EXHIBITED

Proposal For Issuance of A WRIT
As Deemed
Necessary, Applicable and Authoritative

The Clause 18 TEST

INCORPORATED INTO ALL PLEADINGS,
WITH DEMAND TO TAKE JUDICIAL NOTICE, INCORPORATED HEREWITH

The Clause 18 TEST

PART I

The Clause 18 TEST will establish the definite legal limits, or constraints, that the proposed United States Constitution imposes, and has imposed, upon the Congress in its legal ability and authority to pass ANY law for the United States, or for the District of Columbia, Territory of Washington, itself. By This TEST, The Congress' Ultra Vires Will Be Exposed As To The Laws Passed By It, The Congress, Which Have Exceeded Its Chartered or Constitution[al] Authority. The Clause 18 TEST Exists As A Minimal TEST Through Which All Laws Passed By The Congress Must Pass In Order To Be "Constitutional."

1) **The Clause 18 TEST**. **The Father of the Constitution *ON* the First Ten Amendments**. Founding Father, James Madison, the Constitution's chief legal mind who wrote the majority of the said Constitution, and having more in-depth knowledge of its true intended meaning than any other Founding Father as it related to said Constitution (and also therefore a "Founder" of our very federal government itself), made a number of statements during his time that indicated that he believed the Constitution to be sufficiently strong enough, legally, that a bill of rights might not necessarily be wanted or needed, that the Constitution's ability to limit and control the Congress in its abilities to pass laws was held innately within the Constitution itself.

2) After the ratification of the Constitution on September 17, 1787, the Constitution's founders began to propose and work toward the establishment of an additional bill of rights, or Amendments, to extend the rights that the People were to already enjoy under the Constitution itself.

3) Mr. Founding Father, James Madison, however, opposed the passage of a bill of rights, stating, to certain effects and ends, that said bill of rights was not needed to control the federal government, that the federal government could not do what the Constitution did not let it do. The supporters of the

proposal of the bill of rights did not believe or trust him in this, and James Madison did not proceed further to explain why it was that Congress could not do what the Constitution did not allow it to do. Never explaining what he meant by his statement, the secret of his understanding died with him.

4) As a matter of new discovery, *that* which Mr. Founder James Madison, it is concluded by the evidence now demonstrated, knew but was unable to convey to others prior to his death, is set forth for proper examination of the facts, in complete and binding detail, hereinafter.

5) In Illustration or the Exhibiting of his sincere belief that something already existed in the Constitution itself - *worthy* of the People's trust in it, Mr. Founder James Madison stated in his letter to Mr. Founder Thomas Jefferson on October 17, 1788, that, as to the matter of powers to be provided the federal government by the then-current Constitution, he, Mr. Founder Madison, had "*never thought*" the "omission" [of a bill of rights to be] a *material* defect." (emphasis added)

6) Based upon this statement it would appear that this great Founder and Framer of the Constitution, this man who wrote more of this supreme Law legal document than any other Framer thereof, ***knew*** of a Power *within the Constitution* that would have made, in his own view, the Bill of Rights unnecessary so far as constraining or restraining the United States Congress is concerned, yet there is no known record in history that would indicate precisely what part of the Constitution held this great Power to be wielded by the States and the people thereof. To the extent that he, Mr. Founder James Madison, knew of this great but yet undisclosed Constitutional Power, but never made it known to others prior to his death, it is recognized that this hidden, now discovered, Power has been sealed with him by his death these over two hundred years.

7) If indeed this great Power did exist, as it was indicated by Mr. Founder Madison that it did, one might be caused to wonder why he did not explain it to the satisfaction of the Congress, the President, and the Courts alike; why

keep such an awesome Power any secret, or withhold the knowledge of it from desiring others.

8) The answer to this question is simple. The proposed Constitution already had its enemies, enemies that did not like being bound down, on anything, by the "chains of a Constitution" as Mr. Founder Thomas Jefferson was noted to refer to on various occasions). The direct confrontation of such a great Constitutional legal power, forever keeping the Congress compelled to be restrained, or Constrained, as to what it could NOT do, and Must do, would have been to risk the Constitution itself to being scrapped, or abandoned altogether. Such a risk, if possible, and it is unquestionable that there was that possibility at that time, would have hardly been worth it, even if Mr. Founder Madison proved inescapably, absolutely, before all, the right of the Constitution to so Constrain the Congress to any such absolute degree. While the foregoing may appear to be speculative, the facts ahead revealing the [f]actual existence of such a Power as suggested will not be, and is not.

9) Because Mr. Founder Madison *was* who he <u>was</u>, because he was the main writer of the Constitution itself and therefore knew of many, if not most, of its particular motivations, intents, purposes, constraints, and legal points of law, and the mandates in law that would arise therefrom, Mr. Founder Madison's indications cannot be discounted, or treated lightly, or disparaged as to its importance in a legal system that derives its certain powers from that same Constitution; Mr. Founder Madison's Statement as it pertained to the lack, or omission, of a bill of rights not being construed by him to be a material defect of the Constitution, must be construed as valid as to a meaning perceived to be within the Constitution itself, as long as there subsequently be found within the Constitution that substance that surfaces as the very definition of the assertion by Mr. Madison, as a matter of that great science of law we call jurisprudence.

10) Pointing towards the realized contractual secrets, or yet undiscerned legal mandates and obligations set forth in the Constitution, Mr. Justice Johnson, United States supreme Court, on page 224 of the strained case of

Gibbons v. Ogden (1824), made it known on this subject, as it pertained to the Constitution, as follows:

> "when ***its*** intent and meaning is discovered, ***nothing*** remains but to execute the will of those who made it." (emphasis added)

11) Focusing here on the word "discovered," we are called upon to realize that Mr. Justice Johnson, as a supreme Court justice, likewise realized that there were things yet to be "discovered" in the Constitution, and that when those things were discovered, there was to be no choice by the courts, and the government, but to obey them. Mr. Justice Johnson's statement is timeless, for it matters not if the discovery was made in his own time, or if the discovery was made over two hundred years later, the weight of the discovery is valid, and must be obeyed.

12) Article I, Section 10, Clause 3 provides for the States to enter into compacts together, under the consent of Congress. However, it has been recognized that the Constitution itself is a compact, taking a great number of nation-States and reducing or concentrating their powers into a much smaller form than what they represent as though taking all of those States' governments in their entirety and counting them as one whole government.

13) In making a report to the Virginia House of Delegates, in its Session, 1799 – 1800, Mr. Founder James Madison, speaking on the subject of the Constitution, recognizing that the States, as a **compact**, were parties to it, and thus comparing it to a compact, stated (shown connectively first, then literally second):

> 1) "That . . . the powers of the federal government . . are . . limited by the plain sense and intention of the . . grants enumerated in *that* compact; . . in case of a deliberate, palpable, and dangerous exercise of other powers, not granted by the said **compact**."

Reading straight across as:

2) "That the powers of the federal government are limited by the plain sense and intention of the grants enumerated in *that* <u>compact</u>; in case of a deliberate, palpable, and dangerous exercise of other powers, not granted by the said <u>compact</u>."

(Source: James Madison, Report on the Virginia Resolutions House of Delegates, Session of 1799 – 1800)

14) Mr. Founder Madison has just demonstrated in his statement the difference between the concern over powers that were granted and those that were not granted by the Constitution, recognizing that those powers that were granted were those that were enumerated, or numbered. While it might be reasoned that certain procedural powers exist that go along with responsibilities that government is yoked with, this cannot be presumed to work as though to create a grant for powers not seen as being purely supportive powers of an evident responsibility that no one can deny due to the obviousness of it.

15) The above is not a political reasoning, this is a legal reasoning; since laws, by which legal constraints exist and for which constraints laws are passed, dictate, idealistically, what courts are supposed to do; we are not at liberty to diminish or deny our responsibility to the very principles upon which our rights for powers exist. The enumeration of powers referred to by Mr. Founder Madison is regarded today as being Express Powers, however we may not use the term Express Powers with the idea that that allows us to ignore, by the term "enumeration," those Express Powers *that* [would] *be* limited to a given number, as viewable or readable, <u>and **not** one (1) power more</u> than what the latest numbered Express Power is numbered as.

16) Consequently, if there appears, at any time, a particular number of Powers expressed just that way, each as a Power granted, beginning with such words as, "The Congress shall have Power," then no additional form or purpose for power, no, <u>not one (1) other power may be assumed</u>, <u>*conjured*, thought to exist</u>, or does exist than the <u>actual number</u> so expressed (not a

claim for "implied"), as an authority or ability for enactment of law by the Congress to base any such law upon.

17) This is precisely what Article I, Section 8, Clause 18 does for us, except that in addition to demanding a limit to the number of powers, it also demands that we be able to connect the laws that are made, or to be made, each to a specific power that we do see, and not to a new power that we don't see, with the pretense that if we can get away with it for so long, we will be entitled to keep it for ourselves.

18) Had The Clause 18 TEST been discovered in time, it is doubtless that there would have been many laws and acts that the Congress has passed and done that would have been ruled instantly, by the people, by juries, by legislators, by Governors, by courts, State and United States, as unConstitutional, merely by bringing the focus to the fact that NO power could be found to support their theory for such laws' existence. It is however understood *now* - and its usage is available to the people, and to all governments, State and United States, and is becoming more so on a routine basis - that The Clause 18 TEST is sound and unbreachable (Power of the Negative), and that people, the governments, and the courts, all levels, have every right to rely upon its principles for determining the truth in the Constitution, without necessity to consult with either the supreme Court or any other body of government in their doing so.

19) **We Confirm** that it **IS** in **Fact** - **the Power of the Negative** that Mr. Founder Madison had in mind for Controlling, Absolutely, the "federal" government, for within the Constitution's Planning Meetings, we find him stating to just this particular extent, on the following historic date of record, as follows:

> On Tuesday, July 17, 1787 we discover the Power of the Negative to be the Intended Power for Controlling Government in its tendency to pass Unauthorized Laws, ABSOLUTELLY. Mr. Founder Madison:

> "Mr. MADISON, considered the **negative** on the laws . . . as essential to the efficacy & security of the *Genl. Govt. Nothing short of a **negative** on their laws will controul it." *or "National"

20) The Controul, or Control, of the Laws of the National Government, to be done BY a Power (control = power) of "a negative," this Revelation as to the Intent of One Power, to be contained (Obviously, Indisputably) Somewhere In the proposed Constitution, the 18th Clause of Section 8, Article I, Establishes Firmly On Granite-Solid Ground that it Is, and Was, by The Power of the Negative that Mr. Founder James Madison stipulated would be the manner in which the Congress, and the Rest of the United States central [or national] government was to be Controlled By, and "Nothing Short of" That Very Same.

21) Putting To REST for ALL TIME Any Claim to the Contrary, reviewing Mr. Founder Madison's June 8, 1789 reference to that Very Clause, but knowingly leaving out that "before" and "after" application and effect thereof, that The Clause 18 TEST is the very Legal Concept that Mr. Founder Madison himself had caused to be included In the proposed Constitution, that the proposed Congress, and the Other Two Branches with it, Might Be Controlled ABSOLUTELY, Nothing Barred or Held Back, that those Anti-Federalists might not be betrayed in their own risk of faith in him, as "a federalist," for the proposed Constitution that he had written the greater part of, inclusive of that Very Clause 18 Itself.

