

TWENTY-FIRST DISTRICT

NORTH CAROLINA COURT OF APPEALS

STATE OF NORTH CAROLINA,)
Plaintiff)
v.)
Amanda Lea Rose,)
Respondent)

From Forsyth County
No. 11 CRS 014680

RECORD ON APPEAL

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NORTH CAROLINA COURT OF APPEALS

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STATEMENT OF ORGANIZATION OF TRIAL COURT

Amanda Lea Rose, maintaining her Special Appearance, appeals from the 30 November 2011 judgment of V. Bradley Long, SUPERIOR COURT JUDGE, during the 28 November 2011 CRIMINAL SESSION OF SUPERIOR COURT, COUNTY OF FORSYTH, V. Bradley Long, Judge presiding. Amanda Lea Rose filed and hand-delivered written notice of appeal on 9 December 2011.

The record on appeal was filed in the Court of Appeals on April 23 2012 and was docketed on April 24 2012.

NOTE: If DWI, use AOC-CR-342 (active) or AOC-CR-310 (probation). If active sentence to DOC, use AOC-CR-302. If supervised probation, use AOC-CR-304.

MAGISTRATE'S ORDER - MISDEMEANOR ONLY

The named defendant has been arrested without a warrant and there is probable cause for the defendant's detention on the stated charges. This Magistrate's Order is issued upon information furnished under oath by the named officer. A copy of this Order has been delivered to the defendant.

Date _____ Signature Of Magistrate/Deputy/Assistant/CSC _____

COURT USE ONLY

District Attorney _____ Attorney For Defendant At Time Of Trial Or Plea _____

Appointed
 Retained
 Waived

PRIOR CONVICTIONS:
No Level: I (0) II (1-4) III (5+)

PLEA: guilty/resp. no contest
 VERDICT/FINDING: guilty/resp. guilty/resp. not guilty/resp. not guilty/resp. WD

MISD. CLASS: A1 1 2 3
 MISD. CLASS: A1 1 2 3

JUDGMENT: The defendant appeared in open court and freely, voluntarily and understandingly entered the above plea; on the above verdict/finding, it is ORDERED that the defendant: pay costs and a fine/penalty of \$ _____ be imprisoned for a term of _____ days in custody of the sheriff. Pretrial credit _____ days served. The Court finds that a longer shorter period of probation than specified in G.S. 15A-1343.2(d), is necessary. Execution of sentence is suspended and the defendant is placed on unsupervised probation for _____ months, subject to the regular conditions of probation and the following: (1) pay costs and a fine/penalty of \$ _____; (2) not operate a motor vehicle until properly licensed by DMV; (3) complete _____ hours of community service within _____ days and pay the fee; (4) Other: _____

It is ORDERED that this: Judgment is continued upon payment of costs. case be consolidated for judgment with _____
 sentence is to run at the expiration of the sentence in _____
 COMMITMENT: It is ORDERED that the Clerk deliver two certified copies of this Judgment and Commitment to the sheriff and that the sheriff cause the defendant to be retained in custody to serve the sentence imposed or until the defendant shall have complied with the conditions of release pending appeal.
 The defendant in open court, gives notice of appeal to the Superior Court. The current pretrial release order is modified as follows: _____

Date _____ Signature Of District Court Judge _____ I certify that this Judgment is a true copy. Date _____ Signature Of Deputy/Assistant/CSC _____

The General Court of Justice District Court Division

DEFENDANT'S COPY (SEE IMPORTANT NOTICE ON REVERSE)

File No. **4411375-9**

NORTH CAROLINA UNIFORM CITATION

Defendant is to appear in District Court _____

Date of Birth: _____

Address: _____

City: _____ State: _____ ZIP: _____

Driver's License No. _____ State: _____ Class: _____

Race: _____ Sex: _____ Date of Birth: _____ Age: _____

Social Security No. Of Defendant _____ Telephone No. _____

Vehicle License No. _____ State: _____

Vehicle Type: _____ Trailer Type: _____ Make: _____ Year: _____

Name And Telephone No. Of Defendant's Employer _____

Date Of Arrest & Check Digit No. (As Shown On Fingerprint Card) _____

Signature Of Defendant _____

DEPARTMENTAL USE ONLY

Officer: _____ No. _____ Troop _____ District _____

Area: _____ Vs. _____ Traffic _____ Accident _____

On Highway No. Street _____ Injury Or Serious Injury _____

Including City Of _____ Adaptor Intersection _____

W/V _____ AC _____

STATE OF NORTH CAROLINA

The undersigned officer has probable cause to believe that on or about _____ day of _____ at _____ in the _____ County, _____

with/without operate a (motor) vehicle on a (street or highway) (public) (vehicular) area) _____

1. At a speed of _____ MPH in a _____ zone, G.S. 20-141.1

2. In a work zone, G.S. 20-141.1(b), _____ MPH zone, G.S. 20-141.1

3. By transporting a passenger or less than 16 years of age without hearing _____

4. By transporting a child passenger (weight appropriate child passenger restraint system) (seat belt) G.S. 20-137.1.

5. By transporting a child of less than five years of age and less than 40 pounds in weight without the child being secured in the rear seat, when the vehicle was equipped with an appropriate child passenger-side front air bag and the vehicle had a rear seat, G.S. 20-137.1(a).

6. While subject to an impending suspension, G.S. 20-198.1.

7. While being towed as a driver by the Division of Motor Vehicle, North Carolina, G.S. 20-719.

8. While displaying an expired registration for 21 days after the expiration date, G.S. 20-205.1(a).

9. While displaying an expired or expired and renewed inspection certificate, such as to be expired, G.S. 20-205.1(a).

10. By failing to see before changing (atopping) (turning from a direct line) that such movement could be made in safety, G.S. 20-154.

11. By failing to stop at a duly erected (stop sign) (flashing red light), G.S. 20-150(b)(1), (b)(3).

12. By entering an intersection while a stop light was emitting a steady red light for traffic in defendant's direction of travel, G.S. 20-150(b)(2).

13. Without having in full force and effect the financial responsibility required by G.S. 20-313. The defendant was the owner of the motor vehicle that was registered, (required to be registered) in this State, G.S. 20-313.

14. Possess an open container of (Consuming) an alcoholic beverage in the passenger area of a motor vehicle, G.S. 20-132.7(a). (NOTE: Strike "operator a (motor) vehicle" and "(public) (vehicular) area" above.)

15. Without decreasing speed as necessary to avoid colliding with a (vehicle) (person), G.S. 20-141(b).

16. _____

17. And on or about the date and time shown above in the named county, the named defendant did unlawfully and willfully operate a (motor) vehicle on a (street or highway) (public) (vehicular) area) _____

Signature Of Officer _____

Date _____

STATE OF NORTH CAROLINA IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
COUNTY OF FORSYTH FILE NOS: 11CRS014680

NOTICE OF VOID JUDGMENT

STATE OF NORTH CAROLINA,
Plaintiff,
vs.
Amanda Lea Rose
Respondent, on Special Appearance

The above captioned "court" has proceeded in this matter without establishing jurisdiction beyond a reasonable doubt; therefore the resulting judgment is rendered void under Rule 60(b)(4) of the Federal Rules of Civil Procedure.

It is an undisputed fact that **once jurisdiction is challenged it must be proven** (James Brown v. Richard Keene; 33 U.S. 112, 115 (1834); Hagens v. Lavine, 415 U.S. 533 etc. etc.) **by the party asserting the jurisdiction** (McNutt v GMAC, 298 U.S. 178).

Once jurisdiction is challenged, the burden of proof is on the state to prove that the State Courts have jurisdiction, beyond a reasonable doubt, overruling prior decisions. State vs. Batdorf 238 SE 2d 497 North Carolina Supreme Court (1977)

Pursuant to NCGS 15A-952(d), jurisdiction can be challenged at any time. As a matter of law, jurisdictional challenges must be addressed before the court can proceed in any action where jurisdiction is challenged. The STATE OF NORTH CAROLINA bears the burden of proof beyond reasonable doubt to demonstrate jurisdiction according to the North Carolina Supreme Court, and by its own laws must prove beyond a reasonable doubt before proceeding.

It is a well known maxim of law that Jurisdiction is not discretionary by a Judge and must be proven by the State Prosecution before the court can move forward.

Since personal jurisdiction remains unproven by the prosecution, the Respondent named above has filed appeal to the Superior Court in the county of Forsyth.


CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the NOTICE OF VOID JUDGMENT upon the parties listed below by Hand delivery.

District Attorney of Forsyth County

Clerk of Court of Forsyth County

This 10 day of October, 2011

A handwritten signature in cursive script that reads "Amanda Lea Rose".

Amanda Lea Rose, Respondent

STATE OF NORTH CAROLINA IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
COUNTY OF FORSYTH FILE NO: 11 CRS 014680

NOTICE OF PRE ARRAIGNMENT SPECIAL APPEARANCE

TO CHALLENGE JURISDICTION
NCGS 15A-952(d)

STATE OF NORTH CAROLINA,
Plaintiff,
vs.
Amanda Lea Rose,
Respondent

I, Amanda Lea Rose, a Citizen of, domiciled in and an inhabitant of the Lawful State of North Carolina organized on December 18, 1776, put into abeyance by purported "Acts of Congress" on July 1, 1868 and re-established December 1, 1997 do hereby make Notice of Special Appearance into the above captioned "court" for the exclusive purpose of challenging personal jurisdiction and lawful standing of said "court" in relation to Amanda Lea Rose. Amanda Lea Rose adamantly claims that she is not a resident of the STATE OF NORTH CAROLINA purportedly created by the Reconstruction Acts of the 39th Congress.

It is an undisputed fact that once jurisdiction is challenged it must be proven (James Brown v. Richard Keene; 33 U.S. 112, 115 (1834); Hagans v. Lavine, 415 U.S. 533 etc. etc.) by the party asserting the jurisdiction (McNutt v GMAC, 298 U.S. 178).

Once jurisdiction is challenged, the burden of proof is on the state to prove that the States Courts have jurisdiction, beyond a reasonable doubt, overruling prior decisions. State vs. Batdorf 238 SE 2d 497 North Carolina Supreme Court (1977)

Pursuant to NCGS 15A-952(d), jurisdiction can be challenged at any time. As a matter of law, jurisdictional challenges must be addressed before the court can proceed in any action where jurisdiction is challenged. The STATE OF NORTH CAROLINA bears the burden of proof beyond reasonable doubt to demonstrate jurisdiction according to the North Carolina Supreme Court, and by its own laws must prove beyond a reasonable doubt before proceeding. Once jurisdiction is challenged, the burden of proof is on the state to prove, beyond a reasonable doubt, overruling

prior decisions. *State v. Batdorf*, 238 SE 2d 497 North Carolina Supreme Court.

Amanda Lea Rose claims that two States named "The State of North Carolina" have purportedly entered the American Union. One entered on November 21, 1789 as an original party to the United States Constitution. The other purportedly entered the Union on June 25, 1868 as a "new State".

Amanda Lea Rose challenges the lawfulness of said "new State" and claims that all Congressional Reconstruction Acts purporting to annul the original State through conquest, subjugate its Citizenry, create a "new State" and "admit" said new State into the American Union in times of declared national peace, without the consent of the free people and without the free people being represented during the passage of said Congressional Acts is repugnant to and in violation of the Fifth Article of Amendment of the Constitution of the United States of America;

"No person shall... be deprived of life liberty or property without due process of law."

Congress, through the Reconstruction Act of March 2, 1867 deprived the Freeman of North Carolina of the property of the entire State soil to govern.

The purported "State" prosecuting this action does not meet the lawful requirements, which would give it legal standing as a State of freemen whose government, and laws originate from the consent of the governed.

Also, Amanda Lea Rose does not meet the minimum contact requirements necessary to be brought within the jurisdiction of said "State."

The "State" prosecuting this action, if it were lawful would also be in violation of the fundamental principle of protection and allegiance reciprocity.

There can only be one lawful jurisdiction calling itself the State (Republic) of North Carolina;

"No new state shall be formed or erected within the jurisdiction of another State." United States Constitution Article 4 Section 3 clause 1. {emphasis added}

The United States Supreme Court states;

Progress generally begins in skepticism about accepted truths. Intellectual freedom means the right to re-examine much that has been long taken for granted. A free man must be a reasoning man, and he must dare to doubt what a legislative or electoral majority may most passionately assert. The danger that citizens will think wrongly is serious, but less dangerous than atrophy from not thinking at all. Our Constitution relies on our electorate's complete ideological freedom to nourish independent and responsible intelligence and preserve our democracy from that submissiveness, timidity and herd-mindedness of the masses which would foster a tyranny of mediocrity. The priceless heritage of our society is the unrestricted constitutional right of each member to think as he will. Thought control is a copyright of totalitarianism, and we have no claim to it. It is not the function of our Government to keep the citizen from falling into error; it is the function of the citizen to keep the Government from falling into error. We could justify any censorship only when the censors are better shielded against error than the censored. COMMUNICATIONS ASSN. v. DOUDS, 339 U.S. 382 (1950)

REMEDY

Amanda Lea Rose requires remedy to this action in the following manner;

1. That the purported "State" prosecuting this action provide proof beyond reasonable doubt of the lawfulness of the due process of the Reconstruction Acts of Congress that created it, to include the Constitutional authority for said Acts and show how the resulting "State" is a State of the consent of the posterity of the people who compacted together under the United States Constitution. If the purported "State" can prove it's jurisdiction beyond doubt over the soil of the State of North Carolina and the free people inhabiting it, then Amanda Lea Rose will obey all laws of said state. Amanda Lea Rose demands that the prosecutions proof be in writing and provided at least 30 days prior to arraignment in order to allow rebuttal.
2. Or, if this is not possible or the "State" prosecuting this action simply refuses to put on the record its foundational and originating authority, and the foundation of its purported authority over the Freeman inhabitants of North Carolina organized under the Lawful Constitution of December 18, 1776, then Amanda Lea Rose demands this action cease, Rule 12(b)(2).
3. Or, if officers or agents of said purported "state" continue in bad faith in any way attempt to coerce or intimidate Amanda Lea Rose to abandon her rights to participate in lawful provable government and continue to terrorize her in violations of the laws, then Amanda Lea Rose will use all means necessary to seek remedy in law.

4. Or, the Prosecution remove this action to Federal Court for the reason that this is a controversy between THE STATE OF NORTH CAROLINA purportedly created on June 25, 1868 by the United States Congress through the Act of March 2, 1867 and the subsequent Acts of March 23, 1867 and July 19, 1867, against the free will and consent of the posterity of the Freeman of North Carolina and a Citizen of North Carolina who recognizes the Constitution of North Carolina of December 18, 1776 as still being valid, lawful and binding.

Respectfully submitted,

A handwritten signature in cursive script that reads "Amanda Lea Rose". The signature is written in dark ink and is positioned above the typed name.

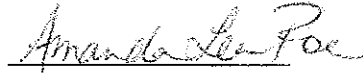
Amanda Lea Rose

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the CHALLENGE OF JURISDICTION & THE MEMORANDUM OF LAW IN SUPPORT upon the parties listed below by Hand delivery.

