In the Office of the Forty Seventh President of the United States President Donald J Trump

JOHN ANTHONY GENTRY;
SIMILARLY AGGRIEVED CITIZENS
OF
THE STATE OF TENNESSEE

ON PETITION OF GRIEVANCES THAT THE GOVERNMENT OF THE STATE OF TENNESSEE HAS FORSAKEN ITS REPUBLICAN CHARACTER & FORM

MEMORIAL & REMONSTRANCE: CONSTITUTION OF THE UNITED STATES, ARTICLE IV, SECTION 4 GUARANTEE DEMAND

JOHN A. GENTRY
208 Navajo Court
Goodlettsville, TN 37072
(615) 351-2649
johng@wethepeoplev50.com
sui juris

ORAL PRESENTATION REQUESTED

EXECUTIVE SUMMARY

This document is a formal written protest invoking Article IV, Section 4 Guarantee Demand upon the President of the United States. "**The United States shall guarantee to every state in this union a republican form of government.**" The Guaranty Clause is an essential power bestowed upon the President to reign in corrupt and tyrannical state governments. This guarantee demand is the solution – the only solution – to weaponization of our courts, and legal system.

The same kangaroo courts and weaponization of our legal system; the same malicious prosecutions, deprivations of right to trial by jury, wrongful dismissals of election fraud lawsuits, "gag orders" issued to suppress public awareness, and the degradation of being forced to pose for a mug shot like a criminal, are the same depredation of rights and indignations suffered by the average citizen in Tennessee and across the nation daily. These atrocities are a matter of routine practice by our courts, occurring in nearly every courtroom, in every state, in both state and federal courts, and are antithetical to republican principles. These atrocities are a direct result of state and federal governments acting in gross violation of state and federal constitutions.

The government of the State of Tennessee has strayed so far from the principles upon which this nation was founded, and acts in such gross violation of the Constitution of the State of Tennessee; that the government of the State of Tennessee has forsaken its republican character and form, and must be reformed by the United States.

It is the duty, and within the powers of the President of the United States of America, to fulfil the obligation guaranteeing every state a republican form of government. The solutions are simple and can be achieved through the executive powers of the President making good on the guarantee in Article IV, Section 4.

Suggested Enforcement Actions to Fulfil Article IV, Section 4 Guarantee Clause (See APPENDIX A which is a proposed Executive Order)

1) EXECUTIVE ORDER to the Governor, Attorney General, and General Assembly of the State of Tennessee, et al, that the state government must provide its people a republican form of government, and comply with the republican Constitution of the State of Tennessee or face federal enforcement of the Article IV, § 4 guarantee clause.
   a. The right of citizens to apply to those invested with the powers of government by address must be restored (Art. I, § 23).
   b. Judges must not assert usurped power or hold any other office in gross violation of state constitution provisions (Art. VI, § 1, and 7).
   c. Proposed state constitution amendments must be properly published to the people (Art. XI, § 3).

2) Appoint a Military Governor and/or dissolve the Tennessee General Assembly until such time that the government of the State of Tennessee restores its republican character and form and ceases all violations of its state constitution.

3) Any other action(s) appropriate to restore the republican character and form of the government of the State of Tennessee.

TABLE OF CONTENTS

EXECUTIVE SUMMARY 2
INTRODUCTION & STATEMENT 8
JURISDICTIONAL STATEMENT 11
ORAL PRESENTATION REQUESTED 12
ABOUT PETITIONER JOHN A. GENTRY 13
PROBLEM & SOLUTION TO WEAPONIZATION OF LAW 14
A. Two Part Solution 16
1. Reestablish Judicial Oversight To The Legislature 17
2. Restore The Right of Citizens To Petition The Legislature 19
B. Examples of Solution & Right of Petition In Practice 20
FOUNDER'S INTENT AND PURPOSE OF ART. IV, SECTION 4 25
POWERS, DUTY, & JURISDICTION OF THE PRESIDENT TO ENFORCE ART. IV, SECTION 4 33
Proposed Enforcement of Article IV, Section 4 Against The State of Tennessee 43
REPUBLICAN FORM OF GOVERNMENT 44
A. What is our Republican Form of Government 44
B. Our Form of Government is not a Democracy 48
RIGHT TO PETITION FOR REDRESS OF GRIEVANCES 50
A. Introduction of Right to Petition 50
B. Examples of Memorials and Petitions to the Tennessee General Assembly 54
C. Examples of Memorials and Petitions to the Congress 54
D. Election Fraud Overturned By Congress 56
STATEMENT OF FACTS, EVIDENTIAL PROOF, ANALYLIS & ARGUMENT 58
A. Tennessee Government has forsaken its republican character and form 59
B. The Tennessee Board of Judicial Conduct Must Be Abolished & Tennessee Government Refuses To Correct Violation of State Constitution 62
1. The House of Representatives shall have the sole power of impeachment. 62
2. The judges of the Supreme or Inferior Courts shall not hold any other office of trust or profit under this state or the United States. 64
3. No hereditary emoluments shall ever be granted or conferred in this state. Offices of Trust cannot be delegated. 69
4. Accumulation of Powers 71

C. The Right of Citizens To Apply To Those Invested With the Powers Of Government By Address Or Remonstrance Is Oppressed 74
D. Tennessee Code Commission Must Be Abolished or Reconstituted 81
E. Proposed Amendments to the Tennessee Constitution Must Be Properly Published To The People As Required 85
F. The Tennessee Board of Professional Responsibility Must Be Abolished 89
CONCLUSIONS 94
OATH 95
Appendix A: Proposed Letter of Instruction Regarding Article IV, Section 4, Guarantee Demand 1
Appendix B: CNN Investigative Report 2
Appendix C: Report of Independent Certified Public Accountant, Qualified Opinion .. 3
Appendix D: Constitution of the State of Tennessee 4
Appendix E: Petition of Remonstrance 5
Appendix F: Application by Address; Restoration of Right to Apply for Redress of Grievance or Other Proper Purpose by Address or Remonstrance 6
Appendix G: Board of Judicial Conduct Quarterly Report (7/1/2024 – 9/30/2024 7
Appendix H: REMONSTRNACE OF JUDICIAL MISCONDUCT BY JUDGE AND CHANCELLOR MEMBERS OF THE TENNESSEE BOARD OF JUDICIAL CONDUCT 8
Appendix I: TBJC Response to Remonstrance 9
Appendix J: Mass Email to General Assembly, Governor, Attorney General, et al 10
Appendix K: Follow-up Mass Email to General Assembly, Governor, Attorney General, et al 11
Appendix L: Petition for Writ of Mandamus 12
Appendix M: Memorandum of Law In Support of Respondents' Motion to Dismiss Including Falsified Evidence 13
Appendix N: Certified Court Reporter Transcript Proving Falsified Evidence 14
Appendix O: Notice of Non Consent 15
Appendix P: Appellate Court Order DENYING Non Consent 16
Appendix Q: Appellate Court Order DENYING Rule 10B Motion to Recuse of Disqualify in Violation of Article VI, § 11 17
Appendix R: Appellate Court OPINION Affirming Trial Court's Wrongful Dismissal 18
Appendix S: Letter to Chief Clerk of Tennessee House & Application By Address 19
Appendix T: Verified Petition for Writ of Mandamus Against Speaker of the Tennessee House of Representatives, Cameron Sexton 20
Appendix U: Answer to Verified Petition for Writ of Mandamus 21

Appendix V: Fraudulent ORDER Granting Summary Judgement Dismissing Petition for Writ of Mandamus 22

TABLE OF AUTHORITIES

Cases

Armstrong v. Manzo, 380 US 545, 552 – U.S. Supreme Court (1965) 12
Goldberg v. Kelly, 397 US 254 – U.S. Supreme Court (1970) 13
Hughes v. Board of Professional Responsibility, 259 S.W.3d 631, 640 (Tenn. 2008) 92
Luther v. Borden, 48 US 1 – U.S. Supreme Court (1849) 34, 36, 45, 46
Marbury v. Madison, 5 US 137 – U.S. Supreme Court (1803) 40, 43
Peterson v. Peterson, 320 P. 3d 1244 - Idaho Supreme Court (2014) 85
Petition of Burson, 909 S.W.2d. 768, 773, (Tenn. 1995) 92
Richmond Newspapers, Inc. v. Virginia, 448 US 555 - Supreme Court (1980) 25
Screws v. United States, 325 US 91 - Supreme Court (1945) 80
Sneed v. Board of Professional Responsibility, 301 S.W.3d. 603, 612 (Tenn. 2010) 92
Tennessee Environmental v. Tennessee Water, 254. S.W.3d 398, 403 (Tenn. Ct. App. 2007) 92
United States v. Cruikshank, 92 US 542, - U.S. Supreme. Court, (1876) 20, 40, 45, 46, 80

Statutes

February 28, 1795 Act to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions; and to repeal the act now in force for those purposes 11, 33, 38
Tennessee Code Annotated 1-1-101 81
Tennessee Code Annotated 1-1-105 81
Tennessee Code Annotated 1-1-111 82
Tennessee Code Annotated 1-1-114 83
Tennessee Code Annotated 17-5-201 66
Tennessee Code Annotated 17-5-201(a) 71
Tennessee Code Annotated 17-5-201(d)(1)(A)(i) 19, 63
Tennessee Code Annotated 17-5-302(c) 25
Tennessee Code Annotated 29-14-107 84
United States Code, Title 18, Part I, Chapter 13 § 241/242 8

Other Authorities

A Dictionary of American and English Law (1883) 70
A New and Complete Law Dictionary (London, 2nd Edition (1771) 70
A TREATISE ON THE CONSTITUTIONAL LIMITATIONS WHICH REST UPON THE LEGISLATIVE POWER OF THE STATES OF THE AMERICAN UNION (1883) 52
A TREATISE ON THE LAW OF PUBLIC OFFICES AND OFFICERS 65
All Men would be Tyrants if they could, John Adams, *29 August 1763* 49
An Analysis of the Neglected, But Nearly Absolute, Right of Petition, 54 U. CIN. L. REV. 1153 (1986) 20, 51

Annals of Congress, Proceedings And Debates of the House of Representatives of the United States, First Congress, New York, August 13, 1789 42
Annals of Congress, Proceedings And Debates of the House of Representatives of the United States, First Congress, New York, Vol 1, August 15, 1789 53
Annals of Congress, Proceedings And Debates of the House of Representatives of the United States, First Session, Fourth Congress, Philadelphia, December 7, 1795 59
Annals of Congress, Proceedings and Debates of the House of Representatives of the United States, Fourth Congress, Washington, December 10, 1795 55
Annals of Congress, Proceedings and Debates of the House of Representatives of the United States, Second Congress, Washington, March 19, 1792 55
Annals of Congress, Proceedings and Debates of the House of Representatives of the United States, Seventh Congress, Washington, January 12, 1803 56
Annals of Congress, Proceedings and Debates of the House of Representatives of the United States, Third Congress, Washington, January 28, 1794 55
Annals of Congress, Proceedings and Debates of the House of Representatives of the United States, Twelfth Congress, November 7, 1811 22
Black's Law Dictionary 12, 24, 33, 44, 47, 65, 69, 86, 90
Commentaries of the Laws of England (1765-1769), Book I, Chapter 4 70
Congressional Globe, 41st Congress., Second Session., ... 80
Congressional Globe, Second Session, Forty-First Congress, Washington, p 3663 May 20, 1870 58
Congressional Globe, Second Session, Thirty-Ninth Congress, Part I, January 5, 1867 16
Declaration of Independence, In Congress, July 4, 1776 10
Diary of John Adams, Spring 1772 49
Elliot's Debates, Vol I, July 18, 1787, p. 211 26
Elliot's Debates, Vol I, State Sovereignty, p. 65 25
Elliot's Debates, Vol I, Yates's Minutes, Monday, June 11, 1787, p. 406 26
Elliot's Debates, Vol I, Yates's Minutes, Tuesday, June 26, 1787, p. 450 46
Elliot's Debates, Vol II, Debates in the Convention of the State of Pennsylvania, December 4, 1787, p. 475 68
Federalist 10, James Madison, November 23, 1787 ..... 28, 46
Federalist 21, Alexander Hamilton, December 12, 1787 30
Federalist 39, James Madison, January 16, 1788 ..... 30, 44, 46
Federalist 43, James Madison, January 23, 1788 ..... 31, 40, 45, 46
Federalist 47, James Madison, February 1, 1788 71
Federalist 65, Alexander Hamilton, March 7, 1788 ..... 17, 23, 62
Federalist 65, Alexander Hamilton., March 7, 1788 62
Federalist 85, Alexander Hamilton, May 28, 1788 32
Federalist 9, Alexander Hamilton, November 21, 1787 26
George Washington Eighth Annual Address to Congress, 7 December 1796 46
INTERNATIONAL ENCYCLOPEDIA OF THE SOCIAL SCIENCES (1934) 51
James Madison to James Madison, Sr., 1 April 1787 50
John Adams to the President of Congress, 17 October 1781 49
John Quincy Adams to Abigail Adams, 25 May 1800 50

Journal of the House of Representatives of the United States, Second Session, Third Congress, Nov. 19, 1794 38
Journal of the House of Representatives, of the United States, At The First Session of The Twelfth Congress 57
Journal Of The Proceedings Of The Convention Of Delegates, Nashville, 1870 88
Lawyers and Judges in Collusion The FRATERNITY, Judge John Fitzgerald Molloy 90
Letter To Benjamin Franklin from Horatio Gates, 16 August 1784 49
Pennsylvania Assembly: Reply to the Governor, 29 September 1755 48
President Andrew Johnson: Appendix to The Congressional Globe 39th Congress 1st Session Message of The President on The United States, December 4, 1865 33
Steven G. Calabresi & Joan L. Larsen, One Person, One Office: Separation of Powers or Personnel? 79 Cornell L. Rev. 1045, 1077 (1994) 68
Wharton's Law Lexicon, 14th Edition (1938) 70

Rules

Mason's Manual of Legislative Procedure, § 149 13
Mason's Manual of Legislative Procedure, § 518 70
Permanent Rules of Order of the Senate for the State of Tennessee, Rule 22 22
Rules of the House of Representatives, Rule XII, 3 21
Rules of the Senate, Rule VII, 4 21
Tennessee House of Representatives, Permanent Rules of Order, Rule 15 22
Tennessee House of Representatives, Permanent Rules of Order, Rule 79 13
Tennessee Supreme Court Rule 10B § 3 76

Constitutional Provisions

1796 Constitution of the State of Tennessee, Article 11th, § 22 35
1796 Constitution of the State of Tennessee, Article 5th, § 3 35
Constitution of the State of Tennessee, Article I, § 1 ..... 48, 59, 93
Constitution of the State of Tennessee, Article I, § 23 ..... 10, 21, 22, 35, 40, 60, 74
Constitution of the State of Tennessee, Article I, § 30 ..... 60, 69
Constitution of the State of Tennessee, Article II, § 26 ..... 68, 81
Constitution of the State of Tennessee, Article II, §§ 1 and 2 60
Constitution of the State of Tennessee, Article V, § 1 ..... 17, 62
Constitution of the State of Tennessee, Article VI, § 1 ..... 84, 90
Constitution of the State of Tennessee, Article VI, § 11 ..... 64, 76
Constitution of the State of Tennessee, Article VI, § 7 ..... 11, 35, 40, 60, 66, 68
Constitution of the State of Tennessee, Article XI, § 16 79
Constitution of the State of Tennessee, Article XI, § 3 ..... 11, 60
Constitution of the United States, Amendment I 19, 21, 37, 51
Constitution of the United States, Amendment V 12
Constitution of the United States, Article I, § 2 17
Constitution of the United States, Article I, § 6, ¶ 2 68
Constitution of the United States, Article II, § 1 34
Constitution of the United States, Article II, § 2 33
Constitution of the United States, Article IV, § 3 34
Constitution of the United States, Article IV, § 4 ..... 2, 26, 33, 37, 42, 60
Constitution of the United States, Article VI 33

INTRODUCTION & STATEMENT

Your petitioner had previously intended to present this Article IV, Section 4 Guarantee Demand to the Office of the President, soon after the second inauguration of President Trump in the year 2021.

Perhaps it was divine intervention that permitted a likely fraudulent 2020 presidential election. Perhaps at that time, President Trump did not have sufficient background knowledge and personal experience to properly receive and consider this Guarantee Demand.

Perhaps Almighty God knew President Trump possessed sufficient strength to withstand injustice, and must himself experience the corruption of the judiciary and weaponization of our courts first hand, to fully comprehend the imperative to address the issue of an unrestrained and tyrannical judiciary and legal system. Perhaps this is the reason Almighty God performed his "millimeter miracle" saving President Trump's life.

In 2017, President Trump had only limited experience with corruption of the judicial branch when his first travel ban was upheld as unconstitutional in the United States Court of Appeals for the Ninth Circuit absent due process of law. As a result of the opinion of the Ninth Circuit, President Trump declared; that even a "*bad high school student*" could understand the language and find in his favor. It is common in state and federal courts, that when judges cannot defeat a legal argument, and have ulterior motives, they ignore such argument in their "Opinions," and the highest court protects that corruption by refusing to grant certiorari.

In stating a "*bad high school student*" could read better, President Trump was in effect stating he was being denied due process which is a federal crime under 18 U.S.C. § 241/242. What Trump's attorneys should have done is petitioned for rehearing en banc, filed concurrently with a motion for the appellate panel judges to recuse or disqualify. If the Motion to Recuse and Petition for Rehearing were DENIED, then file Proposed Articles of Impeachment in the Congress for federal crimes perpetrated by the Ninth Circuit in violation of 18 U.S.C. § 241/242 denying the fundamental right of due process by ignoring President Trump's arguments, clear immigration law, and the powers of the President.

Tragically however, the first allegiance of attorneys is to the judiciary and entrenched corruption in government, and not their clients. Attorneys will never challenge judges in such manner, because the licensure of attorneys is at the whim of judges. Case in point, the disbarments of Rudy Giuliani and Sidney Powell.