22) To Put It Short – Again – Clause 18 of Section 8, of Article I, was NEVER created, meant to be, and So IS NOT, an" elasticity" clause; that Bad Fraud against the American People has gone on long enough; Clause 18 of Section 8 of Article I - IS a **Constraining** and **Restraining** Clause – Absolutely, And Nothing Less; this Legal Revelation, Therefore, is Enough to More Than OUTRAGE them, the People, over what has been done to them, because of a few spoiled brats (those who believe that they can do whatever they want, no mater who it hurts in doing so), or monarchists, present in

government, on September 17, 1787, and again on March 4, 1789, and thereafter.

23) We recognize Mr. Founder Madison's position that the number of powers of Congress does not exceed those specifically provided in the Constitution.

24) Since it is impossible to prove or disprove an absolute negative, we have no choice but to hold that there may yet be subjects and legal potentials in the Constitution, not yet discovered, supporting those immortal words by Mr. Justice Johnson, in the case of Gibbons v. Ogden, (1824), wherein he stated:

> "In attempts to construe the constitution, I have .. found .. it to [go to] .. the simple, classical, precise, yet comprehensive language, in which it is couched, leav[ing], at most, very little latitude for construction; and when its intent and meaning is discovered, nothing remains but to execute the will of those who made it." (emphasis added)

25) The Clause 18 TEST allows us, whoever we are and at whatever level in society we may exist, for the first time, to examine and determine the truth as it pertains to any matter of law and right, as contained in the proposed Constitution For The United States, that the Congress would claim authority to have passed at any time, that The Clause 18 TEST be proved by that great Science of Law called Jurisprudence, and being shown to be conclusive and without dispute as to its fundamental truth, be given the application of the Honor of Law as an Enforcement of Contract under Supreme Contract Law.

26) The proposed Constitution's Secret as legally hidden, now revealed, by Founding Father James Madison. The enforcement thereof against the Congress of the United States and all of its subsequent unlawful acts. All laws passed or to be passed by the United States Congress Must Be subjected to The Clause 18 TEST, described below, and if found failing such TEST, shall not be, and is not, law, either of the United States, or as applicable by the United States unto any of the several States, or any the People, thereof.

27) Pertaining To The Clause 18 TEST. The proposal Is that the Constitution's Founder, James Madison, knew of ***something*** contained within the Constitution itself that he indicated to Thomas Jefferson, was sufficient to restrain the Congress, by an Absolutely Sufficient Ability to do so, from passing *any* law or committing any act that the Constitution did not let it, the Congress, do.

28) The key word here of paramount importance is "any." In order for the power of the discovered - The Clause 18 TEST to be proven to be able to do just that, it becomes necessary and demanded that there be located a part of the Constitution that would match in its applicable Power to the word "any" as that word, in its meaning, but not particularly as existent in fact, would apply to the restraining of the Powers of the Congress of the United States, from whatever the Congress might determine, of its own accord, at any time, to do.

29) The proving of such a restraining or limiting Power to exist, if also showing forth a necessary limitation and a consequential statement of the particular character of judicial jurisdiction, would provide the necessary basis in Constitution law for the correct and true application of Constitutional laws at Article I, Section 8, Clause 1 and thereafter to Clause 17 of the Constitution, as well as all other Powers contained expressly elsewhere in the Constitution itself only.

30) It is well known that at the Constitutional Convention, Mr. Founder James Madison had not believed that a bill of rights was required for the new government and that he opposed the bill of rights because he believed that there was no need to protect the people from powers that the government did not and could not have.

31) On the matter of the necessity for a bill of rights, having opposed the necessity for one during the Constitutional Convention itself, becoming thereafter reticent on the matter for public purposes, we find Mr. Madison in a letter, on October 17, 1788, to Thomas Jefferson, saying "[I have] always been in favor of a bill of rights... At the same time I have ***never* thought** the ***omission a material defect***, nor been anxious to supply it even by subsequent

amendment." (emphasis added) (Source: 5 The Writings of James Madison 269-75 (G. Hunt, ed. 1904))

32) The "omission [of a bill of rights Not] a material defect." What did Mr. Founder Madison know, what had he seen with his own eye, in his own reading, while writing, of the main embodiment of the Constitution itself? Having been the primary composer of the Constitution, he would certainly have known of its legal arrangements, even to the most minute detail. *Something* within the Constitution made him comfortable that there was no need for a bill of rights, as it related to the federal government, something that would be strong enough to require a restraint on the Congress, to be newly re-empowered, with Powers far beyond what the congress had under the Confederation. The Anti-Federalists themselves feared such an unrestrained Congress, yet Mr. Founder Madison, by his opposition to a bill of rights, exhibits confidence in the face of political danger that the legal structure of the Constitution, as it is (or was at that time, but still is) is plenary in its ability to keep the Congress under *exacting control* and *restraint*.

33) "Omission" [not] "a material defect" without doubt tells us that there is something yet to be discovered about the Constitution and its Powers, something that Mr. Founder Madison had not disclosed in any depth to his brother Founders, something that was of such a paramount nature that, even when he openly supported a bill of rights, his support came grudgingly, for privately he still opposed one, as he was known to have stated to Mr. Founder Jefferson, referring to a bill of rights as being so many "parchment barriers" whose "inefficacy" (he reminded his good friend, Thomas Jefferson) was repeatedly demonstrated "on those occasions when [their] control is most needed." and privately considered the project of producing a bill of rights to be a "nauseous project."

34) The Import of Mr. Founder Madison's position on the Constitution itself, as *not* needing a bill of rights by which to control the federal Congress in whatever it might decide to do at any time, cannot be lost on this case. In the event it is determined by any discovery in the Constitution that such is the

case, then such loose political language to the end that the Congress has been able to say, in effect, as it relates to Article I, Section 8, Clause 18, as though it, the Congress, were utterly liberated to do whatever it alone chose, "Oh, we get to pass all of the laws that we want to, so long as we just make up a power for them [laws] to go to," must be, forever, stopped altogether, and such laws that have been made under such a pretext as that must be declared unConstitutional and abandoned entirely.

35) The above disclosures by Mr. Founder Madison sets the motive for the following discovery of The Clause 18 TEST, *however* it is recognized that *even without such motive*, the language and legal logic found would force us to the same conclusion regardless of whether or not Mr. Founder James Madison had ever regarded or indicated the existence of such a restraint on Congress' powers, to an "cannot do *anything* that the Constitution does not let it do" degree.

36) The Clause 18 TEST, De Jure, Beginning Steps For Understanding.

1) At Article I, Section 1, we find that the proposed Constitution identifies who, holding all legislative Powers to do so, is to pass the laws for the United States. Who is to create and pass the laws is identified as the House of Representatives and the Senate, combined to make up the Congress.
2) At Article I, Section 7, Clause 2, we find that the proposed Constitution identifies how the laws are to be passed. The laws are to be passed by the House, combined with the Senate, subject to ratification or veto by the President, veto also subject to override by the Congress by sufficiently required votes
3) It is now established in Article I as to who makes the laws of the United States – Congress, and how those laws are made. Only one thing is lacking, the power to do so. The Power to make the laws are provided at Article 1, Section 8, Clauses 1 to 17 as are applicable to that law making end.

37) Inherent Power. An inherent power is a power whose source is unalienable, indisputable, undoubted. Inherent means a thing that is inseparable, or cannot be separated, from an other thing, whose separation would damage or destroy the very nature of the two parts forcibly separated. An inherent power goes with the thing to which it is connected, inseparably, by the nature of what it is. An Inherent Power, then, goes instantly to the law indisputably made to be based upon such Power, and so is Enacted by it, without further demand by the lawmakers of such law to do any thing to enact such law into law; the existent Power itself is the very Instant Enactment of the Law, or else the claim for any actual Power at all is entirely moot.

38) Inherent Right. An inherent right is a right, as with an inherent power, that goes, inseparably, with the thing to which it belongs, indisputably, indubitably, unalienably, by the nature of what it is. We understand that, having been defined as to who, how, and being given the Power to do so, the Congress now has the Right to make such laws as pertain to each express Power stated in Clauses 1 through 17 as was granted them.

39) In Article I, Section 8, from Clause 1 thereof forward to Clause 17, we find that certain Powers have been defined and given to the Congress, the same Congress who has, earlier, been named as the one who is to make the laws, and the same Congress who has, earlier, been given instructions in how to pass the laws that they have been authorized to make. These Powers are to be understood as being defined by their stating, or being expressed. No implied Power exists among any of them. This realization is confirmed by Chief Justice Chief Justice Rehnquist's majority opinion of the United States supreme Court in U.S. v. Lopez 131 L.E.d 2d 626, showing forth precisely that such Powers as are granted to the Congress are both limited and defined: "The powers delegated by the Constitution to the federal government are few and defined." (emphasis added)

40) Article I, Section 8. Enacting Powers. Reinforcing the Powers granted as being Inherently Connected to the authorization of the Congress to pass its laws with the establishment of each one, Clause 1 through 17, to further

establish that the Powers, Clauses 1 through 17, are each and all Powers which automatically and of themselves provide authority to the Congress to pass laws with each of them, let us propose that the Congress pass a law involving the regulation of commerce among the several States, to be administered at the State-owned ports as referred to at Article I, Section 9, Clause 6 (goes to Clause 3 of Section 8, Article I). The laws passed under the constraint or standard at Clause 6 are to be passed by the specific due process provided at Article I, Section 7, Clause 2 ("How" the laws are to be made).

41) Moving forward, briefly, to Article III, Section 2, Clause 1, we find that there are a total of Eight (8) Phrases thereof, each one containing a unique and separate form of Extended Power, for an initial total of Eight (8) Extended Powers. NOT focusing upon the issue of the reduction of one of those Extended Powers, by the Eleventh Amendment, down to Seven (7) Extended Powers, we examine just how the Constitution's Framers distinguished or separated each of the Extended Powers from one another, and discover that a particular form for doing so exists uniquely there, in said Clause 1. This particular method for separating the Extended Powers, one from another, is accomplished by the use of a semicolon (;) and a long dash (—), written in combination, or as " **; —** ", a method not seen commonly elsewhere than the Constitution itself.

42) In returning to Section 8 of Article I, we examine Clause 1 through 16, and notice that each one is followed by a semicolon. However, at the conclusion of Clause 17, as to separate Clause 18 unmistakably from its predecessor Powers, we find, again, the semicolon and long dash, " ; — " followed by the word And after which the next Clause, Clause 18, follows.

43) By **this** particular **grammatical distinction**, the Constitution's Framers have **set apart**, or ***distinguished***, from **all previous** 17 **Powers**, the Power contained in Clause 18, signifying that it is to be considered ***differently*** than and from those Powers that have preceded it.

44) The Power to make laws, *already* having been *provided* at Clauses 1 through 17 of Section 8, Article I, there is nothing further for the Congress to be required to do, as the very existence of each Power previous to the law that is passed, or to be passed, upon the same provides the result of a Forthwith Enactment of the Law itself; the moment that the Law was passed, it's authority went straight to the particular Power prescribed for it, with the result of Forthwith or Instant Enactment, or Enablement. No special enacting part of the Law so passed is actually required, as the Law has become Enacted at the precise moment of passage by the very Power itself upon which the Law was to be, or is, based, or Empowered.