The District Attorney of Forsyth County
The Clerk of Court of Forsyth County

This 10 day of October, 2011.



Amanda Lea Rose, Respondent

STATE OF NORTH CAROLINA
FORSYTH COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE NO. 11 CRS 014680

STATE OF NORTH CAROLINA,
Plaintiff

v.

AMANDA LEA ROSE,
Respondent

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MEMORANDUM OF LAW

MEMORANDUM OF LAW IN SUPPORT OF CHALLENGE TO JURISDICTION

THE STATE OF NORTH CAROLINA, which purportedly entered the American Union on June 25, 1868 does not have a clear, lawful, unbroken and constitutional chain of custody and title over of the soil of North Carolina. In law there has to be a clear and unbroken chain of custody on the title of the soil of North Carolina.

Respondent claims that two States named "The State of North Carolina" have purportedly entered the American Union. One entered as the 12th State on November 21, 1789 as an original party to the United States Constitution. The other purportedly entered as the 39th State of the Union by congressional action, over the President's veto, on June 25, 1868. The common held belief is that the 12th State was *re-admitted* to the Union by the Reconstruction Acts. Nothing could be further from the truth. The 39th State that entered the Union was a new State with a new body politic created solely by Congress.

Respondent claims that the 39th state that entered the American Union on June 25, 1868 titled "The State of North Carolina" and composed of national citizens, is a clear and unambiguous, unlawful break in the chain of custody of the title over the soil of North Carolina. The 39th State was put into place by multiple Constitutional violations including but not limited

to Bills of Attainder in the form of Bills of pains and penalties, multiple violations of due process, violating Article 4 § 4 by not guaranteeing a republican form of government to the body politics of the posterity as mentioned in the Preamble, violating Article 3 § 3 by claiming the right to conquer States in times of peace, violating Article 4 § 3 cl.1 by creating a new State within the jurisdiction of the original State without the consent of the original body politic and coercing the Amending of the United States Constitution of the United States through the Reconstruction Acts.

STATEMENT OF FACTS

Respondent Rose, a Citizen of North-Carolina organized under its Constitution of December 18, 1776, was stopped on by Trooper S.A Shouse on a highway constructed upon the soil of the property of North Carolina on Thursday, October 21, 2010. Trooper Shouse was working as an officer for the State of North Carolina created by Congressional Reconstruction and organized under the Constitution of 1971 as amended from the Reconstruction Constitution of 1868. Trooper Shouse issued a North Carolina Uniform Citation to Respondent giving important notice that Respondent must appear in District Court and criminal process may be issued against Respondent and she may be arrested if she failed to appear at District Court. The Citation was for “operating a motor vehicle on a street or highway in forward motion without having the provided seat belt properly fastened about the defendant’s body while the defendant was the driver of the motor vehicle.(G.S. 20-135.2 (A)). Respondent has substantial legal evidence disputing Trooper Shouse’s claim that respondent is subject to the laws of the purported State created by Congressional Reconstruction.

UNDISPUTED FACTS

The undisputed facts concerning the change of title to the soil of North Carolina are as follows:

1. The title to the soil of North Carolina was originally held by the Crown of England.

2. Because of the Crown's abuses to the subjects inhabiting the colony of North Carolina as well as the other colonies, the freeman inhabitants gathered in Mecklenburg County to declare their right to be a free independent, self governing people setting forth the principal that a government which habitually abuses the law and denies remedy to the people loses its right to govern and any attempt to govern while denying justice and due process is but usurpation; as stated in the document as follows;

“Resolved: That whosoever directly or indirectly abets or in any way form or manner, countenances the invasion of our rights, as attempted by the Parliament of Great Britain, is an enemy to his country, to America, and the rights of man.

Resolved: That we, the citizens of Mecklenburg County, do hereby dissolve the political bonds which have connected us with the mother country, and absolve ourselves from all allegiance to the British crown, abjuring all political connection with a nation that has wantonly trampled on our rights and liberties and inhumanly shed the innocent blood of Americans at Lexington.

Resolved: That we do hereby declare ourselves a free and independent people, that we are and of right to be, a sovereign and self-governing people under the power of God and the general Congress; to the maintenance of which independence we solemnly pledge to each other our mutual cooperation, our lives, our fortunes, and our most sacred honor.”

The above actions created a new political body rightfully attempting to govern the soil of North Carolina.

3. This new body politic organized themselves under a Constitution titled *“The Constitution, or form of Government, agreed to and resolved upon, by the Representatives of the freemen of the State of North Carolina, elected and chosen for that particular purpose, in Congress assembled, at Halifax, the eighteenth day of December, in the year of our Lord one thousand seven hundred and seventy-six”* This was the first

government of this new body politic of North Carolina recognized by 12 other colonies/states over the soil of NC.

4. The Declaration of Independence was written as an indictment against the King of his abuses and usurpations, which violated the universal reciprocal relationship between a government and a people. This was the assertion of change of title from the Crown to the new body politic composed of the freeman.

5. This new body politic, by definition and of right, seceded from England by issuing the Declaration of Independence. This led to organizing a Union of Sovereign states in the form of the Articles of Confederation.

6. The first form of government under which the several colonies/states organized themselves into a Union was done under the Articles of Confederation. This Union created the first government which styled itself as "*the government of the United States of America*". This government deemed itself a perpetual Union. The term "perpetual" occurs 5 times in the Articles of Confederation, and it's in the title of the document.

7. Upon completion of the war, the Treaty of Paris was signed, whereby in Article 1, the Crown of Great Britain acknowledged North Carolina to be one of the "*free, sovereign and independent States.*" **The title to the property of North Carolina was lawfully transferred from the Crown of England to the freeman of North Carolina organized under the Constitution of December 18, 1776.** This lawfully established the rightful body politic to be the freeman of North Carolina.

8. The Treaty of Paris **did not** transfer the title to the soil of North Carolina to the Government organized under the Articles of Confederation titled "The United States of America."

9. The government of the United States of America organized under the Articles of Confederation was found to be inadequate. A new

Constitution was proposed and they chose to change their form of government under the Constitution of the United States of America.

10. North Carolina did not choose to be a part of this new government/body politic and was not forced or coerced one way or the other. **The title to the property of North Carolina lawfully remained with the freeman/body politic of North Carolina.**

11. North Carolina ratified the United States Constitution on November 21, 1789 and entered into a new voluntarily Union under the United States Constitution.

12. The term “perpetual Union” was left out of the new Constitution. None of the several states were forced or coerced to stay in or leave the Union. They could choose of their own/body politic and free will.

13. On Feb. 28, 1861 North Carolina voted against secession and remained in the Union. At this time, S.C., Mississippi, Florida, Georgia, Louisiana and Texas had seceded under the Presidency of James Buchanan. It is important to note here that the President did not wage war on these seceded states.

14. On March 4, 1861 Abraham Lincoln, in his inaugural address declared that he would “hold, occupy, and possess the property and places belonging to the government, and collect the duties and impost.” The seceded Southern States considered these words a declaration of war because the only way Lincoln could hold and occupy the forts in the South and collect the duties was by force. Abraham Lincoln sent reinforcement troops to Fort Sumter. South Carolina chose a preemptive strike on Fort Sumter on April 12, 1861 not allowing the reinforcement troops to land at Fort Sumter; therefore they could only watch the bombardment of the fort.

15. On April 15, 1861 the Secretary of War notified governor Ellis of North Carolina that the Federal Government expected North Carolina to

furnish 2 regiments of troops to make war of the seceded states. In Governor Ellis's refusal he closed with these words "*I can be no party to this wicked violation of the laws of the country, and to this war upon the liberties of a free people. You can get no troops from North Carolina.*"

16. A convention was held in Raleigh on May 20, 1861 and an ordinance of secession was signed and on May 27, 1861 North Carolina became a member of the Confederate States of America.

17. The war was not between slave states and free states. Four slave states remained in the Union the entirety of the war, Delaware, Maryland, Kentucky, and Missouri.

18. In July of 1861 both Houses of Congress pass Resolutions clearly stating the Object of the War:

"Resolved, That the present deplorable civil war has been forced upon the country by disunionists of the Southern States now in revolt against the constitutional government and in arms around the capital; That in this national emergency Congress, banishing all feeling or passion or resentment, will recollect only its duty to the whole country; That this war is not prosecuted upon our part in any spirit of oppression, nor for any purpose of conquest or subjugation, nor for the purposes of overthrowing or interfering with the rights or established institutions of those States, but to defend and maintain the supremacy of the Constitution and all laws made pursuant thereof, and to preserve the Union, with all the dignity, equality, and rights of the several states unimpaired; That as soon as these objects are accomplished the war ought to cease." (Congressional Globe – Friday, July 26, 1861)

Please note; the congressionally stated object for the war was divided into two parts, (1) what the war was not for and (2) what the war was for. Congress tells us that the United States Army is not authorized to conquer, subjugate, overthrow or interfere with the rights of the seceded states or to overthrow or interfere with the institution of slavery in the seceded states. The United States military was to be used for the purpose of "*defending and maintaining the*

supremacy of the Constitution and all laws made pursuant to it and to preserve the Union with all the dignity, equality, and rights of the several states unimpaired”.

19. In April/May 1865 after the surrender of the two largest confederate armies under Lee and Johnson, the war ends.

20. Peace is declared by Presidential Proclamations on April 2, 1866 (14 STAT 811-813) and August 20, 1866 (14 STAT 814).

21. North Carolina is recognized as a lawful State back in the Union. In December 1865 the eleven previous Confederate States are considered back in the Union as lawful states with lawful governments as evidenced by their participation in the amending of the National Constitution abolishing slavery. (Dates the Southern States ratified the 13th Amendment-Virginia, February 9, 1865; Louisiana, February 17, 1865; Tennessee, April 7, 1865; Arkansas, April 14, 1865; South Carolina, November 18, 1865; Alabama, December 2, 1865; North Carolina, December 4, 1865; Georgia, December 6, 1865; THE AMENDMENT WAS RATIFIED ON DECEMBER 6, 1865

22. The 14th Amendment is proposed by the 39th Congress June 13, 1866. Congress sends the proposed 14th Amendment to all governments it recognizes as having lawful authority to pass or reject said Amendment. **The body politic and Government of North Carolina organized under the Constitution of Dec. 18, 1776 is again recognized by Congress** as having such authority. It is rejected by all Southern States except Tennessee. (**Ratified** by Tennessee July 19, 1866).

23. Congress passed the Reconstruction Acts based upon the principal that the Southern states were conquered territory. The Reconstruction Acts annulled and abolished the existing states, their body politics and governments of the 10 states which did not ratify the proposed 14th Amendment, imposed martial law on them in times of peace, ordered them to create a new constitution that was not composed of the freeman of NC, refused to allow them representation in Congress until such time as said

states had (1) ratified the 14th Amendment (2) The 14th Amendment was made part of the Federal Constitution.

Andrew Johnson's veto of the 3rd Reconstruction Act of July 19, 1867 states in part;

"Another ground on which these reconstruction acts are attempted to be sustained is this: That these ten States are conquered territory; that the constitutional relation in which they stood as States toward the Federal Government prior to the rebellion has given place to a new relation; that their territory is a conquered country and their citizens a conquered people, and that in this new relation Congress can govern them by military power."

"A title by conquest stands on clear ground; it is a new title acquired by war."*

"There is not a foot of the land in any one of these ten States which the United States holds by conquest,"

"We have not conquered these places, but have simply "repossessed" them"

"From first to last, during the rebellion and since, **the title*** of each of these States to the lands and public buildings owned by them has never been disturbed."

* emphasis added

24. On June 25, 1868 Congress purportedly admitted its newly created state of North Carolina into the American Union over the President's veto.

25. On June 30, 1868 General Canby of the US Army issued general orders #120 which states in part "to facilitate the organization of the new state Government, the following appointments are made: to be governor of NC, W.W. Holden, Government elect, *vice* Jonathan Worth removed... to take effect July 1, 1868 on the meeting of the General Assembly of North Carolina.

26. On July 1, 1868 Governor Jonathan Worth surrenders the Government of North Carolina organized under the Constitution of Dec. 1776 under what he deemed military duress and not of the consent of the governed. This was done in declared times of peace, Governor Jonathan Worth of North Carolina, in a letter addressed to Governor W.W. Holden of

North Carolina, surrenders the State of North Carolina. The letter states in part:

“...Yesterday morning I was verbally notified by Chief Justice Pearson that in obedience to a telegram from Genl Canby, he would today at 10 A.M. administer to you the oaths required preliminary to your entering upon the discharge of the duties of Civil Governor of the State; and that there upon you would demand possession of my Office...I intimated to the Judge my opinion that such proceeding was premature even under the Reconstruction legislation of Congress and that I should probably decline to surrender the Office to you...I do not recognize the validity of the late election, under which you and those cooperating with you claim to be invested with the Civil Government of the State. You have no evidence of your election, save the certificate of a Major General of the United States Army. I regard all of you as, in effect, appointees of the Military power of the United States, and not as deriving your powers from the consent of those you claim to govern. Knowing, however, that you are backed by Military force here, which I could not resist if I would, I do not deem it necessary to offer a futile opposition but vacate the office without the ceremony of actual eviction, offering no further opposition than this, my protest. I would submit to actual expulsion in order to bring before the Supreme Court of the United States the question as to the Constitutionality of the legislation under which you claim to be the rightful Governor of the State, if the past action of that tribunal furnished any hope of a speedy trial. I surrender the office to you under what I deem Military duress, without stopping as the occasion would well justify. To comment upon the singular coincidence that the present State Government is surrendered, as without legality, to him whose own official sanction, but three years ago, declared it valid.”

27. The constitutionality of the Reconstruction Acts went before the US Supreme Court in *Mississippi v. Johnson*, 4 Wallace, 475. The court dismissed on the technical ground that the court had “*no jurisdiction of a bill to enjoin the President in the performance of his official duties...*”

28. The constitutionality of the Reconstruction Acts went to the Supreme Court a 2nd time in the case of *Georgia v. Stanton*, 6 Wallace, 50. The court found an equally good technical reason for declining jurisdiction by

holding that the case concerned purely political matters, instead of personal and property rights. held that "A bill to restrain the defendants, who represent the executive authority of the government, from carrying into execution certain Acts of Congress, inasmuch as such execution would *annul and totally abolish the existing State Government of Georgia, is not within the jurisdiction of this court.*'

29. The constitutionality of Reconstruction goes before the Supreme Court a third time, in *Ex Parte McCordle*, 6 Wallace, 318. The US Supreme Court assumed jurisdiction on the constitutionality of the Reconstruction Acts and were argued before the Supreme Court.