Perhaps it was Divine Providence that President Trump's election fraud lawsuits were wrongfully dismissed by corrupt judges, and that President Trump was represented in those cases by incompetent attorneys, or attorneys in league with corrupt

judges. The fact that President Trump's attorneys did not motion for Evidential Hearing and discovery, or leave to amend, and stay of proceedings on Motions to Dismiss until after Evidential Hearing and discovery, or leave to amend, is proof of his attorneys' incompetence or conspiracy.

Perhaps it was Divine Providence that corrupt state officials brought a business fraud case against President Trump in the State of New York, in proceedings presided over by a corrupt Judge without the benefit of Trial by Jury. The Constitution of the State of New York guarantees the inviolate right to trial by jury in criminal and civil cases and most certainly, the business fraud statute under which President Trump was maliciously prosecuted is repugnant to the New York Constitution in denying trial by jury. President Trump's attorneys' failure to raise that issue demonstrates their incompetence or collusion. If that issue were not raised in trial court, likely it cannot be first raised on appeal, or so corrupt courts say. If denial of trial by jury is not found in violation of the N.Y. Constitution, evidences the State of New York government has forsaken its republican character and form, in subjecting its citizens to criminal trial without the benefit of Trial by Jury.

Perhaps it was Divine Providence that corrupt state officials in the State of Georgia sought to maliciously prosecute President Trump under misconstrued state RICO statutes, forcing President Trump to pose for mug shot, like a common criminal.

Whether by divine intervention, or bad actor weaponization of our courts, President Trump now knows first-hand the injustice our courts inflict upon the people. Where President Trump and Petitioner John Gentry possess sufficient strength to stand against such perversion of our courts, the average citizen does not – and thousands fall prey every day.

As has occurred throughout the history of mankind, we forget the lessons of the past, and repeat the same mistakes. The founders of our republic and sovereign states endeavored to prevent mistakes of the past, through the compacts of our state and federal constitutions. And what beautiful work they created, with many restraints placed upon the judicial branch!

Unfortunately, over the course of history of the United States, and the several states; the people have forgotten the meaning of the words in our state and federal constitutions. The people have forgotten how to lawfully and peacefully achieve remedy against corrupt judges or a wrongful government. The people have forgotten their most powerful and fundamental rights enshrined in state and federal constitutions.

The people no longer understand the First Amendment right to petition government for redress of grievances, or the right to apply to those invested with the powers of government in our state constitutions, or the guarantee of a republican form of government to every state in the union.

As a result, many of the same grievances stated in the Declaration of Independence are the same atrocities perpetrated against the people and principles of republicanism today by an unchecked judicial branch.

As aggrieved in our Declaration of Independence;

> For depriving us in many cases, of the benefits of Trial by Jury:
>
> For taking away our Charters, abolishing our most valuable Laws, and altering fundamentally the Forms of our Governments:
>
> He [King George III] has erected a multitude of New Offices, and sent hither swarms of Officers to harass our people, and eat out their substance:
>
> He [King George III] has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his Assent to their Acts of pretended Legislation.[1]

These declared acts of tyranny justifying independence are today promulgated by and through the judicial branch and legal profession at great cost to society – a cost so unwilling to be paid by the signors of the Declaration of Independence, they pledged;

> And for the support of this Declaration, with a firm reliance on the protection of divine Providence, we mutually pledge to each other our Lives, our Fortunes and our sacred Honor.[2]

These declared acts of tyranny forsaking the principles of republicanism, justify and necessitate the invocation of the guarantee of the United States to every state in this union, a republican form of government; the same as those declared acts of tyranny justified our forefather's declaration of independence.

Herein Mr. President, your humble petitioner is providing you the opportunity to change the course of history, to stop repeating the same mistakes of the past which deny justice and destroy liberty.

Never, in the entire history of this great republic has a citizen invoked the Guaranty Clause upon the President of the United States. Never has a President of the United States exercised powers under the Guaranty Clause; making good on the guarantee to the people of a state, a republican form of government.

In this guarantee demand, Petitioner John A Gentry seeks one objective: Enforcement of the Guaranty Clause, by mandating that the government of the State of Tennessee adhere to its republican state constitution provisions;

1. Upholding Tennessee Constitution, Article I, Section 23 right of citizens to apply to those invested with the powers of government for redress of

[1] Declaration of Independence, In Congress, July 4, 1776
[2] Id footnote [1]

grievances or other proper purposes by address or remonstrance, and restoring that right to its full and proper magnitude.

2. Abolish the Tennessee Board of Judicial Conduct, the Tennessee Board of Professional Responsibility, and reconstitute or abolish the Tennessee Code Commission since these agencies are comprised of judges holding prohibited second offices of trust in gross violation of Article VI, Section 7 of the Constitution of the State of Tennessee, and unlawful usurpation of legislative powers by the judiciary.
3. Properly "publish" to the people, proposed amendments to the Constitution of the State of Tennessee as required by Article XI, Section 3 of the Constitution of the State of Tennessee.

Your Petitioner beseeches you to embrace this opportunity with the same love of our republic and our people that Petitioner has. Your Petitioner implores you on behalf of all we hold precious to make good on the guarantee in Article IV, Section 4 of the Constitution of the United States. Respectfully stated, Petitioner calls upon the Honorable President Donald J Trump to perform his duty, and adhere to his oath to support and defend the Constitution of the United States against domestic enemy through enforcement of Article IV, Section 4. President Trump has proven his courage, tenacity, and strength. President Trump has demonstrated his love for our people, shouldering brutal attacks and weaponization of our courts against him. The majority of the people have demonstrated their support of President Trump electing him for a second non-consecutive term. President Trump has the people at his side. God and/or circumstance has prepared President Trump for this fight.

JURISDICTIONAL STATEMENT

The President of the United States has original, and concurrent jurisdiction over this cause of action. Petitioner claims jurisdiction of the President of the United States pursuant to Article IV, Section 4, and the Act of February 28, 1795.

Petitioner has exhausted all other state and federal remedy. Petitioner filed the first remonstrance since the year 1850 with the Tennessee General Assembly, announced on the floors of both the Tennessee House of Representatives and Tennessee Senate[3]. Petitioner filed two lawsuits in federal court, both docketed in the Supreme Court of the United States, both denied to be considered; Supreme Court of the United States, Case Numbers 20-1618 and 18-170. Petitioner filed two lawsuits in Tennessee Chancery Court, both wrongfully dismissed in trial court, and denied to be considered by the Tennessee Supreme Court; M2022-00654-SC-R11-CV and M2019-02230-SC-R11-CV. Petitioner has testified in many legislative hearings, and emailed every high-ranking state official in the State of Tennessee – all with no redress provided.

[3] See video of the announcement of Petitioner's "Petition of Remonstrance" on the floor of the Tennessee House of Representatives; https://youtu.be/G15X-k_KAO8?si=zx9-BRn4IcvHiH5q

ORAL PRESENTATION REQUESTED

Petitioner John A Gentry respectfully requests to orally present this Guarantee Demand and make legal arguments to President Donald J. Trump.

Petitioner has testified in many legislative hearings, and made oral argument in many court proceedings, and understands the imperative to be concise and on point when addressing those invested with the powers of government.

Petitioner anticipates that attorneys as legal counsel for the President will deceive the President that this Guarantee Demand is without merit; or that the President has no authority over any state to enforce the guarantee clause, contrary to the plain language of state and federal constitutions, Opinions of the Supreme Court of the United States, and words of the founders in the Federalist Papers.

Petitioner has a right to be heard and to rebut any arguments opposing this Guarantee Demand as affirmed in Amendment V of the Constitution of the United States.

The Fifth Amendment states; "*No person…* [shall] *be deprived of life,* ***liberty*** *or property, without due process of law.*" Petitioner is denied liberty by the wrongful government of the State of Tennessee, and has a right to due process of law.

Liberty defined; 1. Freedom from arbitrary or undue external restraint, esp. by a government. 2. A right, privilege, or immunity enjoyed by prescription or by grant, the absence of a legal duty imposed on a person.[4]

Petitioner, and all citizens of the State of Tennessee are denied liberty, and are subjected to arbitrary restraint of constitutionally protected rights by the government of the State of Tennessee. Therefore, Petitioner John A Gentry has a right to due process of law which includes a right to be heard.

This document is a legal document invoking the powers of the presidency to make good on the guarantee of the United States to every state in the union, a republican form of government. This document is a petition and remonstrance to the President of the United States, like in kind to a petition to a court of law, or court of equity, which requires due process.

In *Armstrong v. Manzo*, 380 US 545, 552 - Supreme Court (1965), the Supreme Court of the United States stated;

> **A fundamental requirement of due process is "the opportunity to be heard."** Grannis v. Ordean, 234 U. S. 385, 394. **It is an opportunity which must be granted at a meaningful time and in a meaningful manner**.

[4] Black's Law Dictionary, 2014 Tenth Edition, p 1058

Fundamental elements of due process include a right to be heard and present oral argument. In the case, *Goldberg v. Kelly*, 397 US 254 - Supreme Court (1970), our Supreme Court of the United States stated the following;

> In the present context these principles require … an effective opportunity **to defend by confronting any adverse witnesses and by presenting his own arguments and evidence orally.**

Citizens also have a right to be heard in our legislative houses. The Congress and every state's General Assembly have Rules of Order that prescribe how the legislative houses conduct business, similar to Rules of Civil Procedure, or Rules of Criminal Procedure adhered to by the courts.

Every state general assembly, includes in their Rules of Order, a comparable rule; "*If any question shall arise which is not provided for in these rules, the same shall be governed by Mason's Manual of Legislative Procedure (latest edition.*"[5] Most state legislatures look to Mason's Manual, some states use Robert's or Reed's.

In the 2020 Edition of *Mason's* Manual of Legislative Procedure, § 149, ¶ 4, affirms: "**A petition is presented to the body by the petitioners themselves.**"

Just as citizens have a right to be heard in our courts and legislative houses, so too do citizens have a right to be heard by their President when warranted, and certainly when a citizen is invoking Article IV, Section 4 to the Office of the President of the United States of America.

Petitioner presumes that President Trump understands that sometimes a "*bad high school student*" could understand legal language better than attorneys or attorneys in black robes, aka judges, when attorneys have a maligned purpose.

Since this guarantee demand, if properly satisfied, will result in judicial reform, it is probable President Trump will not receive sound legal advice from his legal counsel since all attorneys are officers of the court, and all attorneys first allegiance is to the judiciary, and not their clients.

Petitioner John A Gentry is hopeful President Trump will afford Petitioner the opportunity to be heard at a meaningful time and in a meaningful matter.

ABOUT PETITIONER JOHN A. GENTRY

Petitioner, John A. Gentry presently intends candidacy as Republican Party candidate for Governor of the State of Tennessee in the 2026 election. Mr. Gentry is the top legal expert on judicial corruption in the entire United States, having caused almost a dozen corrupt judges to be removed from office, and a state judicial oversight agency to be reorganized and supervised by the state legislature. No other person or law enforcement agency can claim such accomplishments.

---

[5] Tennessee House of Representatives, Permanent Rules of Order, Rule 79

For more than ten years, Mr. Gentry has been fighting corruption in the Tennessee judiciary in state and federal courts, and state legislative houses. Despite impossible odds, Mr. Gentry has continued his efforts with tenacious persistence for more than ten years, having some effect and winning some legislators to also desire constitutional compliance.

Mr. Gentry holds the world record for the number of judges he has properly motioned in court to recuse or disqualify due to bias to protect judicial corruption; more than 100 judges and justices, including all the justices of the Supreme Court of the United States (*See U.S. Sup. Ct. Case No. 18-170 Request for recusal received from petitioner*), and all the justices of the Tennessee Supreme Court. Of all these judges and justices against whom Mr. Gentry sought recusal or disqualification, not one has stated in opinion that Mr. Gentry's recusal motion was frivolous or without merit, and several judges admitted interest requiring disqualification.

Mr. Gentry authored the book, CONSTITUTION OF THE STATE OF TENNESSEE Explained, annotated, and includes the founders' discussions, historical references and supporting authorities.

Mr. Gentry is the first person since the year 1850 to exercise the right of citizens to apply to those invested with the powers of government by address or remonstrance, announced on the floors of both the Tennessee Senate and House of Representatives, causing significant reform in the state government. See video of Petitioner's Remonstrance announced on the floor of the Tennessee House of Representatives; https://youtu.be/G15X-k_KAO8?si=MBrKxPzkY2U6b6rJ

Mr. Gentry served more than eight years in the United States Marine Corps, 2D Force Reconnaissance Company, an elite special operations capable unit.

After his military service, Mr. Gentry graduated cum laude from the University of Maryland with a Bachelor of Science Degree in accountancy, completing his university studies in only two and one-half years. Mr. Gentry was licensed as a Certified Public Accountant for more than twenty years.

During his twenty-year business career, Mr. Gentry has participated in numerous industries including; service, technology, publication, retail, and healthcare in such roles as; Financial Analyst, Controller, Director of Finance, COO, and CEO. As an Entrepreneur, Mr. Gentry created a patent pending product distributed internationally.

PROBLEM & SOLUTION TO WEAPONIZATION OF LAW

The Problem

The weaponization of our courts and legal system cannot occur, except through corruption of judges. Illegal searches such as occurred in the fabricated classified

documents case, and raid on President Trump's Mar-a-Lago home cannot occur without a warrant signed by a judge. Unjust rulings can only occur through judges who conspire with attorneys to deny due process, and deny the inviolate right to trial by jury. Vexatious litigation can only occur through judges who ignore or misconstrue facts, rules of procedure, and the law in bias or blatant conspiracy. Malicious prosecution can only be prosecuted through judges who conspire to malevolently prosecute the innocent.

The people cannot have justice without fair courts, and the people cannot have fair courts without accountability of judges. **Today, there is no accountability judges – none whatsoever –and judges are above the law.**

The people also cannot have justice if they have no voice to protest injustice. **Today, the constitutionally protected right of the people to petition for redress of grievances has been so oppressed, it has been wiped from our collective knowledge, and the people have no voice**. The fact that Petitioner John A Gentry is the first person to exercise that right since the year 1850, is incontrovertible proof the right to petition for redress of grievances is oppressed.

Our legislative houses; state and federal, refuse their DUTY to hear complaints of judicial misconduct. State legislators ignore their duty, and refer complaints to judicial oversight agencies comprised of judges overseeing judges (the fox watching the hen house), with these agencies dismissing 100% of complaints filed by non-legal professionals, and about 97% of all complaints filed are dismissed without investigation. Even worse, federal legislators refer complaints against federal judges to Circuit Chief Judges. See **Appendix B** CNN Investigative Report and **Appendix C** Independent Auditor's Report.

When lawsuits are filed against corrupt judges in state and federal courts, those lawsuits are dismissed 100% of the time, with the courts holding that judges have "absolute immunity," even when only equitable relief is sought, contrary to 42 U.S.C. § 1982.

Judicial tyranny has been a persistent atrocity since biblical times, and throughout the history of the United States. For example, after the civil war, southern courts were used to tyrannize union loyalists and union soldiers. On January 5, 1867, Representative Maynard of Tennessee (an attorney), read a letter from the Governor of Tennessee to the House body regarding a union army captain, being sought extradition to North Carolina for malicious persecution. After reading the letter Mr. Maynard stated;

> I do not propose at this time to go into the general subject broached in that letter. I sought the floor in order to present that statement to the House and to the country. I will remark, however, that **there is no tyranny known to mankind so inexorable and terrible as judicial tyranny. The most fearful**

persecutions that ever the race has been subjected to have been committed under the form of legal proceedings.[6]

In the entire history of the United States, only eight federal judges have been impeached by the United States House of Representatives, according to ChatGPT.

In the Congress, the last time a judge was impeached was 2010 when Judge Porteous was impeached and convicted in the Senate for accepting bribes and making false statements during his confirmation process. Before that, Judge Walter Nixon in 1989 was impeached in the House and convicted in the Senate, for making false statements during an investigation into his involvement in a case related to bribery of a state official. In 1986 Judge Harry Claiborne was impeached and convicted in the Senate for tax evasion. **In each of these three cases, judges were impeached due to infighting within the government.**

Before 1986, the last judge impeached for misconduct against litigants, was Judge Ritter in 1936. Judge Ritter was convicted in the Senate on charges of bias in bankruptcy cases, abuse of power for financial gain, and bringing the judiciary into disrepute.

Not since 1936 has a federal judge been impeached for showing bias or abusing power against litigants.

In Tennessee, the last judge to be impeached was Judge John Sneed in 1869. Not in 155 years, has the Tennessee General Assembly impeached or convicted a single judge despite rampant statewide judicial corruption being admitted by the Tennessee General Assembly with the reconstitution of the corrupt Tennessee Board of Judicial Conduct.

In 2019, Petitioner John A Gentry remonstrated to the Tennessee General Assembly protesting widespread judicial corruption. As a result of Petitioner's remonstrance, the entire judge membership of the Tennessee Board of Judicial Conduct was legislatively removed from office, and that agency was reconstituted. During joint House and Senate legislative hearings, it was admitted the State of Tennessee has a statewide problem of judicial corruption.[7]

As a few examples of the lack of accountability for Tennessee judges; Judge Casey Morland indicted for bribery, Judge Woodrow Adams indicted on three counts of child rape, Judge Donna Davenport wrongfully incarcerating children not even accused of crime – yet not one single impeachment.

These incontrovertible facts prove judges are above the law and have no objective oversight whatsoever.

A. Two Part Solution

[6] Congressional Globe, Second Session, Thirty-Ninth Congress, Part I, January 5, 1867, p. 298
[7] Joint Government Operations Committee Hearing, January 27, 2020. See video of proceedings; https://youtu.be/pHD8B8fGNVQ?si=t2-ZbZMQYuZLohvT

1. Reestablish Judicial Oversight To The Legislature

The first step in de-weaponizing our courts and legal system must be to abolish judicial oversight agencies comprised of members of the judiciary, thus removing the roadblock of judicial complaints to the legislature.