45) This last sets forth by example that the Powers in Article I, Section 8, are each as they are extended to the Congress for its use are in actuality Enabling Powers, straightforward, for the Congress, passing any law pertaining to any of them, has that very law enabled by the same pertinent Power itself, requiring no other form of enabling that such Law be regarded as passed and ready for implementation as the Congress has designated it to be therein.

46) We now have three (3) elements to focus upon; 1) the Identity of the Maker of the laws, or the authority to do so; 2) the Instructions on How to do it; and 3) the Power to go along with the granted authority and instructions to make the laws, to be enacted upon their making, into their final form of law.

47) Question. What else can be required in order for the Congress to make laws other than this? *Answer*. Nothing. The ability to make laws is now all complete. If Article I, Section 8, Clause 18 had never existed, the Congress would have been sufficiently empowered to pass laws based upon the (1) identity, (2) procedures, and (3) powers that it was given, along with the inherent right to pass laws based upon any power so given, with no further requirement as a matter of law in doing so.

48) Clause 18 of Article I, Section 8, is not required as actually, or absolutely necessary in order for the Congress to commence to pass laws as they pertain to the Powers so specified. But with nothing to limit those Powers, from which future laws are to be derived, the Congress could

conceivably just make up such additional powers as it chose to do (nothing saying it couldn't do it, so it could just claim "implied Powers," as it already has), and made laws of every kind (which it already has), that Mr. Founder Madison, Mr. Founder Jefferson, Mr. Founder Hamilton, Mr. Founder Franklin, along with the other Founders of this nation's Constitutional government, did not intend for it, the Congress, to be able to make.

49) If nothing else beyond this existed, this lack of capping the number and type of Powers to be employed at any time could, and logically *would, be* construed as a material defect in the Constitution. But such *material defect*, according to Mr. Founder Madison, did ***not*** exist.

50) With this full understanding we now turn to the particular wording in Article I, Section 8, Clause 18. This Clause refers to a Power also. But it is a Power going to, or granting, the Powers to make the laws. One might assert at this point that it has been already confirmed that the Congress, by Clauses 1 through 17, already possessed the Power to make laws, to which the response would be, "Yes, that is correct. The Congress could make laws based upon each Power to do so established in Clauses 1 through 17. The Power to make the laws, as referred to by the other before-named Powers, is already existent, for those Powers contain the inherent rights to pass laws, since both the authority to do so and the how-to instructions have already been given."

51) If such is the case, and it is the case, then what is Clause 18 really doing, for it becomes pointless, or moot, to give something that has already been given and is not needed? The answer must recognize the distinct separation of Clause 18 by the **semicolon** *and* the **long dash** used in conjunction with each other, the same as is used in Article III, Section 2, Clause 1, to distinguish that which is to come after from that which came before. The semicolon *and* long dash usage are unique to/between Clause 18, and Clause 17 – thus extending to Clause 17 back to Clause 1 before it.

52) By this distinction, a careful reading and understanding reveals that Clause 18 of Article I, Section 8, is not a liberating clause at all, but, **in**

reality, **IS** an Absolutely Constraining, or Restricting or Limiting Power, and thereby a Conserving Power, for it Constrains or Conserves the passing of **all** laws to be passed by the Congress, for whatever purpose, to those "few and defined" Powers that come *before* Clause 18, *and after* Clause 18, but **At ALL Times** *with**in*** **the Constitution** itself alone.

53) This means that in order for a law to be Constitutional, to be valid, if passed by Congress, it **must** be able to be traced to and linked, being correctly linkable, clearly, to a Power, but *to* its *own* Power only, not those of the other two branches of government, expressed and enumerated (not referring to or limiting supporting or administrative powers, but to the Powers by which laws are to be made), and thus existent either before Clause 18 or after Clause 18, or else the **power** to pass that law simply, absolutely, **does not** (or did not) **exist**, *whatsoever*. End of story. The ability to deny *any* power not found in the Constitution was what Founder James Madison was talking about, what he saw, understood, and *knew*, as to why the Congress could not do *anything* that the Constitution did not let it do, did not authorize, by a sound and true connection to a demonstratable Power, existing *before* Clause 18 or *after* Clause 18, but *at all times* in the Constitution itself.

54) We now find and understand that Clause 18 is the Legal Center, the focal point of Power, for Congress' making of all of its laws, of/for the entire Constitution itself. **It**, Clause 18, is the final determiner of whether or not a power exists, or does not exist, at all for any lawful and legal congressional lawmaking purpose, or the right of execution of any department, agency, or other part or function of the executive branch of government, not related to the powers granted the President as the commander in chief of the armed forces, and with very limited exceptions, limits the power of the judicial branch of government as well.

55) As the alleged Congress is not entitled to act under any Power not granted it, either before or after Clause 18, of Section 8, of Article I, or under the Power of The Clause 18 TEST, neither does any department, or any agency, commission, bureau, or administration, if any of the latter three be at all legal and not de facto, have the lawful authority to engage in the use of any

power that exists as a violation of the constrained or restricted Power of the Congress that enacted it into existence. This means, for example, that considering that the Congress cannot hold its meetings or sessions anywhere but where it is granted Constitutional place to hold them, the same being required to be held on property Owned, and Not Otherwise, by the proposed United States central government, neither can any department, alleged agency, bureau, or commission report to work at or hold any meeting or other official function at a place not Owned by the same said "U.S." central government, nor can they engage in functions which in fact or in practice serve themselves as though to reinvent government, taking unto themselves the particular powers of directly representing the people or citizens as though they, department(s), [alleged] agency(s), bureau(s), or commission(s), could have been, under the proposed Constitution, granted such powers, either from the legislative or the judicial branch perspective;

56) Which by doing so would, and does, create the instantly defective condition of circumventing the constraint against illegal lobbying not permissible with actual members of the alleged Congress by allowing those private interests to not be concerned about the results of a law passed by such Congress as long as it is made possible for such faction of interests to merely go to any such self-serving department, etc., and lobby or work their influence upon the same, even if done by an open forum, such as was done by the UnLawfully acting U.S. Patent Office by and in its illegal meeting, held, February 16, 1995, held at the location of the Stouffer Hotel - 2399 Jefferson Davis Highway - Arlington, Virginia, NOT a Lawful part of the Territory of Washington, District of Columbia, nor any other real property Lawfully provided for under Clause 17, of Section 8, of Article 1, of the proposed Constitution for the United States – of America.

57) While the acclaimed United States supreme Court has given forth its own opinion of historic cases that agree with this fact of Supreme Law, The Clause 18 TEST establishes No Requisite that the said supreme Court's acknowledgment is necessary to make it so; the subsequent organizational "products" of the alleged Congresses, or that is, the alleged departments, agencies, commissions, bureaus, etc, are required to labor under the same hard

Constraints that the Congress itself is chained down under; if the Power for the same to either operate or exist does not fall within any Power of Congress, before or after Clause 18, Section 8, Article I, they also Don't Have It and are Not Entitled to Engage In Any Conduct or Activity that is Based upon that which, Under The Extended Clause 18 TEST, *They* Do Not **Findably** Have.

58) This Constraint on "U.S." departments, alleged as legal agencies, bureaus, and commissions applies to more than the aforementioned "U.S. Patent Office alone, but extends and applies to every form of organization created and/or employed by the proposed United States central government, even if those same were unaware of this Ironclad, Irreversible, and Undoubted Constraint before this time.

59) It was for this reason that Clause 18, of Section 8, of Article I included the Constraints, NOT Only on the Congress itself, but upon those included or to-be included, subsequently empowered "departments" or "officers" also, in order that it be provable, indisputably that – by this same application of the Power of the Negative embodied within The Clause 18 TEST, applied indiscriminately to these perceived same also – the proposed Constitution contain no "material defect" to prevent it from controlling the "federal" government at every part and parcel of it, **absolutely**.

60) Revisiting the question as to why Mr. Founder Madison, if knowing all of this to be the True Power of the Constitution, did not reveal it at any time prior to his death, we go the very first speech given by him before the U.S. House of Representatives, now as Congressman James Madison, in the first official presentment of the Bill of Rights, on June 8, 1789.

61) In our study of this historic first presentment of the Bill of Rights, we are astonished to find that its purpose appears to have been more for constraining the powers of the several States than the powers of the United States, as recognized by its language at paragraphs 24, 28, 29, and 43 thereof. This would reaffirm Mr. Founder Madison's original conviction that a bill of rights was not actually needed for controlling the United States government, there being no material defect for doing so in the original context of the Constitution itself.

62) But it is at paragraph 41, which constitutes the representation of this most revealing Clause for Power, that we discover that Mr. Founder Madison has deliberately omitted mention of the most critical limitations of that Clause 18 **Power**, the *before* and *after* limitations so apparent to the simplest eye for the legal reasoning of it. In his historic presentment of the first proposal for a bill of rights before the House, he stated, referring to the Constitution:

> "there is a clause granting to Congress the power to make all laws which shall be necessary and proper for carrying into execution all the powers vested in the Government of the United States, or in any department or officer thereof; this enables them to fulfil every purpose for which the Government was established."

63) Though knowing full well the very wording that is contained in Clause 18 in order to quote any part of it, he has left out that critical wording for Constraint, showing that a limitation of the Congress' Powers also exists to control the same, the **before** and **after** therein, that same Clause 18 which he has just proclaimed before the House. Leaving out that Constraining wording, which he did, and proposing that such Clause has given the Congress virtual blanket authority to do "whatever it wants to" sends the message home, that in spite of his convictions and knowledge that would lead him to propose **no** "**material defect**" in the Constitution itself, he himself is **Constrained** by a greater need ***or force*** **NOT** to disclose it, but to keep it to himself.

64) Such a constraint to the inner man can only come from fear, fear of the worse damage if doing so, as opposed to the lesser damage if not doing so. There being the great opportunity on that date at that time to unveil the great Constraining Powers of the Constitution, that Great Founding Father, alleged by history as the Father of the Constitution himself, is reduced to proscribing Clause 18 as though it made the Congress' authority possible to do virtually anything it, Congress, wanted to do, which it has so ever since.

65) However, without regard to what this Great Founding Father was Constrained to do in order to save the Constitution from sure and immediate destruction, from those monarchists who still roamed, undaunted, the hallways of Congress, such a condition is not the actual and true inescapable

discernment of Power that Clause 18, of Section 8, of Article I, holds within its " ; — " Set Apart wording, for Power, for the terms and conditions of the "before" and "after" Constraints ARE There, they DO Exist therein, and Now must be dealt with, even if for fear of the corruption of the times, they could not be dealt with, successfully, then.

66) To fortify out understanding of this, Thomas Jefferson, on a historic occasion, stated the purposes of the employment of the Constitution as our primary source for our highest form of government, stating discerningly:

> "Let us talk no more of trusting fallible man, but bind him down with the chains of a constitution." (emphasis added)

67) The claim has previously existed as it pertains to Clause 18 of Section 8, Article I, that it, Clause 18, exists as though being an "elasticity clause." IF this were ever the case, then it would be appropriate to rewrite those immortal words of Founder Thomas Jefferson as: "Let us talk no more of trusting fallible man, but bind him down with the **ELASTIC** chains of a constitution." This notion or idea **Fails**, *utterly*, The Clause 18 TEST.

