

A FOCUS AND PART BREAKDOWN

OF

THE CLAUSE 18 TEST

PART II

IS DISCLOSED HEREAFTER, BELOW

Article **I.**

(18) 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.

.....

DISCOVERY I.

Clause (18) The Congress shall have Power . . . To Make all Laws, and to Establish all Departments for which such Laws shall be Made, which shall be necessary for carrying into Execution the foregoing Powers, and all other Powers vested by the Congress, being the same or equal to the Constitution this Constitution, without the necessity of an Article V Amendment, in any . . . Department [of the United States [central government]].

APPLYING ALL [ALLEGED] UNITED STATES CENTRAL GOVERNMENT PROCEEDINGS AND POWERS AND AUTHORITIES ALLEGED BY IT, HEREAFTER, BY WAY OF THE SUPERSEDING RULE OF RULES *UNDER*

RULE NISI

(“Becomes The Imperative and Final Rule Unless Cause Can Be Shown Against It”)

APPLICATION OF RULE NISI TO THE ABOVE. UNLESS IT CAN BE SHOWN, PROVEN, THAT THE ABOVE LINES OF TEXT LINED THROUGH ARE *NOT* THE TRUE CONDITION OF THIS POINT OF DISCOVERY, AND ARE *NOT* INVERSELY CONSTRAINED TO THE CERTAIN WORDING, EXPRESSLY AS SHOWN, THEN THE WORDS, EXPRESSLY LIMITED AS THEY ARE, - ARE THE NEW RULE TO BE

GROUNDED UNDER RULE NISI, AND SHALL BE SUFFICIENT FOR ALL STATES' GOVERNMENTS, AND PEOPLE, TO PRESUME AGAINST THE ALLEGED UNITED STATES CENTRAL GOVERNMENT ON THAT BASIS, HEREAFTER, ACCORDINGLY.

ENFORCEMENT OF RULE NISI TO THE ABOVE – TO BE DETERMINED, MINIMALLY, BY: “Qui Tacet, Consentire Videtur, Ubi Tractatur De Ejus Commodo” — ([“IT”] who is silent is considered as assenting [to the matter in question] when [ITs] interest is as stake) — *WITHOUT FRIVOLOUS, UNCLARIFIED ARGUMENT.*

.....

DISCOVERY II.

Clause (1) The Congress shall have the Power . . . To Make all Laws, ~~and to Establish all Departments for which such Laws shall be Made,~~ which shall be necessary for carrying into Execution the foregoing Powers, and all other Powers vested by ~~the Congress, being the same or equal to the Constitution~~ this Constitution, ~~without the necessity of an Article V Amendment,~~ in any . . . Officer [of the United States [central government]] [not already expressly provided for in this Constitution].

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Article II.

Section 2. (1) The President shall be Commander in Chief of the Army and Navy, [and the Marine Corp when reinstated, and the Air Force when broken away, each as its own Department, from the Army,] of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he may require the Opinion, in writing, of the principal Office in each of the executive Departments, upon any subject relating to the Duties of their respective Office, and he shall have Power to grant Reprieves and Pardons for Offences against the United States, except in Cases of Impeachment.

(2) He 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 Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not *herein* otherwise provided for, and which shall be established by Law: 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.

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DISCOVERY III.

NOTING FROM ABOVE. While the Congress is allowed – by Constitution Law – to ~~create~~ vest the Appointment of such ~~superior~~ inferior Officers, as they may ~~think~~ ~~decide to do, no matter what rights they don't actually have~~ proper in the Heads of Departments, ~~which Department Heads they, the Congress, may create self vest for themselves in order to, afterwards, vest the Power into, NOT requiring any Article V Amendment to do such vesting for it, it can~~ cannot, by that same provision at Article II, Section 2, Clause 2, (1) create and self-vest the President also, in whom it can thereafter vest such Appointments of inferior Officers into; (2) create and self-vest the Courts of Law, in whom it can thereafter vest such Appointments of inferior Officers into; and (3) create and self-vest the Heads of Departments [and, logically, Departments], in whom it can thereafter vest such Appointments of inferior officers into.