In 1971, the Tennessee General Assembly unlawfully created the Tennessee Board of Judicial Conduct (TBJC), with members of that agency comprised of judges in gross violation of Article VI, Section 7 which prohibits judges from holding any other office. In 2019, because of this Petitioner's Petition of Remonstrance to the General Assembly, the 1971 TBJC was abolished, and a new 2019 TBJC was legislatively created with eight new judges holding prohibited offices in the TBJC[8].

See further discussion in the following section; "THE TENNESSEE BOARD OF JUDICIAL CONDUCT MUST BE ABOLISHED," explaining gross violation of constitutional prohibition of judges holding any other office, and conferred hereditary emolument.

In the Constitution of the State of Tennessee, the Tennessee House of Representatives has the sole power of impeachment (Article V), and judges may be removed by concurrent vote of both houses (Article VI, Section 6).

Our system of government was devised to ensure check and balance of power. The power to remove or impeach judges is legislative power, and the check of one branch over the other of the judicial branch. That legislative power to remove or impeach judges has been forsaken by the legislative houses, and usurped by the judicial branch and never imposed by the judiciary against the judiciary.

Article I, Section 2 of the federal constitution affirms; "*The House of Representatives… shall have the sole power of impeachment.*" Article V, Section 1 in the Constitution of the State of Tennessee reads the same.

The power of the House of Representatives to impeach judges, and convict them in the Senate is an essential check on the judicial branch. In Federalist No. 65, Hamilton discusses why the framers chose to hold impeachment inquiries in the House, and trials in the Senate rather than bestowing that power to the judicial branch. In Hamilton's words;

> The awful discretion which a court of impeachments must necessarily have, to doom to honor or infamy the most confidential and the most distinguished characters of the community, **forbids the commitment of the trust to a small number of persons**.[9]

These legislative powers of the houses to remove or impeach judges have been effectively usurped by the judicial branch, and surrendered by the legislative branch, by

[8] Tenn. Code Ann. § 17-5-201
[9] Federalist 65, Alexander Hamilton., March 7, 1788

redirecting judicial complaints against state judges from the state legislature to judicial oversight agencies comprised of judges; again – the fox watching the hen house, and for federal judges, complaints to the Congress are redirected to Circuit Chief Judges.

Incredulously, today, complaints against federal judges are considered by one person – the chief judge of the circuit, resulting in no objective oversight of the judicial branch.

From the United States Court's website;[10]

> **Who will consider my complaint?**
> In most instances, the chief judge of the circuit where you filed your complaint will consider your complaint (if you filed your complaint in the appropriate court office).[11]
>
> **What Can I Complain about? (in part)**
> - using the judge's office to obtain special treatment for friends or relatives;
> - accepting bribes, gifts, or other personal favors related to the judicial office;
> - engaging in improper ex parte communications with parties or counsel for one side in a case;
> - engaging in unwanted, offensive, or abusive sexual conduct, including sexual harassment or assault;
> - treating litigants, attorneys, judicial employees, or others in a demonstrably egregious and hostile manner;
> - intentional discrimination on the basis of race, color, sex, gender, gender entity, pregnancy, sexual orientation, religion, national origin, age, or disability;[12]
>
> **What action can the circuit chief judge take on my complaint?**
> After considering your complaint, the circuit chief judge will dismiss or conclude your complaint or appoint a special committee of judges to investigate your complaint. If the circuit chief judge dismisses or concludes your complaint, you will receive a copy of that order. If the circuit chief judge appoints a special committee, you will receive notice.[13]

In Tennessee, like all other states, complaints against judges are "considered" by judicial oversight agencies. See **Appendix C,** Report of Independent Certified Public Accountant. Complaints against Tennessee judges are initially "considered" by

[10] https://www.uscourts.gov/judges-judgeships/judicial-conduct-disability/faqs-filing-judicial-conduct-or-disability-complaint#faq-How-will-the-circuit-chief-judge-consider-my-complaint?
[11] id footnote [10]
[12] id footnote [10]
[13] Id footnote [10]

"Investigative Panels" comprised of three (3) members of the Tennessee Board of Judicial Conduct, one of whom must be a judge.[14]

Where Hamilton stated to the people of New York in 1788 that; "*The awful discretion which a court of impeachments must necessarily have, …, forbids the commitment of the trust to a small number of persons*," today, that trust is bestowed upon one to three individual persons, with at least one of the three a judge, and whom dismiss one hundred percent of complaints filed by members of the public. The trust of state and federal Houses of Representatives on whether to conduct impeachment proceedings, has been usurped. The discretion of the entire representative bodies of the people has been unlawfully replaced with one judge (federal complaints), or three persons one of whom is a judge (Tennessee judicial complaints).

What an incredulous perversion and usurpation of power! The trust of impeachment forbidden to a small number of persons, relinquished to one person, or as in Tennessee, an investigative panel comprised of only three persons. It is no wonder our judiciary has become grossly corrupt, having no objective oversight whatsoever.

Obviously, from Federalist 65, the framers considered empowering the Supreme Court, as a court of impeachments, but recognized such awful discretion **forbids the commitment of that trust to a small number of persons**.

The first step to de-weaponization of our courts and legal system must be to restore judicial oversight to the legislative houses with the Congress and state General Assemblies directly hearing complaints against judges, which is the first amendment right to petition for redress of grievances, and the state constitutionally protected right to apply to those invested with the powers of government for redress of grievances.

Again, there can be no justice without fair courts, and there can be no fair courts with judges having no objective accountability whatsoever. Restoring judicial oversight to the legislative houses is the solution – the only solution.

2. Restore The Right of Citizens To Petition The Legislature

The right of the people to petition the government for redress of grievances must be restored to its full and proper magnitude. See also following section; "RIGHT TO PETITION FOR REDRESS OF GRIEVANCES" further discussing what this right is, how the right is exercised, and historical evidence of this right being asserted by citizens, and groups of citizens in the Congress and Tennessee General Assembly.

This right is how the people lawfully and peacefully protest a wrongful government. It is through this right; citizens are redressed for wrongs done against them by government. This right is how the people are heard in government presenting their

[14] Tennessee Code Annotated 17-5-201(d)(1)(A)(i)

concerns about everything from election fraud, to government policy, to corrupt government officials, including corrupt judges.

The federal constitution protects the right of citizens to petition government for redress of grievances, as does every state constitution.

The First Amendment of the Constitution of the United States affirms; "***Congress shall make no law … abridging … the right of the people … to petition the government for a redress of grievances.***"

The Constitution of the State of Tennessee affirms: "**That the citizens have a right**, … **to apply to those invested with the powers of government for redress of grievances, or other proper purposes, by address or remonstrance**."

In 1876, the Supreme Court of the United States stated in opinion;

> The right of the people peaceably to assemble for the purpose of petitioning Congress for a redress of grievances, or for anything else connected with the powers or the duties of the national government, is an attribute of national citizenship, and, **as such, under the protection of, and guaranteed by, the United States. The very idea of a government, republican in form, implies a right on the part of its citizens… to petition for a redress of grievances.** *United States v. Cruikshank*, 92 US 542 - Supreme Court 1876 (at 552)

Clearly, in *U.S. v. Cruikshank*, our highest court recognized that the right to petition for redress of grievance is fundamental to a government republican in character and form, and that **the right of petition "*is under the protection of, and guaranteed by, the United States.***"

This right is the "*cornerstone of our constitutional system.*" Norman B. Smith, "Shall Make No Law Abridging . . .": An Analysis of the Neglected, But Nearly Absolute, Right of Petition, 54 U. CIN. L. REV. 1153 (1986).

The right of the people to petition for redress of grievances has been so oppressed, for so long, it has been wiped from our collective knowledge. The people neither understand what this right is, nor do they know how to properly exercise the right. Without this right, the people are relegated to marches, street protests, vastly expensive lawsuits, or at worst; either vigilante justice, or acquiescence to wrongful governments.

Again, this right must be restored to its full and proper magnitude if we are to ever hope for true justice for the people and accountability of government officials – especially judges.

B. Examples of Solution & Right of Petition In Practice

1. **The Process to Apply to State and Federal Legislative Houses**

The process to petition government for redress of grievance is simple, has no cost or associated legal fee, and is effective in obtaining redress. Again, petitioning the legislature is a constitutionally protected right in state and federal constitutions as follows;

The First Amendment of the Constitution of the United States affirms; "***Congress shall make no law … abridging … the right of the people … to petition the government for a redress of grievances.***"

The Constitution of the State of Tennessee Article I, Section 23 affirms: "**That the citizens have a right**, … **to apply to those invested with the powers of government for redress of grievances, or other proper purposes, by address or remonstrance**."

The process to assert and exercise this right is simple. Similar processes exist for petitioning state legislatures and the Congress. The process is as follows;

a) **The people consult together for their common good through the right of assembly and write a petition, remonstrance, or application to the legislature**. "The people" can be one person (a private petition), or thousands, or millions of people (a public petition). This is the purpose and intent of the right of assembly, to consult for common good and petition government. The right of assembly IS NOT primarily to facilitate street protests or marches, although it extends to that conduct, especially when petitions are ignored.
b) **The petition, remonstrance, or application is presented to a member(s) of the legislative body**.
c) **The member receiving a petition or remonstrance has a duty to file the petition, remonstrance, or application with the Chief Clerk of the House of Representatives or Senate**.
    i. Rules of the United States House of Representatives, Rule XII, 3 states; If a Member, Delegate, or Resident Commissioner has a petition, memorial, or private bill to present, the Member, Delegate, or Resident Commissioner shall sign it, deliver it to the Clerk, and may specify the reference or disposition to be made thereof. Such petition, memorial, or private bill (except when judged by the Speaker to be obscene or insulting) shall be entered on the Journal with the name of the Member, Delegate, or Resident Commissioner presenting it and shall be printed in the Congressional Record.

    ii. Rules of the United States Senate, Rule VII, 4 states; Petitions or memorials shall be referred, without debate, to the appropriate committee according to subject matter on the same basis as bills and resolutions, if signed by the petitioner or memorialist. A question of receiving or reference may be raised and determined without debate. But no petition or memorial or other paper signed by citizens or subjects of a foreign power shall be received, unless the same be transmitted to the Senate by the President.

iii. Tennessee House of Representatives, Permanent Rules of Order, Rule 15 states; Before any petition or memorial addressed to the House shall be received and read at the table, a brief statement of the contents of the petition or memorial shall be filed with the Chief Clerk.

iv. Permanent Rules of Order of the Senate for the State of Tennessee, Rule 22 states; Before any petition or memorial addressed to the Senate shall be received and read at the table, a brief statement of the contents of the petition or memorial shall be verbally made by the introducer.

d) **The petition is presented to the body by the petitioners themselves, or by a member on behalf of the petitioners**.
   i. The Constitution of the State of Tennessee, Article I, Section 23 affirms citizens have a right to make their application to government by oral address.

e) **After the petition, remonstrance, or memorial is presented to the body**, the body decides to either let it "lie on the table" (ignore), or **the body resolves to refer it to a committee for discussion.**

f) If referred to a committee, **the committee deliberates and makes recommendation to the body.**

g) **The recommendation of the committee is presented to a quorum of the body**, and then may receive further debate on the floor, and the quorum votes to grant or deny the petition, remonstrance, or memorial, the same as voting on any bill or proposed legislation.

The above simple process is how the people are directly heard in our legislative houses. With this right restored, street protests will become an embarrassment of the past. This right is fundamental to a government republican in character and form. This right is the very essence of a government, of, by, and for the people.

Again, see below section; "RIGHT TO PETITION FOR REDRESS OF GRIEVANCES discussing the history of this right, and examples of the exercise of this right in the Congress, and Tennessee House of Representatives.

2. Example: Petitioning Election Fraud to the Congress

On Thursday, November 7, 1811, a member of the United States House of Representatives, presented a petition to the body, **protesting an undue and illegal election return for a Representative for the State of Virginia**.[15] The matter was referred to the Committee of Elections who were instructed to prepare and report a bill for regulating proceedings. Proceedings soon commenced investigating an illegal election return, and on Monday, December 2, 1811, John Taliaferro was declared entitled to a seat in the United States House of Representatives, and John P Hungerford was

[15] Annals of Congress, Proceedings and Debates of the House of Representatives of the United States, Twelfth Congress, First Session, November 7, 1811.

declared not entitled to a seat in the House[16]. A fraudulent election return in Virginia for a United States Representative was overturned by the United States House of Representatives. See later section; "RIGHT TO PETITION FOR REDRESS OF GRIEVANCES" evidencing in 1811 Congress overturning the fraudulent election of a congressman.

Our legislative houses are courts of justice. The fact that impeachments are indicted in the House, and tried in the Senate is proof that our legislative houses are courts of justice. Like courts of law or courts of equity, the legislative houses have the powers of contempt as well as subpoena over witnesses and evidence. There can be no doubt that the legislative houses are courts of justice.

Imagine the likely different outcome of President Trump petitioning for redress of the grievance of a fraudulent 2020 presidential election to the Congress instead of petitioning a corrupt court in the judicial branch, presided over by a corrupt judge having the power to wrongfully dismiss an election fraud lawsuit before facts are presented to jury for deliberation, without evidentiary hearing, and without discovery.

Imagine a member of the United States House of Representatives presenting President Trump's legal arguments and evidence of a fraudulent election on the floor of the United States House of Representatives, and a Senator doing the same on the floor of the United States Senate. Imagine congressmen, presenting legal arguments on the floor of the House and Senate, that President Trump's election fraud lawsuits were wrongfully dismissed by corrupt judges without evidential hearing and without discovery, or leave to amend.

Imagine President Trump's election fraud petition to the Congress being referred to a Joint House and Senate Election Committee and that committee's investigation open for the world to see, aired on C-SPAN, Fox News, and other mainstream media outlets.

Had President Trump exercised the cornerstone right to petition for redress of grievances to the Congress, and Congress upheld that right, the January 6th breeching of the Capitol never would have occurred. Patriots protesting a likely fraudulent election never would have been maliciously prosecuted and incarcerated. The pretended Georgia RICO case never would have been brought against President Trump. The question of a fraudulent 2020 presidential election would have been settled, lawfully and peacefully. The people would know, our election process was secure and fair, or that election fraud caused an improper result and that new safeguards must be put in place to secure future elections.

As discussed above; in Federalist No. 65, Hamilton discusses why the framers chose to hold impeachment inquiries in the House, and trials in the Senate rather than bestowing that power to the judicial branch.

---

[16] Annals of Congress, Proceedings and Debates of the House of Representatives of the United States, Twelfth Congress, First Session, December 2, 1811

> The awful discretion which a court of impeachments must necessarily have, to doom to honor or infamy the most confidential and the most distinguished characters of the community, **forbids the commitment of the trust to a small number of persons**.[17]

Just as the awful discretion of impeachments forbids commitment of the trust to a small number of persons, so too should contested election results be tried in the legislative houses and not before a single judge easily corrupted to determine the winner not by facts, and rule of law, but according to their own pecuniary interests.

According to AI ChatGPT, since the founding, the United States House of Representatives has tried over 100 elections with the John Taliaferro vs. John P Hungerford, being just one of many contested election cases tried in the House. Early American candidates for office knew contested elections should be tried in the legislative houses, and not in easily corrupted courts of law or equity.

3. Petitioning the Legislative Houses To Impeach Judges

Following the process detailed in preceding Section B 1., rather than filing a complaint against a federal judge, with a Circuit Chief Judge of a federal court, or a complaint against a state judge with a state judicial oversight agency, which are always dismissed when filed by a member of the public, instead presenting a Memorial & Remonstrance to a member of the House of Representatives.

A Memorial is a document presented to a legislative body, **or to the executive** [President], by one or more individuals, containing a petition or a representation of facts.[18] A Remonstrance is a **formal protest against the policy or conduct of the government or of certain officials drawn up and presented by aggrieved citizens**.[19]

NOTE: This document is a Memorial & Remonstrance and is addressed to the President of the United States.

As discussed in preceding section B 1., the Memorial & Remonstrance would be presented to a member of the House of Representatives, who files with the Chief Clerk of the House, and then is presented on the floor of the House to the body, referred to committee, and then returned to the floor for a vote.

Imagine a citizen, or a President, denied due process by a corrupt judge (which is a federal crime pursuant to 18 U.S.C. 241/242) demanding impeachment and presenting facts to the House of Representatives proving a judge; ruled in bias, or took bribes, or ignored Rules of Procedure, or violated the Code of Judicial Conduct, or knowingly and wrongfully ignored statutory law and constitutional provisions. Imagine evidentiary materials such as certified court reporter transcripts, Court ORDERS, and other

[17] Federalist 65, Alexander Hamilton., March 7, 1788
[18] Black's Law Dictionary, Fifth Edition (1979), p 888
[19] Black's Law Dictionary, Fifth Edition (1979), p 1164

evidence presented to a House Judiciary Committee proving judicial misconduct and/or criminal conduct.

How possibly can legislators save face, and decide not to remove or impeach judges when clear facts proving misconduct or criminal conduct are presented to them? They cannot. Since the 12th Century Magna Carta, the right to petition for redress of grievances has been the solution to tyrannical corrupt government officials.

Judicial Complaints today are never available for public scrutiny, which is how the judicial branch preserves false public trust. As stated in the CNN Investigation report; "*But the judiciary itself is hiding the depth of the problem of misconduct by [federal] judges*." See **APPENDIX B** CNN Investigation. And in complaints against state judges, judicial complaints to state judicial oversight agencies are kept confidential. See **APPENDIX I** marked "*Confidential*," and Tenn. Code Ann. 17-5-302(c) "*All complaints made under this section are confidential and privileged*."

"The crucial prophylactic aspects of the administration of justice cannot function in the dark; no community catharsis can occur if justice is "done in a corner [or] in any covert manner." *Richmond Newspapers, Inc. v. Virginia*, 448 US 555 - Supreme Court (1980).

In short, restoring the right of petition, and restoring oversight of the judiciary to the legislature, is THE ONLY SOLUTION to weaponization of our courts and legal system, and the only solution to restoring constitutional order and justice.