Before the Supreme Court could enter a judgment the Radical Republicans, in control of Congress, rushed thru a bill repealing the appellate jurisdiction of the Supreme Court under the Act of 1867 (which McCordle used, as authority for the court to assume jurisdiction) prohibiting the Supreme Court from proceeding on any appeal already before it. The arguments in the McCordle case had been finished while the bill was still pending. The court waited until the bill was passed and then postponed further consideration of the matter until the next term. In McCordle, Chief Justice Chase stated, "*This court cannot proceed to pronounce judgment...for it has no longer jurisdiction of the appeal; and judicial duty is not less fitly performed by declining ungranted jurisdiction than in exercising firmly that which the constitution and the laws confer.*" In the biggest battle between Congress and the Supreme Court in this nation's history, for the first and only time Congress removed the court's jurisdiction to hear a case.

30. *US v. Kline* 1872, Supreme Court ruling held that Congress may not limit Supreme Court's jurisdiction to control the results of a particular case.

31. The last attempt to obtain a definite ruling on the constitutionality of the Reconstruction Acts was made in the case of *Ex Parte Yerger*, 8 Wallace 85. The Supreme Court assumed jurisdiction and this action was immediately answered by the introduction of a bill in the Senate

explicitly prohibiting the Supreme Court from considering any case which involved the validity of the Reconstruction Acts, followed by another prohibiting the judicial review of any act of Congress. A compromise was reached outside of court whereby Yerger, on being turned over to the civil authorities, withdrew his petition. The proposed Acts of Congress were therefore never enacted.

I.

UNCONSTITUTIONAL ACT CREATES NOTHING

In *Norton v. Shelby County*, 6 S.Ct. 1121 the court agrees – “*An unconstitutional act is not a law. It confers no rights. It imposes no duties. It affords no protection. It creates no office. It is in legal contemplation as inoperative as though it had never been passed. Therefore an unconstitutional act purporting to create an office gives no validity to the acts of a person acting under color of its authority.*”

In this present matter, the State body politic bringing forth this action, was in fact created by an unconstitutional act and without due process of law. This change in North Carolina’s Government from that of 12th State to the 39th State was not done Constitutionally or by an act of the freeman/body politic of North Carolina. In the purported North Carolina Constitution of the 39th State in Art. I Sec. 2, it states, “*All political power is vested in and derived from the people, all government of right originates from the people, is founded upon their will only and is instituted solely for the good of the whole*”.

Congress’ duty is to guarantee a Republican form of government to the body politic of North Carolina. This duty necessitates that a specific people (Body Politic) are the object of what is being guaranteed – in this case a Republican form of government. Congress’ duty was to the freeman of North Carolina, not to the Catawba Indians, Chinese citizens, Canadian citizens, National citizens, etc.

There is a fundamental change between 1788 and 1867 upon who the Federal Government believes the “people” are. In 1788 the people were the individual free citizens of any individual state. These were the people who could alter their form of Government through convention, as we saw in changing Government from the Articles of Confederation to the

Constitution. In the time frame of 1861 to 1867 we see that Congress changes who the people of the several States are.

President Lincoln and the United States Congress falsely followed the principal that “the people” were no longer the citizens of the several States but instead national citizens. A Nationalized people are in contravention and opposed to citizenship in the individual States. President Lincoln and Congress claimed that the people of any one individual State had no authority to alter or to abolish their Form of Government any longer, that the authority to alter or abolish their Form of Government came solely from permission from the United States Congress.

Hamilton, in Federalist 78 cautions us to remember that “*constitution is as a fundamental law*” and that the representatives cannot substitute their “will” for the “will” of the people.

In The American Annual Cyclopedia and Register of Important Events of the Year 1867 Vol VII, p.206, Entered according to Act of Congress, in the year 1868, by D. Appleton & Company there is a quote from Thaddeus Stevens, Representative of Pennsylvania, regarding who “the people” are, he says,

“Though the President is Commander-in-Chief, Congress is his commander; and God willing, he shall obey. He and his minions shall learn that this is not a Government of kings and satraps, but a Government of the people, and that **Congress is the people.**”
(Emphasis added)

This is in direct conflict to and an overthrow of the founding principle of this government. The representatives of the people are not the people, and cannot substitute their will for the will of the people.

We see here from The Federalist Papers that adhering to the Constitution was the intent of the founding fathers. It is clear that they would not consider a legislative act that was contrary to the Constitution as valid. When Congress begins to substitute their will for the will of the people, we no longer have a government of the people, by the people. We have a government of the government, by the government – a dictatorship - which is somewhat addressed from Mr Eldridge, Representative of Wisconsin, regarding Reconstruction – “...*There never was a more abominable doctrine, or one more fatal to this Government, than that which asserts its right and*

power to hold the late insurgent States as conquered territory, and the people as conquered subjects.”

Respondent asks the question to the STATE OF NORTH CAROLINA prosecuting this case, where does Congress get that authority?

The following Articles of the United States Constitution were violated through the forced creation of the 39th State of North Carolina:

Article I § 9 cl. 3 states, *“No bill of attainder or ex post facto law shall be passed.”* Black’s Law Dictionary defines Bill of Attainder as *“Legislative acts, no matter what their form, that apply either to named individuals or to easily ascertainable members of a group in such a way as to inflict punishment on them without a judicial trial.”* United States v. Brown, 381 U.S. 437, 448-49, 85 S.Ct. 1707, 1715, 14 L.Ed. 484, 492; United States v. Lovett, 328 U.S. 303, 315, 66 S.Ct. 1073, 1079, 90 L.Ed. 1252. *“An act is a bill of attainder when the punishment is death and a “bill of pains and penalties” when the punishment is less severe; both kinds of punishment fall within the scope of the constitutional prohibition.”* The United States Congress took the position that the people of North Carolina had committed treason in purportedly rebelling against the United States Government through the act of secession (which we defined in our Undisputed Facts, where Respondent clearly shows previous times of secession by definition). The United States Congress provided the people of North Carolina with no due process of law in claiming that the people had committed treason.

Art. III § 3 cl. 1 of the United States Constitution states *“Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid, and Comfort...”*

Two wars took place between 1861 and 1868, both having diametrically opposed objects. The Civil War was to preserve the Union and rights associated. Reconstruction was to destroy the Union, create a Nation through subjugation and destroying the rights of the several States and their citizens. All of this was done without Constitutional authority.

Abraham Lincoln committed a crime when he baited the South to fire on Fort Sumter, conveniently leaving out the details to the American people, that he was reinforcing Fort Sumter. This led the people of the northern States to believe that South Carolina started the war with no apparent reason.

The Federal Government and the several States within the United States cannot wage war on another, nor provoke violence. Abraham Lincoln clearly never recognized the Southern States as leaving the Union and yet by the country's own Constitution, the only way to wage lawful war is on a foreign nation. This relates to the present case in that Respondent is a citizen of the de-jure State of North Carolina.

Art. III § 3 cl. 2 of the United States Constitution states *"...no attainder of Treason shall work corruption of blood or forfeiture except during the life of the person attained."*

This relates to the present case in that Respondent is being punished now with the loss of the 12th State with the usurpations being passed down from his forefathers.

Art. IV § 3 states, *"New States may be admitted by Congress into this Union; but no new State shall be formed or erected within the Jurisdiction of any other State..."* This applies to the present case in that this present case against Respondent was *"erected within the Jurisdiction of another State"* which clearly violates this article of the United States Constitution. The present 39th State should be able to clearly answer the following questions? (1) Did the people of the dejure North Carolina consent to Martial Law in order to affect a change in its Constitution and annul its original jurisdiction and consent to creating a new jurisdiction? (2) And even if they did, they would first have had to amend the United States Constitution -- was that done? (3) Which begs the question, where did the original jurisdiction of the 12th state of the American Union go, in order for the new state (39th) enter the American Union?

In Military Order 120, it clearly states, *"In order to facilitate to authority of the new Government, the following appointments were made..."*

Article V states, *"The Congress...shall propose amendments to the Constitution...(and) shall be valid to all intents and purposes as part of the Constitution...;*

Provided...that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate." This relates to the present case in that the de-jure North Carolina was not allowed to send Representatives until they passed, ratified, and amended the Constitution with the 14th Amendment. These representatives from North Carolina were William A. Graham and John Pool and they were denied seats in Congress.

Amendment V states, *"No person...shall be deprived of life, liberty, or property, without due process of law; nor private property be taken for public use without just compensation."*

The people/body politic of North Carolina were denied due process when Lincoln waged war. The people/body politic of North Carolina violated no laws by seceding from the Union, or by defending themselves against the Federal Government. The Federal Government violated International Law by not using all methods available to avoid war. The United States Government waged an unjust war; therefore denying themselves the rights associated with conquest. This applies to the present case in that Respondent is being denied her right to participate in provable, lawful government by those actors that demand she be subjugated, that she be compliant with, and agree to the loss of her rights associated with being a citizen of the 12th State of the American Union. She is being denied this without due process of law. This is, in fact, corruption of blood. Respondent is denied due process due to the purported crimes of his forefathers.

The binding law cited in the United States Senate justifying the conquest of North Carolina was clearly stated on February 23, 1866 by Senator Fessenden. He states;

"If we have been in a state of war, the question arises – and it is a very simple one ...is there any dispute as to what are the consequences of war? What are the consequences of successful war? Where one nation conquers another, overcomes it without qualifications, without terms, without limits, and after a bitter contest succeeds in crushing its enemy, occupying its enemy's territory, destroying its post, what are the consequences? The Senator is perfectly familiar with the writers on International law. Let him read the chapter in the book under my hand upon "Acquisitions by War." Is there anything more certain than that the conquer has a right, if he chooses, to change

the form of government, that he has a right to punish, that he has a right to take entire control of the nation and the people, ...with only the limitation that he shall not abuse them and conduct them in a manner contrary to humanity, in the ordinary acceptance of the term?"

Senator Johnson replied, "*What is the book?*"

Senator Fessenden replied, "*Vattel, which is perfectly familiar to the Senator as it is to everybody else who is master of the subject. I can take up the book and read passages to show precisely what I have stated, in the strongest possible terms. I did not think it necessary to hunt up a dozen authors, because the law is the same in all. There is no dispute about it. That principal, then, is settled.*"

Senator Fessenden goes on to state his abstract and absurd reasoning justifying the principals of conquest in light of the fact that Congress expressly stated that the War was not for any purpose of conquest or subjugation by stating;

"we are told that we did not wage a war of conquest. Certainly we did not. Congress said precisely what it meant at the time it stated that this war was not waged for any purpose of subjugation. It was not commenced with any such idea, but if it follows that subjugation must come in order to accomplish what we desire to accomplish and what we must accomplish, it is not our fault. If subjugation becomes necessary, although that was not the idea with which the war was commenced, who can complain?" The Congressional Globe, First Session of the 39th Congress, p.988 .

History clearly shows us that Senator Fessenden's position is the position ultimately accepted and exercised by Congress. Senator Fessenden's argument is based upon the Object of the War not being for any purpose of conquest or subjugation. He conveniently leaves out what the Object of the War was for. The Object of the War was to preserve the Union with all the dignity, equality, and rights of the several States unimpaired. **Respondent strongly suggests that it is impossible to preserve the rights of a State in an unimpaired condition through the principal of conquest and subjugation.**

Also, **preserving a Union of several States** comprised exclusively of State citizens **cannot be preserved in an unimpaired condition through the Nationalization of citizenship** as was done through the Reconstruction Acts. Simply stated, the Union was destroyed by the Reconstruction Acts. It was not preserved in an unimpaired condition. America went into the war a Union, subject to local State control and through the Reconstruction Acts ended the war a Nation subject to National control.

Senator Fessenden's position is based upon the assumption that Washington's war upon the Southern States was, in accordance with International law, a just war. If Congress and the President had used Vattel as a source, prior to invading the Southern State, it would have been proven quickly that the United States was prosecuting an unjust war in violation of The Law of Nations Book III- OF WAR, Chapter III – Of the Just Causes of war §'s 24 – 32, 35, 38 and 39.

The Law of Nations Book III- OF WAR, Chapter XII – Of Acquisitions By War, and Particularly of Conquests §'s 202 states, "The whole right of conqueror is derived from justifiable self-defense which comprehends the support and prosecution of his rights." § 203 entitled "Whether we are to set at liberty a people whom the enemy has unjustly conquered.", states "...with regard to a people who the enemy had unjustly oppressed. For a people thus spoiled of their liberty, never renounced the hope of recovering it."

Senator Fessenden clearly admits that Congress waged war against North Carolina. He fails to address the lawfulness and justness of the war that was waged. History shows us that Abraham Lincoln refused to meet with any Representatives from the Confederate States of America to discuss peaceful negotiations for the transfer of United States Military Forts. Lincoln did not recognize the Confederate States of America as a sovereign nation. His position was not based upon the violation of any expressed statutes or laws. President Lincoln's position was that the Southern States ordinances of secession were null and void and that they were still States in the Union in rebellion to lawful authority. President Lincoln made no attempt to pursue any judicial ruling on the lawfulness of his position or the unlawfulness of secession prior to secretly sending troops to Fort Sumter. Lincoln's decision to wage war on Americans exercising their right to alter their form of government to one that its citizens consented to, set precedent overturning the principals this Nation was

founded upon. Lincoln's new foundation for America is based upon the principal that he who is most powerful governs and remedy through due process of law is dead.

This position is shown through several cases (see *N.C. v Ainsworth*, 2006700905CR, *N.C. v Honeycutt*, 991F8737, *Commonwealth of Virginia v. Reid*, CR00-43-01,02) in that the prosecutors in EVERY case in which jurisdiction was challenged based upon the illegitimacy of the creation of the 39th of State of North Carolina, and the lawfulness of coercing the amending of the Constitution, as was done with the 14th amendment, have never entered one word of rebuttal, nor answered any question concerning the lawfulness of their jurisdiction over citizens of the 12th State, concomitant with the Judges allowing continued prosecution without allowing a meaningful hearing. The Judges have continually violated their judicial Canon 1, to the point where Respondent can have no reason for the expectation of a fair trial in any court of the 39th State. The dominant power, the 39th State, demands obedience yet has consistently used the court to deny due process of law by not giving a meaningful hearing on these issues.

Amendment X states, *"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."*

II

More Sources Claiming Reconstruction Acts Unconstitutional:

On June 13, 1967 United States Representative, Rarick of Louisiana, submitted to the United States Congress Louisiana House Concurrent Resolution urging the United States Congress to declare the 14 Amendment Illegal. He also entered a treatise on the illegality of the 14th Amendment Prepared by a Louisiana Judge Leander H. Perez. The Resolution stated *"Whereas the Reconstruction Acts of Congress unlawfully overthrew their existing governments, removed the lawfully constituted legislatures by military force and replaced them with rump legislatures which carried out military orders and pretended to ratify the 14th Amendment"*

According to the SC Law Quarterly Vol. 11, 1959 in discussing the Political Question nature of the 14th Amendment it states in *Coleman v. Miller* 307 U.S. 433 (1938), the court

discussed the questionable nature of the adoption of the 14th Amendment pointing out the incongruity of the failure to recognize the withdrawals of the ratifications by Ohio and New Jersey as compared to the subsequent ratifications of NC, SC, GA., after such states had formally rejected. The Court referred to the dubious first Proclamation of the Secretary of State and the following act of Congress was declared the 14th Amendment to have been adopted and the second Proclamation of the Secretary of State proclaiming adoption. The Court then stated:

“This decision by the political departments of the Government as to the validity of the adoption of the 14th Amendment has been accepted. We think that in accordance with this historic precedent the question of the efficacy of ratifications of State Legislatures, in the light of previous rejection or attempted withdrawal, should be regarded as a political question pertaining to the political departments, with the ultimate authority in Congress in the exercise of its control over the promulgation of the adoption of the amendment.”