68) By this pronouncement it becomes painfully, but clearly, obvious that Clause 18 was never meant to be, nor was to be construed as, any form of "elasticity clause," but exists rather as just the opposite; a Strong, Titanium Chain, unbreakable and unbendable, Except there be natural, inescapable legal consequences for doing so.

69) In this light, then, the claim that Article I, Section 8, Clause 18 was ever intended to be considered an "elasticity" clause by any of the Constitution's Founders is a mistaught concept in Constitutional Law, by whomever has taught it, and is false.

70) Having long been given the falsehood to believe, that Clause 18 represented an alleged "elasticity" clause, and coming to realize that this falsehood has cost the people and the States too much to date, we are compelled from every standpoint to no longer take the word of the United States Congress on any claim for lawmaking Power than it says it has. Indeed, we are justified in adopting that slogan long held by the State of

Missouri itself, when it comes to the understanding of that which is alleged to be true. That is, "**Don't tell me**; **Show me**" where the alleged Power is at that you, the Congress, are basing, or have based, your law(s) upon. For if you can't Show Me the actual express (already defined and plain to the understanding) Power, then You, the Congress, don't have it, ***and never did***.

71) All laws passed by the United States must be, among other TESTS found in the Constitution, subjected to The Clause 18 TEST, to determine if such laws were ever Constitution[al] – or going directly to the Constitution itself, and if found not to be, must be considered as Void, ab initio. This conclusion is not negotiable.

72) And as we now understand this Constitutional application through the jurisprudence-lens of The Clause 18 TEST, we are compelled from every direction to recognize and realize that the Congress has never been expressly empowered to create laws whose existence can be found to rely on no Power existing either before or after said Clause 18 in the Constitution itself. Through a claim for "elasticity," the Congress has exceeded its delegated authority, or its chartered authority, time and time again, with reckless indifference to the truth. This exists, minimally, as a claim for Ultra Vires, against the Congress of the United States of America.

73) All laws passed by the alleged United States central government must be, among other applicable tests found in the proposed Constitution, subjected to The Clause 18 TEST, Part I, to determine if such laws were ever Constitution[al], and if found not to be, must be repealed or else regarded as Nugatory, or void. **This conclusion is not negotiable**.

74) Within the Scope of Clause 18, there exists the Constrained Lawmaking Power that the Congress, in its Reliance Upon Those Powers Found Either **Before** *or* **After** Clause 18 itself, in addition to passing Laws for itself, also be able to use its lawmaking Power to make Laws for the other two branches of the United States government. As such, the Congress is granted the Constraining Power to make laws only for the United States government, and not for any or all of the Several States.

75) By its Extended Power to make Laws for the Other Two Branches of U.S. government, as well as for itself, we are to understand that it, the Congress, may use only its own Powers, and not those Powers belonging to either of the Other Two Branches, in doing so (see The Clause 18 TEST Expressly Pictured Support Illustration as an attached part of this TEST).

76) This use of its Own Powers Alone Only is given a somewhat flawed recognition to the truthfulness of the same in the War Powers Resolution of 1973, said Resolution itself being a violation of The Clause 18 TEST at Clause 11, of Section 8, of Article I, **attempting to disguise** its **limitations** to those Powers before Clause 18, but denying a recognition to those Powers belonging to the Congress also, that came ***after*** Clause 18, by which deceptive wording, it proposed to be able to escape The Clause 18 TEST constraint, and give the President, or executive branch, a Power that the said executive branch's President was not entitled to.

77) In the UnConstitutional — [*The Clause 18 TEST*-***Failed***] — War Powers Resolution of 1973, the Congress has **confirmed**, nevertheless, a Constitution[al] Fact, for the Congress itself refers therein to its Powers as being "its **own** powers," literally written that way, and thereby recognizing that it, the Congress, has particular Powers that it alone is entitled to rely upon, with neither of the other two branches of government having the power and authority to do likewise, nor applying either of the other two branches of government's powers to or for itself, for its own use.

78) The Power granted to the Congress at and by Clause 18 to make laws for the other two branches of United States government requires that it use its "own [particular, or applicable,] power" to pass any particular law that it may make for either of the other two branches, *and* may not use *or* rely upon the representation of that Other Branch's own power in order to discern the law which is to be made for the same, Other Branch. It must use "its own power" to discern and make the law for the Other Branch.

79) This being the case, where there appears any language in the Constitution in one part, belonging to one of the other two branches of government, that is similar to the language contained in one of its own

powers, then, being constrained to the use of "its own powers" and not those of the Other Branch of government, it must apply the discerning legal principle of In Pari Materia, or that is, where the language between two laws are similar, the two must be taken together in order to discern the correct and final outcome.

80) The use, at all, of either of the Other Two Branches of Government's "own powers" fails The Clause 18 TEST, and where such a failure goes to any thusly UnConstitutional end, no matter the end, such **breach of** The Clause 18 Constraint also constitutes a Collateral Attack, or to-the-side circumvention of due process, and an Ultra Vires, or exceeding of Chartered Authority of the proposed United States.

81) The way that the Constitution's Framers established the Constitution, by the use of The Clause 18 TEST, denies the actual necessity of the supreme Court of the United States itself the distinction of being needed to see or determine the Constitution[ality] of any law passed, or to be passed, by the Congress. Applying The Clause 18 TEST requires only the asking, and then finding, the actual, express – and thus already defined – Power, by the "Show Me" principle, found either **before** Clause 18 or **after** Clause 18, but ONLY **in** the Constitution itself, for ANY and EVERY law passed by the Congress to be based upon and so enacted by, forthwith.

82) IF, *further*, such Power can be found, and does not – when passing through the *Great Portal for all laws of the United States or either of them found at *Article IV, Section 4's Mandatory Requirement for a Republican Form of Government – violate the required Guarantee of the United States to the several States, and the people thereof, Then it, the law passed, IS Constitution[al]. (see The Republican Form of Government TEST)

83) IF, on the other hand, such Power can NOT be found before or after Clause 18 – in the Constitution itself Only, or when passing through the Great Portal it be determined to impose or create a form of government in any State that is NOT a Republican Form of Government (see The Republican Form of Government TEST), then such law passed, or to be passed, by the Congress is

NOT Constitutional, and ***Nothing*** done or proclaimed by any court of the United States, or either of them, can make it so.

84) **The Flag TEST / —** The Clause 18 TEST incorporates The Flag TEST, which views and reviews what the general populace has believed to be the lawful and official flag of the proposed United States. Irrespective of the matter of "belief," no matter the number who believe it and no matter how long, and how noble those beliefs be by that same general populace, as a matter of law, "belief" and "beliefs" are Not Law, and must be set aside in the face of that which is found to be True and that which is found to be Not True.

85) Putting The Flag TEST in perspective, we ask the discerning question, "What would people say, and what would they want to ask, were the Congress at any time decide to pass a law requiring that the "U.S. flag," as currently perceived to be, have on each side of it, in the middle of the stripes, a Swastika, or what would be the reaction if that same "U.S. flag" were to be caused to have on each side of it a hammer and sickle? How would it be that the general public would regard such an act by the Congress?

86) The self-evident answer would be that the general populace would be confused, outraged, and would want to ask of the Congress just where they got the authority to change the "U.S. flag" from its accepted, historical version, at all, to a different one, as the Congress had opted to do of its own accord? Where, people would ask, was the Amendment to the Constitution that would allow such an Act as that to be orchestrated for such a thing of importance as the nation's own national flag? And the answer, a part of the application of The Clause 18 TEST, would require that the Congress reveal the source of the 1795 Congress' Power, before or after said Clause 18, that did just that;

87) For it was the derelict Congress of 1795, froth with Abuse of the Constitution by its use of the F & L Power (the Fast & Loose Power) of doing whatever it wanted to without taking into account any limitation by the Constitution itself on what it could not do, even though it might want to, who changed the nation's original and true flag to one of illegitimacy, or bastardism, by making it to have an added star and stripe for each newly

joining State, a "political" token not a Clause 18 TEST Right, which Act lead to the alleged U.S. flag becoming so extraordinarily large that the Congress of 1818 decided to trim the large number of added stripes back down to the original 13, but failed or refused to restore the bastardized flag back to the original flag that was there at the signing of the proposed Constitution, and was regarded by the Several States to be the flag of the "union," even after the de facto Congress began its meetings on March 4, 1789 and thereafter.

88) Were we thus to ask the question as to where the Congress of 1795 found its particular Power, **before** Clause 18 of Section 8, Article I, or **after** Clause 18 of Section 8, Article I, we would find - not (even) one, for the 1787 proposed United States-nation's flag was not regarded as a strict "military flag," but was a flag that was regarded as belonging to the people themselves, the same sense of regard that the general populace has for the one of today, even though those same people were made to believe in things which are not, that (1) the flag which they commonly fly and pledge to is not, lawfully, the True Flag of the proposed United States, and that (2) the Congress had the authority, derived from a correct Power, found somewhere in the proposed Constitution, to change the design of the Nation's flag (**not** "the Congress' flag") to whatever suited their fancy, as it did, **UnLawfully**, *and thus* **Illegally**, in 1795 and 1818, and continuing from that time forward from that day to this, today.

89) The alleged U.S. flag bearing the 50 stars and the 13 stripes is therefore, as a matter of Law – or that is, Lawful Law, not that False Law which is representative of so much of the Congress from the time of its first meetings, and thereafter – a Bastard Flag, an Illegitimate Emblem, a Vain Glory, representing the proposed United States, and **FAILS** – within The Clause 18 TEST – The Flag TEST as being a Lawful and Legal flag for any nation to look to, hereafter, with respect and honor, no matter the number of times it has been included in songs, media publications – all kinds, no matter how many pledges were made to it, and how great of heart those same pledges were felt within those making them, and no matter how many courtrooms it has been made to stand in, or how many government buildings, or how many schools, colleges, or universities, or in other places, public and private, generally – it,

the 50 stars and 13 stripes originating from 1795, by way of Reckless, Arrogant, and Lawless decision by a Derelict Congress, is a False Flag, a Bastard Flag, and no power on this Earth can change that fact, no matter the tears that may be wept because of its sudden realization;

90) For it, *that* 50 stars and 13 stripes Bastard Flag, is indeed a **Flag of War**, and has *never* been a flag of peace, having been the one to fly in the War of 1812, which war was brought about to cover up or suppress the advent of the true Thirteenth Amendment, which would have denied England's legal nobility from conquering the proposed United States from within, was the flag that flew during the imperialistic, slavery's expansion seeking Mexican American War of 1846, to countless other wars, UnLawfully engaged in, with sovereign Indian nations, with hapless people of other countries made subject to the conquering will of the overly powerful – proposed – United States, on to two World Wars, into the Korean War, into the Vietnam War, to the current War in Iraq, and many small wars or alleged as lawful war actions, committed in the name of righteousness, but grounded in the ditches of hypocrisy instead;

91) For it, as a Bastard Flag or Illegitimate Flag, or False Flag, is the **bloodiest** and most heavily **stained** flag - alleged to be a flag standing for honor and truth, or honesty - in the world, today, we having the Bastard Congress (see The Nation That Never Was) of 1795, that forged it and caused it to come forward to be what it is today, to thank for its, False Flag's, current Illegitimate or UnLawful Status, for which illicit 1795 Act there was, and is, no excuse or defense.

