own powers, while the latter stood for what was known as States' Rights and argued for the right of the individual State, under its reserved sovereignty¹⁶³, to determine such questions for itself, as South Carolina had done (1833) by an ordinance declaring null a tariff law of Congress. Secession, he said, was the States remedy of last resort. Of Calhoun's theory, and of the historic facts with which it presumed to deal, President Lincoln said, in a message (July 4, 1861) to a special session of Congress called to prepare for the Civil War:

"The States have their status in the Union, and they have no other legal status. If they break from this, they can only do so against law and by revolution. The Union [of the original thirteen independent states under the Articles of Confederation], and not they themselves procured their independence and their liberty. By conquest or purchase the Union gave each of them whatever of independence and liberty it has. The Union is older than any of the States, [other than the original thirteen independent states under the Articles of Confederation] and in fact, it created them as States."

This is in opposition to the decision of the Supreme Court in *Gordon v. United States* (1864), 117 U.S. 697 (703).¹⁶³

The citizen was not, under the theory of States' Rights, in contact with the National Government. He owed allegiance to his State, and the State, in turn, dealt with the Nation. After the Civil War the Fourteenth Amendment set that theory aside by declaring: "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside." Every citizen now owes allegiance to the Nation as well as to the State.

It is interesting to note with what singular clearness James Wilson of Pennsylvania, a scholar from Edinburgh, laid down in the Constitutional Convention the doctrine which was, eighty years later, removed from debate by the Fourteenth Amendment¹⁷¹, the question under discussion being whether the State or the people should be represented in the Senate:

"A Citizen of America is a citizen of the general government, and is a Citizen of the particular State in which he may reside. . . . In Forming the general government we must forego our local habits and attachments, lay aside our State connections, and act for the general good of the whole. The general government is not an assemblage of the States, but of individuals."

Profiting by the experience of our country, the United States of Brazil, which was established in 1890, after the overthrow of the monarchy, carefully provided, in a constitution closely copying the fundamentals of ours, for a "perpetual and indissoluble Union between former provinces into the United States of Brazil." And in 1900, when the various provinces of Australia were united as the Commonwealth of Australia, the Constitution, also closely following ours and adopting our

terms, "State", "House of Representatives" and "Senate", provided for an "Indissoluble Federal Commonwealth"

establish Justice, insure domestic Tranquility, provide for the common defense,

Since the Ethical and Moral Purpose of our Constitution is to "establish Justice" to insure domestic Tranquility, guidance from moral principles such as equality before the law, the absolute right to petition for redress of grievance without resort to violence against human dignity and liberty, are constituents of "Justice", and necessary to interpret it:

The governmental "judge" made doctrines of Sovereign Immunity and Judicial Supremacy inculcated over the last years of judicial incrementalism are untenable to the Constitution as **written**.

Sovereign Immunity changes the basic relationship between government and its people from one seeking moral justice under the law to one in which people have no enforceable rights and government has no enforceable limits. That concept of moral justice; of striving to *establish Justice* and *domestic Tranquility* is what distinguishes barbarian from civilized society. The Founders designed the Constitution to transform the barbarian rule we rejected as Colonies, into a civilization befitting the dignity of a free people.

The Constitution, by both its general design and its terms as **written**, limits government to the powers delegated. Immunity from accountability to these limited powers it injures in violation of the law is a power not delegated. The Tenth Amendment forbids it. Our Constitution is a closed legal and logical system that declares itself and the laws made pursuant to it, to be the supreme law of the land, and that is the only law that it allows. There is no room in it for "inherent sovereign immunity".

With regard to Judicial Supremacy no clearer reason for the rejection of Judicial Supremacy can be given than the words of Thomas Jefferson in 1819:

*"If this opinion [of judicial supremacy] be sound, then indeed is our Constitution a complete **felo de se** [act of suicide]. For intending to establish three departments, coordinate and independent, that they might check and balance one another, it has given, according to this opinion, to one of them alone the right to prescribe rules for the government of the others, and to that one, too, which is unelected by and independent of the nation ... The Constitution on this hypothesis is a mere thing of wax in the hands of the judiciary, which they may twist and shape into any form they please."*

In 1820, he further clarified his rejection of the doctrine of judicial supremacy when he wrote:

"To consider the judges as the ultimate arbiters of all constitutional questions is a very dangerous doctrine indeed, and one which would place us under the despotism of an oligarchy. Our judges are as honest as other men, and not more so. They have, with others, the same passions for party, for power, and the privilege of their corps ... And their power the more dangerous as they are in office for life, and not responsible, as the other functionaries are, to the elective control. The constitution has erected no such single tribunal."

With respect to Supremacy, "The Supreme Law of the Land" is "The Constitution as it is written" and the laws made pursuant thereto. Its interpretations are not the supreme law of the land. They are mere interpretations that may or may not be correct, or may even be dishonest and treacherous to it.