The Tulane Law Review Vol. 28 of 1953 in the article entitled The Dubious Origin of the 14th Amendment by Walter J. Suthon, Jr., former President of the Louisiana State bar Association, states;

“The most extreme and amazing feature of the Act (Reconstruction Act of March 2, 1867) was the requirement that each excluded state must ratify the Fourteenth Amendment, in order to again enjoy the status and rights of a State, including representation in Congress, Section 3 of the Act sets forth this compulsive coercion thus imposed upon the Southern States.

The most apt characterization of this compulsive provision, placing these States under military authority, there to remain until they comply, inter alia with this requirement of ratifying the rejected Fourteenth Amendment, is found in a speech in a speech of Senator Doolittle of Wisconsin, a Northerner and a Conservative Republican. During the floor debate on the bill he said;

“My friend has said what has been said all around me, what is said everyday; the people of the South have rejected the constitutional amendment, and therefore we will march upon them and force them to adopt at the point of a bayonet, and establish military over them until they do adopt it.” Congressional Globe 39th Congress 2nd Session, Part 3, at 1644 (1867).

Surely, the authors of our Constitution never contemplated or understood that ratification of a constitutional amendment proposal by a State could lawfully be compelled "at the point of a bayonet", and by subjecting all aspects of civil life in the recalcitrant State to continue military rule, until said State recanted its heresy in rejecting the proposed amendment and yielded the desired ratification to the duress of continued and compelling force."

The footnote of this last statement states "*it is elementary that any consideration of an amendment proposal from Congress by a State legislature must involve equal freedom on the part of each State to ratify or reject, as its legislature in its deliberation and discretion determine. Constitutional right and power of a State legislature to ratify carries with it, by necessary implication, an unquestioned and unfettered right and power to refuse to ratify.*" The Legislative Act called Reconstruction expressly did not allow for rejection.

In every situation where these issues have been brought forth in the District and Superior Courts of North Carolina the State of North Carolina has a proven history of not allowing a meaningful hearing. These cases include: *North Carolina v. Ainsworth*_Case # 06-CRS-707182, *North Carolina v. Ainsworth* No. COA02-88, *North Carolina v. Honeycutt* File # 991F8737, *North Carolina v. Birch* No. NCAC 11-299, and *North Carolina v. Reid*. The history of each of these cases shows complete avoidance and lack of "*beyond a reasonable doubt*" (which is required by North Carolina law) proof of personal jurisdiction.

It is clear and beyond all reasonable doubt that gross violations of the Constitution and rights of the people of the several States took place and cannot be ignored without perpetuating an already comprised legal system.

III POLITICAL QUESTION

In the Declaration of Independence we read "*...That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, - That*

whenever any Form of Government becomes destructive to these ends, it is the Right of the People to alter or abolish it, and to institute new Government...but when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their security..."

In the Mecklenburg Declaration of Independence of May 20, 1775 we read, *"That whosoever directly or indirectly abetted or in any way, form or manner countenanced to unchartered and dangerous invasion of our rights...is an enemy to this County – to America and to the inherent and inalienable rights of man."*

We see that our country was founded upon the principals that government was founded by consent for the purpose of securing the inalienable rights of man. And whenever government becomes destructive and abusive to the rights they have a duty to uphold this becomes reason and cause for political dissolution.

It is a common historical fact that abusive and oppressive governments which intend to maintain their abuses seek justification in a multitude of manners, i.e Germany claimed sovereign right to exterminate Jews. Some seek biased judiciaries; some seek dictatorial rights of a dictator. This list is virtually endless.

This applies to the present case in that a long train of abuses and usurpations by the United States Federal government and by the Congressionally Reconstructed State of North Carolina unquestionably consists in the legislative, executive branches, agencies and counties working together to usurp rights an commit egregious and wanton abuses. The Federalist Papers #78 tells us the judiciary should be a bulwark between the people and an over-reaching legislature. The Political question doctrine, if used as a defense in which governmental abuses and usurpations are procedurally given immunity, is yet another abuse and treason against the people. Our system of government consists of 4 parts: (1) the people (2) the legislative (3) the executive and (4) the judiciary. We purportedly have in our system checks and balances designed to prevent and stop abuses. In our system the checks and balances are designed to operate between the executive, legislative, and judiciary in a just and honorable manner to where the people are not left with exercising their check and balance as occurred in the Declarations of July 4, 1776 and May 20, 1775. The concept that the governments can violate the laws, rights, and

abuse the people until such time that the people rise up violently, is despotic and treasonous against the rights of the people.

In relation to Respondent, he shows a long train of abuses and usurpations, evincing a design to reduce the citizens of the several states to a subjugated people, not allowed to have a government of consent, with a denial of remedy from the judicial branch.

The issue Respondent bring is, Congress's authority to annul states (while having a duty of guaranteeing and securing states and the declared law that states that waging war against any of the several states, is treason) in times of peace under the principle of conquest, which is war, denying equal suffrage in the Senate, to a state and coercing the adoption of the 14th Amendment to state's that had previously rejected it. More succinctly, is Congress authorized to commit the political crime of treason by overthrowing State governments and ordering the amending of the Constitution of the United States of America? Does this set the precedent that coercion has binding force in law, which all persons are required to give obedience.

The United States Supreme court in Georgia v. Stanton 6 Wallace 50 was presented with the argument of whether the political overthrow of several Southern States, including North Carolina, through the use of force (coup d'état), carried more weight as opposed to the issue of a political question, as presented by the government. The Supreme Court having full authority to act *sua sponte*, if it felt that Congress's exercise of power, through non-refuted unconstitutional and despotic actions, or whether it was a purely political question, which the court could not take cognizance of, held more weight. The Supreme Court abdicated its obligation and duty to protect the rights of the American people and acted as a co-conspirator in the overthrow of the United States Constitution.

The Supreme Court had in front of it in the brief submitted by J.S. Black for the State of Georgia, the following undisputed facts,

“The defendants avow their intention to take the government of the State of Georgia entirely into their own hands, to nullify her laws, to control the election of her officers to deprive her people of the right to be tried by their own courts and juries, to break up her whole social organization, to destroy her existence, and replace her and all her people to a state of complete slavery. Is it not possible to conceive how a greater wrong or a more grievous injury can be committed against any large body of persons. Nor is it pretended that these things are to be done in pursuance of any valid law. The

Constitution makes Georgia a free State, and the act of Congress which requires her to be enslaved is an attempt to repeal the Constitution. The counsel for the defendants will admit that the act of Congress is unconstitutional; and if that be true, it is of no more force than if the place it occupies on the statute-book were a blank. The defendants are, therefore, guilty of a great injury against Georgia, and are committing it without the show or color of legal excuse...”

This applies to the present case in that the facts surrounding are the same as they were in Georgia v. Stanton as evidenced by Mr. Black’s statement *“No defense has yet been suggested by the defendants’ counsel, no denial of the facts, no assertion that they are justified by legal authority”*.

In the brief written by the appellant in *ex parte McCardle* 7 Wallace 506 states;

“...We know that whatever power is possessed by Congress, or any other department of the Federal Government, is contained in a written Constitution. Within its few pages are comprised, either in expressed language or by necessary intendment, every power which it is possible for the Federal Authorities of any kind to exercise under any circumstances. Show me, then, I say, the power to erect this military government. You cannot find it expressed in any one of the 18 sub-divisions of the 8th section of the first article-----that section which contains the enumeration of the powers of Congress. If it is implied in any of them, tell me in which one. I cannot find it. Turn then to the 4th section of the 4th article, that which declares that “the United States shall guarantee to every State in the Union a republican form of government, and shall protect each of them against invasion, and, on application of the Legislature or the Executive, ...against domestic violence.”

“Is a Military Government here sanctioned? Certainly it is not expressed. It is implied? Supposing, for the sake of the argument, that the United States, uninvited by its legislative or executive, can go into a State for the purpose of repressing disorder, or violence, or of overthrowing an existing State Government on the ground that it is not republican. I deny that they can introduce a military government as a means to such an end. To avoid misapprehension, I carefully distinguish between the use of military power in aid of the civil, subordinate to it, and military government. The two systems are opposed to one another. In one case the civil power governs, in the other, the military. In one, the military power is the servant to the civil, in the other it is the master. My proposition is that a military government cannot be set up in the United

States for any of the purposes mentioned, and the reason is this: *military government is prohibited by the Constitution*. Not disputing the proposition that congress may pass all laws necessary or proper for carrying into effect any of the expressed powers conferred upon any department of the government, an that Congress is in general the judge both of the necessity and the means, the proposition is to be taken with this qualification: that is, that the means must not be such as are prohibited by the Constitution. A lawful end, an end expressly authorized by the Constitution cannot be obtained by prohibited means.”

Respondent enter all arguments, written and oral and briefs, submitted to the Supreme Court in *ex parte McCardle* 7 Wallace 506.

The purpose of the Military Government was to maintain Military control while a new government with a new Constitution was created by the dictates of Congress. This “new” government would not be allowed Representation in Congress until such time as it ratified the 14th Amendment and the 14th Amendment became part of the Federal Constitution. The new Constitution was not a government for the freeman original body politic of North-Carolina.

The change in Government of North Carolina was in fact a “coup d’état”, defined by Blacks Law Dictionary, Sixth Edition, p.51 as “*a political move to overthrow existing governments by force*”. It is an absurdity for anyone to claim that this method of changing government is lawful, binding, or in any way indicates due process of law.

It is an absurdity to claim that a coup d’état is a political question. Yet this is exactly what the United States Supreme Court did in Georgia v Stanton, S.C.,6 Wall.,50-78 when it stated that “*...the rights in danger must be rights of persons or property, not merely political rights.*”

IV

PROPOSED CONCEPTS JUSTIFYING RECONSTRUCTED STATE CONSTITUTIONS AS BECOMING VALID

There is a concept that with time Reconstruction became valid. This concept is stated by Walter Suthon in the *Tulane Law Review* in which he states in the footnote on p. 41 ;

“In 1877 the people in Louisiana succeeded in re-establishing their own government, and thus rid themselves of the puppet government excrescence which the Reconstruction Act had for a time imposed upon them by coercion from without. The present state government of Louisiana is the direct linear successor “Nichols Government” which the people of Louisiana elected, installed and maintained in office in 1877.

The “Nichols Government” came into office in Louisiana over the bitter opposition of the predecessor puppet government. The latter sought to install the “Packer Government” in official power in Louisiana, and for several months Louisiana had two governments---the puppet “Packard Government” spawned by the Reconstruction Act and the ‘Nichols Government’ elected by the people. Upon the withdrawal of military support from it, the “Packard Government” disintegrated ...The “Nichols Government” thus came into power as in actuality a new government-----not as a successor in continuation of the “disintegrated” puppet government. This type of change was characteristic of what occurred in other Southern States, as the puppet governments which had gone through the form of ratifying the fourteenth amendment under the compulsion and coercion under the Reconstruction Acts, fell from power one by one and were succeeded by governments of the people”.

The Respondent agrees with most of Mr. Suthon’s Treatise on the unconstitutionality of Reconstruction and the 14th Amendment; however he finds his proceeding words fail to take several important issues into consideration.

The Reconstruction Acts made three fundamental changes in our government all through coercion: (1) It changed the Body Politic (2) this new Body politic changed the fundamental laws of the state by adopting new constitutions (3) These new Body Politics operating under new constitutions purportedly adopted the 14th amendment to the United States Constitution.

Mr. Suthon’s belief that the original Body Politic of Louisiana and other Southern States taking charge of, and administering the laws and governments, put into place by the Reconstruction Acts and the 14th Amendment, as remaining to be held valid as a part of the

Federal Constitution, somehow reverses Reconstruction and re-establishes lawful government, is incorrect.

If the laws of the Federal government and laws of the State government express a view that certain people should be members of the Body Politic and the people of a State can intimidate and coerce people with an express grant to participate in the government from participating in the government, then the people who purportedly re-established their own government, are acting in a manner no different than Congress when Congress passed the Reconstruction Acts. In other words, coercing people that can lawfully vote, not to vote, is nothing more than the violation of law. It is not the resurrection of lawful government. The only way for lawful government to be re-established, after a violent overthrow by the United States government, is for the people to go back under their original Constitution.

This relates to the Respondent in that this is exactly what has happened with the Re-establishment of the 12th State of North Carolina and their claim of being citizens of that State. Of the two States of North Carolina (the 12th and the 39th); the 12th State is the only lawful, constitutional and legitimate one.

V.

RECONSTRUCTION CREATES SUBJUGATION OF ALL STATE CITIZENS TO NATIONAL CITIZENS AND DESTROYS STATES RIGHTS

Prior to the purported adoption of the coerced 14th Amendment there was only one fundamental form of citizenship in the American Union - State Citizenship. At that time the Federal Government had no authority whatsoever over the Citizens or laws of the several states.

This situation was reversed through the purported Congressional creation of the "*citizen of the United States*" or "*United States citizen*" and its coerced adoption into the United States Constitution through the 14th Amendment in 1867. After the unconstitutional and coerced Reconstruction Acts, America's foundation was changed. In the United States "*there is in our Political System, a government of the several states and a government of the United States. Each is distinct from the other and has citizens of its own.*" US vs. Cruikshank, 92 US 542 (1875).

A United States citizen is national citizen and not a State Citizen.

A United States Citizen does not possess the unalienable Rights enumerated in the Bill of Rights – “*The only absolute and unqualified right of a United States citizen is to residence within the territorial boundaries of the United States*” US vs. Valentine 288 F. Supp. 597, and is considered to be a citizen of the District of Columbia, “*A person may be a citizen of the United States and not a Citizen of any Particular state*” (Slaughter-House cases) “*This is the condition of citizens residing in the District of Columbia and in the territories of the United States, or who have taken up residence abroad.*” Hepburn vs. Ellzey, 6 US 445 from CJS.