NOTING FROM ABOVE. . . . “he shall . . . appoint . . . all other Officers of the United States, whose Appointments are not *herein* otherwise provided for,” while providing the President the authority to appoint United States Officers outside of the already provided for language providing for his ability to appoint such existing Officers, it is to be necessarily Noted, as to what such language, or words, **Does Not Say Is:**

“the [President] shall . . . appoint, following his own Non-Article V creation, establishment and vesting thereof, thereof, . . . all other Officers of the United States, whose Appointments are not *herein* otherwise provided for,”

In other words, the President, while being given the authority to “appoint” .. “other Officers,” was *in no wise* given the authority, or Power, to create and/or

establish them outside of the **Absolute Constraint** at Clause 18 of Section 8, Article I, or that is, under the certain Constraint set forth in The Clause 18 TEST, Part II, which **required the “vesting”** of such “other Officers” to be done **by the Constitution itself** - under an Article V Amendment (the only visible, and sure way that the Constitution *itself* could have provided for such as that), any claim or notion or vain imagination of “President = Constitution” or

“Constitution = President” is thus **DENIED**.

This therefore would include any and all permanent “military Officers,” excluding the Clause 13 Naval Officers ONLY, whose Permanent Appointment would mandate the necessity of an Article V Amendment – ASKING the Several States, and obtaining at least Three-Fourths (3/4) of the same Concurring, before any such permanent “military Officer(s) could at all be considered as Lawful, or Constitution[al]. This would NOT affect the Clause 16 Appointment, by the Several States, of any Generals of the “federal” or Title 10 Militia, or any Generals of a State’s Militia, whatsoever; only those of the “Standing Army,” “alleged Airforce,” “alleged Marine Corp, and so forth.

NOR DOES IT SAY (Does NOT Say):

“the [President] shall . . . appoint, following the Congress, itself’s, own Non-Article V creation creation, establishment and vesting thereof, . . . all other Officers of the United States, whose Appointments are not *herein* otherwise provided for,”

In other words, the Congress, while being given the authority to “appoint” .. “Officers” *already “provided for” “herein,”* was in no wise given the authority, or Power, to create and establish any other Officer NOT “provided for” herein, outside of the Absolute Constraint at Clause 18 of Section 8, Article I, or that is, under the certain Constraint set forth in The Clause 18 TEST, Part II, which required the “**vesting**” of such “other Officers” to be done BY the Constitution itself - under an Article V Amendment (the only visible, and sure way that the Constitution *itself* could have provided for such as that), any claim or notion or vain imagination of “Congress = Constitution” or

“Constitution = Congress”-[NOT], and thus **DENIED**.

THEREFORE, while the words stating that the President is to have been provided the **authority** to Appoint “other Officers of the United States,” this is not to be construed as a foregone conclusion that either he, or the alleged Congress, were, or are, to be entitled or Em**Powered** to create them (NOT given Power to Create them), “other Officers” themselves, or for themselves, but rather were still to be **Absolutely Constrained** under the latter part of Clause 18, Section 8, Article I, or The Clause 18 TEST, Part II. Anything less than this is, inescapably, a **False and Failed Conclusion**.

This therefore would include, the same as by the President, any and all permanent “military Officers,” excluding the Clause 13 Naval Officers ONLY, whose Permanent Appointment would mandate the necessity of an Article V Amendment – ASKING the Several States, and obtaining at least Three-Fourths (3/4) of the same Concurring, before any such permanent “military Officer(s) could at all be considered as Lawful, or Constitution[al]. This would NOT affect the Clause 16 Appointment, by the Several States, of any Generals of the

“federal” or Title 10 Militia, or any Generals of a State’s Militia, whatsoever; only those of the “Standing Army,” “alleged Airforce,” “alleged Marine Corp, and so forth. The alleged Congress has no Lawful authority to establish and vest an Imperialistic Army, at any time, for any reason or purpose. See The Clause 15 TEST.

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Article V.

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Classes in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of it equal Suffrage in the Senate.

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DISCOVERY IV.

NOTING. “Whenever two thirds of both Houses shall deem it necessary, the Congress shall propose Amendments to this Constitution” . . .

. . . reversing the order in which the grammatical working of Article V appeared, and first realizing that, according to the records concerning Mr. Founder James Madison’s view on the idea that a “bill of rights” for controlling the “federal government” was unnecessary, therefore denying that proposal as being the purpose of Article V, at all, itself, we discern that the up-front purpose centered around the idea that, for whatever reason that both Houses might find it, or “deem it” . . . “necessary” to ask – three-fourths of the Several States – for an Amendment for their own benefit . . .