92) The False Flag of the proposed United States, in addition to it being UnLawful, and thus in the final analysis, Illegal, no matter how long such False Flag **Fraud** has gone on, **Fails** us in yet another area of importance, important to all those who proclaim themselves to be people of honor, and that lofty original patriotism of the Constitution's Founders, and that is simply this:

93) That the False Flag that arose from the UnLawful and Illegal Act of the 1795 Congress, giving rise to the Illegitimate 50 stars and 13 stripes of today,

can ***Never*** lead us back to the day and the day's spirit that first forged this proposed nation, it can never connect our understanding or our hearts to that date of September 17, 1787, when those hard working men of the Constitution's Planning Meetings signed their names to a document regarded by so many to be precious in the meaning of great and noble law itself; it can only get us back to the year of 1795, at best, and that's it.

94) DENIED is that meaning that would be believed in as would be seen through the eyes of those who first framed the words in the very document called the Constitution for the United States itself, for it stops at the year of 1795, finally, after having taken a scathing cut from the year of 1818, going backward to that mournful 1795 Year of the False Flag of the proposed United States-nation, aforementioned.

95) From this TEST within this, The Clause 18 TEST, we conclude, as a sad truth concerning the False Flag **Fraud** of 1795 and thereafter, that the 50 stars and 13 stripes flag being flown around the world today, which said flag has prevented (not aided) so much of the world from joining the Glory In Liberty cause that the proposed United States was first forged to so be, IS and WAS False at the moment of its inception, no matter the greatness it was believed – with all the heart – to have ever had; the Truth doesn't bear it out whatsoever, except to those who are Outlaws – at bottom – in their hearts.

96) **The True Flag TEST.** And The Clause 18 TEST incorporates The True Flag TEST, which recognizes the Flag of June 14, 1777, the Flag yet present within the Several States that had long adopted that glorious emblem, as being the True, Official, and Lawful Flag – still to this day – of the Union of the Several States of the proposed United States, for it was Never Lawfully done away with; it was Never Lawfully (**or** Legally) Amended BY the Several States who, of themselves, had adopted it, for it was The Several States ONLY, or ALONE, who actually held this Power and Authority to CHANGE, to the Slightest Degree, that Flag of June 14, 1777, and on to September 17, 1787, and thereafter.

97) Because it is, in Lawful Fact, the True Flag of the proposed United States, and thus Passes The Clause 18 TEST "with flying colors," appropriate

description for this TEST, it comes as no real surprise to find the definition of this truly unique and glorious Flag, as contained in the Miriam Webster Dictionary, under "Flag Day" therein, to be defined as: "June 14 observed in various states in commemoration of the adoption in 1777 of the official U.S. flag."

98) With such a definition as this, held as a common definition, still to this day, for the people, even the common people, to whom it was threaded to honor and to serve, it is conclusive that, being the "official U.S. flag," which same was a part of those very first States who resolved to be united under one Union embodying the Several of them, that it took more than an "Act of the Congress" to simply do away with it, by changing it to whatever flag form might strike its interest, much the same way that the proposed Congress of today would have no right or authority to change the believed-as-lawful flag of today, even though being Illegitimate as such at bottom, to have a Swastika or a Hammer and Sickle plastered right in the middle of the 13 stripes, or even to replace the very stars on the blue field – with those same symbols of evil and evil power, as referred heretofore above.

99) For this special, official flag was designed with much more in mind than merely the representation of the 13 original States, for the 13 stars were placed in a circle, and a circle stands for eternity, or perpetuity, for a circle has no beginning and no end. A symbol so special, that with it, there would have been no obstacle to prevent nation after nation, throughout the world, from joining this once proposed as great nation, not limiting it to 50 nation-States only, which would have meant that the proposed United States would have been Lawfully found in other nations instead of UnLawfully intervening where it, proposed United States, has no lawful authority to have invaded and been maintained therein (see The Clause 15 TEST and The Commander In Chief TEST), on even one foot of such foreign shores, aggressively, or Imperialistically, as it has done.

100) The TRUE Flag of the proposed United States-nation **is** the one of June 14, 1777 and September 17, 1787, the one with that leads us and guides us

back to our roots, one and all of us, as would be decent and honorable and respectable for the True Flag of the proposed United States to do.

101) For it is THIS Flag, the 13 stars in a circle and the 13 stripes, the TRUE Flag of the United States, and of each of them, that does, in fact and in spirit, lead and guide us back to the day of our proposed nation's founding, back past 1818, back past 1795, **back to**, and past, September 17, 1787, on to the date in 1777 on which it was first honored, and back again to July 4, 1776, honored by those who had understanding of heart as to just what it meant to fight, to risk their very lives and fortunes, that people, common people, might one day be free, and even to die for it, against the very Tyranny that this, The Clause 18 TEST now exposes before the eyes of the proposed nation, and unto the eyes and minds of the rest of the world.

102) The Clause 18 TEST may pass some things of history, while other things will FAIL its absolute, unquestionable power (the **Power of the Negative**) to deny those things as being right, as Lawful matters go. The current Fake Flag, or **Bastard Flag of 1795** forward **FAILS** The Clause 18 TEST; the True Flag, the "official U.S. flag" of 1777 **PASSES** The Clause 18 TEST with flying **colors**.

PART II

The Clause 18 TEST – RE-TESTED. – NEW FINDINGS REVEAL DIRECT APPLICABILITY TO THE SEVERAL STATES.

1) When Mr. Founder James Madison made the significant statement that the omission by the proposed Constitution of a bill of rights, for purposes of controlling, absolutely, the "federal" government, constituted No Material Defect in that same Constitution, the Power of the Truth behind that statement was without parallel, for as we revisit Clause 18 of The Clause 18 TEST, and add to it a visit to Article II, Section 2, Clause 2, and consider Article V of the proposed Constitution also, surfacing questions and understandings begin to reveal a much more powerful, awesome Truth about this alleged "elasticity," or elastic or stretchable Clause as being so hard, unbreachable, and unbreakable in its nature and resultant form of government, that it is in fact

amazing that the alleged “federal” government has gotten away with all that it has, this far.

2) Bearing in mind that Mr. Founder Madison continued -long after the September 17, 1787 ratification of the proposed Constitution- to hold that the proposed Constitution needed no bill of rights for the aforementioned controls over the three branches of the alleged United States central government, combined with his own statement before the alleged Congress on June 8, 1789, at Paragraph 43, wherein he stated, significantly, that it was the States themselves, for a number of different reasons, that direly needed a bill of rights, we entitle ourselves to look at Article V, that Article devised for the purpose of amending, a number of was, that same proposed Constitution, with closer scrutiny, and these things aforementioned, as a matter of history – and history-affected law – being True, our understanding is made to rest upon the reality that Article V had not been written by Mr. Founder Madison for the sake of bringing in a/the “Bill of Rights,” but rather for serving a much more vital purpose than that, for sure;

3) For the coming of the Bill of Rights, having actually been first proposed by Mr. Founder Madison himself on that June 8, 1789 date, came only after Mr. Founder Thomas Jefferson’s long insistence that he do so, but that insistence gelled into the aforementioned Paragraph 43, revealing to us that Mr. Founder Madison had not changed his mind, at all, about where the actual need for a “bill of rights” lay, still not for the sake of “controlling the federal government” to any major extent whatsoever;

4) Yielding Forth the Reality that Article V, if NOT having been written Mr. Founder Madison with a “bill of rights” in mind, must have been written for a different large purpose, a purpose that was to have been the crowning de la crème of the Several States Control over the upcoming new government, according themselves absolute protection from it, in the most real sense imaginable, without question;

5) That Article V was included for a real and immediate purpose is certain, but it is not until we revisit and discern more precisely, more correctly, and Test the Words and Applications at Clause 18, of Section 8, Article I, that we begin to realize what that purpose actually was, and is.

6) To be sure that we do not err on this one, as others did from the very beginning, we first lay a groundwork that is to be obvious upon the saying of it, but saying it must nevertheless be said, so that all may know what in Truth was meant by Mr. Founder Madison when he signified to Mr. Founder Jefferson in his 1788 letter that the omission of a bill of rights, for purposes of absolutely controlling the "federal" government incorporated No Material Defect, in the proposed Constitution as it was at that time, not even to the slightest extent or degree. Here are those obvious things that must be said, and so are:

I. The Congress and the Constitution are NOT the Same Thing, thus;

II. Congress = Constitution does not constitute a true equation;

III. Nor does .. Constitution = Congress fare any better, for the two are NOT interchangeable, even if at times the alleged Congress *thinks* that it is, in effect, that very thing;

IV. Likewise, this same principle and this same formulation extends to the other two branches of the alleged United States central government, both the alleged "supreme/Supreme" Court and the alleged President of the proposed United States also;

7) With this matter in view, we now revisit Clause 18 of Section 8, of Article I, and learn another very important aspect of its meaning, the meaning of words that have always been there, and meant word for word precisely what they mean, from that date of first writing to this date when these things shall be read in any forum, wherever.

8) Restating Clause 18, commencing with the five words of the initiating Clause 1, this time focussing, narrowly, on the end words thereof, we read this:

> The Congress shall have Power . . . To make all Laws which shall be necessary and proper for carrying into Execution the foregoing **Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof. (*When** those Powers are properly Vested).

9) Restating this latter part, more succinctly, we read:

> "all **other** Powers **vested** by [the] Constitution [itself] in any Department or Officer thereof"

10) Tells us that every Department that was, and is, to exist, must first be made to exist IN the Constitution For That Same Department, being thus Em**power**ed by that same Constitution's Amendment pertaining to that same Department, for while the alleged Congress was to be able to pass Laws surrounding any such Power, it had **NO Power**, of itself, **to Create** Other **Powers** as it alone chose, for there is No Power to Create Powers for or in the proposed Constitution, *either* **before** or **after** Clause 18. This same Constraint would apply to "Officers" not already named or included, for the use of the alleged United States central government just the same.

"Congress" might have "built the House"/Laws

But had No Power to put *anything* inside of it

11) One way to understand this is to demonstrate, by example, that, although the alleged Congress might pass one or more laws in order to build a house somewhere (a house whose outside walls are made of Laws), its ability to do so, *if* it could even determine the *where*, would be limited to the building of the outer walls only; such house would have No Empowerment - to have furniture or even defining walls - inside of it, for that internal part, its Power

of Purpose and Structure, would require the use of a Master Blueprint, such as the proposed Constitution was, September 17, 1787 – First Session, and yet may be.