Later Courts further our understanding of this change of fundamental Citizenship – “*The privileges and immunities clause of the 14th Amendment protects very few rights because it neither incorporates the Bill of Rights, nor protects all rights of individual citizens. Instead this provision protects only those rights peculiar to being a citizen of the federal government; it does not protect those rights which relate to state citizenship.*” Jones vs. Temmer, 829 F.Supp. 1226

There are misconceptions as to the creation of a “*United States Citizen.*” There are some that believe that this was an extension of citizenship for the freed blacks only. We need only look at the writings and speeches from that time frame in order to understand the original intent. James G. Blaine, one of the radical Republican Congressman during Reconstruction, made a political speech on August 29, 1866 in Skowhegan, Maine on the purpose and object of the proposed 14th Amendment. Congressman Blaine is very clear that United States citizenship is intended as a national citizenship which includes both black and white citizens. He stated,

“And in making this extension of citizenship, we are not confining the breadth and scope of our efforts to the negro. It is for the white man as well. We intend to make citizenship National. Heretofore, a man has been a citizen of the United States because he was a citizen of some- one of the States: now, we propose to reverse that, and make him a citizen of any State where he chooses to reside, by defining in advance his National citizenship — and our Amendment declares that “*all persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the States wherein they reside.*” This Amendment will prove a great beneficence to this generation, and to all who shall succeed us in the rights of American citizenship; and we ask the people of the revolted States to consent to this condition as an antecedent step to their re-admission to Congress with Senators and Representatives.” Political Discussions 1856 – 1886 by James G. Blaine 1887 p.64

Congressman Blaine further explained the intentions of the 14th amendment and Reconstruction in his autobiography Twenty Years of Congress 1861 - 1881 Vol. 2 (1884), it must be remembered that Congressman Blaine was in full support of both the 14th Amendment and Reconstruction measures. The following quotes show the intention of the Nationalization of citizenship and the reasoning for forcing the amending of the Constitution. In discussing the Constitutional Conventions ordered by Reconstruction Mr. Blaine states:

“All were ordained in the spirit of liberty, all prohibited the existence of any form of slavery, and all heartily recognized the supreme sovereignty of the National Government as having been indisputably established by the overthrow of the Rebellion which was undertaken to confirm the adverse theory of State-rights.” p. 300.

It was unnecessary for Congressman Blaine to add in the statement “...all prohibited the existence of any form of slavery” since slavery was abolished by constitutional amendment approximately two years earlier.

Congressman Blaine goes on giving justification for the Nationalization of citizenship and Congressional destruction of State’s rights by stating;

“As the vicious theory of State-rights had been constantly at enmity with the true spirit of Nationality, the Organic Law of the Republic should be so amended that no standing-room for the heresy would be left.” P.303.

And:

“The first section of the Constitutional amendment which includes these invaluable provisions is in fact a new charter of liberty to the citizens of the United States; is the utter destruction of the pestilent heresy of State-rights, which constantly menaced the prosperity and even the existence of the Republic; and is the formal bestowment of Nationality upon the wise Federal system which was the outgrowth of our successful Revolution against Great Britain.” P. 312.

And:

“Its opening section settled all conflicts and contradictions on this question by a comprehensive declaration which defined National citizenship and gave to it precedence of the citizenship of a State. "All persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United /States and of

the States wherein they reside" *These pregnant words distinctly reversed the origin and character of American citizenship. Instead of a man being a citizen of the United States because he was a citizen of one of the States, he was now made a citizen of any State in which he might choose to reside, because he was antecedently a citizen of the United States*". P. 313

VI.

NO ONE DENIES THE FACTS THAT RECONSTRUCTION AND THE GOVERNMENT OF THE 39th STATE OF THE UNION CALLED THE STATE OF NORTH CAROLINA are UNCONSTITUTIONAL

The unjust war waged upon North-Carolina, the resulting conquest of North-Carolina and her Citizens, the Reconstruction Acts of Congress and the Coerced amending of the United States Constitution have never been defended as Constitutional, lawful or just. In fact just the opposite is true. All parties recognize the unconstitutional reality of all of the above. The only defense used by Congress and those maintaining the Governments unlawful position is avoidance of the matter in Court as in *ex parte McCordle* & *ex parte Yerger*. The Courts have co-conspired in allowing this by allowing legal technicalities (*Miss. vs. Johnson* & *Ga. vs. Stanton*), outright delaying of issuing decisions, as in *ex parte McCordle*. In recent times as related to Respondent and others when these issues have been raised the State prosecutors have never rebutted one word or one fact presented. The North-Carolina District and Superior Courts have looked the other way on the State presenting no rebuttal and allowed continuation of prosecution without proof of jurisdiction as in *North Carolina v. Ainsworth* # 06-CRS-707182, *North Carolina v. Ainsworth* No. COA02-88, *North Carolina v. Honeycutt* File # 991F8737, and *North Carolina v. Reid*.

VII.

COERCION CREATES NO BINDING OBLIGATION

It should be needless to state that unlawful and unconstitutional coercion creates no lawfully binding obligation on anyone. This sad matter at hand clearly shows the necessity of having to state the most basic of legal concepts. Respondent has become aware of information that requires him to make an express statement of his status as a Citizen of North Carolina organized under its Constitution of December 18, 1776. All facts clearly prove that the original laws of North-Carolina were removed by unconstitutional and unlawful coercive measures. The STATE OF NORTH CAROLINA demands that Respondent recognize the coercive measures as lawful, therefore binding respondent to obey statutes put into force by an unconstitutionally put into place government, which is incapable of, and therefore refuses to prove the lawfulness of its authority and jurisdiction.

Respondent stands on the legal ground that clearly unconstitutional and unlawful acts of coercion create no lawful obligation. Respondent has never waived their Constitutional rights of participating in lawful republican government. *“Waivers of Constitutional Rights, not only must be done voluntarily, they must be knowingly intelligent acts, done with sufficient awareness of relevant circumstances and consequences.”* Brady vs. US, 397 US 742. *“Because of what appears to be a lawful command on the surface, many citizens, because of respect for the law are cunningly coerced into waiving their rights, due to ignorance”* US vs. Minker, 350 US 179

VIII

RECONSTRUCTION REDUCES LEGAL SYSTEM INTO A TOOL OF TYRANNY

Because of Reconstruction four of the most fundamental foundations of law are absent from our legal system, rendering it to be a sham and a tool of oppression. They are (1) Proof of jurisdiction, (2) meaningful hearing of facts, (3) impartiality of Judges, and (4) the State, through avoidance, continues prosecuting actions, when it has exculpatory evidence proving innocence.

CONCLUSION

Respondent stands on the legal ground that clearly unconstitutional and unlawful acts of coercion create no lawful obligation.

Respondent is faced with his conscience and duty in this situation. His choice is to deny history, facts, law, his duty to their posterity, his duty to God, and knowingly participate in the 39th Congress' overthrow of the government of the freeman/body politic of North Carolina and its unconstitutional subjugation to the Federal Congress, -or- he can recognize lawful government, not recognize unconstitutional Acts and stand on what he knows as facts, truth, and law.

It is clear that the STATE OF NORTH CAROLINA, by their actions so far, are maintaining the recognition of the overthrow of a lawful state (12th State) of the American Union. The STATE OF NORTH CAROLINA gets its authority by the overthrow of the original state. The STATE OF NORTH CAROLINA should easily be able to prove its lawful, unbroken, and constitutional chain of custody on the title of the soil of North Carolina, which would give them the authority to prove:

- (1) The lawfulness of Abraham Lincoln's coercive measures to deny states laws of consent through secession,
- (2) The lawfulness of North Carolina's refusal to participate in coercing states to stay in a Union not of their consent, and
- (3) The lawfulness of North Carolina's secession, including whether the right of self defense on the part of North Carolina against the aggression of the Federal Government denying North Carolina a Government of consent can be deemed treason and/or rebellion,
- (4) The Constitutional authority of the Federal Government to wage war on the several states by;
 - (a) declaring secession a criminal action,
 - (b) annulling states,

(c) changing the body politics in the several United States from being citizens of their own country/state to that of national citizenship residing in one of the several States, thereby dissolving the Union and creating a Nation, and

(d) the coercion of the amending of the United States Constitution as it did the purported 14th Amendment through the Reconstruction Acts..

If the STATE OF NORTH CAROLINA bringing forth this action cannot or will not prove the above by law, then they should dismiss this action. To do anything otherwise would be a complete usurpation and an excess of jurisdiction.

Respectfully submitted, this 10 day of October, 2011

Amanda Lea Rose

Amanda Lea Rose, Respondent

STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

File # 11 CRS 014680

FORSYTH COUNTY

STATE OF NORTH CAROLINA,)

Plaintiff,)

vs.)

AMANDA LEA ROSE,)

Respondent)

**ADDENDUM TO
MEMORANDUM OF LAW**

**RESPONDENT ROSE'S ADDENDUM TO MEMORANDUM OF LAW IN
SUPPORT OF CHALLENGE TO JURISDICTION**

Respondent Rose maintains her Special Appearance challenging jurisdiction and hereby respectfully submits the following Addendum to Memorandum of Law In Support of Challenge to Jurisdiction.

STATEMENT OF FACTS

Respondent was in District Court of Forsythe County on August 29, 2011 before Judge Chester C. Davis. The ADA was Brian Taylor. Respondent brought forth her Challenge of Jurisdiction and Memorandum of Law to which the ADA did not provide any evidence to the contrary that would prove that THE STATE OF NORTH CAROLINA has personal and territorial jurisdiction over her and the soil of North Carolina. Respondent was called and after a very brief cursory look at Respondent's filings, Judge Davis asked Respondent, "... so if this is all true, what does it mean?" Respondent began to answer briefly to which Judge Davis denied

the “motion”. Please note Respondent never made a General Appearance filing a Motion with the court but rather a Challenge of Jurisdiction. Judge Davis proceeded to trial and the merits of the case before jurisdiction was proven by the STATE. In fact the STATE did not submit one word. Jurisdiction is not discretionary and must be proven before there is any business with the court. Respondent objected and did not participate in the proceedings. At the end of the proceedings Respondent gave Notice of Appeal, at which time Judge Davis put Respondent under a \$1000.00 secured bond and sent her to jail. Respondent was handcuffed and taken to a processing room where an officer had her up against a wall and patted her down. Respondent was then taken to intake and a holding room and eventually had to remove all her clothes in front of a female officer and take a shower. Respondent was instructed to put on jumpsuit and was taken back to her cell, where when having to use the restroom it was necessary to remove the jumpsuit and men passing by could look on. Respondent was jailed for approximately 5 hours at the Forsyth County Detention Center.

There is absolutely no evidence to support that Respondent posed a flight risk and have a secured bond put upon her. In fact, evidence will show that Respondent had never failed to show up for any court date. Her arrest is proof of the “chilling effect” the STATE is imposing on her in an attempt to intimidate her out of exercising her constitutional right to challenge the jurisdiction of a state that refuses to prove their legitimacy.

STATE’S POSITION

The STATE’s position seems to be one of moving forward in a case without first establishing the most fundamental point of law – Jurisdiction. It is the law and duty of the STATE prosecuting a case to first have jurisdiction over the soil. After that is established then jurisdiction over the

person before a case can be heard before the court; see *State v. Batdorf* in Respondent's Memorandum of Law. On the Batdorf issue; we are challenging the fact of who has lawful jurisdiction over the soil of NC. We have 2 different and distinct states claiming jurisdiction over the same soil. In Judge Lindsay R. Davis, Jr.'s Order dated Sept. 29, 2011, he states, "Batdorf applies only where the facts supporting the State's allegations of territorial jurisdiction are in dispute". This is in fact exactly what is in dispute in this instant case.

We are not challenging a "theory", it is actually a situation of who has legal and lawful ownership of the territorial soil of North Carolina? Who of the 2 states that claim to be NC can show an unbroken chain of custody to the title of the soil?

THE BASIC ARGUMENT FOR THE STATE TO PROVE, *BEYOND A REASONABLE DOUBT*, is as follows:

Article 4, Section 3, Clause 1 of the United States Constitution states: "New States may be admitted by the congress into this Union; but no new State shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or Parts of States, without the consent of the Legislature of the States concerned as well as of the Congress."

The facts of the matter are that two States named North Carolina have entered the American Union. The first one was on November 21, 1789 as the 12th State and the second one was on June 25, 1868 as the 39th State. The only thing in common of these 2 States is the soil and the name.

Their differences are the body politics and constitutions. States are composed of 3 parts: (1) Body, (2) Soil, and (3) Law. The pre-amble to the Constitution of the United States says that the constitution is ordained for ourselves and our posterity. This is a direct reference to the

Body,

which has authority to create the laws over the soil.

The legal question raised is whether the 39th State is a continuation of the posterity that is mentioned in the Constitution or a new creation?

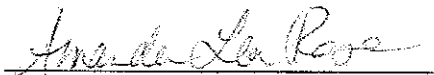
If it is a new creation, is that creation lawfully authorized?

Does Congress have the power to annul States in times of peace, for the purpose of nationalizing citizenship, without the consent of a free people, by threat of military rule?

The purported "State" prosecuting this action must provide proof beyond reasonable doubt of the lawfulness of the due process of the Reconstruction Acts of Congress that created it, to include the Constitutional authority for these Acts and show how the resulting "State" is a State of the consent of the posterity of the people who compacted together under the United States Constitution.

The "people" (the original usurpers who were put into place by an act of treason) that voted in the new NC Constitution does not cure the unconstitutionality of Reconstruction nor the treason that took place and continues today through continued and purposeful avoidance of the real issue of law here.; which is exactly what the State is attempting here; to change the argument from jurisdiction over the person and soil to subject matter jurisdiction, which was never even brought forth originally.

Respectfully submitted, this 10 day of October, 2011



Amanda Lea Rose, Respondent

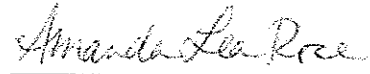
CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the ADDENDUM TO MEMORANDUM OF
LAW upon the parties listed below by Hand delivery.

District Attorney of Forsyth County

Clerk of Court of Forsyth County

This 10 day of October, 2011



Amanda Lea Rose
Amanda Lea Rose

[EXHIBIT A]

Declaration of Re-Establishment of the North-Carolina American Republic

By the Inhabitants of North-Carolina in the county of Mecklenburg, assembled this the first day of December in the year of our Lord one thousand nine hundred ninety-seven.

We the Inhabitants of North-Carolina, do hereby of Right, Duty, and Necessity, re-establish the North-Carolina American Republic in alignment with Article IV, Section 4 of the Constitution of the United States of America.

Our written history has instructed us that it is our Duty and our Right to cast off the chains of bondage to any foreign occupation of our Sovereign state. The Federal United States Government has occupied North-Carolina in excess of 130 years. This federal experiment of oppressive military dominance over North-Carolina and her Inhabitants began with the unlawful subjugation of North-Carolina through the forced adoption of a new State Constitution of 1868, and has proven to the Nation that a government established in deception and military subjugation is destined to fail.

We derive our Rights from Almighty God, and do declare we have a Right to self-determination and a Right not to follow others down a path of self-destruction and servitude. We of Right, hereby declare our intention to correct this path of self-destruction rooted in deception, setting a peaceful example for others to follow. We, the Inhabitants of North-Carolina, know it is our Duty and our Right to re-establish North-Carolina and to set an example for the Nation to witness the re-establishment of a Republic of free sovereign people, peacefully, openly, and without violence in a manner never before seen in history. Caution must be noted: History has shown us that governments long established do not relinquish power and control over people lightly, easily, or without bloodshed. We, therefore, extend an open hand to the Federal United States Government to join us in peaceful cooperation for the re-alignment of the proper and constitutional roles in the relationship of the Federal Government to the government of the Several Sovereign Republican states.