FOUNDER'S INTENT AND PURPOSE OF ART. IV, SECTION 4

The intent of the founders, and purpose of Article IV, Section 4 is clearly evidenced in the Federalist Papers written by Hamilton and Madison, and in The Debates of the Several State Conventions on the Adoption of the Federal Constitution, as Recommended by the General Convention at Philadelphia, in 1787. Vol. I, collected by Jonathan Elliot, hereinafter referred to as "Elliot's Debates," and The Records of the Federal Convention of 1787, by Max Farrand, and in the Annals of Congress.

Article IV, Section 4 as ratified by the states reads; **The United States shall guarantee to every state in this union a republican form of government**, and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature cannot be convened) against domestic violence.

The term "state" has different meanings according to the subject to which it is applied. Sometimes it means the separate sections of territory occupied by a political society, sometimes the governments established by those societies, **and lastly it means the people composing those political societies, in their highest sovereign capacity**.[20]

[20] Elliot's Debates, Vol I, State Sovereignty, p. 65

The first clause of Article IV, § 4, is a guarantee to the people of each state, in their highest sovereign capacity, since the guarantee **vests power in the United States to protect the people against a wrongful government usurped by corrupt or despotic monarchical, oligarchical, or factional rule over the people.**

In discussing Article IV, Section 4, in its early form, James Madison moved for an amendment, to add to, or alter the resolution as follows: "*The republican constitutions, and the existing laws of each state, to be guaranteed by the United States*." Edmond Randolf was for the amendment, "***because a republican government must be the basis of our national Union; and no state in it ought to have it in their power to change its government into a monarchy***."[21]

Clearly, the intent of Article IV, Section 4 is that the United States would enforce the provisions of state constitutions against wrongful state governments acting in violation of their state constitution. It is a guarantee to the people in their highest sovereign capacity, that state governments could not replace a republican constitution with an antirepublican constitutions.

A month later, it was moved and seconded to again alter Article IV, Section 4, to read as follows; "*that a republican form of government shall be guaranteed to each state; and that each state shall be protected against foreign and domestic violence*;" which passed unanimously in the affirmative.[22]

Amending the language from guaranteeing republican constitutions of each state to guaranteeing a republican form of government, expanded the power of the United States, to not just guarantee republican constitutions, but also to protect against violations of republican state constitutions, or antirepublican conduct of a state government.

On September 17, 1787, the delegates of the Constitutional Convention signed the final language of the Constitution as it reads today

Soon after completion of the Constitutional Convention, John Jay, Alexander Hamilton, and James Madison, wrote a series of essays known today as the "Federalist Papers." Several of the essays further discuss the purpose and intent of the Article IV, Section 4, guarantee clause.

In Federalist 9, Hamilton discusses the failures of past republics, reconciling the advantages of monarchy versus a confederate republic, and how the new plan of the federal constitution would protect against past failures with monarchical-like power capable of putting down wrongful usurpation of a state government.

THE UTILITY OF THE UNION AS A SAFEGUARD AGAINST DOMESTIC FACTION AND INSURRECTION

[21] Elliot's Debates, Vol I, Yates's Minutes, Monday, June 11, 1787, p. 406 Also see The Records of the Federal Convention of 1787, Max Farrand, p. 206

[22] Elliot's Debates, Vol I, July 18, 1787, p. 211

Federalist 9 Alexander Hamilton, November 21, 1787

> To the People of the State of New York:
>
> **A FIRM Union will be of the utmost moment to the peace and liberty of the States, as a barrier against domestic faction and insurrection**. It is impossible to read the history of the petty republics of Greece and Italy without feeling sensations of horror and disgust at the distractions with which they were continually agitated, and at the rapid succession of revolutions by which they were kept in a state of perpetual vibration between the extremes of tyranny and anarchy.[23]

In his opening statement, Hamilton plainly states, the union will be a barrier to **domestic faction** as well as insurrection. In Federalist 10 (see below), Madison states his understanding of faction to include, a minority actuated by interest, adverse to the rights of citizens or aggregate interests of the community.

Whatever name designation; "faction," "special interest," "the swamp," "deep state," petty tyrants, corrupt politicians, corrupt judges; whenever such persons act adverse to rights of citizens, or aggregate interests of the community, the Article IV, Section 4 Guaranty Clause is the protection against their usurpation of government.

Presently, the government of the state of Tennessee is controlled by a domestic faction or oligarchy comprised of state judges and justices, high-ranking state officials, and entrenched politicians grossly oppressing rights protected in the state constitution, and acting in knowing gross violation of its state constitution (See Statement of Facts and Evidential Proof).

Hamilton goes on to discuss the work of Montesquieu's examination of past republican forms of government, and how a "CONFEDERATE REPUBLIC" reconciles the advantages of monarchy with those of republicanism. Hamilton quotes Montesquieu;

> "It is very probable," (says he) "that mankind would have been obliged at length to live constantly under the government of a single person, **had they not contrived a kind of constitution that has all the internal advantages of a republican, together with the external force of a monarchical government. I mean a CONFEDERATE REPUBLIC.**"
>
> "If a single member should attempt to usurp the supreme authority, he could not be supposed to have an equal authority and credit in all the confederate states. Were he to have too great influence over one, this would alarm the rest. **Were he to subdue a part, that which would still remain free might oppose him with forces independent of**

[23] Federalist 9 Alexander Hamilton, November 21, 1787

those which he had usurped and overpower him before he could be settled in his usurpation."

"Should a popular insurrection happen in one of the confederate states the others are able to quell it. **Should abuses creep into one part, they are reformed by those that remain sound.** The state may be destroyed on one side, and not on the other; the confederacy may be dissolved, and the confederates preserve their sovereignty."

"**As this government is composed of small republics, it enjoys the internal happiness of each; and with respect to its external situation, it is possessed, by means of the association, of all the advantages of large monarchies.**"[24] [25]

Hamilton concludes the Union and the guarantee clause of Art. IV will repress domestic faction, i.e. "swamp", "deep state", etc. usurpation of state governments.

> I have thought it proper to quote at length these interesting passages, because they contain a luminous abridgment of the principal arguments in favor of the Union, and must effectually remove the false impressions which a misapplication of other parts of the work was calculated to make. They have, at the same time, an intimate connection with the more immediate design of this paper**; which is, to illustrate the tendency of the Union to repress domestic faction and insurrection**.[26]

Clearly, the founder's intent of the Guaranty Clause, according to Alexander Hamilton in Federalist 9, is to protect against domestic faction and usurpation of government by any special interest as well as insurrection.

In Federalist 10, Madison states that the Union is the remedy for the "diseases" incident to a republican government such as "men of factious tempers, or of sinister designs, who may, by intrigue, or by corruption be voted into office and then betray the interests of the people which is true of most Tennessee elected officials today.

THE SAME SUBJECT CONTINUED: THE UNION AS A SAFEGUARD AGAINST DOMESTIC FACTION AND INSURRECTION
Federalist 10 James Madison, November 23, 1787

AMONG the numerous advantages promised by a well-constructed Union, none deserves to be more accurately developed than its tendency to break and control the violence of faction.

By a faction, I understand a number of citizens, whether amounting to a majority or **a minority of the whole, who are united and actuated by some**

---

[24] *id* footnote [23]
[25] Spirit of Laws," vol. i., book ix., chap. I, Baron de Montesquieu (1777)
[26] *id* footnote [23]

common impulse of passion, or of interest, adversed to the rights of other citizens, or to the permanent and aggregate interests of the community.

But the most common and durable source of factions has been the various and unequal distribution of property. Those who hold and those who are without property have ever formed distinct interests in society. Those who are creditors, and those who are debtors, fall under a like discrimination.

A landed interest, a manufacturing interest, a mercantile interest, a moneyed interest, with many lesser interests, grow up of necessity in civilized nations, and divide them into different classes, actuated by different sentiments and views. **The regulation of these various and interfering interests forms the principal task of modern legislation**, and involves the spirit of party and faction in the necessary and ordinary operations of the government.

A republic, by which I mean a government in which the scheme of representation takes place, opens a different prospect, and promises the cure for which we are seeking. Let us examine the points in which it varies from pure democracy, and we shall comprehend both the nature of the cure and the efficacy which it must derive from the Union.

Men of factious tempers, of local prejudices, or of sinister designs, may, by intrigue, by corruption, or by other means, first obtain the suffrages, and then betray the interests, of the people. The question resulting is, whether small or extensive republics are more favorable to the election of proper guardians of the public weal; and it is clearly decided in favor of the latter by two obvious considerations:

In the extent and proper structure of the Union, therefore, we behold a republican remedy for the diseases most incident to republican government. And according to the degree of pleasure and pride we feel in being republicans, ought to be our zeal in cherishing the spirit and supporting the character of Federalists.
James Madison, November 22, 1787

Clearly in Federalist 10, Madison argues that the Article IV, Section 4 guarantee will protect against factional usurpation of state governments that betray the interests of the people.

In Federalist 21, Alexander Hamilton points out that without the Article IV § 4 Guaranty Clause, the national government would be powerless to put down usurpation of a state government trampling upon the liberties of the people. **Usurpation defined**; The unlawful seizure or assumption of sovereign power; the assumption of government or supreme power by force or illegally, in derogation of the constitution and of the rights of the lawful ruler. Black's Law Dictionary Fourth Edition, (1968) p 1713.

OTHER DEFECTS OF THE PRESENT CONFEDERATION
Federalist 21 Alexander Hamilton, December 12, 1787

> **Usurpation may rear its crest in each State, and trample upon the liberties of the people, while the national government could legally do nothing more than behold its encroachments with indignation and regret. A successful faction may erect a tyranny on the ruins of order and law, while no succor could constitutionally be afforded by the Union to the friends and supporters of the government**. The tempestuous situation from which Massachusetts has scarcely emerged, evinces that dangers of this kind are not merely speculative. **Who can determine what might have been the issue of her late convulsions, if the malcontents had been headed by a Caesar or by a Cromwell? Who can predict what effect a despotism, established in Massachusetts, would have upon the liberties of New Hampshire or Rhode Island, of Connecticut or New York?**
> **Federalist No. 21, Alexander Hamilton, December 12, 1787**

In Federalist 39, Madison discusses the attributes that make up a government republican in character; the power of government derived from the people, is administered by persons holding office during pleasure [of the people] **for a limited period**, or during good behavior, and that it is "ESSENTIAL" such a government be derived from the great body of the society, and not a favored class, or tyrannical nobles.

Most importantly though Madison states; "*Could any further proof be required of the of the republican complexion*" of the federal government, than its express guaranty of the of the republican form to each of the states by the federal government.

THE CONFORMITY OF THE PLAN TO REPUBLICAN PRINCIPLES
Federalist 39 James Madison, January 16, 1788

> If we resort for a criterion to the different principles on which different forms of government are established, **we may define a republic to be, or at least may bestow that name on, a government which derives all its powers directly or indirectly from the great body of the people, and is administered by persons holding their offices during pleasure, for a limited period, or during good behavior. It is ESSENTIAL to such a government that it be derived from the great body of the society, not from an inconsiderable proportion, or a favored class of it;** otherwise a handful of tyrannical nobles, exercising their oppressions by a delegation of their powers, might aspire to the rank of republicans, and claim for their government the honorable title of republic. It is SUFFICIENT for such a government that the persons administering it be appointed, either directly or indirectly, by the people; and that they hold their appointments by either of the tenures just specified; otherwise every government in the United States, as well as every other popular government that has been or can be well organized or well executed, would be degraded from the republican character.

Could any further proof be required of the republican complexion of this system, the most decisive one might be found in its absolute prohibition of titles of nobility, both under the federal and the State governments; **and in its express guaranty of the republican form to each of the latter. James Madison, January 16, 1788**

Madison's Federalist 43 is the most clear statement of the purpose of the Guaranty Clause; to protect against the "*ambition of enterprising leaders*", or the "*intrigues and influence of foreign powers*."

Madison affirms the right of the people of the states to change their constitutions **so long as they do not exchange republican constitutions for antirepublican constitutions, and by the same common-sense reasoning, that state governments cannot violate republican state constitution provisions**, as is presently occurring in Tennessee.

In Tennessee, the government of the State of Tennessee grossly violates state constitution provisions and has exchanged a republican constitution for an antirepublican government acting in knowing gross violation of its republican constitution.

THE SAME SUBJECT CONTINUED: THE POWERS CONFERRED BY THE CONSTITUTION FURTHER CONSIDERED
Federalist 43 James Madison, January 23, 1788

It may possibly be asked, what need there could be of such a precaution, and whether it may not become a pretext for alterations in the State governments, without the concurrence of the States themselves. These questions admit of ready answers. If the interposition of the general government should not be needed, the provision for such an event will be a harmless superfluity only in the Constitution. **But who can say what experiments may be produced by the caprice of particular States, by the ambition of enterprising leaders, or by the intrigues and influence of foreign powers?** To the second question it may be answered, **that if the general government should interpose by virtue of this constitutional authority, it will be, of course, bound to pursue the authority. But the authority extends no further than to a GUARANTY of a republican form of government, which supposes a pre-existing government of the form which is to be guaranteed.** As long, therefore, as the existing republican forms are continued by the States, they are guaranteed by the federal Constitution. Whenever the States may choose to substitute other republican forms, they have a right to do so, and to claim the federal guaranty for the latter. **The only restriction imposed on them is, that they shall not exchange republican for antirepublican Constitutions; a restriction which, it is presumed, will hardly be considered as a grievance. James Madison, January 23, 1788**

As stated by Madison in Federalist 43; "**it** [the United States] **will be, of course, bound to pursue the authority**. **But the authority extends no further than to a GUARANTY of a republican form of government, which supposes a pre-existing government of the form which is to be guaranteed.** Clearly, the United States is duty "bound to pursue the authority" guaranteeing every state a republican form of government. Where Madison further stated; "**which supposes a pre-existing government of the form which is to be guaranteed,"** refers to Congress' approval of a state's constitution on admission of a state to the Union, and in 1796, Congress approved Tennessee's Constitution. Therefore, the United States guarantee's the provisions of the Constitution of the State of Tennessee, of which the state government presently acts in gross violation.

In Federalist 85, Hamilton echoes Madison's Federalist 43, that the express guarantee of a republican form of government is to protect against the ambition of powerful individuals who may acquire sufficient influence to become despots of the people.

CONCLUDING REMARKS
Federalist 85 Alexander Hamilton, May 28, 1788

> **The additional securities to republican government**, **to liberty and to property, to be derived from the adoption of the plan under consideration, consist chiefly in the restraints** which the preservation of the Union will **impose on local factions** and insurrections, and **on the ambition of powerful individuals in single States, who may acquire credit and influence enough, from leaders and favorites, to become the despots of the people;** in the diminution of the opportunities to foreign intrigue, which the dissolution of the Confederacy would invite and facilitate; in the prevention of extensive military establishments, which could not fail to grow out of wars between the States in a disunited situation; **in the express guaranty of a republican form of government to each; i**n the absolute and universal exclusion of titles of nobility; and in the precautions against the repetition of those practices on the part of the State governments which have undermined the foundations of property and credit, have planted mutual distrust in the breasts of all classes of citizens, and have occasioned an almost universal prostration of morals.
> **Alexander Hamilton, May 28, 1788**

Seventy-eight years after the Constitutional Convention, President Andrew Johnson affirmed the duty of the United States to make good the guarantee of the United States in the case of usurpation of the government of a State by one man, or an oligarchy.

> The Constitution to which life was thus imparted contains within itself ample resources for its own preservation. It has the power to enforce the laws, punish treason, and insure domestic tranquility. **In case of the usurpation of the government of a State by one man, or an oligarchy, it becomes a duty of the United States to make good the guarantee to that**

State of a republican form of government, and so to maintain the homogeneousness of all. Does the lapse of time reveal defects? A simple mode of amendment is provided in the Constitution itself, so that its conditions can always be made to conform to the requirements of advancing civilization. No room is allowed even for the thought of a possibility of its coming to an end. And these powers of self-preservation have always been asserted in their complete integrity of every patriotic Chief Magistrate – by Jefferson and Jackson, not less than by Washington and Madison. The parting advice of the Father of his Country, while yet President, to the people of the United States was, that "the free Constitution, which was the work of their hands, might be sacredly maintained;" and the inaugural words of President Jefferson held up "the preservation of the General Government, in its constitutional vigor, as the sheet anchor of our peace at home and safety abroad. **The Constitution is the work of "the people of the United States, and it should be as indestructible as the people.**"

President Andrew Johnson: Appendix to The Congressional Globe 39TH Congress 1ST Session Message of The President on The United States, p. 1, December 4, 1865

Clearly, in reading the work of the framers of our federal constitution, the founders' intent and purpose of the Article IV, Section 4 Guaranty Clause is to protect the people from a wrongful government, usurped by a faction acting adverse to the rights of the people or in violation republican constitutions.

POWERS, DUTY, & JURISDICTION OF THE PRESIDENT TO ENFORCE ART. IV, SECTION 4

Article II, Section 2 of the Constitution of the United States affirms; "The executive power shall be vested in a President of the United States of America."

Executive Power is defined in Black's Law Dictionary as; The power to see that the laws are duly executed and enforced.[27] Article VI of the federal constitution affirms; "*This Constitution, … shall be the supreme law of the land.*"

Since the President of the United States of America, is vested under the Constitution with Executive Power, the President has the power to enforce or make good on the guarantee in Article IV, Section 4, and see that the supreme law guaranteeing every state a republican form of government is duly executed and enforced.

The Act of February 28, 1795, discussed further below, grants power to the President of the United States, **to use military force; to execute the laws of the Union, suppress insurrections, and repel invasions, which are exactly the obligations of the United States under Article IV, Section 4.**

[27] Black's Law Dictionary, 2014 Tenth Edition, p 690

Article II, Section 1 states; "Before he enter on the execution of his office, he shall take the following oath or affirmation:--"*I do solemnly swear (or affirm) that I will faithfully execute the office of the President of the United States, and will to the best of my ability, preserve, protect and defend the Constitution of the United States*."

Therefore, and respectfully stated; it is the duty, and required by oath of the President, to make good on the guarantee in Article IV, Section 4 to the people of the State of Tennessee, in this guarantee demand.