12) **WAKE UP**. It is time for us to Wake Up, and read and consider particular words more carefully than before, for this is our future, and it is, unfortunately, our sordid and sad past, that has lead to so many, many wrongdoings, as well;

13) For we read, and understand, that, in addition to the Congress being strictly controlled, not "elasticized," at this point, that such laws, arising from such findable Power(s) existing **before** or **after** Clause 18, that it is entitled to make, at all, can**not** be subsequently ""vested" **by** "the Congress," for although it may have been entitled to make laws surrounding any Power to be vested in any Department or Officer of the [alleged] United States central government, it, NOT being the same as the proposed Constitution itself, could NOT VEST the Actual Power Required for Creating ANY Department, or Officer, NOT already Expressly provided for within the proposed Constitution itself, in the first place;

14) To clarify and confirm this, we look to one of the "before" Powers, and select among them one that could be empowered into a Department if the Constitution itself were to be the sole instrument to bring that vesting about, such Power being found at Clause 3 of Section 8, Article I as:

> The Congress shall have Power . . . To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

15) From this we see that the [alleged] Congress has been granted the Power to pass **Laws** pertaining to this particular matter, however the Power to pass Laws for a thing not yet formed is **not** the same thing as being given the Power to create the thing itself for which those Laws are to pertain to.

16) This is particularly True when we realize that the brief description at Clause 3 in no way defines a Department's legal structure and purpose, how its Department Head might be compensated, what Power – derived from the

Constitution alone – that the Department Head is to have, how long the Department Head is to serve, what limitations were expected to be placed on it (for there would definitely – in the minds of the Several States – need to be "limitations" on "federal" government), vital issues such as these that the States' Governments would have to deal with, and so forth.

17) NO Power to Create any actual Department, and to House in that actual Department the very "before" Power going ONLY to the "passing of Laws" (and not otherwise), is VESTED BY the proposed Constitution at Clause 3 of Section 8, Article I, and so NONE can be assumed or presumed.

18) **SHOCK**. Clearly, Clause 18 is stating that any Powers, following Clause 18 itself, along with those Powers granted before Clause 18, that are to be relied upon for the purpose of passing any law pertaining thereto, must be vested in each and every Department, or Officer, that the Congress might desire to pass laws for, but that Vesting Process would have to come from the Constitution, NOT the Congress, the alleged Congress and the proposed Constitution NOT being "one and the same."

19) With the alleged Congress NOT being able, of itself, to "vest" ANY Power, not matter how small and insignificant, in ANY Department, or Officer, of the Government, the very existence of Each Department that the [alleged] United States central government might want would have to first receive an Article V Amendment, taking the matter first, and back, to the Several States that created it, to ask for Their Permission, 3/4's of them at least, before Any claim for any desired Department, or Officer, could be Vested with actual Power, otherwise.

20) For there was NO Power Given to the alleged Congress to create any Head of Department, let alone the Department itself, to be found **before** or **after** Clause 18, nor may we assume, as some might have thought, that such a Power could, in an ordinary sense, be presumed inherent, for the requirement that the Power to be made Applicable to any such Department Head was to have been Vested BY the Constitution itself, NOT by "the Congress," and we see the alleged Congress' imagined "wings" being clipped by Article II, Section 2, Clause 2, the latter part following the colon therein, which reads:

"but the Congress may by Law **vest** the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments."

21) Restating:

"but the Congress may by Law vest the Appointment of such inferior Officers . . . in the Heads of Departments."

22) Granting it the authority, but Yet Requiring *Constitution*-*Vested* Power to First exist in any such same Department, by which Constitution's Power Vestment the Head of Department would also be defined, which the proposed Constitution's (NOT the Congress') Vesting would First Require an Article V Amendment, following which it, alleged Congress, would have the authority to vest . . in a Constitution-Empowered Department Head, brought into existence by such Article V Amending Process, the authority to "appoint inferior officers" to serve thereunder.

23) As an aside review of this Article II, Section 2, Clause 2, we find that, on the second day of the existence of the U.S. supreme Court, 1791, John Jay, its first [alleged] chief justice, issued the court's order that all attorneys who were to practice before that court be first admitted by the highest court of the State from which such attorney was recognized as that same. Even though Jay, John was not held to the same standard, his order produced what has subsequently come to be regarded, for such alleged United States courts as "'officers' of the court.

24) Since those same attorneys, as "federal officers" of the "federal court(s)" would be regarded as "inferior Officers of a Court of Law" (Clause 2, Section 2, Article II), in order to provide Mr. Jay, John the proper authority to do what he did would have required the [alleged] Congress to have – first – "vested" that required authority in he, and court, and then the "appointment of inferior officers" or "attorneys as officers of the court" could be begun, but not until that act by the alleged Congress has been implemented accordingly.

25) It wasn't that it could not have been done, but rather it is the legal, historical fact that (as shown, or not shown, in The Judiciary Act of 1789) it

was NOT done; thus rendering all "federal attorneys," irrespective of what BAR (British Accreditation Registry) they might hail from, as NOT being "appointed" or recognized "['inferior,' for they certainly are not equal or superior to the judges]" "officers of the "Court of Law," as Constrained to in Clause 2, Section 2, Article II, aforementioned, no matter how long this has been "going on."

26) This *aside* shows us the gross negligence in reading, studying, and following of the proposed Constitution, that the early, alleged organizing political activists were guilty of, and how they had the propensity to do whatever pleased them at the time, no matter what the long range effects of their doing so might be, errantly notwithstanding.

27) This, then, at Article II, Section 2, Clause 2, demonstrating the very small or limited power that the alleged Congress had in vesting authority in "the President only, the Courts of Law, and the Heads of Departments, was a necessary distinction of authority, stated expressly at this later point so that it would be known, clearly and indisputably, by its being stated expressly, so that the [alleged] Congress could *even* do - that little thing, else it could not have.

28) Such same Express Requirement being a necessary part of the "foregoing Powers" if otherwise, the same as the fact that it took Expressing Clause 9, as it states word for word, before we would know that a [national "Tribunal" court only was to be created below the "supreme Court, the mere mention of the judicial Power at Article III, Clause 1 was insufficient to allude to this, nor was it to be an alleged "implied Power" ("implied" goes to "necessary" for basic understanding purposes), by which comparison we would find it necessary to read, as some enumerated Power:

> The Congress shall have Power . . . to create and establish Departments of the United States, and to determine the Heads thereof, and such Officers of the United States not provided for herein;

29) But We do Not Find Such Granted, or Express, Power, either **Before** or **After** Clause 18, and based upon the Certain Constraining Power of Clause 18 – We May Not Assume It – At All.

30) For such was to be the Final, and Absolute, Constraint that the Several States were to have over this new, very dangerous (there were, during the Constitution's Planning Meetings, Founders who indicated concern as to a federal government's inherent dangers) government, which Constraint would have demanded that For Each and Every Department, and additional Officer, that the [alleged] "federal" government might want or hope for, it would have to seek, meekly, the solace and permission of the Several States, 3/4 of them, at least, before it would get anything to that end at all.

31) Consequently, Mr. Founder Madison KNEW that he, as the chief engineer of this most Powerful of Legal Documents, wasn't actually giving, or giving away, anything at all, of consequence, for as long as he could just be given the chance to explain to the States' governments how it was to work, all fears about a "federal" government by any doubters would be allayed, and the Several States could get on with their State-lives, without Fear of this fledgling government to come, but with it Serving Them, the Several States, as it was intended, for it was for this purpose that the Constitution's Planning Meetings, from May 14, 1787 to September 17, 1787, were called to take place – in the first place.

32) There has never been an Article V Amendment Vesting Power in ANY Named and Headed Department, since the date of March 4, 1789, Whatsoever. The same thing applies to any unique Officer for the [alleged] United States central government; NO Power Vesting Amendment was Ever Approved by 3/4 of the Several States as Required To Be By Clause 18, Section 8, Article I.

33) Because there has never been an Article V Amendment, not one, which specifically established and empowered ANY Department of the alleged United States central government, the following are the **minimum** Departments, in which **Power** was Vested – By The Congress – NOT By the Constitution, which are not and never have been Valid, as a matter of

Supreme-Constitution's Law, Not One of Them (NOTE. Using a different name than "Department" does not skirt the issue of Invalid Department, because under The Clause 18 TEST, *neither* the Congress, *nor* the Constitution without an Amendment, were entitled to consider anything but "Departments" as being an auxiliary operation of the [alleged] United States central government, no matter the function or purpose or altered name of the same):

The Department of Justice (from 1789) The Department of the Interior
The War Department The Department of Defense
The Treasury Department The State Department
The Department, Secretary of State The U.S. Forest Service
The Department of Internal Revenue – and its subsequent, current . . .
. . . "Internal Revenue Service"
The Federal Bureau of Investigation The U.S. Department of Agriculture
The Food and Drug Administration The Securities & Exchange Commission
The Drug Enforcement Agency The Department of Homeland Security
The Bureau of Indian Affairs The Bureau of Land Management
The Immigration & Naturalization Department (now "Homeland Security")
The Central Intelligence Agency The Federal Communications Commission
The U.S. Department of Transportation The Bureau of Prisons
The Department of Education The Federal Trade Commission
The Department of the Comptroller of the Currency
The Department of Health, Education, and Welfare, now . . .
. . . The Department of Health and Human Services
The Administration For Children and Families
The Department of the Navy The Department of the Army
The Department of the Air Force The Department of the Marine Corp.
The Bureau of Alcohol, Tobacco, and Firearms, and Explosives
The Department of Bankruptcy Courts The Department of U.S. Tax Courts
The Bureau of Alcohol and Tobacco and Trade The Secret Service
The Bureau of Indian Affairs The Bureau of Engraving and Printing
The Department of Labor The Bureau of the Census
The Commerce Department Federal Emergency Management Agency
Occupational Safety & Health Administration
The Environmental Protection Agency The Federal Highway Administration

The Department of Housing Urban Development
Federal Deposit Insurance Corporation The U.S. Government Printing Office
The International Trade Administration The International Trade Commission
Joint Forces Command National Aeronautics and Space Administration
The National Guard (Not the same as a Clause 15 / Title 10 "the Militia")
The National War College The Patent and Trademark Office
The U.S. Border Patrol (now Customs and Border Protection – formerly The U.S. Customs Department)
The Department of the United States Post Office,
ie. The United States Postal Service;

34) **AND, IN ADDITION TO *THESE*, ALL OTHER DEPARTMENTS, AGENCIES, OFFICES, COMMISSIONS, ADMINISTRATIONS, OFFICES, AND BUREAUS, ETC., HAVE FAILED THIS PART OF THE CLAUSE 18 TEST, AND HAVE NO LAWFUL *OR* LEGAL RIGHT TO EXIST, NOR HAS THERE EVER EXISTED THIS RIGHT WITHOUT, FIRST, AN ARTICLE V AMENDMENT OF THE PROPOSED CONSTITUTION, BEING APPROVED BY THE SEVERAL STATES.**

The Question of "Officers" under the Constraint of said Clause 18.

35) But it was not the Departments and Department Heads alone that was constrained to the extent that it required an original "Article V" produced Amendment to the Constitution itself in order that an essential existence be established for object that the **Framers** had in mind. Re-focusing on the recognition that the end wording of Clause 18 included "Officers" as requiring a "vesting" by the Constitution itself, by way of the only provision in the proposed Constitution that could lead to such vesting of a Power into the Office of same, Article V, the particular and sole provision in the Constitution that provided for the Amending thereof in the –indispensably- most mi*nute* detail, we discover that there were other particular "Officers," post Clause 18, that were likewise required to be established **by** Amendment Only, with No Lawful authority for their creation or establishment than that, otherwise, whatsoever.