The Inhabitants of North-Carolina, in order to assure a fresh start, hereby rescind the ordinance to dissolve the Union of states dated May 20, 1864, and declare it null and void. We also solemnly pledge and declare peace with the Federal United States Government and its lesser governments, which honor this re-establishment, from this day forward.

We take this opportunity in time to state that this task can only be accomplished with the guidance of Divine Providence, cool heads, honest diplomacy, and a facing of the truth of this Nation's past and present actions, as the United States Government has been actively involved in the subjugation and forced servitude, through deception, of the people of this Nation, in direct violation of the Constitution of the United States of America.

The Federal United States Government, which prides itself as a leader in the world in the maintenance of freedom, has become, in fact, a leader of the world in the forced subjugation of entire republics, commonwealths, nations and monarchies. This forced servitude is as unconscionable and tyrannical as those actions taken by the most despotic and treacherous governments the world has ever known. The Federal United States Government has done this through the illusion of freedom, when in fact there is no freedom.

In spite of the crimes committed against the Inhabitants of North-Carolina and the other states, we find our only option is to extend an offer of Amnesty, and to move forward with a renewed hope of Peace!

The Inhabitants of North-Carolina, in signing this Declaration of Re-establishment, re-unionization and peace, find it necessary to reveal candidly to the world the crimes committed by the Federal United States Government upon the people of the several states and upon its own Federal United States citizens.

The United States Government has acted in a pattern of trickery and deception for well over 130 years. It has repeatedly broken its most sacred duties, trusts, laws and resolutions. The abuses and usurpations of power are far too numerous to list here. Only a few examples, though ample to substantiate our resolve, are chosen here. The Federal United States Government has broken its solemn promise to the Inhabitants and Citizens of the entire nation by not honoring its obligation to follow its own joint resolution adopted July 25, 1861, relating to the object of the Civil War, to not subjugate, conquer, or impair the rights of the states in rebellion. The Federal United States Government perfidiously breached its Constitutional fiduciary responsibility in its action by coercing the Inhabitants of North-Carolina into a Federalized status through the forced acceptance and adoption of a new Constitution in 1868, which offered suffrage and offices in government only to those who encumbered themselves with Federal citizenship, which has no Rights associated with it, only privileges.

The Federal United States Government forced this new Constitution on the Inhabitants of North-Carolina in contravention of the organic Constitution of North-Carolina's Fourth Amendment of 1835, prescribing instead a foreign method of framing and adopting a Constitution. Therefore, the Constitution of 1776 has not been abrogated, for that Constitution could not be amended except by following the procedure prescribed in that Amendment. It certainly could not be repealed otherwise!

The forced creation of a Federal North Carolina, through the Constitution of 1868, violated the duty of Congress to guarantee to every state a Republican form of government, and instead, created a satellite government of the District of Columbia. This direct control and dominance has led to a situation where North-Carolinians who do not choose to encumber themselves with federal citizenship, in fact, have no government.

The Federal Government, in its joint resolution of July 1861, stated to the world that the belligerent actions against the states in rebellion would cease when the states regained their ante-bellum, unimpaired condition. In knowing this condition must be met for the federal war of deception and silence to end after over 130 years, it is necessary for the Inhabitants of North-Carolina, under our Creator, to breathe life back into the document named the Constitution of North-Carolina dated 1776, and its Amendments. We find it necessary to make changes in that document, as the Inhabitants of North-Carolina have been denied the opportunity to align their affairs and property in such a manner as to qualify to elect or hold office in North-Carolina.

There has been a well-documented usurpation of delegated powers exercised by several Presidents of the United States. This long and criminal train of usurpations, though not well-known or understood, is partially documented in United States Senate Report 93-549, and is evidence of Congressional knowledge of the acquiescence to the usurpation of powers and failure to correct the situation from the American people. The information in United States Senate Report 93-549 should be brought and universally known, otherwise, the people are controlled through their lack of knowledge. Through silence and deception, the Federal United States Government has taken virtually every freedom from the people under extended fabricated "national emergencies" without the people's knowledge of how or why this happened, in a manner which can only be described as democratic dictatorship.

This situation has destroyed the system of checks and balances and has destroyed our judicial system. The present Government appoints to the supreme Court political appointees, who interpret the Constitution and Laws according to the will of the Executive Branch, further compromising our Nation. Patrick Henry specifically warned us that just such a situation would arise. The absence of Inhabitants of the several states in the supreme Court compromises the Court and makes suspect all decisions concerning the several states.

The present situation has no universally known or recognized remedy in law within the Federal jurisdiction. Therefore, the remedy must be found without the jurisdiction of the Federal Government; by the re-establishment of the old and recognized jurisdiction of the Inhabitants of North-Carolina, separate from Federal jurisdiction.

PAGE 1 OF 2

The Inhabitants of North-Carolina hereby refuse to continue the game of hide-and-seek with their Rights in the current Federal jurisdiction. We hereby refuse to honor a government which:

- taxes the Inhabitants without representation in government;
- forces the Inhabitants into unconscionable three-party contracts in order to perform the duties of their daily lives;
- writes laws with words that have multiple and ambiguous meanings, used to the detriment of the people and to the benefit of members of the private Bar Association and the Government, in their design to reduce the Inhabitants to mere wards of the State;
- enforces laws which are incapable of being understood or defended by the average Citizen;
- enforces emergency actions while not disclosing the "emergency" to the Inhabitants;
- has a legal system which has become a source of uncontrolled profit for the few, at the expense of those most in need;
- has created a socialist State operating under the guise of freedom;
- has shirked its duty to regulate the value of the medium of exchange, delegating it to a foreign third party, which can economically collapse our nation at will;
- allows judges and magistrates to become active prosecutors on behalf of the State;
- deludes the people into their own bondage;
- legalizes chemical, biological and radiation experimentation upon unsuspecting Federal citizens (Title 50 USC Section 1520; Executive Order # 12891);
- terrorizes the Inhabitants into the acquiescence of their Rights;
- honors and enforces fraudulent contracts.

Through the forced encumbrance of Federal citizenship, the Federal United States Government has created a standing army in times of peace, enthusiastic and willing to enforce a plethora of unconscionable and unconstitutional statutes, which violate the Rights they have taken an Oath to defend. They have turned their backs on the people! Their crimes include fraud, extortion, racketeering, operating a continuing criminal enterprise under color of law - and even murder, all done with virtual impunity.

Divine Providence gave to our forefathers the tools of freedom, which have been handed down to us to use today. We have the written examples of how they formed our Nation and we have instructions for self-correction to follow. Therefore we follow in the footsteps of our forefathers by Declaring of Right, Duty, and Necessity, the re-establishment of a government best suited for, and designed to effect the safety and security of the Inhabitants of North-Carolina. Concomitant with this re-establishment is the pledge to assure a smooth transition into the uncharted areas into which we proceed. We do this through the guidance of our Lord, Saviour and King, Jesus Christ, through the forgiveness of the past actions of the Federal Government, its officers and agents, who come forward and confess all belligerent actions against the Inhabitants of North-Carolina, in a spirit of cooperation and Christian brotherhood.

Re-establishment fulfills a twofold purpose: First, it institutes a government which will diligently protect the Rights of the Inhabitants; Second, it creates a state under our Creator, which will breathe life back into the Constitution of the United States of America, recreating the duty and obligation once again to guarantee to the several states the protections as stated in Article IV Section 4, Article III Section 3 and the Thirteenth Article of Amendment of the Constitution of the United States of America. Both governments shall co-exist within the geographic North-Carolina, each exercising exclusive control and jurisdiction over its own, in separate venues.

To use the weapons of the current silent war: total control of information, silence, seizure, corruption in the courts; to delay, halt, or hinder in any way the re-establishment of North-Carolina, shall be considered belligerent actions, and met with the demand for the Federal United States Government to strictly adhere to Article III Section 3 of the Constitution of the United States of America. We refuse to be fatigued by shrewd men intent on the continued subjugation of the states. We know and understand that returning the Federal United States Government to its proper Constitutional alignment of eager compliant servant of the several states will be arduous at best. We the Inhabitants of North-Carolina, therefore, hereby make known to all men our resolve to re-establish the De Jure North-Carolina Republic. Unwavering, we exercise our Right and move forward, protected only by our Creator and the truth of our experience. And for the support of this Declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other, our lives, our fortunes, and our sacred honor.

Signed by the order of, and on behalf of the Inhabitants of North-Carolina present, the North-Carolina American Republic is hereby re-established (of necessity).

William Valentine IV, Tom
RECORDER

John Charles, President
PRESIDING OFFICER

Sherry Jackson, Fort
James Arthur, Junior, Reid
Richard Wilson, Tom
John Francis, Wanda
William Blanton

Albert Rodriguez Jr., Cajun
Ray Lee, Sandra Moon
Arthur R. Northrup, Jr.
Patricia Gail, Honeycutt



I Jay J Green (Witness) This
is a true and correct copy
of the original of the
above Document

Ray Lee
DEC 4 2010

[EXHIBIT B]

Proclamation

Whereas Article 1 of the Declaration of Rights of the Constitution of North Carolina of 1776 states; " *That all political power is vested in and derived from, the people only*"; and

Whereas Article I, § 2 of the State Constitution, presently operating under the leadership of James B. Hunt, Jr., states; " Sovereignty of the people. *All political power is vested in and derived from the people; all government of right originates from the people, is founded upon their will only, and is instituted solely for the good of the whole.*"; and

Whereas the State of North Carolina presently operating under the leadership of Governor James B. Hunt, Jr., was founded and originated from a body of people consisting of militarily subjugated people and residents from all parts of our Nation, thereby permanently defining the State of North Carolina's body politic; and

Whereas the State of North Carolina presently operating under the leadership of Governor James B. Hunt, Jr., did not originate from the free will of the Inhabitants of North-Carolina, nor was said Inhabitant's Constitution changed or amended in any manner recognizable as lawful, or done for the purpose of representing the free will of the Inhabitants of North-Carolina; and

Whereas President Andrew Johnson granted an unconditional pardon and amnesty to the Inhabitants of North-Carolina, which included the restoration of all Rights, which include Political Rights, by Proclamation on the twenty-fifth day of December 1868; and

Whereas the Civil Government of the free Inhabitants of North-Carolina was surrendered "as without legality" to the occupying Military authority and, under military duress on the first day of July 1868 by Governor Jonathan Worth; and

Whereas said surrender fulfilled Article III of General Order Number 100 issued on the twenty-fourth day of April 1863, which states that Martial law over an area consists in the suspension of the Civil Government of said area by the occupying Military authority; and

Whereas Martial law is enforced over the current State of North Carolina by the President of the United States as Commander in Chief of the Military through Executive Order; and

Whereas United States Senate Report 93-549 documents the exercise of Executive authority without reference to normal Constitutional guidelines, clearly demonstrating the exercise of unrestrained Executive Authority, which can only occur during times of declared emergency, to be the normal operation of the present Federal Government; and

Whereas the Flag of the United States as described and proscribed by positive law in Title 4, Chapter I, § 1 of the United States Code declares the flag to have 48 stars, yet shows the 50 star flag in common use today to be proscribed by the Authority of the President as Commander-in-chief of the Army and Navy

through Executive Order Number 10,834, and proclaims where the President as Commander-in-chief has authority; and

Whereas Article I of General Order Number 100 issued on the twenty-fourth day of April 1863, states that the presence of a hostile Army proclaims its Martial Law and that no public warning to the inhabitants need be issued; and

Whereas the 50 star flag of the President, as Commander-in-chief of the Military, currently occupies space in all judicial, legislative, executive and, police offices and chambers, designating military jurisdiction and venue; and

Whereas usurpation of powers, both aggressive and passive denial of political rights, and the use of pretended declared emergencies for the purpose of subjugating a people are both oppressive and hostile; and

Whereas there is no publicly known, taught, or recognized emergencies in existence anywhere within the geographic boundaries of the United States of America or within the geographic boundaries of North-Carolina; and

Whereas the use of emergency powers in times of peace for the purpose of usurpation of powers or for the purpose of involuntary subjugation of a peaceful people is hostile, tyrannical, oppressive, and criminal; and powers promulgated under pretended emergencies ought not to be obeyed; and

Whereas the people have exclusively been given the sovereign Right of choosing the best form of government under which they live and, have the right and duty not to involuntarily live under a deceitful and oppressive form of government; and

Whereas the Constitution of the United States of America of 1791 was drafted and ratified by representatives of the free Inhabitants of the several states for the purpose of creating a government which would operate for the general welfare of the states consisting of body politics of free Inhabitants; and

Whereas the Federal Government remains unrestrained in its powers so long as there are no states comprised exclusively of free Inhabitants; and

Whereas said created government was given a duty to protect the governments of the free Inhabitants of the several states by both guaranteeing a republican form of government for the free Inhabitants, as proscribed by Article IV Section 4 of the Constitution of the United States of America and proscribing in Article III, Section 3 that "*Treason against the United States, shall consist only in levying war against...*" the several states; and

Whereas there is no authority for Congress to dictate the Republican forms of governments of the several states, for that would be contrary to the free will of the people and contrary to the rights of a free government; and

Whereas since there has been no state of free Inhabitants existing within the geographical boundaries of North-Carolina during the period of July 1st, 1868 through December 1, 1997, there in fact has been no treason committed against the government of the free Inhabitants of North-Carolina; and

Whereas on the fourteenth day of August, 1941 Franklin D. Roosevelt and Winston Churchill signed a treaty titled the Atlantic Charter which states in Article III that "*They respect the right of all peoples to choose the form of government under which they will live; and they wish to see sovereign rights*

and self-government restored to those who have been forcibly deprived of them."; and

Whereas the Inhabitants of North-Carolina, in the exercise of their political rights, and in the carrying out of their Duty to their heritage and their posterity did on the first day of December, 1997, re-establish through Declaration the lawful and authorized government suspended by military authority on the first day of July, 1868; and

Whereas a committee, on the first day of December, 1997, of said Inhabitants of North-Carolina did meet of Right; drafted, adopted, and ratified by oath and signature, through Declaration, the Re-establishment of North-Carolina; and

Whereas the Inhabitants of North-Carolina did of Right, of Duty, and of Necessity chose and elected the Civil Officers of the newly re-established Republican Government of the Inhabitants of North-Carolina; and

Whereas the representatives of the free Inhabitants of North-Carolina elected and chose the Seat of Government of the North-Carolina American Republic to be located at the city of Charlotte on the property, sized approximately 100 ft. x 100 ft. located northwest of the intersections and laying immediately adjacent to the streets of Sandhurst Drive and Margate Avenue; and

Whereas the identification of people through the use of universal Identifying numbers is fearful and potentially despotic and ought not be practiced; and

Whereas on December 1, 1997, I, John Charles, Ainsworth was nominated and through unanimous vote, elected to hold the Honorable Office of Governor of the government of the free Inhabitants of North-Carolina; and