In the 1849 U.S. Supreme Court case *Luther v. Borden*, the Supreme Court stated it is for Congress to decide what government is established in a state and whether that form of government is republican or not, and that it is not for the courts to decide whether a government is republican or not.

> **The fourth section of the fourth article of the Constitution of the United States provides that the United States shall guarantee to every State in the Union a republican form of government, …**
> **Under this article of the Constitution it rests with Congress to decide what government is the established one in a State. For as the United States guarantee to each State a republican government, Congress must necessarily decide what government is established in the State before it can determine whether it is republican or not**. And when the senators and representatives of a State are admitted into the councils of the Union, **the authority of the government under which they are appointed, as well as its republican character, is recognized by the proper constitutional authority. And its decision is binding on every other department of the government, and could not be questioned in a judicial tribunal.**
> *Luther v. Borden*, 48 US 1 - Supreme Court (1849) (at 42)

In stating; "**And its decision is binding on every other department of the government**" means that once Congress determines a state constitution is republican in form, it is binding upon the United States to guarantee that republican form of government, and protect it from usurpation by a faction.

After the original thirteen colonies established the United States, Congress would admit states to the Union, pursuant to Article IV, § 3 of the federal constitution. In 1796, upon consideration of the admission of Tennessee to the Union, Congress determined that the form of government established in the Constitution of the State of Tennessee was indeed a republican form of government. That determination of the Congress; that the government established in the Constitution of the State of Tennessee, was republican, is "*binding on every other department of the government*." including the President, according to opinion of the Supreme Court of the United States.

During debate in committee on the Admission of Tennessee to the Union, Mr. Macon made the following statement.

> The question before the Committee was on admitting the Territory [Tennessee] to be a State of the Union. There appeared to him only two things as necessary to be inquired into: **First, Was the new Government Republican? It appeared to him to be so.** And secondly, Were there 60,000 inhabitants in the Territory? It appeared to him there were; and if so, their admission as a State should not be considered as a gift, but as a right.
> **Mr. Nathaniel Macon, N. Carolina, Admission of Tennessee, May 1796 Philadelphia, Annals of Congress, Proceedings and Debates, 4th Cong., 1st Sess.**

On Friday, May 6, 1796, in a Committee of the Whole House the United States of Representatives resolved as follows;

> *Resolved*, That, by the authenticated documents accompanying the message from the President of the United States, of the eighth ultimo, and by the ordinance of Congress, bearing date of the thirteenth of July, one thousand seven hundred and eighty-thousand seven hundred and ninety, it appears that the citizens of that part of the United States which has been called the Territory of the United States South of the river Ohio, and **which is now formed into a State, under a republican form of Government, by the name of Tennessee**, **are entitled to all the rights and privileges to which the citizens of the other States in the Union are entitled**, under the Constitution of the United States; **and that the State of Tennessee is hereby declared to be one of the United States of America**.
> **Committee of the Whole of the House, Admission of Tennessee, May 1796 Philadelphia, Annals of Congress, House Journal, 4th Cong., 1st Sess.**

It cannot be disputed, based on evidence in the Annals of Congress, and House Journal, that the Congress determined in 1796, that the form of government established in the Constitution of the State of Tennessee was a republican form of government. Indeed, Thomas Jefferson stated that the Tennessee Constitution is the "*least imperfect*" and "*most republican*."

That form of government established in the 1796 Tennessee Constitution, prohibited judges from holding any other office of trust or profit in Article 5th, Section 3, which provision remains today in Article VI, Section 7.

That form of government established in the 1796 Tennessee Constitution, protected the right of citizens to apply to those invested with the powers of government by oral address or written remonstrance in Article 11th, Section 22, which provision remains today in Article I, Section 23.

Today, the government of the State of Tennessee, knowingly and grossly violates the Article I, Section 23 right to apply to those invested with the powers of government by address, and the Article VI, Section 7 prohibition against judges holding any other office of trust or profit, and in so doing has forsaken its republican character and form.

In the 1849 *Luther v. Borden* case, the Supreme Court of the United States further stated that the President of the United States has lawful power to put down insurrection in any state, upon application of the general assembly or governor of such state as follows;

> So, too, as relates to the clause in the above-mentioned article of the Constitution, providing for cases of domestic violence. It rested with Congress, too, to determine upon the means proper to be adopted to fulfil this guarantee. They might, if they had deemed it most advisable to do so, have placed it in the power of a court to decide when the contingency had happened which required the federal government to interfere. **But Congress thought otherwise, and no doubt wisely; and by the act of February 28, 1795, provided, that, "in case of an insurrection in any State against the government thereof, it shall be lawful for the President of the United States, on application of the legislature of such State or of the executive (when the legislature cannot be convened), to call forth such number of the militia of any other State or States, as may be applied for, as he may judge sufficient to suppress such insurrection**."
> *Luther v. Borden*, 48 US 1 - Supreme Court (1849) (at 43)

Clearly, the U.S. Supreme Court stated in *Luther v. Borden* that the President is vested with the power to fulfil the guarantee to every state a republican form of government, and we know from the federalist papers this guarantee is against usurpation of state government by faction, as well as against insurrection.

Continuing in *Luther v. Borden* case, the Supreme Court of the United States further stated the courts would be "*utterly unfit*" to preside over a case under the Guaranty Clause, and the interposition of the United States must be prompt.

> **It is said that this power in the President is dangerous to liberty, and may be abused. All power may be abused if placed in unworthy hands. But it would be difficult, we think, to point out any other hands in which this power would be more safe, and at the same time equally effectual.** When citizens of the same State are in arms against each other, and the constituted authorities unable to execute the laws, the interposition of the United States must be prompt, or it is of little value. **The ordinary course of proceedings in courts of justice would be utterly unfit for the crisis.** And the elevated office of the President, chosen as he is by the people of the United States, and the high responsibility he could not fail to feel when acting in a case of so much moment, appear to furnish as strong safeguards against a willful abuse of power as human prudence and foresight could well provide. **At all events, it is conferred upon him by the Constitution and laws of the United States, and must therefore be respected and enforced in its judicial tribunals.**
> *Luther v. Borden*, 48 US 1 - Supreme Court (1849) (at 44)

In this case, Petitioner John A Gentry, twice sought justice in federal courts at great cost of time and money to himself, and the federal courts denied him both hearing and trial through wrongful dismissal, and refusal of the Supreme Court of the United States (Case Numbers 20-1618 and 18-170) to grant certiorari.

Moreover, at the heart of this matter; restoring the provision of the state constitution for citizens to apply to the state legislature by oral address for redress of grievance, and the provision prohibiting judges from holding any other office makes the courts utterly unfit for this crisis, since the entire judiciary, state and federal, have an interest to oppress complaints to the legislature for impeachment of judges, and to preserve judicial oversight of the judiciary to the judiciary.

Since this is a nationwide travesty of state legislatures oppressing the right of citizens to petition the legislature, and because every state judiciary has usurped legislative power to provide oversight of the judiciary, it would be equally ineffective for Petitioner to make guarantee demand pursuant to Article IV, Section 4 to the Congress. Like the courts, and state legislatures, the Congress has interest to oppress the First Amendment right to petition for redress of grievance, and would be utterly unfit for this crisis.

Succinctly stated; the courts decide cases at controversy according to law, Congress makes the laws, and it is the President's job to enforce the law.

Petitioner has not brought a cause of action in court, nor are the courts a proper venue, since every judge, state and federal, have personal and financial interest in this matter. Congress has already enacted supreme law that the United States shall guarantee every state a republican form of government, and in 1796 determined that the Tennessee Constitution was indeed republican. It is the Presidents Duty under oath to enforce the guaranty clause, and the Office of the President of the United States is the proper venue for this matter, and NOT Congress or the courts.

As evidenced above, the Fourth Congress already determined that the Constitution of the State of Tennessee was a republican constitution. And further facts in the following section; STATEMENT OF FACTS & EVIDENTIAL PROOF, prove that the government of the State of Tennessee, knowingly and grossly acts in violation of its republican constitution.

Further in the *Luther v. Borden* case, **the Supreme Court of the United States also stated that, Article IV, Section 4 authorizes the President to call out the militia to repel invasion on his authority alone**, and to suppress insurrection against a State government upon application of the legislature or executive.

> A question very similar to this arose in the case of *Martin v. Mott*, 12 Wheat. 29-31. **The first clause of the first section of the act of February 28, 1795, of which we have been speaking, authorizes the President to call out the militia to repel invasion.** It is the second clause in the same section which authorizes the call to suppress an insurrection against a State

> government. **The power given to the President in each case is the same, — with this difference only, that it cannot be exercised by him in the latter case, except upon the application of the legislature or executive of the State.** *Luther v. Borden*, 48 US 1 - Supreme Court 1849 (at 45)

"*The power given to the President in each case is the same*" to call out the militia or military to protect against insurrection or invasion, and that same power is authorized to enforce the laws of the United States, including the guarantee to every state in the Union, a republican form of government.

The Act of February 28, 1795 is the cornerstone of the President's power to use the militia or military domestically, and remains in force today. It was enacted by the Second Session of the Third Congress. Section 2 of that Act reads;

> Sec. 2. *And be it further enacted*, **That whenever the laws of the United States shall be opposed, or the execution thereof obstructed, in any state, by combinations too powerful to be suppressed by the ordinary course of judicial proceedings,** or by the powers vested in the marshals by this act**, it shall be lawful for the President of the United States, to call forth the militia of such state, or of any other state or states, as may be necessary to suppress such combinations**, **and to cause the laws to be duly executed**; and the use of militia to be called forth may be continued, if necessary, until the expiration of thirty days after the commencement of the then next session of Congress.
> **February 28, 1795 Act to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions; and to repeal the act now in force for those purposes**.

The Act of February 28, 1795 came about as the result of insurrection (Whisky Rebellion) in the State of Pennsylvania, against federal excise taxes. President Washington marched on the western part of Pennsylvania with 15,000 militia, and stationed troops there to protect against insurrection, and enforce federal law pursuant to Article IV, Section 4 of the federal constitution.

In an effort to codify authority to use the militia against insurrection, invasion, and to enforce laws of the Union, President Washington addressed both houses jointly on Wednesday, November 19, 1794.[28] Much of the exact language in the Act of February 28, 1795 came from President Washington's address to the Congress.

In his address to the Congress, Washington affirmed cause to lament, but that circumstances in Pennsylvania furnished proof that fellow citizens understand the true principles of government and liberty, and welcomed United States authority to maintain laws **as well as to defend rights of the people against usurpation**.

---

[28] Journal of the House of Representatives of the United States, Second Session, Third Congress, Nov. 19, 1794

> It has demonstrated that our prosperity rests on solid foundations; by furnishing an additional proof that my fellow citizens understand the principles of government and liberty; that they feel their inseparable union: that, notwithstanding all the devices which have been used to sway them from their interest and duty, **they are now as ready to maintain the authority of the laws against licentious invasions, as they were to defend their rights against usurpation**. It has been a spectacle, displaying to the highest advantage the value of Republican Government, to behold the most and least wealthy of our citizens standing in the same ranks as private soldiers, pre-eminently distinguished by being the army of the constitution, …[29]

Very obviously, the Act of February 28, 1795 was Congress's empowerment of the President to militarily enforce federal law, as well as military enforcement of the rights of the people against usurpation of a state government, as has occurred in Tennessee with its present government acting in violation of its state constitution, and oppressing fundamental rights.

In his address to the joint houses, President George Washington further stated;

> "I, therefore, entertain a hope that the present session will not pass without carrying to its full energy the power of organizing, arming, and disciplining the militia; **and thus providing, in the language of the constitution, for calling them forth to execute the laws of the Union, suppress insurrections, and repel invasions**.[30]

The legislative intent of the Act of February 28, 1795 is three-fold; **1)** to authorize the president to employ military enforcement to execute proper laws of the Union, **2)** to authorize the President to employ military force to suppress insurrections, and **3)** to authorize the President to employ the military to repel invasions.

Just as the Act of February 28, 1795 provided authority to the President to enforce federal excise taxes, it also provides authority to militarily enforce the constitution or any federal law enacted pursuant to delegated powers under the federal constitution, including the supreme law that the United States shall guarantee every state a republican form of government.

The purpose and intent of the first clause of Article IV, Section 4 is clearly to put down usurpation of government, when such usurped government is acting adverse to the rights of the people as proven in the above section; **FOUNDER'S INTENT AND PURPOSE OF ART. IV, SECTION 4.**

The Opinions of the Supreme Court of the United States, clearly evidence the powers bestowed upon the President that are established in Article IV, Section 4, which includes

---

[29] *id*, footnote [28]
[30] *id*, footnote [28]

the Presidential power to enforce the guarantee of a republican form of government to every state. The Supreme Court of the United States affirmed such power in *Marbury v. Madison* in 1803 as follows;

> **By the constitution of the United States, the president is invested with certain important political powers, in the exercise of which he is to use his own discretion, and is accountable only to his country in his political character and to his own conscience.** To aid him in the performance of these duties, he is authorized to appoint certain officers, who act by his authority, and in conformity with his orders.
> In such cases, their acts are his acts; and whatever opinion may be entertained of the manner in which executive discretion may be used**, still there exists, and can exist, no power to control that discretion. The subjects are political. They respect the nation, not individual rights, and being intrusted to the executive, the decision of the executive is conclusive**.
> *Marbury v. Madison*, 5 US 137 - Supreme Court (1803) (at 165)

Again, in Federalist 43, Madison stated; "***The only restriction imposed on them*** [the states] ***is, that they shall not exchange republican for antirepublican Constitutions; a restriction which, it is presumed, will hardly be considered as a grievance.***" It must be common sense, that just as states are prohibited from exchanging republican constitutions for antirepublican constitutions, so too are states prohibited from violating their republican constitutions in such a manner that forsakes a republican form of government.

In 1876, the Supreme Court of the United States affirmed that the right of the people to petition for redress of grievance is fundamental to a government republican in character and form.

> The right of the people peaceably to assemble for the purpose of petitioning Congress for a redress of grievances, or for any thing else connected with the powers or the duties of the national government, is an attribute of national citizenship, and, as such, under the protection of, and guaranteed by, the United States. **The very idea of a government, republican in form, implies a right on the part of its citizens to meet peaceably for consultation in respect to public affairs and to petition for a redress of grievances.** ***United States v. Cruikshank*****, 92 US 542 - Supreme Court 1876 (at 552)**

The government of the state of Tennessee acts in gross and knowing violation of its state constitution by;

1. Knowingly and grossly violating and oppressing the fundamental right of citizens to petition the state government for redress of grievances protected in Article I, Section 23.
2. Legislatively placing judges in expressly prohibited second offices of trust in the Tennessee Board of Judicial Conduct and Tennessee Code Commission in violation of Article VI, Section 7.

3. Failing to properly publish to the people proposed amendments to the Tennessee Constitution in gross violation of Article XI, Section 3.
4. The judicial branch's usurpation of legislative power and creating and administering the Tennessee Board of Professional Responsibility in gross violation of Article II, Section 2.

See below section; STATEMENT OF FACTS & EVIDENTIAL PROOF proving these incontrovertible facts of the government of the State of Tennessee knowingly acting in gross violation of the Constitution of the State of Tennessee. In so doing, the government of the State of Tennessee has forsaken its republican character and form.

In August 1789, the First Congress worked to amend the Constitution of the United States with the Bill of Rights, because South Carolina and Rhode Island would not join the union unless the constitution included a bill of rights.

The First Congress also considered amending the introductory paragraph and inserting; "in the introductory paragraph of the constitution, before the words '*We the people*,' add '*Government being intended for the benefit of the people, and the rightful establishment thereof being derived from their authority alone.*"

The First Congress concluded; that to amend in such a manner would be destructive of the whole fabric. It would be a repeal of the constitution and substitution of another in its place. **That such manner of amendment would remove all their authority**. **That later, "*it may be doubted whether we have a right to exercise any of its authorities while it is suspended.*"**

> August 13, 1789 1st Congress p. 734/736
> Committee of the whole (eleven states)
>
> The House then resolved itself into a committee of the whole, Mr. Boudinot in the chair, and took the amendments under consideration.
>
> The first article ran thus: "in the introductory paragraph of the constitution, before the words 'We the people,' add '**Government being intended for the benefit of the people, and the rightful establishment thereof being derived from their authority alone**."
>
> **Mr. Sherman** [of Connecticut] – I believe, Mr. Chairman, this is not the proper mode of amending the constitution. We ought not to interweave our propositions into the work itself, because it will be destructive of the whole fabric. We might as well endeavor to mix, brass, iron, and clay, as to incorporate such heterogenous articles; the one contradictory to the other. The constitution is the act of the people, and ought to remain entire. But the amendments will be the act of the State Governments. Again, all the authority we possess is derived from that instrument; **if we mean to destroy the whole, and establish a new constitution, we remove the basis on which we mean to build**.

> **Mr. Livermore** [of Massachusetts] …Were we a mere Legislative body, no doubt it might be warrantable in us to pursue a similar method; **but it is questionable whether it is possible for us, constituent with the oath we have taken to attempt a repeal of the constitution of the United States, by making a new one to substitute in its place; the reason on this is grounded on a very simple consideration. It is by virtue of the present constitution, I presume, that we attempt to make another; now, if we proceed to repeal of this, I cannot see upon what authority we shall erect another; if we destroy the base, the superstructure falls of course. At some future day it may be asked upon what authority we proceeded to raise and appropriate public moneys. We suppose we do it in virtue of the present constitution; but it may be doubted whether we have a right to exercise any of its authorities while it is suspended, as it will certainly be from the time that two-thirds of both House have agreed to submit it to the State Legislatures**; so that, unless we mean to destroy the whole constitution, we ought to be careful how we attempt to amend in the way proposed by the committee. From hence, I presume it will be more prudent to adopt the mode proposed by the gentleman from Connecticut, than it will be to risk the destruction of the whole by proposing amendments in the matter recommended by the committee.
>
> **Proceedings And Debates of the House of Representatives of the United States, First Congress, New York, NY, 1789**

Of course, in the thoughtful wisdom of the First Congress, such language in the introductory paragraph of the Constitution of the United States was not altered. Although for the proper purpose of affirming that all authority of government is derived from the people; it was not altered, because such alteration would have removed all their authority until ratified by the states.