The final arbiter therefore of the meanings of that Supreme Law can only be We The People through utilization of the amendatory processes contained therein, and through the absolute First Amendment Right of Petition for a Redress of Grievances.

Under the Articles of Confederation the expenses of the common defense were to be "defrayed out of a common treasury" supplied "by the authority and direction of the legislatures of the several states." The Nation itself had no power of self-defense in the raising of money and in some other important respects. It turned out in practice that some of the States signally failed in emergencies to make their contributions to the "common treasury." Indeed, only New York and Pennsylvania paid their full proportion of the costs of the Revolution. One State, which had suffered none from the ravages of war, contributed nothing. But (to illustrate the difference between a league of States and a Nation) when the United States entered World War I in 1917 the Congress promptly exerted its power under the Constitution and raised by the issue of Liberty Bonds, by income taxes, and by other means all the money that it needed for "the common defense." The States as such were not concerned except in providing militia, a subject to be noticed later. So it had been in the War of 1812, in the Mexican War, in the Civil War, and in the War with Spain. The Articles of Confederation were wholly deficient in this most important of all respects, in the power of "common defense."

promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

Comment has been made that God is not mentioned in our Constitution. In the Declaration of Independence "firm reliance on the protection of Divine Providence" is expressed, and in the Articles of Confederation it is mentioned that "it has pleased the Great Governor of the world to incline the hearts of the legislatures we respectively represent in Congress to approve and to authorize us to ratify the said Articles of Confederation and perpetual union."

The Commonwealth of Australia put in the preamble of the Constitution which it submitted to the English Parliament for approval (1900) that "Whereas, the people of New South Wales, Victoria, South Australia, Queensland, and Tasmania, humbly relying on the blessings of Almighty God, have agreed to unite," etc.

A very interesting discussion of the proposition that "this is a religious people" is contained in a decision of the Supreme Court of the United States (1892) holding that the Alien Contract Labor Law of 1885 (prohibiting the bringing in of "foreigners and aliens under contract or agreement to perform labor in the United States"), while applying to an alien brought in to perform "labor or service of any kind", did not relate in purpose -- although it did in language -- to a minister of the Gospel who had been

employed to come from England to accept service in a New York church. In applying the rule of statutory interpretation, that the intent of the legislature must be followed, the court said that **"no purpose of action against religion could be imputed to any legislation"** when the language did not clearly state it, for the reason that from the commission given by Ferdinand and Isabella to Columbus down through all the charters of the colonies, as well as in the Declaration of Independence and in the constitutions of all the States, there is to be found a **"profound reverence for religion and an assumption that its influence in all human affairs is essential to the well-being of the United States."** ⁶

Footnote [A]: It is important to note that the words **"Constitution for the United States"**, **"The Preamble"** and the dates of adoption and effectivity do not appear on the Original Document. That document begins with the words **"We The People"** in much emboldened characters to emphasize that it is the People that are establishing this Constitution, followed by text in lesser case characters, **"of the United States"**, to further denote the **Body of the Whole in Common Law**. The aforementioned heading has been added to textual presentations as a document title for cataloging and reference purposes. It has no other purpose and neither carries nor implies any authority.

The **"Preamble"**, i.e., **"promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this CONSTITUTION for the United States of America"** and to emphasize that this is a charter that **"We the People"** have given to the united States, and not that the States or the National Government has given to **"We the People"**. It is **"We the People"**, the Sovereign Citizens, who must, through our efforts and responsibilities, secure this Charter of Liberty, Freedom and for Responsible Government for All Future Generations.

The authority of government lies entirely and irrevocably within the Body of The Whole, **"We The People"**.

CAVEAT

I (Denard Trapp) regard it as just and necessary to give fair warning to this court of the consequences of its failure to follow the Constitution of New Jersey and uphold its oath and duty in this matter, being that it can result in this court committing acts of treason, usurpation, and tyranny. Such trespasses would be clearly evident to the public, especially in light of the clear and unambiguous provisions of the Constitution that are involved here which leave no room for construction, and in light of the numerous adjudications upon them as herein stated. The possible breaches of law that may result by denying this motion are enumerated as follows:

1. The failure to uphold these clear and plain provision of our Constitution cannot be regarded as mere error in judgment, but deliberate USURPATION. "Usurpation is defined as unauthorized arbitrary assumption and exercise of power." State ex rei. Danielson v. Village of Mound, 234 Minn. 531, 543, 48 N.W.2d 855, 863 (1951). While error is only voidable, such usurpation is void.

The boundary between an error in judgment and the usurpation of judicial power is this: The former is reversible by an appellate court and is, therefore, only voidable, which the latter is a nullity. State v. Mandehr, 209 N.W. 750, 752 (Minn. 1926).