. . . had to go to *some* reason, or the very reason, that the United States central government have need for such a proposed Amendment, such as “Clause 18,” of Section 8, of Article I in **ITS** mandate or requirement *that each and every* Department — *including each and every* Department’s Head thereof, and *each and every* Officer not already specifically disclosed or provided for within the Original Constitution form itself — proposed to be needed thereby, BEFORE the United States central government was to be ALLOWED, AT ALL, to have **its Necessary Amendment** in the First Instance!

Again, a “bill of rights” **NOT** being determined – by the “federal” government itself for purposes of “controlling itself,” the foremost Ideal and Purpose of the rendering of Article V was to provide an Immediate Way for the Congress to orchestrate and establish, and Then make laws for, such Department(s) and Added Officer(s) as it and the Several States might Agree that it deserved and had actual need of.

THIS WAS TO CONSTITUTE, AND DOES CONSTITUTE, A PROVISION FOR AN **ABSOLUTE CONSTRAINT UPON** THE “FEDERAL” OR UNITED STATES CENTRAL GOVERNMENT TO SUCH A DEGREE THAT, HAD MADISON NOT BEEN FORCED BY IMMEDIATE “POLITICAL CIRCUMSTANCES” TO REMAIN QUIET AS TO JUST EXACTLY HOW POWERFUL THE PROPOSED CONSTITUTION ACTUALLY WAS, AND IS, THE SEVERAL STATES WOULD TRULY NEVER HAD TO FEAR OR HAVE THE SLIGHTEST CONCERN FOR THEIR OWN SAFETY, . . .

. . . FOR **ANY** CONCURRENCE OF A THREE-FOURTHS OF THEM COULD **ALWAYS DICTATE** THE TERMS AND CONDITIONS FOR EXACTLY WHAT ANY SUCH DEPARTMENT, ALONG WITH ITS DEPARTMENT HEAD, OR ANY ADDED UNITED STATES OFFICER, WOULD BE LIMITED TO, . . .

. . . THE CONGRESS THEREBY HAVING **NO UNIQUE POWER** OF ITS OWN TO DO ANYTHING WHATEVER IN CREATING OR VESTING THEM, DEPARTMENTS OF ADDED OFFICERS (AS IT HAS TAKEN, UNLAWFULLY, ILLEGALLY, TO ITSELF SINCE THE BEGINNING), **SECURING FOR THE STATES AND THE PEOPLE, CONSEQUENTLY,**

BOTH ABSOLUTE CONTROL AND PEACE, FOREVERMORE, ACCORDINGLY.

CONSEQUENTLY, TO THIS DATE, IT ARISES AS A TRUE CONCLUSION OF LAW AND FACT, THAT ALL THAT IS REQUIRED TO RESTORE THE ENTIRELY OUT OF CONTROL – ALLEGED UNITED STATES CENTRAL GOVERNMENT – BACK TO ITS ORIGINAL INTENDED STATUS IS TO ASK OF IT, DONE BY EITHER THE STATES GOVERNMENTS, OR BY THE PEOPLE THEREOF:

“WHERE IS YOUR AMENDMENT?” FOR “XX” DEPARTMENT, . . .

. . . NAMING EACH AND EVERY DEPARTMENT – (INCLUDING ANY OF THEM UNDER WHATEVER ALTERED NAME, I.E., “BUREAU,” “ADMINISTRATION,” “AGENCY,” “SERVICE,” “COMMISSION,” “COUNCIL,” ETC. THEY SHALL APPEAR) – THAT THE ALLEGED UNITED STATES CENTRAL GOVERNMENT SHALL HAVE, THUS, UNLAWFULLY AND ILLEGALLY ESTABLISHED FOR ITSELF SINCE THE LAWLESS DATE OF MARCH 4, 1789, AND THEREAFTER, . . .

. . . AND APPLYING THE SAME QUESTION TO ALL ADDED “OFFICERS,” AS:

“WHERE IS YOUR AMENDMENT?” FOR “XX” ADDED OFFICER, . . .

. . . NAMING EACH ADDED OFFICER, NOT AS AN “INFERIOR OFFICER” AS PROVIDED FOR AT ARTICLE II, SECTION 2, CLAUSE 2 SHOWN ABOVE, SUCH AS BUT NOT LIMITED TO: “SECRETARY OF STATE,” JUSTICE OF THE PEACE,” BANKRUPTCY JUDGE,” CIRCUIT EXECUTIVE, U.S. TRUSTEE, INSPECTOR GENERAL, TREASURER, PERMANENT ARMY (NOT NAVAL) OFFICERS (BOTH THE “AIR FORCE” AND THE “MARINE CORP” BEING DETERMINED – UNDER THE CLAUSE 15 TEST – TO BE UNCONSTITUTIONAL AT THEIR OUTSET), ETC. — . . .