36) To set the necessary parameters for understanding this most Absolute Constraint that Mr. Founder Madison had in mind for this undeniable, unalterable Power over every aspect of the "federal" government to come, we look again at Article I, Section 1, which reads:

> **"All legislative Powers herein granted shall be vested in a Congress of the United States."**

37) Although the Power is proclaimed to be vested in the legislature at this point, such statement of vesture, or empowerment, does not mean that the legislature, or the Congress, has been created merely because the vestment has been made; as is well known, there were many steps to come after that would be necessary to be fulfilled in order that the actual Congress, in whom the legislative Power was to be vested, would come to exist in fact in order to be the recipient of the legislative so previously vested – forward. A specific process had to be followed in order to get to the stage where the Congress' actual existence would be provided for by the Constitution, even though its actual creation and organizing represented a number of required acts and authorizations in order to make it so, there being no creation of the [alleged] Congress – in fact – based upon the simple vesting process stipulation statement itself.

38) The same thing exists with the Office of the President, the vesting process thereof, at Article II, Section 1, Clause 1, which reads:

> **"The executive Power shall be vested in a President of the United States of America."**

39) The vesting of the Executive Power in the office of the President did not mean that the President was actually created, or established, based upon the proposal of a grant of power to be vested therein itself. To determine precisely how the President is to be created, or established, in fact, requires looking at all terms and conditions from Clause 1 to Clause 8 thereof in order to recognize just how, and to what extent, the President, as the Chief Executive Officer, is to be established.

40) The same with the "supreme Court" itself. The statement of grant at Article III, Section 1 does not, by the statement itself alone, create or establish the said "supreme Court," as stated thereat:

> **"The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish."**

41) By this Statement of the Granting of judicial Power, neither the "supreme Court" nor the "inferior [Clause 9 Tribunal] Courts are caused to suddenly flare into existence as a result of the statement of proposed vesting of judicial Power itself;

42) For the creation or establishment of the Clause 9 Tribunals that we see at said Clause 9, of Section 8, Clause 1 can be created by law as passed by the [alleged] Congress by way of that same Power granted the [alleged] Congress at Clause 9, and not elsewhere, however the Congress can not rely upon that same Clause 9 in order to create "the supreme Court," requiring that we look elsewhere in order to determine exactly how and under what conditions – required solely by the proposed Constitution itself, that it is to have been first created, not based upon any political notions on how this was to be accomplished, nor based upon how it was actually done;

43) For there are many things that have been enacted as a matter of alleged law that, when carefully examined under the scrutiny of strict due process – and the unbiased discernment of the meaning of the words, word by word, contained in the law itself, fall apart as to the way it was believed to be, revealing the Actual Truth itself, no matter how far apart it may be from that which was first supposedly "learned," in error, from the beginning.

44) To discover, with unwavering precision as to just exactly how the proposed Constitution's framers had it in their mind that the "supreme Court" was to be established from the first moment of its due-process authorization, we look closely into Article II, Section 2, Clause 2, where its first appearance of establishment begins, not at Article III, Section 1, as many have errantly supposed.

45) Commencing discovery at Clause 2, Section 2, Article II, we being by separating this overall Clause into two parts, in order to distinguish how the two separate actions proposed therein are to work together, as follows:

> **[Part 1]**
>
> [The President] shall have Power, by and with Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall *appoint (*an activity or process which only goes to the combined authority of the Senate and the President, and/but Is Not Law) The word "activity" does not mean "create" or "establish" or "vest") Ambassadors, other public Ministers and Consuls, Judges of the supreme Court (Note. What is not included in this Clause's Part is the Clause 9 Tribunal Courts), and all other Officers of the United States, …
>
> **[Part 2]**
>
> … **whose Appointments** (*appointments, which are results after the fact, {the word "whose" going to human persons, not an inanimate office) are not a creation, initial or otherwise, of an "Office"*) **are not herein otherwise provided for, and which shall be established by Law** (such "Law" is to go back to the vesting of "Appointments," not in the creation of them, nor of the creation of the Actual Offices themselves, which are required to be created, or established, **before** the "appointing' process may be held**): but the Congress may by Law vest the Appointment** of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

46) **The Truth Is**, one cannot (or no person can) **vest *anything*** – a positive thing – **into *a* negative**, as vesting does **not**, *itself*, **create** *or* **establish** the thing, itself, into which the vesture is to take place into. For vesting is a **process** that **transfers** one thing into another thing, **but does not create** the thing **receiving** the **vesture**, ***but*** forms into it only that which was transferred into it based upon the nature of the vested composition *and* the material composition receiving that said vested composition.

47) Looking at the matter as though from a "still ahead" or "yet to come" perspective, the proposed Constitution's Framers **do Not Trust** the to-be-newly constructed "federal" government. Did **not Trust** It. … They **do Not** know it. Did not know it. There are many of the "anti" federal government that disclose their fears as to how terrible it would be if it, a "federal" government, ***ever*** got out of control, even to the least degree. No Unearned Trust is Given to the **Unproven**, **Unknown** "Federal" government to come. Not in the slightest degree. **None**.

48) In Part 1 of the above Clause 1, the term "shall appoint" refers to an activity or vesting process that is Not Law in the general sense. It is Not **the** Source, and so is Not to Be **the** Source, of the Authority and Power that is to bring about the creation or establishment of those items to which its vesting process is immediately directed.

49) The items that are that are the subject or target of its immediate vesting process are those particularly indicated, immediately following those two words, "shall appoint." Those items, as worded or defined, are "Ambassadors" (not here defined as to how, or for who, they are to be created or are to exist. No presumption of "Ambassadors" for any nation – or any nation to be denied by the **Several** States - still to be in charge of their own united goals, or other purposes of such "Ambassadors," can be concluded here);

50) "public Ministers" (not here defined as to how, or for who, they are to be created or are to exist);

51) "and Consuls" (not here defined as to how, or for who, they are to be created or are to exist);

52) "Judges of the supreme Court" (not here defined as to how and where they are to be created or are to exist, and the number of "supreme Court Judges" to which the Senate, combined with the President, are to be limited to … noting that any such limiting number cannot be set invariably in stone (Law) by either the President and Senate jointly or by the Congress (both Houses) itself, **Denying** either or the both of them as the Actual Source of the

"Judges of the supreme Court," or thusly the "supreme Court's" Lawful = Legal creation or establishment itself); — And

53) "and all other Officers of the United States" (not here defined as to how, or for who, they are to be created or are to exist);

54) In our careful focus on the "appointing," not "appointment," process at Part 1 of Clause 1, Section 2, Article II, we discover that this place in the proposed Constitution is NOT the Actual Source of the "supreme Court's actual creation at all. But if not so, then where?

55) Returning again to those last compelling words at Clause 18, of Section 8, Article I, we remember those words, "vested **by** this **Constitution** (and not by the Congress) . . . in any . . . Officer [of the Government of the United States], which we have come to know, and understand, requires, and has always required, the Power and Authority of an Article V passed or ratified Amendment to do that. And nothing short of that. **Ever**. End of story.

56) Which now tells us for the first time what "kind of court" the alleged "supreme Court" was to have been; Not being an "Article III court," and Not being an "Article I court," and Not being even an "Article II court," *but rather* being a Required "Article V court" only, instead.

57) Meaning that, as a matter of Law, of **Supreme** Law, of **Binding Law**, the "supreme Court of the United States of America," as a De jure court, Does NOT Exist. Where is the Amendment that created the same. It Does Not Exist.

58) As do **no** "Ambassadors" that have ever been "appointed" for any nation, no matter the nation. No matter the "urgency" or exigent conditions proposed therefor. Where is the Amendment that created the same. It Does Not Exist.

59) As do **no** "public Ministers" that have ever been appointed or established. Inclusive of the "Secretary of State," as well as the "Inspector General" of the alleged United States central government. Where is the Amendment that created the same. It Does Not Exist.

60) As do **no** "Consuls" that have ever been appointed or established. Where is the Amendment that created the same. It Does Not Exist.

61) As do **no** "all other Officers of the [alleged] United States, any of them, and each of them. They do not exist. Legally. Where is the Amendment that created the same. For any of them. None Exists.

62) NONE OF THE ABOVE WERE ESTABLISHED BY A RATIFYING VOTE OF 9 OF THE ORIGINAL 13 STATES, OR 3/4 OF THE SEVERAL STATES THEREAFTER. THIS, HAD THEY DONE SO, WOULD HAVE CONSTITUTED, CONCLUSIVELY, THE "VESTING BY THIS CONSTITUTION" AS IS NOW EVIDENT AT CLAUSE 18, SECTION 8, ARTICLE I, LATTER PART OF SAID CLAUSE 18 THEREOF. WITHOUT THIS CRITICALLY REQUIRED "VESTING" PROCEDURE, NOTHING THAT THE "FEDERAL" GOVERNMENT HAS CREATED OR CAUSED TO EXIST, IN ANY ACTUAL SENSE, LEGALLY EXISTS, AT ALL. **IRONCLAD**. END OF STORY.

63) The foregoing is not a political discernment, for a political discernment, as with the UnLawful "politics," would constitute an Article IV, Section 4 – Republican Form of Government Violation.

64) The above **is** a Hard, Unyielding, Inescapable, Discernment In Law. **Ironclad**.

65) Scholars and Legal Minds, Judges, and Attorneys or Lawyers, upon carefully reviewing it, **Know It**. Indubitably.

66) The following are title descriptions of those known offices and officers of the alleged United States central government for which there is No Known Amendment establishing the lawful creation, as required by this, The Clause 18 TEST, Part 2, therefor.

67) The Federal Office of the Inspector General // The Secretary of State // U.S. Trustee // Justices of the Peace // Judges of the [alleged] supreme Court // judges of the [alleged] district courts // judges of the [alleged] U.S. bankruptcy courts // judges of the [alleged] U.S. tax courts // judges of the [alleged] courts

of federal claim **//** judges of other alleged U.S. courts – not Tribunal courts **//** U.S. Ambassadors – for every nation **//** U.S. public Ministers – all **//** U.S. Consuls – all **//** all other Officers – all **//** as Officers of the alleged United States central government (the Constitution alone, NOT "the President;" NOT the President and the Senate, and NOT the Congress, must VEST these Officers (there goes Marbury v. Madison, 1803, more invalid than ever).

68) There Being NO Amendment Within the Proposed United States Constitution Providing For Any of These Things, Departments, or Officers, NOT ONE, **All** Having **FAILED** The Clause 18 TEST, **None Standing**;

69) **NOTING** and **KNOWING** *Also* that the [alleged] United States S/supreme Court can**NOT**, itself, "**define**" what an "Officer" of the United States central government is; **it takes 3/4 of the Several States** (The Clause 18 TEST – Part II) **to "decide" and "define" any of them, IF any of them**.
38) "**Vesting**" is a Process, a **Specific** Process. The [alleged] Congress was Never Entitled, of Itself, to Do Any of It. ONLY The Constitution, Of Itself, Even If Proposed, Was To Be Able To "**Vest**," by its Own Article V Due Process, the Powers Within It – to the [alleged] United States central government, to Any [alleged] Department thereof, or Any [alleged] Officer thereof not already provide for within the proposed Constitution at the time of its primary ratification - Except there first Be an Amendment, coming under Article V of that same proposed Constitution, thus Establishing and Empowering Each and Every One of the Same in the First Place, and Instance.