The same is true of the government of the State of Tennessee acting in gross violation of its state constitution; oppressing the fundamental right of petition, placing judges in prohibited offices, amending the constitution without properly publishing to the people, and violating the clear separation of powers proscribed in Article II, Sections 1 and 2.

The government presently administering affairs in Tennessee is not the government the people agreed to in the 1796, 1834, and 1870 constitutions, when they ratified said constitutions. It is a new antirepublican government, acting without any constitutional authority whatsoever. The present form of government in Tennessee is corrupt; a government controlled by corrupt entrenched politicians, party leaders, judges, and justices. It is a usurped government, tyrannical and oligarchical in form and character, and acts adverse to the rights of the people.

As evidenced in the Constitution of the United States, Federalist Papers, Proceedings and Debates of the Congress, U.S. Supreme Court Opinion, and the Act of February 28, 1795, the President has the power to enforce the Article IV, Section 4,

guarantee to every state of a republican form of government, including enforcement through use of military force.

Again;

"By the constitution of the United States, the president is invested with certain important political powers, in the exercise of which he is to use his own discretion, and is accountable only to his country in his political character and to his own conscience. …there exists, and can exist, no power to control that discretion. The subjects are political. They respect the nation, not individual rights, and being intrusted to the executive, the decision of the executive is conclusive." *Marbury v. Madison*, 5 US 137 - Supreme Court (1803) (at 165)

Proposed Enforcement of Article IV, Section 4 Against The State of Tennessee

Enforcement should prove simple.

Petitioner John A Gentry humbly and respectfully suggests President Trump send an Executive Order to the Governor of the State of Tennessee, The Speaker of the Tennessee House of Representatives, the Speaker of the Tennessee Senate, Attorney General for the State of Tennessee, and the Chief Justice of the Tennessee Supreme Court, and every Member of the Tennessee House of Representatives and Senate. For the President's convenience, Petitioner has attached a Proposed Executive Order regarding this Article IV, Section 4, Guarantee Demand. See **Appendix A**.

The EXECUTIVE ORDER merely instructs the government of the State of Tennessee to provide its people the republican form of government established in its state constitution, and for the government of the State of Tennessee to comply with state constitution provisions, and uphold state constitution rights or face federal enforcement.

If the government refuses to comply with the EXECUTIVE ORDER, the President has at his option to appoint a military governor, such as occurred after the Civil War when Andrew Johnson was appointed as governor. The President may also declare the present Tennessee General Assembly dissolved, until such time as the General Assembly agrees to come into compliance with its founding document, or until a new General Election occurs where the people elect new members of the General Assembly, absent those members presently holding seats in the General Assembly, with the new General Assembly mandated to adhere to existing constitutional provisions. Precedence for such measures, can be found in the Acts of Congress and actions of the President during and after the conclusion of the Civil War.

Likely, the President also has the option of suspending all federal money, allocated to the State of Tennessee, through various federal agencies and programs, until such time as the government of the State of Tennessee restores its republican character and form.

To enforce dissolution of the General Assembly, the President has authority under the Act of February 28, 1795, to station members of the United States Armed Forces in the Tennessee Capitol in Nashville, Tennessee, prohibiting access to members of the existing unlawful government to the Cordell Hull Legislative Office Building, and the Capitol Building which includes the Chamber of the Tennessee House of Representatives and the Tennessee Senate, as well as prohibiting access to state judges to Chancery, Circuit, and Juvenile courthouses, and appointing military judges to hear cases until such time as legislative judicial oversight is restored.

Petitioner hopes and expects that appointing a new governor, dissolving the General Assembly, and appointing military judges will be unnecessary, and that an EXECUTIVE ORDER will prove sufficient.

If the government of the State of Tennessee refuses constitutional compliance, Petitioner recommends stationing United States Marine Corps Military Police to prevent access to Tennessee government officials to state government legislative chambers, and office of the governor.

REPUBLICAN FORM OF GOVERNMENT

A. What is our Republican Form of Government

The weaponization of government, and all dissatisfaction with government and corruption in government, **and especially corruption in the judicial branch**, is rooted in lack of understanding of our form of government.

We hear the words, "our democracy. our democracy" repeated over and over, until most have come to believe the lie.

The form of government established in our state and federal constitutions is not a democracy – our form of government is a republic, easily proven, and evidenced in Article IV, Section 4 of the Constitution of the United States, guaranteeing every state a republican form of government. The Federalist Papers, Opinions from the Supreme Court of the United States, and the proceedings and debates of the constitutional convention provide conclusive evidence, that our established form of government is a republic.

Stated briefly, our republican form of government is that form of government;

> **1)** Where government derives all its powers directly or indirectly from the great body of the people[31];
> **2)** Where the administration of affairs is open to all citizens (through right of petition as well as the electoral process)[32];

[31] Federalist 39, James Madison, January 16, 1788
[32] Black's Law Dictionary, Fifth Edition, p 1171

> **3)** Where government is administered by persons holding their offices during pleasure, **for a limited period**, or during good behavior[33];
> **4)** Where the people are ruled by law, and not by men[34];
> **5)** Where the right of citizens to petition for redress of grievances is embraced and not oppressed[35], and;
> **6)** Where the constitutions establishing government are republican in character and form, and in which government adheres to constitutional provisions and restraints.[36] [37]

In our republic, the people are not ruled by a monarchy – rule of one. In our republic, the people are not ruled by an oligarchy – rule of the few. In our republic, the people are not ruled by democracy – rule of the many.

In our intended and constitutionally established republic, we are to be ruled by law. That is the true meaning of the term "Rule of Law" – that the people are ruled by law, not by men. The false statement that "rule of law" means that no man is above the law is a perversion of the truth that the people are not ruled by men; not by one man, or a few men, or the many, but by law.

The proceedings and debates of the founders drafting our federal constitution, U.S. Supreme Court Opinions, and personal correspondence of the founders all evidence establishment of a republican form of government and not a democracy.

During the Proceedings and Debates drafting the federal constitution, Alexander Hamilton stated; "*We are now forming a republican government*," and "*real liberty*" is not found in the "*extremes of democracy."*

> Mr. HAMILTON. This question has already been considered in several points of view. **We are now forming a republican government**. **Real liberty is neither found in despotism nor the extremes of democracy, but in moderate governments.**
> Those who mean to form a solid republican government ought to proceed to the confines of another government. **As long as offices are open to all men, and no constitutional rank is established, it is pure republicanism.** But if we incline too much to democracy, we shall soon shoot into a monarchy. The difference of property is already. great amongst us. Commerce and industry will still increase the disparity. Your government must meet this state of things, or combinations will, in process of time, undermine your system. What was the tribunitial power of Rome? If was instituted by the plebeians, as a guard against the patricians. But was this

---

[33] *Id* footnote [31]
[34] Drawing from the conclusion, that monarchial, oligarchical, and democratic forms of government are prohibited in Article IV, Section 4 of the federal constitution.
[35] United States v. Cruikshank, 92 US 542 - Supreme Court 1876 (at 552)
[36] *Luther v. Borden, 48 US 1, 12 L. Ed. 581, - Supreme Court, (1849)*
[37] Federalist 43, James Madison, January 23. 1788, last sentence, ¶ 2

> a sufficient check? No. The only distinction which remained at Rome was, at last, between the rich and poor.[38]

In Cruikshank, the Supreme Court stated: "***the very idea of a government, republican in form, implies a right of its citizens to petition for redress of grievances***." *United States v. Cruikshank*, 92 US 542, 23 – Sup. Ct, 1876 (at 553).

In Federalist 10, James Madison states; "***A republic,*** *by which I mean a government in which the scheme of representation takes place, opens a different prospect, and* ***promises the cure for which we are seeking****."*

In Federalist 39, Alexander Hamilton states; "***Could any further proof be required of the republican complexion of this system****, …;* ***and in its express guaranty of the republican form to each of the latter***."

In Federalist 43, Madison stated; "***But the authority extends no further than to a GUARANTY of a republican form of government, which supposes a pre-existing government of the form which is to be guaranteed.*** *As long, therefore, as the existing republican forms are continued by the States, they are guaranteed by the federal Constitution.*"

Whether a government is republican in character or form is for Congress to decide as affirmed by the Supreme Court of the United States in 1849;

> **Congress must necessarily decide what government is established in the State before it can determine whether it is republican or not**. …, **the authority of the government under which they are appointed, as well as its republican character, is recognized by the proper constitutional authority**. *Luther v. Borden, 48 US 1, 12 L. Ed. 581, - Supreme Court, (1849)* .

Our first President affirmed our republican form of government in his Address to the Congress;

> **"In a Republic**, what species of knowledge can be equally important? and what duty more pressing on its Legislature, than to patronize a plan for communicating it to those, who are to be the future guardians of the liberties of the country?"
> **George Washington Eighth Annual Address to Congress, 7 December 1796**

Our constitutionally established form of government is neither a "democracy" nor a "representative democracy." Our constitutionally established form of government is a republic, republican in character and form, as repeatedly stated by the founders and drafters of our federal constitution.

[38] Elliot's Debates, Vol I, Yates's Minutes, Tuesday, June 26, 1787, p. 450

In the intended and established republic, laws enacted by the legislatures are constrained by the supreme law of state and federal constitutions. **This is the simplest and purest argument defeating the false proposition that our form of government is a "democracy" or "representative democracy." If our form of government were a "representative democracy," which it is not, then if the many, through their representatives, desired a law in conflict with the constitution, that law could be enacted, regardless of its repugnancy to state of federal constitutions.** Since laws repugnant to the constitutions cannot be lawfully enacted, despite the express will of the many, is irrefutable proof that our form of government is not a democracy or representative democracy.

The Electoral College is further proof, of a republican form of government, and that the many of the people (easily deceived), cannot put in office a President by popular vote.

In the intended and established republic, the administration of affairs is open to all citizens, through the right of petition, and in elected offices being open to any qualified person.

Black's Law Dictionary, **Fifth Edition (1979)** defines Republic as follows; Republic. A commonwealth; **that form of government in which the administration of affairs is open to all citizens**. In another sense, it signifies the state, independently of its form of government.

Black's Law Dictionary, **Tenth Edition (2014)** defines Republic as follows; A system of government in which the people hold sovereign power and elect representatives who exercise that power. It contrasts on the one had with a pure democracy, in which the people or community as an organized whole wield the sovereign power of government, and on the other with rule of one person (such as a king or dictator) or of an elite group (such as an oligarchy, aristocracy, or junta).

Black's Law Dictionary, **Fifth Edition (1979)** defines Democracy as follows; ***Democracy***. *That form of government in which the sovereign power resides in and is exercised by the whole body of free citizens directly or indirectly through a system of representation, as distinguished from a monarchy, aristocracy, or oligarchy.*

Black's Law Dictionary, **Tenth Edition (2014)** defines Democracy as follows; ***Democracy,*** *n 1. Government by the people, either directly or through representatives elected by the people; specif., a system of government in which every citizen of the country can vote to elect its government officials. 2. A country that has a government that has been elected by the people of the country. 3. A situation or system in which everyone is equal and has the right to vote, make decisions*.

These re-definitions of the legal meanings of forms of government begs the question; Why would the publishers of Black's Law Dictionary change the meanings so? **What possible reason could there be to change these meanings between 1979 and 2014, except to deceive the people as to what is our form of government?**

What these re-definitions deceitfully intend to accomplish or justify, is a transfer of power from the people to the elected. That is the purpose in the Tenth Edition definition of Republic; "A system of government in which the people hold sovereign power and elect representatives who exercise that power." That is the purpose of the Tenth Edition definition of democracy; "*Government by the people, either directly or through representatives elected by the people; specif., a system of government in which every citizen of the country can vote to elect its government officials."* These re-definitions unlawfully transfer power from the people to the elected, and deceive that sovereign power cannot be exercised directly by the people, but rather only through their representatives, which is not true.

Article I, Section 1 of the Tennessee Constitution affirms power is inherent in the people, and they have at all times, an unalienable, indefeasible right to reform, alter, or abolish government. Pursuant to Article I, §1, the people do not ever transfer their power to the elected. Pursuant to Article 1, §31 the people have the right to exercise sovereignty, and that right, pursuant to Article I, § 1 is unalienable – it cannot be sold, it cannot be transferred, not even to the elected.

It should be a federal misdemeanor crime, for any high-ranking government official or public person to deceive the people by referring to our form of government as a democracy or representative democracy. Such false statement is treason to the constitution, and should be punished accordingly.

B. Our Form of Government is not a Democracy

Clearly, the founders despised a democratic form of government, and considered it an insult to suggest that they intended to form a government that was democratic in nature.

> The Governor is pleased to say, That "the common Security of the People requires that they should not be taxed but by the Voice of the whole Legislature;" **and that "we might as well set up a Democracy at once, as claim an exclusive Right to the Disposition of Publick Money." To this we beg Leave to answer, that though we are not so absurd as to "design a Democracy,"** of which the Governor is pleased to accuse us; yet in this Particular, all our late Attempts to raise Money "for the common Security of the People," being obstructed and defeated by the Governor's having a Voice in that Matter, would rather induce us to think, that his having such a Voice, *is not* best for their Security; and such a Conduct in a Governor, appears to us the most likely Thing in the World to make People incline to a Democracy, who would otherwise never have dreamt of it.
> **Pennsylvania Assembly: Reply to the Governor, 29 September 1755**

The framers of our constitution recognized that democracy would degenerate into anarchy and they despised democracy as evidenced in the following citations;

No simple Form of Government, can possibly secure Men against the Violences of Power. Simple Monarchy will soon mould itself into Despotism, Aristocracy will soon commence an Oligarchy, **and Democracy, will soon degenerate into an Anarchy,** such an Anarchy that every Man will do what is right in his own Eyes, and no Mans life or Property or Reputation or Liberty will be secure and every one of these will soon mould itself into a system of subordination of all the moral Virtues, and Intellectual Abilities, all the Powers of Wealth, Beauty, Wit, and Science, to the wanton Pleasures, the capricious Will, and the execrable Cruelty of one or a very few.
All Men would be Tyrants if they could, John Adams, ***29 August 1763***

There are only Three simple Forms of Government.
When the whole Power of the Society is lodged in the Hands of the whole Society, the Government is called a Democracy, or the Rule of the Many.
When the Sovereignty, or Supreme Power is placed in the Hands of a few great, rich, wise Men, the Government is an Aristocracy, or the Rule of the few. When the absolute Power of the Community is entrusted to the Discretion of a single Person, the Government is called a Monarchy, or the Rule of one, in this Case the whole Legislative and Executive Power is in the Breast of one Man.
From the Diary of John Adams, Spring 1772

The placard described the pamphlet as a slanderous attack on the current stadholder and his predecessors, **as well as an effort to overthrow the current government and replace it with "a Democracy, or Regency of the People, and thus to cause the Republick to fall into an entire Anarchy.**
From John Adams to the President of Congress, 17 October 1781

The Spirit of Avarice, and Spirit of Ambition, rising upon the Shoulders of the Democracy, retards, and Poisons, every Benefit good Men expected from the Revolution— Your experience of Mankind makes it unnecessary for me to say more upon this Subject, & your Philosophy furnishes you with that Wisdom, & Coolness, which alone can shield us from their balefull effects, what Man can do I am Satisfied you will do to save us.
Letter To Benjamin Franklin from Horatio Gates, 16 August 1784

The ultimate outrage, however, was perpetrated by the lower house of the legislature when it refused Governor Bowdoin's request to aid Massachusetts in apprehending the insurgents of Shays's Rebellion. Rumors told of the rebels' refuge in the state. Rhode Island further earned the opprobrium of her neighbors by excluding out-of-state debtors from the provisions of the legal-tender laws, thus prohibiting them from discharging their debts in Rhode Island with paper money. Such behavior also incensed staunch federalists (like JM) **who viewed the events in New England as undermining all their attempts to establish the respectability of republican**

> **government while confirming the worldwide opinion that democracy necessarily degenerated into mob rule**.
> **From James Madison to James Madison, Sr., 1 April 1787**
>
> I am sorry that the President should have expected from me a narrative of the revolution in France, which brought forward another Constitution, and placed Buonaparte, at the head of the Government in that Country, with powers, superior to those of any limited monarch in Europe. **That hideous monster of democracy, begotten by madness upon corruption**, which produced such infinite mischief in Europe, is now so thoroughly exploded from the country where it originated that I could not imagine it necessary to send any comment upon the transactions at Paris, upon the commencement of the last Winter— The character and tendency of the present French Constitution is so very obvious, that I scarcely thought it susceptible of elucidation.
> **John Quincy Adams to Abigail Adams, 25 May 1800**

Clearly the founders had no respect for democracy as a form of government, but rather disdain. How far we have fallen from the wisdom of the founders, with the majority of the people of the United States, today embracing the false treasonous notion that our government is a democracy despised by the founders.

Again, it should be a federal misdemeanor crime, for any high-ranking government official or public person to deceive the people by referring to our form of government as a democracy or representative democracy.

RIGHT TO PETITION FOR REDRESS OF GRIEVANCES

A. Introduction of Right to Petition

The right of citizens to petition the legislature is an incredibly powerful constitutional right. Indeed, all other rights derive from the right of petition. Everything that is wrong in government, all dissatisfaction in government would abate upon restoration of this right to its full and proper magnitude. Forsaking of this right and its oppression by all in government, evidences that all of government has forsaken its republican character, and that everything that was fought for in the American Revolution, has been lost.

This single gross violation of the Tennessee Constitution, oppressing the right of citizens to apply to those invested with the powers of government by oral address is sufficient cause on its own, to invoke Article IV, Section 4 Guaranty Clause.