Whereas the present fearful and oppressive political climate which faces any and all who wish to exercise their rightful freedoms in this nation, and because there is a responsibility to define terms in order for said terms to be understood, it was deemed necessary and prudent by the representatives of the free Inhabitants to not use the same name of the de-facto State nor the same title of the Chief Executive Officer; the North-Carolina, for the free Inhabitants of North-Carolina, is temporally re-named, of necessity, "North-Carolina American Republic" with its Chief Executive Officer being titled "Chief Magistrate"; and

Now, therefore, be it known that I, John Charles, Ainsworth, Chief Magistrate of the newly re-established North-Carolina American Republic, hereinafter North-Carolina, do by virtue of the Constitution of North-Carolina of 1776 and in the name of the People of North-Carolina, vested with the responsibility to restore peace and freedom to North-Carolina, do hereby proclaim and declare;

1. The lawful government of the free inhabitants of North-Carolina is hereby, of Right, declared re-established, upon the soil of North-Carolina and in operation, with all political and civil Rights restored to the free Inhabitants, of North-Carolina; and
2. North-Carolina is at peace with the federal United States government; and
3. The present government of the State of North Carolina operating under the leadership of James B. Hunt, Jr., is a valid government for all militarily subjugated people who freely and voluntarily participate in it; and

4. There being no publicly known emergency within the geographic boundaries of North-Carolina; the State of North Carolina and all of its agencies, operating under the authority of James B. Hunt Jr., is absolutely and forever divested of any authority over the free Inhabitants of North-Carolina; and
5. It is hereby declared unlawful and criminal to detain, to harass, to deny political Rights or to correspond in any provocative manner with any free Inhabitant of North-Carolina or free Inhabitant of any of the other several states while they are sojourning within the geographical boundaries of North-Carolina; and
6. There being no publicly known emergency within the geographic boundaries of the United States of America, and there being no request or authorization by the Chief Executive Officer of North-Carolina for Federal assistance, the government of the United States of America and any and all agencies operating under its authority are absolutely divested of any and all authority whatsoever over or upon the free Inhabitants or the soil of North-Carolina; and
7. So long as the political rights of the free Inhabitants are respected and the authority of the government of North-Carolina is recognized and, so long as the State of North Carolina and the federal United States government and their agencies honor and respect their fiduciary responsibility to their citizens and cease abusing them, they will be allowed the privilege of carrying on their functions for their citizens within the geographical boundaries of North-Carolina; and
8. The free Inhabitants of North-Carolina are abated of any and all requirements either perceived or real, of associating themselves with any Federal Identifying numbers; and
9. It is declared a criminal action to deprive a free Inhabitant of North-Carolina of any Right, benefit, or privilege, for failure to provide a Federal Identifying number; and
10. Any interference with the lawful re-establishment of the North-Carolina American Republic will be construed as a belligerent action and punishable; and
11. The free Inhabitants of North-Carolina being the possessors' of their own political Rights are recognized as having the exclusive Right of protecting said Rights without interference.

In testimony whereof I have signed these presents with my hand and have caused the seal of the North-Carolina American Republic to be hereunto affixed.

Done in the city of Charlotte, the 2nd day of June A.D. One thousand nine hundred ninety eight, and of the Independence of the United States of America the two hundred twenty third.

I Don L. Green Ainsworth
 This is a true
 and correct copy
 of the original
 document



John Charles, Ainsworth
 Chief Magistrate,
 North-Carolina American Republic

Dec 4, 2010

[EXHIBIT C]

Affidavit of Citizenship and Domicile

FILED

county of Forsyth
North-Carolina American Republic

} ss:

200 MAR - 1 P 45

FORSYTH COUNTY, N.C.

KNOW ALL MEN BY THESE PRESENTS: I, Amanda Lee Rose, having first-hand knowledge of the facts as stated herein, hereinafter "affiant", do hereby declare my proper and lawful status with respect to Citizenship and Domicile, to-wit:

1. Affiant's natural birth occurred at (city) Winston Salem, (State) North-Carolina, on the 19 day of April, 19 81.
2. Affiant has been an Inhabitant of North-Carolina from (month) April (year) 1981, until the present.
3. Affiant clearly understands the difference between a "state Citizen" and a "United States citizen; affiant is not a Fourteenth Amendment federal "United States citizen".
 - (a) "We have in our political system, a government of each of the several states and a government of the United States. Each is distinct from the other and has citizens of its own." U.S. v Cruikshank, 92 US 542
 - (b) "The persons declared to be citizens are '...all persons born or naturalized in the United States and subject to the jurisdiction thereof.' The evident meaning of these last words is, not merely subject in some respect or degree to the jurisdiction of the United States, but *completely* subject." Elk v. Wilkins, 112 US 94
 - (c) "The privileges and immunities clause of the 14th Amendment protects very few rights because it neither incorporates the Bill of Rights nor protects all rights of individual citizens. Instead this provision protects only those rights *peculiar to being a citizen of the federal government*. It does not protect those rights which belong to *state Citizenship*." Jones v. Temmer, 829 F. Supp. 1226 (1993).
4. Affiant clearly understands that the term "United States" has three different meanings, and must be defined with respect to issues of law and citizenship:

"The term 'United States' may be used in any one of the following senses: (1) It may merely be the name of a sovereign occupying the position analogous to that of other sovereigns in the family of nations or, (2) It may designate the territory over which the United States is sovereign or, (3) It may be the collective names of the *several states* which are united by and under the Constitution." Hooven & Allison v. Ewalt, 324 US 652 (definitions hereinafter referred to as "1st Hooven, 2nd Hooven, 3rd Hooven)
5. Affiant is not a person subject to the exclusive jurisdiction of Congress as defined in Article I, Section 8 (17) of the United States Constitution (2nd Hooven). Affiant is an American Citizen of one of the several States (3rd Hooven), not a 14th Amendment U.S. citizen.
6. Any and all contracts or agreements which would tend to indicate that affiant is a 14th Amendment "U.S. citizen"; a citizen of the federal government, are hereby declared to be null and void. Your affiant hereby declares that any such contract/agreement was not entered into knowingly, voluntarily and intentionally, and therefore was the result of Constructive Fraud.
7. Through a study of history, your affiant has discovered that the de jure state of North-Carolina was purportedly annulled on 2 March 1867 by the 1st "Reconstruction Act" and that a new "State" named THE STATE OF NORTH CAROLINA entered the American union as the 39th State on June 25, 1868 in direct contravention of the July 1861 Resolutions of the United States Congress.
8. The de jure state of North-Carolina existed as a republic prior to the formation of the United States (March 4, 1789 to November 21, 1789) and, as Article IV, Section 4 of the Constitution for the United States of America guarantees to each state body politic a republican form of government, your affiant does not recognize the de facto State of North Carolina which purportedly entered the American union on June 25, 1868, as a lawfully created sovereign state. Said State is a de facto corporation, allowing only 14th Amendment U.S. citizens residing in North Carolina to vote and hold office therein. This action displaced the original State body politic composed of the Freeman of North Carolina, regulating their own affairs, with a body politic composed of residents of North Carolina who recognize the Federal United States government as their sovereign and sole governing power.
9. Your affiant hereby declares that any and all contracts or agreements which may be claimed to exist between affiant and the de facto STATE OF NORTH CAROLINA to be null and void, as any such contract/agreement was not entered into knowingly, voluntarily and intentionally and constitutes constructive fraud.
10. **SERVE NOTICE:** The de jure state of North-Carolina was re-established on 1 December 1997, of Right, Duty, and of necessity, and by the popular vote of state inhabitants who were not and are not federal U.S. citizens,

returning to the organic state Constitution of 1776. A few Amendments were made to that Constitution, of necessity, and all have "sunset clauses" save one.

11. The one permanent Amendment passed, rescinded the secession Ordinance of 20 May 1861, as the Inhabitants of the de jure republic do not wish to secede from the United States of America (3rd Hooven), rather, to re-establish the antebellum status of the state of North-Carolina in which the Inhabitants are neither a conquered or a subjugated people, and where their Rights are both guaranteed and protected.

12. Affiant has, and hereby does, knowingly, voluntarily and intentionally:

- (a) Make a formal declaration of allegiance to North-Carolina, a state established by constitution on December 18, 1776, paid taxes therein, thereby securing the right to vote in that state;
- (b) Declare that your affiant is a North-Carolina state Citizen and not a "U.S." federal citizen;
- (c) Declare that your affiant is not a "resident of", an "inhabitant of" or "domiciled within" the United States (2nd Hooven);
- (d) Enter into a covenant (common-law contract) with a state foreign to the United States (2nd Hooven) for the protection of rights and property and;

13. Affiant hereby reserves all of his/her common-law rights to not be compelled to perform under any contract/ agreement which your affiant did not enter into knowingly, voluntarily and intentionally, and further-more, your affiant does not accept the liability associated with the compelled benefit of any unrevealed contract or commercial agreement.

WHEREFORE: Your affiant further saith naught.

NOTE: This affidavit is not intended for national expatriation. It is intended for renunciation of unconstitutional domestic 14th amendment Federal citizenship and claim to exclusive lawful state citizenship.

SIGNED: Amanda Lea Rose on this the 1 day of March 20 10
Affiant

Deuteronomy 19:15 On the evidence of two or three witnesses a matter shall be confirmed.

[Signature] First Witness, [Signature] Second Witness, [Signature] Third Witness

North-Carolina tax paid: 120 (FRN) Dollars in silver coin of the United States of America, or equivalent.

1 March 2010 Date

Received by: [Signature] title Acting Agent, NCAR

This Affidavit is in compliance with Article 40, Constitution of North-Carolina-1776 as amended.
Sealed unto my hand this the _____ day of _____ 20____.

Authorized signature _____

title _____ SEAL

Notice: Original signatures to be in blue ink
Form # 98ACD(c), (Affidavit of citizenship and domicile) 2/4/10

[EXHIBIT D]

STATE OF NORTH CAROLINA

EXECUTIVE DEPARTMENT.



Raleigh July 1st 1862

Gen. W. W. Holden

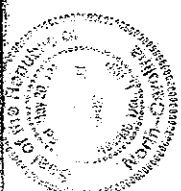
Raleigh, N. C.

Sir:

Yesterday evening I was personally notified by Chief Justice Brown that, in obedience to a telegram from Genl. Canby, he would to-day, at 10 O'clock A. M., administer to you the oath of allegiance, preliminary to your entering upon the discharge of the duties of Civil Governor of the State; and that, therefore, you would demand possession of my office.

I intimate to the Judge my opinion that such proceeding was premature even under the provisions of the Constitution of the State, and that I should probably decline to surrender the office to you.

At Newbern yesterday evening, I received from Genl. Willoughby, Commandant of the 6th Regt. N. C. Inf., an extract from the general order, No. 122, of Genl. Canby, as follows:



PAGE 1 OF 2

any of actual violation, offering no further opinion than that this my protest. I would submit to actual infraction in order to bring before the Supreme Court of the United States the question as to the constitutionality of the legislation under which you claim to be the rightful Governor of the State, if the past action of that Tribunal furnishes any hope of a speedy trial. I cannot do the office to which you claim I am entitled my duty, without stopping, as the occasion would will justify, to comment upon the irregular course which the present State Government is pursuing, as without legality, to him whose own official sanction, but three years ago, disavowed it.

I am, Very Respectfully,
Jonathan Worth
Governor of North Carolina.



WHE 307

Head Quarters, 2nd Military District
Charleston, S.C., June 30th 1868.

Genl. Ordus }
No. 120. }
(Exhibit)

To facilitate the organization of the new government, the following appointments are made. To be Governor of North Carolina W. W. Holden, major Genl., Vice Jonathan Worth removed. To be Lieutenant-Governor of North Carolina Lord R. B. Howell, Lieutenant Governor elect, to fill an original vacancy. To take effect July 1st 1868. On the validity of the General Assembly of North Carolina?

I do not recognize the validity of the election under which you, and those co-opted with you, claim to be invested with the will government of the State. You have no evidence to your election, save the certificate of a Major General of the United States Army. I regard all of you as, in effect, appointees of the Military power of the United States - and not as "dividing your own power the consent of those you claim to own." Knowing, however, that you are backed by military force here, which I could not resist, if I will, I do not deem it improper to offer a formal objection, but reserve the office without the same.

[EXHIBIT E]

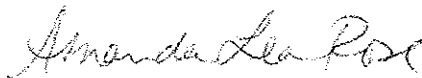
STATE OF NORTH CAROLINA IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
COUNTY OF FORSYTH CITATION # 4411375

To Whom It May Concern:

I, Amanda Lea Rose, a free Citizen of the North-Carolina American Republic, the re-established *de jure* State of North-Carolina, created under the constitution of 1776, hereby rescind my signature on the STATE OF NORTH CAROLINA document titled Waiver of Counsel, thereby reclaiming all my rights, and removing any purported claim of personal jurisdiction from the 39th State, created under the Reconstruction Acts of 1868, with a Constitutional revision in 1971.

The document was signed out of coercion, fear, intimidation, and by the insistence of a judge in the court of the *de facto* State. Until such a time as the STATE OF NORTH CAROLINA can prove its lawfulness beyond a reasonable doubt in a court of law prior to arraignment, this rescindment stands.

Respectfully submitted this 24th day of August, 2011,

A handwritten signature in cursive script that reads "Amanda Lea Rose".

Amanda Lea Rose

[EXHIBIT F]

North Carolina Department of Motor Vehicles
Raleigh, NC

Amanda Rose
9097 Concord Church Rd
Lewisville, NC 27023

To Whom It May Concern:

I, Amanda Lea Rose, a free Citizen of the North-Carolina American Republic, the re-established *de jure* State of North-Carolina, created under the constitution of 1776, hereby rescind my signature on the STATE OF NORTH CAROLINA document titled NORTH CAROLINA DRIVERS LICENSE, thereby reclaiming all my rights and privileges to travel freely and without restriction, and removing any purported claim of personal jurisdiction from the 39th State, created under the Reconstruction Acts of 1868, with a Constitutional revision in 1971.

The document was held out of necessity, fear, intimidation, and by oppression by public officials, and used for fear of my life, liberty, happiness, and well-being. Until such a time as the STATE OF NORTH CAROLINA can prove its lawfulness beyond a reasonable doubt in a court of law, this rescindment stands.

Effective April 30, 2011.

Respectfully submitted,

Amanda Rose

Importantly, reviewing courts "are mandated to construe any legislative enactment so as to save its constitutionality, if possible, and to avoid a strict interpretation that will result in an absurd and unconstitutional result."²

Here, the Defendant seeks to have the court invalidate the State Constitution, all laws which have been promulgated under its authority by the North Carolina General Assembly, and any common law that the courts have made since the late 1700s. To grant the Defendant's motion and nullify the State Constitution would indeed "result in an absurd and unconstitutional result" which need not be elaborated on further in our brief. The only claim that is justiciable before the court is the criminal matter of which the defendant was charged.