So much for the Failed "Elasticity Clause" THEORY.

The Clause 18 TEST – Parts One and Two

The above named TEST, in its Two Parts, is to establish the following standard, criteria, and objective for Constitution[al] purposes. Any law that is to be considered to be a supreme Law of the United States as provided for at Article VI, Clause 2 of the United States Constitution, and any alleged department Constrained as to its very existence at Clause 18, Section 8, Article I, in order that it shall be determined, for any and all enforceable and honored purposes by any State Court of the Several States of the United States:

1) Shall NOT uphold, sustain, maintain, or recognize the laws of the alleged United States central government as being such laws as were and are to be included in those laws professed or proposed for at Article VI, Clause 2 of the proposed Constitution thereof, except such laws, one and all, can be found to connect directly to an actual Power existent either before or after Clause 18 of Section 8, Article I (**Power** *of the* **Negative**), but at ALL times within the proposed Constitution itself;

2) Shall NOT uphold, sustain, maintain, or recognize any Department of the alleged United States central government, by whatever altered name it shall appear, that No Article V Amendment was first Ratified by 3/4 of the Several States, which, there being None, or No Vesting Article V Amendment Concluding Same, None Lawfully and Legally Exists To Be Further Recognized, By Anyone;

3) Shall NOT uphold, sustain, maintain, or recognize any non-inferior Officer of the alleged United States central government, not named or proposed in the proposed Constitution, by whatever name or altered name the same shall appear, that No Article V Amendment was first Ratified by 3/4 of the Several States, which, there being None, or No Vesting Article V Amendment Concluding Same, None Lawfully and Legally Exists To Be Further Recognized, By Anyone;

4) Shall not look to, by any procedural necessity, any court of the United States for such denial of recognition of any such law or laws, departments, or officers, that do not conform to The Clause 18 TEST, both Part I and Part II, whether or not by way of existing case law decided or ruled upon by the United States supreme Court itself; **the Power of the Negative principle**, incorporated into The Clause 18 TEST, Both Parts, as alluded to by Mr. Founder Madison to Mr. Founder Jefferson on October 17, 1788, by these words:

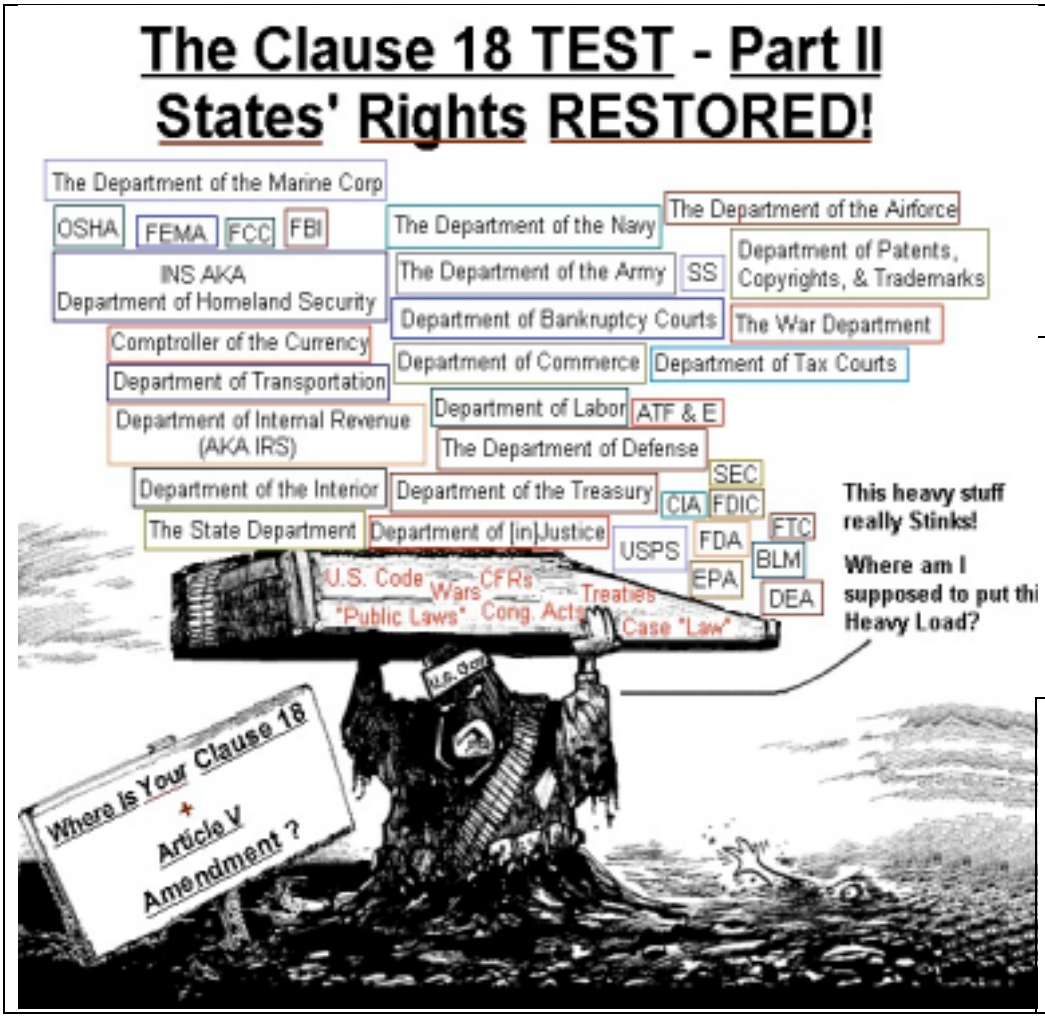
> At the same time I have ***never*** **thought** the ***omission*** *a* ***material defect***, nor been anxious to supply it even by subsequent amendment." (emphasis added). Mr. Founder Madison states further in his enlightening letter, "I have not viewed [a bill of

> rights for the necessity of controlling the federal government] in an important light--1. Because I conceive that in a certain degree . . . the rights in question are reserved *_by the manner_ in which the federal powers are granted." *the Power of the Negative as found, inter alia, at Clause 18, Section 8, Article I. (emphasis added) . . .

. . **Renders** the competent interpretation of the proposed Constitution extendable to any ordinary Citizen of the proposed United States and of any of the several States; extendable as well to any judicial officer as well as any juror acting in any reasonably prudent manner when determining whether there exists any **findable** Power in the proposed Constitution **before** or **after** said Clause 18 which expressly supports the law proposed by the alleged United States Congress, or any **findable Article V** Vested **Power** Creating and Empowering any Department or Officer thereof, and IF finding such Power or Vested Amendment Granting Power, then, and Only Then, recognizing the Law, or Department, or Officer, as "Constitutional" as correctly, lawfully stated, but (Power of the Negative) if **not** finding any such Power, or Power Vesting Amendment, then recognizing the Law, Department, or Officer, as "UnConstitutional" irrespective of what the same says, or how "legal" its wording may appear to be, or how long it has "been around."

5) There being **NO** Amendment, No, Not One, Vesting Power in Any "Department" of the alleged United States central government, **All** "**Departments**," whether called as such or by whatever altered name they have been made to appear otherwise, having **FAILED** The Article V – Original Purpose For Immediate Amendments TEST, a Part of Part II of this, The Clause 18 TEST, and therefore NOT being Lawful or Legal Departments of the alleged United States central government at all, and after-all, no matter how long the same has "been gotten away with" by the said De facto, or alleged, United States central government, Are Now **Dumped** Back Into The Legal Cesspool of September 17, 1787, Second Session, and March 4, 1789, that caused and spawned the Illegal creation of "**The Nation That Never Was**" (see Exhibited Expose by that Title);

6) The following illustration, next page, is not to be taken lightly whatsoever, irrespective of the form of presentment in which it is contained, for its message, however impacting, must be dealt with, and the States Governments of the Several States must be trifled with on this matter, no matter how long the alleged United States central government has looked down its long nose at them, or either of them. Bear in mind that the particular [alleged] Departments, including those of Altered Name, shown below, are not near all those <u>hundreds</u> that have been promulgated everywhere throughout the Several States, to the utter takeover of the entirety of <u>the</u> States' <u>Article IV</u> <u>Republic</u> itself, Already Done, UnLawfully, To "Them;"



With <u>Not</u> <u>One</u> Single <u>Department</u> to Turn To Anymore, It IS Exigent that the States look carefully at, and consider, <u>The Compacts TEST</u>

A <u>Legal</u> Cesspool deals with the **<u>Filth of</u>** "**<u>Policy</u>**" (<u>Not</u> Law) and all that pertains to it, and **Obfuscation**, which is to darken, make obscure, and confuse the real issues.

7) Necessitating that the Several States, NOW Free, Again, from the March 4, 1789 Deceptive and UnLawful Process that was created against them, Several States, seek to engage themselves together into Compacts, the True Intended Version of How they were to deal with any and all "Interstate Issues and Problems" among them (see The Compacts TEST);

8) The existence of the "supreme Court," inclusive of each and every judge thereof, of the alleged United States central government **is De facto**, absolutely, as are the "Ambassadors," other "public Ministers," and "Consuls," and "all other Officers" of the alleged United States central government are also De facto, without exception Any claim for a continuation of their alleged authority is – UnLawful = Illegal;

9) This Exhibited TEST is made Binding upon all officials and officers, Judicial, Legislative, and Executive, and upon all agents and employees, and upon all alleged commissions, bureaus, offices, services, boards, panels, committees, administrations, and alleged departments, by whatever altered names they may appear if not as constrained-to "departments," and Department Heads – over all alleged departments or other organizations called by whatever altered names that may have been made to come under,— of the alleged United States central government, and upon all officers of the governments, all levels, of the several States thereof, for its constructive knowledge, its evidence and fact as stated herein, its findings of fact and conclusions of law, in any and every case and in which it shall be entered hereafter;

9) Shall, as a part of it, sustain the **True Flag** of June 14, 1777 and September 17, 1787, **First** Session, as being the True and Lawful Flag of the proposed United States, and of each of them, alone.

10) This TEST Includes the "The Clause 18 TEST Expressly Pictured 'Pairs of Glasses' Support Illustration," in accompaniment hereto.

<u>CEASE</u> TO IGNORE THE LAW.
<u>DISOBEY</u> THE FRAUDS.

DULY SUBMITTED AND INCORPORATED BY THIS REFERENCE;

This <u>TEST</u> and <u>Exhibit</u> Is <u>SEALED</u>, And INCORPORATED, Against That Which Is Found To Be Untrue In <u>The Constitution For The United States</u>, And For That Which Is True In The Said Same Constitution, Into This Case, Now *ARISING*, Before The Lawful Courts of the Several States of the Union of "them," And Not Lawfully Concurrently Elsewhere.