Petitioner John A Gentry, encourages President Trump to listen to his Oral Argument in the Tennessee Court of Appeals on January 4, 2023, defending the right of the people to orally petition the legislative houses. Video of Petitioner's oral argument

can be viewed on the Tennessee Supreme Court YouTube Channel or on Petitioner's YouTube Channel with video link; https://youtu.be/h95eO2jw0A4?si=-P5XFpWy2-iFvWpH&t=2

The First Amendment of the Constitution of the United States affirms; "***Congress shall make no law … abridging … the right of the people … to petition the government for a redress of grievances.***"

The Constitution of the State of Tennessee affirms: "That the citizens have a right, … **to apply to those invested with the powers of government for redress of grievances, or other proper purposes, by address or remonstrance**."

Earlier in the section above; "*Two Part Solution, Restore The Right of Citizens to Petition The Legislature* (p. 19)," the process to petition government and legislative rules on the right of petition were discussed.

Again, a Memorial & Remonstrance would be presented to a member of the House of Representatives, who files with the Chief Clerk of the House, and then is presented on the floor of the House to the body, referred to committee, and then returned to the floor for a vote.

The following furthers that discussion, looking at the history of the right of petition, and how that right might be exercised today to profound effect.

In 1669, the House of Commons resolved that every commoner in England possessed *"the inherent right* ***to prepare and present petitions****" to it "in case of grievance*,"[39] The right to present petitions to legislative bodies, even by commoners, dates back at least to the 17th Century.

Pursuant to the 12th century Magna Carta, nobles used petitioning to secure their rights against the king. Parliament used petitions to gain popular rights from the king. As early as the 16th century, the people used petitioning to secure their own rights against parliament.[40]

In medieval England, petitions took the place of violence and insurrection against both wrongful and lawful governments.

> Common and frequent petition, without the threat of force, took the place of prolonged discontent and abrupt presentation of a complex cahier of grievances at the point of the sword. [41]

The right to petition for redress of grievances was adopted in the First Amendment of the Constitution of the United States without debate in the First Congress. Of course, the First Congress would recommend amending the constitution with the right of petition enumerated in the First Amendment – such fundamental right was already

---

[39] INTERNATIONAL ENCYCLOPEDIA OF THE SOCIAL SCIENCES VOL 12 at 98 (1934).
[40] An Analysis of the Neglected, But Nearly Absolute, Right of Petition, 54 U. CIN. L. REV. 1153 (1986)
[41] J.E.A. Jolliffe, THE CONSTITUTIONAL HISTORY OF MEDIEVAL ENGLAND 404 (4th ed. 1961)

enumerated in the constitutions of the original thirteen states. Other rights proposed for the Bill of Rights, such as the right to instruct representatives was much debated in the First Congress, but not First Amendment rights – First Amendment rights were not debated in the least; First Amendment rights, including the right of petition were readily agreed to and adopted with almost no discussion.

In his often-cited book on constitutional law, Michigan Sup. Ct Justice Thomas Cooley stated that the right of the people to petition government is so fundamental to republican government, it seemed unnecessary to him, to enumerate that right in our constitution, and that right of petition could not be denied unless the spirit of liberty had wholly disappeared.

> **The right of the people… to petition the government for a redress of grievances is one which "would seem unnecessary to be expressly provided for in a republican government… It is impossible that it could be practically denied until the spirit of liberty had wholly disappeared**, and the people had become so servile and debased as to be unfit to exercise any of the privileges of freemen." "**a sacred right which in difficult times shows itself in its full magnitude**, frequently serves as a safety-valve if judicially treated by the recipients, **and may give to the representatives or other bodies** the most valuable information. It may right many a wrong, and the deprivation of it would at once be felt by every freeman as a degradation – simple, primitive, and natural right. As a privilege it is not even denied the creature in addressing the Deity.[42]

The right of petition is how the people protest a wrongful government. This right is how litigants, or the people, properly protest corrupt judges or other high-ranking state officials to the legislative houses a.k.a. courts of justice. This right is how the people bring their concerns to their elected representatives. This right, properly and judiciously received would all but obviate street protests or marches. It is through this right the people express their will and exercise their sovereignty. It is through this right – and only through this right – that our nation would ever see term limits for the Congress, or justice in our courts.

During the House debates and discussions on the right to instruct representatives, Representative Elbridge Gerry[43] of Massachusetts stated;

> **Mr. GERRY;** By the checks provided in the constitution, we have good grounds to believe that the very framers of it conceived that the Government would be liable to mal-administration, and I presume that the gentlemen of this House do not mean to arrogate to themselves more

[42] Thomas M. Cooley (MI Sup. Ct. Justice), A TREATISE ON THE CONSTITUTIONAL LIMITATIONS WHICH REST UPON THE LEGISLATIVE POWER OF THE STATES OF THE AMERICAN UNION 427/28 (5th ED. 1883).

[43] Elbridge Gerry served in Massachusetts legislature 1783-1785, the US House of Representatives 1789-1793, Governor of Massachusetts 1810-1812, and as Vice President of the United States 1813-1814

> perfection than human nature has as yet been found to be capable of; if they do not, they will admit an additional check against abuses which this, like every other Government, is subject to. Instruction from the people will furnish this in a considerable degree.
>
> Now, though I do not believe the amendment would bind the representatives to obey the instructions, yet I think the people have a right both to instruct and bind them. **Do gentlemen conceive that on any occasion instructions would be so general as to proceed from all our constituents? If they do, it is the sovereign will; for gentlemen will not contend that the sovereign will presides in the Legislature. The friends and patrons of this constitution have always declared that the sovereignty resides in the people, and that they do not part with it on any occasion**; to say the sovereignty vests in the people, and that they have not a right to instruct and control their representatives is absurd to the last degree. They must either give up their principle, or grant that the people have a right to exercise their sovereignty to control the whole Government, as well as this branch of it.[44]

Many polls evidence that 90% of the people of the United States desire term limits for Congress. Clearly, it is the sovereign will of the people that term limits for Congress be put in place. Yet the Congress will never willingly limit their power to terms, which is antirepublican according Madison's Federalist 39, and evidences that sovereignty is vested in Congress, and not the people, which is a usurpation and perversion.

Through the First Amendment right of petition, all 90% of the people desiring term limits would co-sign a Memorial and Remonstrance to the Congress demanding term limits. Congress would have no choice but to heel to the will of the people. That is the power of the right of petition in its full glory and magnitude when exercised by all the people. President Trump could easily organize such a petition and earn a place in history like no other since the founding.

Historical journals of the Tennessee House of Representatives, evidence that petitions were routinely presented or "read at the table," and then referred to various committees such as the Claims Committee, or the Propositions and Grievances Committee, which committees unfortunately no longer exist today. The historical journals further evidence that the committees to which petitions were referred to, deliberated on them, and made recommendation to the full body to grant or deny the petition. The following is from the 1831 Tennessee House Journal[45];

---

[44] Annals of Congress, Proceedings And Debates of the House of Representatives of the United States, First Congress, New York, Vol 1, August 15, 1789

[45] Obtained from the Tennessee Archives Library; 1831 House Journal, p 282

B. Examples of Memorials and Petitions to the Tennessee General Assembly

> **"Mr. Hurst presented a petition of Allen Jack** praying for a divorce.
> Ordered, that said **petition be referred to the committee on divorces**.
>
> **Mr. Claiborne presented a petition of Baptist McCombs** and others.
> Ordered that said **petition be referred to the committee on claims**.
>
> **Mr. Hardin presented a petition of Joseph Nolen**, praying the passage of an act authorizing him to hawke and peddle without a license.
> Ordered **That said petition be referred to the committee of propositions and grievances**.
>
> **Mr. McGaughey, from the committee of propositions and grievances** made a report upon the petition of sundry citizens of Franklin County, praying for the passage of an act authorizing them to raise a certain sum of money by lottery for the purpose of erecting a female academy in said county.
> And the resolution contained therein, was concurred in by the House, as follows, to wit;
> **Resolved that the prayer of the petitioner ought not to be granted."**

As the historical Tennessee House journals evidence; petitions were heard, considered, and decided upon by the Tennessee House of Representatives. The Tennessee Archives Library has hundreds, if not thousands of petitions received by the Tennessee House of Representatives during the 1800s with the original documents historically preserved on microfilm.

Today, the Tennessee House of Representatives and Tennessee Senate grossly oppress and violate this fundamental right of citizens. The Tennessee General Assembly, through is Speakers, refuses to present petitions to the body, only announcing them to the body, and refusing petitioners' rights to orally address the body.

This right must be restored in Tennessee to its full and proper magnitude, through enforcement of the Article IV, Section 4 guarantee to every state (the state being the people in their highest sovereign capacity), a republican form of government, by the President of the United States, the Honorable President Donald J. Trump, so help us God.

C. Examples of Memorials and Petitions to the Congress

Similarly, in the House Journals, and Annals of Congress, there are thousands upon thousands of examples of petitions to the Congress. Here are but a few of thousands of examples.

> **A petition of Edward Darrell, attorney to Thedore Godet, administrator to Thomas Nelmes, was presented and read**, praying compensation for a

vessel and cargo of rice, said to be appropriated to the use of the United States during the late war.
Ordered, That this petition be referred to the Secretary of the Treasury, to examine and report thereon to the Senate.
Annals of Congress, Proceedings and Debates of the House of Representatives of the United States, **Second Congress**, Washington, March 19, 1792

A memorial of the Delegates from the several Societies formed in different parts of the United States, for promoting the abolition of slavery, in Convention assembled, at Philadelphia, on the first instant, was presented to the house and read, praying that Congress may adopt such measures as may be the most effectual and expedient for the abolition of the slave trade. Also, a memorial of the Providence Society for abolishing the slave trade, to the same effect.
Ordered, That the said memorials be referred to Mr. Trumbull, Mr. Ward, Mr. Giles, Mr Talbot, and Mr. Grove; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.
Annals of Congress, Proceedings and Debates of the House of Representatives of the United States, **Third Congress**, Washington, January 28, 1794

Mr. SITGREAVES presented a petition for John Richards, of the county of Montgomery, claiming a seat in the House. He had, as he alleged, been legally elected, but James Moris, who is since dead, had obtained the return as a member. **Mr. S. moved that the petition be referred to the Committee on Elections.** The motion was agreed to.
Also, a petition of Burwell Bassett, of the State of Virginia, complaining of an undue election and return of John Clopton, to serve as a member of this House, for the said State. **Referred to the Committee of Elections**.
After the reception of several petitions of a private nature, the House went into a Committee of the Whole on the state of the Union, Mr. MUHLENBERG in the Chair.
Annals of Congress, Proceedings and Debates of the House of Representatives of the United States, **Fourth Congress**, Washington, December 10, 1795

A memorial and petition of John Nicholson was presented to the House and read, praying that an additional duty may be imposed on window glass, and black glass bottles imported from foreign countries; or such other encouragement given to the manufacture of the said articles within the United States, as to the wisdom of Congress shall seem meet.
Ordered, That the said memorial and petition be referred to the Committee of Commerce and Manufactures.
House of Representatives, Proceedings and Debates, May 1796 Philadelphia, Annals of Congress, **Fourth Congress** 1st Sess.

Mr. DAVIS presented a petition from Abraham Stout, praying relief.
On the reference of this petition, a conversation took place, on the propriety and justice of making provision for person wounded during the Revolutionary war, notwithstanding the interference of the statute of limitations; this provision was warmly urged by Messrs. HELMS and CLAIBORNE. **It was finally agreed that the petition should be referred to the Committee of Claims.**
Annals of Congress, Proceedings and Debates of the House of Representatives of the United States, **Seventh Congress**, Washington, January 12, 1803.

A memorial of James Strawbridge, in behalf of himself, and as a trustee for the Tennessee Company, was presented to the house and read, stating his claim as an original proprietor and trustee, as aforesaid, to a certain quantity of land situate in the territory lately ceded to the United States by the State of Georgia: and submitting to the consideration of the Congress certain terms and conditions therein specified, upon which the memorialist on his part, and in behalf of the said Tennessee Company, is willing to relinquish to the United States the title to the said land, in fee simple.
***Ordered*, That the said memorial be referred to the Committee of the Whole House to whom was committed**, on the nineteenth instant, the bill for settling sundry claims to the public lands of the United States south of the State of Tennessee
Annals of Congress, Proceedings and Debates of the House of Representatives of the United States, **Seventh Congress**, Washington, January 12, 1803.

D. Election Fraud Overturned By Congress

As mentioned earlier in this Memorial & Remonstrance (p. 22), in the year 1811, John Taliaferro, contested the election of John P. Hungerford for seat in the United States House of Representatives for the State of Virginia through a petition to the Congress. The Congress took up the matter. and the Committee on Elections investigated the election; the 12th Congress, 1st session, subpoenaed land titles, deposed sheriffs, voter rolls, and county polls.

From the Annals of Congress:

Thursday, November 7, 1811
Mr. Burwell presented a petition of John Taliaferro, complaining of the undue election and illegal return of John P Hungerford, to serve as one of the Representatives for the State of Virginia, and praying that investigation of the said election may take place, and that such decision may be had thereon as in the wisdom of the House may appear proper. – Referred to the Committee of Elections.

Monday, Nov 18, 1811
On motion of Mr. Findley, the following resolution was agreed to: Resolved, That the Committee of Elections be instructed to prepare and report a bill for regulating the proceedings, and taking evidence in cases of contested elections of members of this House.

Thursday, Nov 21, 1811
Mr. Findley, from the Committee of Elections, to whom was referred the petition of John Taliaferro, contesting the election of John P. Hungerford, made a report thereon; which was read, and referred to a Committee of the Whole on Monday next.

Friday, November 22, 1811
Ordered, That John Taliaferro, who has contested the election of John P. Hungerford, have leave to occupy a seat on the floor of the House, for the purpose of being heard, in person, when the subject-matter of the Said contested election shall be under consideration.
Journal of the House of Representatives, of the United States, At The First Session of The Twelfth Congress

Friday, November 29, 1811
The House resumed the consideration of the unfinished business, viz: the report of the committee on the petition of John Taliaferro contesting the election of John P. Hungerford, which said report is as follows:

Here, Petitioner summarizes the next several pages of the Annals of Congress.... Voter rolls were compared to land titles. Various affidavits from various county sheriffs were obtained from both Taliaferro and Hungerford, testifying to the validity or eligibility of voters, with direct and cross examination of witnesses.

The petition went to vote from the whole of the House, and prior results of the election were overturned as follows;

Monday, December 2, 1811
John Taliaferro, who has been declared entitled to a seat in this House, as one of the members for Virginia, in the place of John P. Hungerford, who has been declared not entitled to a seat in this House, appeared, was qualified, and took his seat.
Annals of Congress, Proceedings And Debates of the House of Representatives of the United States, First Session of the Twelfth Congress, Washington, November, 1811

As evidenced in the Proceedings and Debates of the 12th Congress, an election for seat in the House, was investigated and overturned. It was proven that the election of Hungerford was fraudulent based upon ineligible voters.

Reading the proceedings and debates between November to December 1811, any reader would know the Congress performed an exhaustive investigation into the Virginia election and overturned a fraudulent election.

In 1870, glaring frauds were proven in the senate of attempts to subvert the election of President Ulysses S. Grant.

> Mr. SHERMAN; **If I were asked to point out the greatest evil that now threatens our country, I should point to the subversion of all authority by overthrowing the election franchise**. We have official documents without number in both Houses of Congress showing the growing evil of trampling down the rights of communities and States to representation in Congress in the election of members of Congress and in the election of Senators. **At the last presidential election in the city of New York, according to an official examination in the other House, there was an attempt to subvert the election of a President of the United States by wholesale and glaring frauds**. Does anybody deny or dispute it? It was sufficiently proven." Congressional Globe, Second Session, Forty-First Congress, Washington, p 3663 May 20, 1870

This is what Trump should have done. He should have petitioned the Congress with 80 million co-signors (the people who voted from Trump), and Congress should have investigated as they did in 1811 and 1870 and many other times. Instead, presumably not knowing the right to petition the Congress, President Trump petitioned corrupt courts, who dismissed his cases through denial of due process. Since the cases were dismissed, election integrity was not proven, same unfortunately as election fraud was not proven.

Had the corrupt judges who dismissed Trump's lawsuits provided due process, allowed discovery, and audit of voter machine programming, and validity of voters verified, as should have happened but did not happen, then either election integrity would have been proven, or election fraud would have been proven. Such investigation and proceedings could have, and should have occurred in the Congress.

STATEMENT OF FACTS, EVIDENTIAL PROOF, ANALYLIS & ARGUMENT

The following statements of facts and evidential materials provided in appendix prove beyond all doubt that the government of the State of Tennessee has forsaken its republican character and form.

Again, in 1796, Congress determined the Tennessee Constitution was a republican form of government and admitted Tennessee to the Union.

On the Admission of Tennessee to the union;

> *Mr. Macon – "The question before the Committee was on admitting the Territory [Tennessee] to be a State of the Union. There appeared to him only two things as necessary to be inquired into;* ***First, Was the new Government Republican? It appeared to him to be so.*** *And, secondly, Were there 60,000 inhabitants in the Territory [Tennessee]? It appeared to him*

> *there were; and, if so, their admission as a State should not be considered as a gift, but as a right."*
> **Proceedings And Debates of the House of Representatives of the United States, at the First Session of the Fourth Congress begun and held at the city of Philadelphia, December 7, 1795.**

On Friday, May 6, 1796, in a Committee of the Whole House the United States of Representatives resolved to admit Tennessee to the Union as follows;

> *Resolved*, **That, by the authenticated documents accompanying the message from the President of the United States**, of the eighth ultimo, and by the ordinance of Congress, bearing date of the thirteenth of July, one thousand seven hundred and eighty-thousand seven hundred and ninety, it appears that the citizens of that part of the United States which has been called the Territory of the United States South of the river Ohio, and **which is now formed into a State, under a republican form of Government, by the name of Tennessee**, are entitled to all the rights and privileges to which the citizens of the other States in the Union are entitled, under the Constitution of the United States; **and that the State of Tennessee is hereby declared to be one of the United States of America**.
> **Committee of the Whole of the House, Admission of Tennessee, May 1796 Philadelphia, Annals of Congress, 4th Cong., 1st Session**

As evidenced above, Congress determined that the form of government established in the Constitution of the State of Tennessee was a republican form of government, and upon admission to the United States of America, entitled the citizens of the State of Tennessee to all the rights and privileges of United States citizens, including the United States guarantee of a republican form of government.