. . . THAT THE ALLEGED UNITED STATES CENTRAL GOVERNMENT SHALL HAVE, THUS, UNLAWFULLY AND ILLEGALLY ESTABLISHED FOR ITSELF SINCE THE LAWLESS DATE OF MARCH 4, 1789, AND THEREAFTER, . . . THAT THE ALLEGED UNITED STATES CENTRAL GOVERNMENT SHALL HAVE, THUS, UNLAWFULLY AND ILLEGALLY ESTABLISHED FOR ITSELF SINCE THE LAWLESS DATE OF MARCH 4, 1789, AND THEREAFTER, . . .

WHERE IS YOUR AMENDMENT?

FOR ANY OF THIS, THESE DEPARTMENTS?

OF ADDED OFFICERS?

WHERE???

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ARTICLE [AMENDMENT] XVI.

The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.

.....

DISCOVERY V.

NOTING. Recognizing that The Clause 18 TEST, Part II, sets forth the requirement that each and every Department that the alleged United States central government “deems necessary” for any purpose, first obtain an Article V Amendment, and that the Article of the Sixteenth Amendment appears to be, *on the surface*, in compliance to that Requirement, we further Note, and Discern, that there has been a misapplication of such Requisite; the Congress NOT being a

“Department” of the alleged United States central government, it being the distinct fact that having two [alleged] Houses, for which there exists for the both of them, *as though combined*, No “**Head of Department**” whatsoever, and the alleged Congress, as to its actual members, both alleged Houses, having no ability of each, themselves, to go about and to engage in the actual “collecting of taxes on incomes,” even though they might undoubtedly “lay” such taxes, and understanding that there preceded it, Article of the Sixteenth Amendment, NO other Amendment first Amending the Certain and Absolute Constraints placed upon the alleged Congress as seen under The Clause 18 TEST, Part II, the Article of the Sixteenth Amendment therefore coming into Clear and Visible **Conflict** with said Clause 18, the *latter part thereof*, Section 8, Article I - the **Non-Amended** - Clause 18, Section 8, Article I being, by its own establishment, first and yet prevailing over the aforementioned acclaimed Amendment Sixteen, renders the Article of the Sixteenth Amendment – **Defective On Its Face**.

This state of Defectiveness On Its Face, or Unlawful or Contemptuous Proposal of the Article of the Sixteenth Amendment, also paralleling that same Amendment’s **FAILURE** to first Amend Clause 5 of Section 9, Article I, which Prohibited, under at least certain conditions minimally, the Constraint that there exist No “Tax laid on Articles exported from any State,” it being the Fact that the monies received from the purchase of such Articles, whether from a foreign nation or from a local nation, by the exporter, or seller, of such Articles (or items of merchandise for sale in commerce) ARE from an accounting standpoint, by current definition, “Income,” which condition contradicted acclaimed Amendment Sixteen’s “from whatever source derived” and FAILED to overcome the aforementioned Clause 5’s Power of Certain Prohibition Against Taxes to be laid on at least one (1), or more (+, and likely *more*) certain Income Taxes, has rendered, *and renders* – again by such Failure to Prevail Over the proposed Constitution’s original Clause 5, Section 9, Article I – the acclaimed Article of the Sixteenth Amendment as being – **Defective On Its Face**.

There being yet two (2) more parts of the proposed Constitution for the United States that mandates the necessity of being amended from its existing character BEFORE an Article V Amendment might be considered is found in Two Other Article V Amendments, both the Fifth Amendment and the Fourteenth Amendment, there being those Two Words of Power therein, Each Amendment, the same being the **Inherent** - “**Due Process**,” being also the Inherent Rule of Necessity to be Utilized, at all times, before any other Amendment — to potentially **FAIL** if Not being proficiently constructed so as to Not literally and Lawfully Contradict *any* existing or original part of the proposed Constitution itself — can Lawfully and Legally Approach Article V of the Original Constitution, for any proposed future beneficial purpose.

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THEREFORE,

Cease To Ignore The LAW;

DISOBEY The Fraud.

DULY SUBMITTED AND INCORPORATED BY THIS REFERENCE;

This Extended TEST Part and Exhibit Is **SEALED,
And INCORPORATED, Against That Which Is Found
To Be Untrue In The Constitution For The United
States, 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.**