To take jurisdiction where it clearly does not exist is usurpation, and no one is bound to follow acts of usurpation, and in fact it is a duty of citizens to disregard and disobey them since they are void and unenforceable.

[N]o authority need be cited for the proposition that, when a court lacks jurisdiction, any judgment rendered by it is void and unenforceable. *Hooker v. Boles*, 346 Fed.2d 285, 286 (1965).

The fact that the "Jersey Statutes" has been in use for over hundred years cannot be held as a justification to continue to usurp power and set aside the constitutional provisions which are contrary to such usurpation, as Judge Cooley stated:

Acquiescence for no length of time can legalize a clear usurpation of power, where the people have plainly expressed their will in the Constitution. Cooley, *Constitutional Limitations*, p. 71.

2. To assume jurisdiction in this case would result in TREASON. Chief Justice John Marshall once stated:

We [judges] have no more right to decline the exercise of jurisdiction which is given, than to usurp that which is not given. The one or the other would be treason to the constitution. *Cohens v. Virginia*, 6 Wheat. (19 U.S.) 264, 404 (1821).

The judge of this court took an oath to uphold and support the Constitution of New Jersey, and his blatant disregard of that obligation and allegiance can only result in an act of treason.

3. If this court departs from the clear meaning of the Constitution, it will be regarded as a blatant act of TYRANNY. Any exercise of power which is done without the support of law or beyond what the law allows is tyranny.

It has been said, with much truth, "Where the law ends, tyranny begins." *Merritt v. Welsh*, 104 U.S. 694, 702 (1881).

The law, the Constitution, does not allow laws to exist without titles or enacting clauses. To go beyond that and allow the "New Jersey Statutes" to exist as "law" is nothing but tyranny. Tyranny and despotism exist where the will and pleasure of those in government is followed rather than established law. It has been repeatedly said and affirmed as a most basic principle of our government that, "this is a government of laws and not of men; and that there is no arbitrary power located in any individual or body of individuals." *Cotting v. Kansas City Stock Yards Co.*, 183 U.S. 79, 84 (1901). The Constitution requires that all laws have enacting clauses. If these clear and unambiguous provisions of the State Constitution can be disregarded, then we no longer have a constitution in this State, and we no longer live under a government of laws but a government of men, i.e., a system that is governed by the arbitrary will of those in office. The creation of the "New Jersey Statutes" is a typical example of the arbitrary acts of government which have become all too prevalent in this century. Its use as law is a nullity under our Constitution.

I, Denard Trapp, natural man DO NOT WAIVE ANY RIGHTS secured by our Constitution contract that alleges to release any government official from his or her fiduciary duties, responsibilities, and/or their binding Oaths to support the Constitution for The United States and the Constitution of New Jersey. There has not been a Constitutional Convention called (in the history of this country) to support

any such false claims (made by the officials at any level) to the contrary. If there has been such a convention called, let the 'claimed' surety holders or 'delegated' lawmakers make themselves known to the People (DenardTrapp) and we will certainly take interest and examine whether or not compliance is in order. To my knowledge and honest opinion, based on research, the 'natural people' and citizens have never agreed to relinquish their Inalienable Rights, nor have they 'abandoned' their rights to 'due process' and have never waived their rights to be secured in their private houses, their property, their papers, their conveyance, their rights to travel on public roads and highways, and their rights to personality, in general. If these stated facts are not the case, the let (Judge), state the same or introduce proof to the contrary for the public record!

The Defendants/ Offenders/ Entity in this case have sought to impose colorable contracts and unsubstantiated legal waivers upon the Plaintiff, Denard Trapp. Color-of-Office persons (acting and posing as legitimate government) know that Municipalities and their agents (Defendants have been, and are, exercising 'fictional authority' by force of arms; and have been implying unsubstantiated and 'colorable' agreements on the part of the Natural People / citizens, when and where no written, oral or mutual agreement exists.

CONCLUSION

In conclusion, according to the Laws that govern contracts, a consideration is not sufficient in law if it is illegal in its nature. Also, a contract made with a 'minor' or with a lunatic is void. Can a 'colorable' contract be adjudged as bona fide? Can misrepresented, vague and inalienable – rights – stealing instruments be enforced as valid in law? And so, the People have, retain and reserve the inalienable right of refusal to accept misrepresented and colorable instruments as being real. I preserve and reserve the Divine and Inalienable rights to NOT contract with, nor to do business with, such State or Municipal (Officials) employees or personnel who violate the honor of, the principles governing, and the essence of, valid contract law. I (Denard Trapp) reject and do not support those who abridge and violate the Constitution of the United States Republic of North America by day and by night. No enemies to the People, have any 'right' to hold public office or public trust in the United States Republic, within its Republican Form of Government, nor to rename the Republic as a Demo/Democracy.

Thank You,

I Am: Denard Trapp

Denard Trapp, Authorized Representative

Natural Flesh and Blood Person

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