During defendant's attempt to turn a blatant traffic violation into a constitutional law question, the defendants state that "The political question doctrine, if used as a defense in which governmental abuses and usurpations are procedurally given immunity, is yet another abuse and treason against the people." Challenge at 6. This argument is misguided and void of any clear knowledge of constitutional law and interpretation.

The political question doctrine is closely linked to the concept of justifiability, as it comes down to a question of whether or not the court system is an appropriate forum in which to hear the case. Because the Defendant is arguing that regardless of her criminal actions there is no forum in the State of North Carolina for the State to afford her due process, she is in fact making a constitutional argument and not a jurisdictional challenge. By the Defendant's challenge, it is clear that the State is not seeking immunity but that the Defendant herself is seeking immunity from all crimes, wrongs, and actions done within the State of North Carolina. Such an argument simply cannot stand.

II. What the Defendant is Seeking Is Unconstitutional

The Defendant seeks, among other things, for the "[p]rosecution remove this action to Federal Court" to invalidate the State Constitution. This remedy is in direct conflict with the North Carolina Constitution.

First, the court has no power to declare the North Carolina Constitution null or unconstitutional. Outside the very oaths that each judge in the State of North Carolina take, the North Carolina Constitution provides the specific ways in which the Constitution can be amended. The judiciary is not part of that process and therefore lacks any authority to issue such a ruling. *See*, N.C. Const. Art. XIII.

Assuming, *arguendo*, the court has the authority to repeal the North Carolina Constitution; it is prohibited from doing so. *See*, N.C. Const. Art. I, § 7 (All power of suspending laws or the execution of laws by any authority, without the consent of the representatives of the people, is injurious to their rights and shall not be exercised).

² *Cooke v. Futrell*, 37 N.C. App. 441, 444, 246 S.E.2d 65, 67 (1978), *State v. Fowler*, 197 N.C. App. 1, 13-14 (N.C. Ct. App. 2009).

If the Defendant seeks a constitutional revision or amendment, the North Carolina Constitution provides for such a process. N.C. Const. Art. XIII, §1-4.

III. The Defendant Has Not Met Their Burden to Challenge Constitutionality

The Defendant has not met their burden on proof to require a hearing on their claim of constitutionality. In challenging the constitutionality of a statute (In this case, the North Carolina Constitution) the burden of proof is on the challenger, and the statute must be upheld unless its unconstitutionality clearly, positively, and unmistakably appears beyond a reasonable doubt or it cannot be upheld on any reasonable ground.³ When examining the constitutional propriety of legislation, the courts "presume that the statutes are constitutional, and resolve all doubts in favor of their constitutionality."⁴

There can be no doubt that there are multiple reasonable grounds that the North Carolina Constitution can be upheld. Because the Defendant has failed to meet their burden of proof, and erroneously attempted to shift the burden to the State, their constitutional claim should be dismissed.

The Defendant continually attempts to hide their constitutionality claim and base it on jurisdiction. However, this is simply a misguided attempt to shift the burden and seek the State prove beyond a reasonable doubt that there is jurisdiction. In essence, the Defendant is asking the court to find that the laws of North Carolina as written do not apply to her. This is a constitutional argument. And, as such, her claim must fail.

IV. The Court Has Jurisdiction Over the Defendant

Despite the Defendant's assertion to the contrary, the State of North Carolina has established jurisdiction beyond a reasonable doubt in the case at bar.

Article 4, § 2 of the North Carolina Constitution allows for the general courts of justice.⁵ The North Carolina Constitution provides for the Superior Courts and District Courts.⁶ Under N.C. Gen. Stat. 7A-270 and N.C. Gen. Stat. 7A-271, the district court has original jurisdiction for the trial of all criminal actions below the grade of felony, that is, of all prosecutions for misdemeanors; and the district court has exclusive original jurisdiction of all misdemeanors except in the four specific instances defined in subdivisions (a)(1), (a)(2), (a)(3) and (a)(4) of G.S. 7A-271.⁷

Under N.C. Gen. Stat. 7A-271(a)(5), the superior court has exclusive, original jurisdiction over all criminal actions not assigned to the district court division by this

³ Guilford Co. Bd. of Education v. Guilford Co. Bd. of Elections, 110 N.C. App. 506, 511, 430 S.E.2d 681, 684 (1993).

⁴ State v. Evans, 73 N.C. App. 214, 217, 326 S.E.2d 303, 306 (1985).

⁵ The General Court of Justice shall constitute a unified judicial system for purposes of jurisdiction, operation, and administration, and shall consist of an Appellate Division, a Superior Court Division, and a District Court Division.

⁶ Superior Courts have original jurisdiction throughout the State. N.C. Const. Art. 4, § 3.

⁷ State v. Wall, 271 N.C. 675, 157 S.E.2d 363 (1967).

Article, except that the superior court has jurisdiction to try a misdemeanor when a misdemeanor conviction is appealed to the superior court for trial *de novo*, to accept a guilty plea to a lesser included or related charge.

The Defendant was charged with driving with out a valid license issued by the North Carolina Division of Motor Vehicles under N.C. Gen. Stat. 20-7(a). The punishment for such an offense is a class two misdemeanor. The Defendant was properly before the District Court of Forsyth County, North Carolina and had a trial *pro se*. Upon a verdict of guilty, the Defendant timely appealed her matter for a trial *de novo* to the Superior Court division of Forsyth County. Therefore, the Superior Court has jurisdiction to hear this criminal matter.

The only other question is whether the Defendant is properly before the court. Historically, North Carolina was among a minority of states regarding a challenge to jurisdiction as an affirmative defense with the burden of persuasion resting upon the defendant.⁸ In Batdorf, however, the court rejected that precedent and adopted instead the majority rule requiring the State, when jurisdiction is challenged, to prove beyond a reasonable doubt that the crime with which defendant is charged occurred in North Carolina.⁹

The Defendant cites in her own submissions to the court that she was born and currently resides within Winston-Salem, North Carolina. Here, we have a signed Affidavit of citizenship and domicile signed by defendant Amanda Lea Rose. The affidavit states that Defendant was born in Winston Salem, North Carolina on 19th day of April 1981. Furthermore, Defendant has been an inhabitant of North Carolina since April 19, 1981. This is far beyond a reasonable doubt that Defendant lives in North Carolina.

The defendant uses obscure historical references to personally void the Fourteenth Amendment to the United States Constitution and the laws of North Carolina. Ever since the Constitution's inception, state and federal governments have adhered to the constitution's lawful authority as provided by the Executive, Legislative, and Judicial branches of the government. The Fourteenth Amendment states that "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." U.S. Const. Amend. XIV, § 1. Again, the state has a signed affidavit from the defendant stating her place of birth, and where she has lived since 1981 as Winston-Salem, North Carolina. Although the defendant rescinds her signature on her North Carolina Drivers License, the fact that she had a North Carolina Drivers License shows beyond a reasonable doubt that the defendant was, and still is, under North Carolina's jurisdiction.

Upon information and belief, the Defendant does not seem to contest that she was, in fact, driving on a public street or highway within Forsyth County, North Carolina. Because the

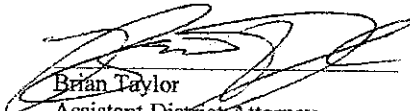
⁸ See State v. Golden, 203 N.C. 440, 166 S.E. 311 (1932).

⁹ State v. Batdorf, 293 N.C. 486, 494, 328 S.E.2d 497, 502-03; see State v. Petersilie, 334 N.C. 169, 432 S.E.2d 832 (1993).

crime that the State is alleging that the Defendant committed occurred within Forsyth County, North Carolina, the Defendant is properly before the Superior Court division on Forsyth County and the State has proven jurisdiction beyond a reasonable doubt. Therefore, the Defendant's motion to dismiss for lack of jurisdiction should be denied.

WHEREFORE, the state has established beyond a reasonable doubt that the State of North Carolina has jurisdiction over the defendant and the Defendant has failed to meet her burden as to the constitutional claims. As such, the State respectfully requests that this Court dismiss the Defendant's motions.

Respectfully submitted this the 22nd day of November, 2011.



Brian Taylor
Assistant District Attorney
21st Prosecutorial District

STATE OF NORTH CAROLINA
FORSYTH COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
11 CRS 014680

STATE OF NORTH CAROLINA,
Plaintiff
v.
Amanda Lea Rose,
Respondent

)
) **NOTICE**
) **of**
)
) **OBJECTIONS**
)

Comes Amanda Lea Rose under special appearance, as previously noticed, for the specific reason to submit this Notice of Objections to the following errors *fieri facias* in court on the 28th day of November by Judge V. Bradley Long to wit: Amanda Lea Rose (Rose);

1) Filed no motion with the Court at any time and objects to the Court's reference of Rose's Jurisdictional Challenge as such;

2) Objects to being tried on the merits of the alleged case prior to a final resolution of the Jurisdictional Challenge in the Appellate Courts;

3) Objects to the failure of Judge Long to certify for appeal the apparent denial of Rose's Jurisdictional Challenge;

4) Objects to being tried in the same week as the apparent "arraignment" in violation of specific statutes prohibiting same;

5) Objects to Judge Law's failure to protect Rose's rights at all times and *sua sponte* as they arise; one said failure being indicated by the use of a skillfully and deceptively applied traverse to subtly and coercively subject Rose to the jurisdiction of the court through issuing and applying, *sua sponte*, form AOC-CR-227, Rev. 6/97 in direct opposition to Rose's declared position;

6) Objects to no written order being issued by Judge Long denying Rose's Jurisdictional Challenge;

7) Objects to Judge Ronald Spivey's prejudicial behavior when he stated in open court on 10 October 2011, that the Court

would find it had jurisdiction prior to any hearing or evidence being presented contradicting Rose's position;

8) Objects to Judge Long's acting as counsel for and representing Rose by entering on the record form AOC-CR-227, Rev. 6/97 on behalf of Rose;

9) Objects to the failure of the Court to properly "arraign" Rose by failing to read the alleged charges and ask for a plea which is mandated by statute;

10) Objects to the ex parte hearing with the Clerk of Court, Court Reporter, and the Assistant District Attorney outside of Rose's hearing and participation which Rose had a substantive and procedural right to attend;

11) Objects to the Courts allowance of the submittal of the DA's "Responsive Brief on Constitutionality and Jurisdiction" out of time and one day before the scheduled hearing, denying Rose procedural due process;

12) Objects to being denied substantive and procedural due process, a substantial right, by being denied the above merits as stated in Rose's objections;

Respectfully submitted this 30th day of November, 2011;



Amanda Lea Rose
Amanda Lea Rose

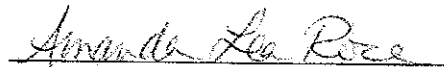
CERTIFICATE OF SERVICE

I hereby certify that I caused to be served by hand delivery the above and foregoing Notice upon the following parties the 30th day of November, 2011:

Forsyth County Clerk of Court

Forsyth County District Attorney

Amanda Lea Rose
9097 Concord Church Rd
Lewisville, NC 27023
336-745-9251



Amanda Lea Rose, Respondent

STATE OF NORTH CAROLINA
FORSYTH COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
File No. 11 CRS 014680

FILED

2011 DEC -9 P 4:18
STATE OF NORTH CAROLINA,)
FORSYTH COUNTY (CSC))
Plaintiff)
vs. Amelia Rose)
Amanda Lea Rose,)
Respondent,)

NOTICE OF APPEAL

TO THE COURT OF APPEALS OF NORTH CAROLINA:

Preserving her jurisdictional challenge, Amanda Lea Rose, "Respondent", *Pro Se, sui juris*, hereby gives notice of appeal from the JUDGMENT of superior court judge V. Bradley Long, entered in the above-captioned action on 30 November 2011, which denied Respondent's challenge to the jurisdiction of the STATE and its courts to charge and try her.

Submitted this 9 day of December, 2011, by:

Amelia Rose
Amanda Lea Rose
9097 Concord Church Road
Lewisville, NC 27023

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing "NOTICE OF APPEAL" in-hand to the office of the:

7150
2011 OCT - 9 P 4 18
Forsyth County Clerk of Superior Court
200 N. Main St.
Winston Salem, NC 27101
EC ~~Winston~~

and by depositing the same into a Depository under the exclusive care and custody of the United States Postal Service, in a plain wrapper with pre-paid first-class postage affixed, properly addressed to:

Forsyth County District Attorney's Office
P.O. Box 20099
Winston Salem, NC 27120

on this 9 day of December, 2011, By: Amanda K. R...

STATEMENT OF TRANSCRIPT OPTION

Per Appellate Rules 7(b) and 9(c), the transcript of the entire proceedings in this case taken by Ramona Crouse, Court Reporter, on 10 October 2011, consisting of 5 pages, numbered 1-5, bound in one volume, will be electronically filed by Ramona Crouse promptly once a docket number is assigned to this appeal.

Per Appellate Rules 7(b) and 9(c), the transcript of the entire proceedings in this case taken by Gregory Mizanin, Court Reporter, from 28 November 2011 through 30 November 2011, consisting of 105 pages, numbered 1-105, bound in two volumes, will be electronically filed by Gregory Mizanin promptly once a docket number is assigned to this appeal.

PROPOSED ISSUES ON APPEAL

Pursuant to Rules 10 [and 7(a)(1)], Plaintiff-Appellant intends to present the following proposed issues on appeal:

1. Did the trial court err in its denial of Defendant's Challenge to jurisdiction?
2. Did the trial court err in its declaration of the Nature of the "challenge" conclusion?
3. Did the trial court err in the inclusion and admittance of evidence not submitted to the court?
4. Did the trial court err in its conclusions of law and each of them?
5. Did the trial court err in acting on behalf of the Prosecution to establish jurisdiction, and, in effect, became the Prosecutor against Defendant and a Judge in his own cause?

IDENTIFICATION OF COUNSEL FOR THE APPEAL

Appellant:

Amanda Lea Rose
9097 Concord Church Rd
Lewisville, North-Carolina 27023
Forsyth County
336-745-9251
jackofalltrades@triad.rr.com

For the Appellee:

Brian M. Taylor
NC Bar ID No: 38550
336-779-6310
Brian.M.Taylor@nccourts.org
ASSISTANT DISTRICT ATTORNEY
FORSYTH COUNTY COURTHOUSE
201 N MAIN ST
WINSTON SALEM, NC 27101

CERTIFICATE OF SERVICE

The undersigned hereby certifies that I served the STATE OF NORTH CAROLINA with the proposed record of appeal by hand delivering a copy thereof to the ASSISTANT DISTRICT ATTORNEY as follows:

Brian M. Taylor
ASSISTANT DISTRICT ATTORNEY
FORSYTH COUNTY COURTHOUSE
201 N MAIN ST
WINSTON SALEM, NC 27101
336-779-6310
Brian.M.Taylor@nccourts.org

This 09 day of March, 2012.

A handwritten signature in cursive script that reads "Amanda Lea Rose". The signature is written in black ink and is positioned above a horizontal line.

Amanda Lea Rose
9097 Concord Church Rd
Lewisville, North-Carolina 27023
Forsyth County
336-745-9251
jackofalltrades@triad.rr.com