A. Tennessee Government has forsaken its republican character and form

The preamble to the Constitution of The State of Tennessee states: "*We, the delegates and representatives of the people of the state of Tennessee, … have ordained and* ***established the following*** *Constitution and* ***form of government for this state****, which we recommend to the people of Tennessee for their ratification*."

The constitution of The State of Tennessee establishes the **"form of government"** instituted among the people, through their ratification, to ensure their peace, safety, and happiness.

That form of government, agreed to by the people, establishes among other provisions, rights and prohibitions upon government presently knowingly and grossly violated by the government of the State of Tennessee;

1) That all power is inherent in the people (Art I, Sect. 1);

2) That the powers of government shall be divided into three distinct departments; legislative, executive, and judicial, and no person or persons belonging to one of these departments, shall exercise any of powers properly belonging to either of the others. (Art II, Sections 1 and 2).

3) That citizens have a right to apply to those invested with the powers of government by oral address (Art I, Sect. 23);

4) That judges are prohibited from holding any other office (Art VI, Sect. 7);

5) That hereditary emoluments shall not be conferred, (Art I, Sect. 30); and

6) That amendments to the Tennessee constitution shall be properly published to the people six months prior to the election of the second General Assembly approving proposed amendments (Art XI, Sect. 3 as amended in the 1953 constitutional convention).

It was aggrieved in our Declaration of Independence; "*For… altering fundamentally the Forms of our Governments.*" The government of the State of Tennessee has fundamentally altered its form through the above stated gross violations of its founding documents. In Federalist 43, James Madison stated; "***The only restriction imposed on them*** **[the states]** ***is, that they shall not exchange republican for antirepublican Constitutions.***" The "restriction" Madison was referring to is the Article IV, Section 4 guarantee to every state, a republican form of government.

The government of the state of Tennessee knowingly and intentionally violates the above stated provisions and refuses compliance with constitutionally mandated duties and restraints upon government. In so doing, the government of The State of Tennessee has forsaken its republican character and form, necessitating intervention by the President of the United States, making good on the guarantee in Article IV, Section 4.

Violations by the Judicial Branch

The judicial department of the government of the State of Tennessee;

1) has usurped legislative powers of oversight of judges and attorneys in gross violation of Article II, Section 2 of the Tennessee Constitution separation of powers;

2) acts in gross violation of Article VI, Section 7 of the Tennessee Constitution with judges holding prohibited second offices of trust in the Tennessee Code Commission and Tennessee Board of Judicial Conduct;

3) routinely conducts corrupt court proceedings through gross deprivation of right of due process, denial of right to trial by jury, and malicious prosecution, which financially and emotionally devastates the lives of thousands of Tennesseans every year;

4) routinely protects the misconduct and criminal conduct of judges, attorneys, and high-ranking state officials, through corrupt court proceedings, and corrupt agencies repugnant to the state constitution;

5) has usurped legislative and executive powers creating an agency; The Tennessee Board of Professional Responsibility, which holds attorney licenses hostage to force compliance with arbitrary abuse of power within the judiciary, and which unlawfully "disciplines" attorneys through gross deprivations of rights of due process and trial by jury.

Violations by the Legislative Branch

The legislative department of the government of the State of Tennessee;

1) has unlawfully surrendered legislative powers of judicial impeachment and removal to the judicial branch;

2) has conferred prohibited hereditary emoluments upon members of the judicial branch in gross violation of Article I, Section 30;

3) grossly oppresses the right of citizens to apply to the legislature for redress of grievances by address or remonstrance (Art. I, § 23);

4) has enacted state laws repugnant to the Constitution of the State of Tennessee placing judges in constitutionally prohibited second offices of trust in the Tennessee Board of Judicial Conduct and Tennessee Code Commission in gross violation of Article VI, Section 7.

Violations by the Executive Branch

The executive department of the government of the State of Tennessee;

1) oppresses the right of citizens to apply to those invested with the powers of government (the governor) for redress of grievances by address or remonstrance; and

2) the Executive gives his Assent to Acts of pretended legislation enacted in gross violation of constitutional provisions.

Tennessee has long and ongoing history of corruption in government

In 1946, Tennesseans took up arms against a corrupt local government engaging in predatory policing, police brutality, political corruption, and election fraud in the Battle of Athens.

In 2002, the FBI began a six-year investigation into corruption ranging from a county Juvenile Court Clerk's office to the state legislature, that led to convictions or guilty pleas of a dozen state and local officials, including several state senators, and a state representative.

In 2016 Judge Casey Morland was indicted for bribery relating to a cover up of his trading sex with defendants for favorable rulings in his courtroom.

In 2019 Judge Woodrow Adams was indicted on three counts of rape of a child.

In 2020, State Senator Katrina Robinson was indicted on federal charges of wire fraud and convicted a year later.

For twenty years, until 2022, Judge Donna Davenport participated in the wrongful arrests and incarcerations of more than a thousand children. Judge Davenport simply retired to escape accountability.

In 2022, the current Secretary of State Tre Hargett plead guilty in a DUI case, that was actually a DWI. As recently as December 2024, Senator Ken Yager was arrested for drunk driving and hit and run while DWI, and was so intoxicated, video of his arrest shows his trousers soaked because he urinated on himself.

Currently, a federal bribery and kickback trial for former House Speaker Glen Casada and his chief of staff is still ongoing, even today.

Not one single high-ranking state official has been impeached in the House and convicted in the Tennessee Senate since 1869. This lack of accountability further proves the government of the state of Tennessee has forsaken its republican character and form necessitating invocation of Article VI, Section 4 of the Constitution of the United States. The root of this corruption and criminal conduct of high-ranking state officials is the gross oppression of the right to apply to the legislature for redress if grievance by oral address (Art. I, § 23), and judges holding expressly prohibited second offices in gross violation of Article VI, Section 7.

B. The Tennessee Board of Judicial Conduct Must Be Abolished & Tennessee Government Refuses To Correct Violation of State Constitution

1. The House of Representatives shall have the sole power of impeachment.[46]

As mentioned earlier, in Federalist No. 65, Hamilton discussed why the framers chose to hold impeachment inquiries in the House, and trials in the Senate rather than bestowing that power to the judicial branch. In Hamilton's words;

> The awful discretion which a court of impeachments must necessarily have, to doom to honor or infamy the most confidential and the most distinguished characters of the community, **forbids the commitment of the trust to a small number of persons**.[47]

In Federalist 65 Hamilton also discusses debate on whether to compose a court of impeachments, "*of persons wholly distinct from the other department of the government*," not unlike the state judicial oversight agencies of today. Among other reasons for not doing so; "*opportunities which delay would afford to intrigue and corruption.*"

[46] Constitution of the State of Tennessee, Article V, § 1
[47] Federalist 65, Alexander Hamilton., March 7, 1788

And so, the founders enshrined in our constitutions, state and federal, that impeachment inquiries are the sole power of the House of Representatives, and if impeached by the House, then tried in the Senate.

Impeach is defined: To accuse; to charge a liability upon; to sue.[48]

Impeachment is defied: A criminal proceeding against a public officer, before a quasi-political court, instituted by a written accusation called "articles of impeachment."[49]

Articles of Impeachment is defined: The formal written allegation of the causes for an impeachment, answering the same purpose as an indictment in an ordinary criminal proceeding.[50]

Complaints against federal judges, tendered to a Circuit Chief Judge or complaints against state judges tendered to a state judicial oversight agency, are formal written allegations of causes for impeachment – judicial complaints are, in form and substance, Articles of Impeachment. Indeed, as evidenced in preceding section, the U.S. Court website defines what judicial conduct can be complained about, which includes; bribes, due process violations, abusive sexual conduct, discrimination, etc., which are all crimes, which are all causes for impeachment.

In Tennessee, complaints against state judges are considered by "Investigative Panels" comprised of three (3) members of the Tennessee Board of Judicial Conduct, one of whom must be a judge.[51] The government of the State of Tennessee embraces what the founders forbid; entrusting inquiry into the fitness of judges to serve, to only three persons, one of whom is a judge.

The judiciary and legal profession have hoodwinked the entirety of the American people to falsely believe complaints against judges should be presented to members of the judiciary, instead of to the House of Representatives as required in state and federal constitutions.

It was common sense to the founders, and it should be common sense for us today, if you place the trust of a court of impeachments with a small number of persons, the result is either malicious prosecutions of the innocent, and weaponization of the process against political opponents, or the protection of despots, tyrants, and corrupt government officials from impeachment and the impeachment inquiry process.

Since its inception in 1971, the Tennessee Board of Judicial Conduct (TBJC) has never once recommended impeachment of a single judge, despite widespread corruption in the Tennessee judiciary. As discussed in preceding section, Congress has only impeached eight federal judges in the entire history of the of the United States.

---

[48] Black's Law Dictionary, Fifth Edition, p 678
[49] *id* footnote [48]
[50] *id* footnote [48]
[51] Tennessee Code Annotated 17-5-201(d)(1)(A)(i)

Judges are rarely impeached, because the judicial branch has unlawfully redirected Articles of Impeachment from the House of Representatives to judges (federal) or judicial oversight agencies (state), destroying all objective oversight of the judiciary.

Since both state and federal constitutions require that the House of Representatives shall have the sole power of impeachment, it is the duty of the House to consider complaints or Articles of Impeachment against judges. Redirecting judicial complaints from the House to judges or judicial oversight agencies is a usurpation by the judiciary of the legislative power of impeachment.

Moreover, Article VI, Section 11 of the Tennessee Constitution prohibits judges from presiding on the trial of any cause in which a judge may have interest, except by consent of all the parties.

In a New York Times article, it was reported that Justice Gorsuch made the statement: "**it is incredibly disheartening to hear things that might undermine the credibility and the independence of the judiciary.**," and that: "**any criticism of his brothers and sisters of the robe is an attack or a criticism on everybody wearing the robe as a judge**." Specifically, that article included the following report:

> Mr. Sasse said on the Senate floor that Judge Gorsuch "got a little bit emotional, and he said that any attack or any criticism of his brothers and sisters of the robe is an attack or a criticism on everybody wearing the robe as a judge."
>
> "I think that's something that this body should be pretty excited to hear someone say who's been nominated to the high court," he added. "He said that **it is incredibly disheartening to hear things that might undermine the credibility and the independence of the judiciary**." *New York Times*, February 9, 2017

Very obviously, judges have an interest in preserving self-government and self-oversight, by wrongfully presiding over impeachment inquiries against judges since "**any criticism of his brothers and sisters of the robe is an attack or a criticism on everybody wearing the robe as a judge."**

Therefore, judges in the TBJC are also acting in violation of Article VI, Section 11 presiding over matters in which they have interest without consent of all the parties.

2. **The judges of the Supreme or Inferior Courts shall not hold any other office of trust or profit under this state or the United States.**[52]

Article VI, § 7 of the Constitution of the State of Tennessee expressly prohibits judges from holding any other office, whether for profit (compensation) or trust (without compensation).

[52] Constitution of the State of Tennessee, Article VI, § 7

What is an Office or Office of Trust?

Whether a person is holding an office is well defined in legal dictionaries, court opinions, and legal literary works. Whether an office is for trust or profit is simply a matter of whether the office holder is compensated for services, or not.

Succinctly stated, an office is a position of duty or trust, conferred by law, delegating some sovereign function concerning public welfare. The following legal definitions more precisely define what is an office or office of trust.

> **Office:** A position of duty, trust, or authority, esp. one conferred by a governmental authority for a public purpose.[53]
>
> **Office:** A right, and correspondent duty, to exercise a public trust. A public charge or employment. An employment on behalf of the government in any station or public trust, not merely transient, occasional, or incidental. The most frequent occasions to use the word arise with reference to a duty and power conferred on an individual by the government; and when this is the connection, "public office" is the usual and more discriminating expression.[54]
>
> **Public Office:** The right, authority, and duty created and conferred by law, by which for a given period, either fixed by law or enduring at the pleasure of the creating power, and individual is invested with some portion of the sovereign functions of government for the benefit of the public.[55]
>
> **Office involves Delegation of Sovereign Functions:** The most important characteristic which distinguishes an office from an employment or contract is that the creation and conferring of an office involves a delegation to the individual of some of the sovereign functions of government, to be exercised by him for the benefit of the public; that some portion of the sovereignty of the country, either legislative, executive or judicial, attaches, for the time being, to be exercised for the public benefit. Unless the powers conferred are of this nature, the individual is not a public officer.[56]
>
> **Office is created by Law and not by Contract:** In distinguishing between an office and an employment, the fact that the powers in question are created and conferred by law, is an important criterion. For though an employment may be created by law, it is not necessarily so, but is often, if not usually, the creature of contract. A public office, on the other hand, is

---

[53] Black's Law Dictionary, Tenth Edition, p 1254
[54] Black's Law Dictionary, Fifth Edition, p 976
[55] Black's Law Dictionary, Fifth Edition, p 977
[56] Floyd R. Mechem, A TREATISE ON THE LAW OF PUBLIC OFFICES AND OFFICERS, Ch 1, § 4 (1890)

> never conferred by contract, but finds its source and limitations in some act or expression of the governmental power. Where, therefore, the authority in question was conferred by a contract, it must be regarded as an employment and not as a public office.[57]
>
> **Office of Trust**: An office whose duties and functions require the exercise of discretion, judgment, experience and skill is an office of trust, and it is not necessary that the officer should have the handling of public money or property, or the care and oversight of some pecuniary interest of the government.[58]

In 1971, and again in 2019, the Tennessee General Assembly created the Tennessee Board of Judicial Conduct, unlawfully placing judges in prohibited second offices of trust in gross violation of Article VI, Section 7.

Tennessee Code Annotated (T.C.A.) 17-5-101 reads as follows;

> **The regulation of judicial conduct is critical to preserving the integrity of the judiciary and enhancing public confidence in the judicial system**. This chapter is intended to provide an orderly and efficient method for making inquiry into the physical, mental, and moral fitness of any Tennessee judge; the judge's manner of performance of duty; and the judge's commission of any act that reflects unfavorably upon the judiciary of the state or brings the judiciary into disrepute or that may adversely affect the administration of justice in this state. This chapter further is intended to provide a process by which appropriate sanctions may be imposed.

Tennessee Code Annotated (T.C.A.) 17-5-201 reads as follows;

> **17-5-201. Members of board of judicial conduct — Chair and vice chair — Investigative panels and hearing panels — Promulgation of rules.**
>
> (a) As of July 1, 2019, the existing membership of the Tennessee board of judicial conduct is vacated and reconstituted to consist of sixteen (16) members as follows:
>
> (1) Two (2) current or former trial judges, to be appointed by the Tennessee trial judges association;
>
> (2) One (1) current or former general sessions court judge, to be appointed by the Tennessee general sessions judges conference;
>
> (3) One (1) current or former municipal court judge, to be appointed by the Tennessee municipal judges conference;

[57] Floyd R. Mechem, A TREATISE ON THE LAW OF PUBLIC OFFICES AND OFFICERS, Ch 1, § 5 (1890)

[58] Floyd R. Mechem, A TREATISE ON THE LAW OF PUBLIC OFFICES AND OFFICERS, Ch 1, § 16 (1890)

(4) One (1) current or former juvenile court judge, to be appointed by the Tennessee council of juvenile and family court judges;

(5) One (1) current or former court of appeals or court of criminal appeals judge, to be appointed by the Tennessee supreme court;

(6) Two (2) members who are attorneys licensed to practice law in this state but who are not current or former judges, to be appointed by the governor;

(7) Four (4) members, including three (3) who are neither a judge nor an attorney and one (1) who is a current or former judge, to be appointed by the speaker of the house of representatives; and

(8) Four (4) members, including three (3) who are neither a judge nor an attorney and one (1) who is a current or former judge, to be appointed by the speaker of the senate.

Pursuant to T.C.A. 17-5-201, eight current or former judges are statutorily required members of the TBJC.

Clearly, the TBJC is an agency created by public act (law) of the General Assembly for public purpose. The TBJC performs, or is supposed to perform, a sovereign function of the state, overseeing the fitness of judges to administer justice. Clearly, the TBJC is a position of duty and trust, conferred by law, delegating a sovereign function concerning public welfare. Therefore, the members of the TBJC are holding office, and since members of the TBJC are not compensated for their service, the members are holding offices of trust.

Presently, as of this writing and according to the TBJC website, **six judges who are current judges are members of the TBJC**; **1)** Judge G. Andrew Brigham, Chair of the TBJC, **2)** Chancellor Jeffrey M. Atherton Vice Chair of the TBJC, **3)** Judge H. Allen Bray, **4)** Chancellor Tony Childress, **5)** Judge Camille R. McMullen, **6)** Judge Valerie L. Smith, Judge John Whitworth. Also, as stated above, the Investigative Panels who initially screen complaints, are comprised of one person, one of whom must be a judge.

These six judges are holding expressly prohibited second offices of trust in gross violation of Article VI, Section 7, and in violation of their oaths to support the Constitution of the State of Tennessee.

Since T.C.A. 17-5-201 unlawfully states: "…the Tennessee board of judicial conduct is vacated and reconstituted to consist…" of members who are "current judges", the General Assembly is also acting in gross violation of Article IV, Section 7.

During the debates of the Convention of the State of Pennsylvania to ratify the federal constitution, James Wilson recognized the concern that appointments to the U.S. Senate would lead to corruption, but that the incompatibility clause (prohibited second offices), which prohibits representatives from being appointed to any civil office, and

which prohibits any person holding any other office from being a member of either house, would protect against such corruption.

> It is said, that the House of Representatives will be subject to corruption, and the Senate possess the means of corrupting. This was not spoken in the soft language of attachment to government. **It is, perhaps, impossible, with all the caution of legislators and statesmen, to exclude corruption and undue influence entirely from government**. All that can be done, upon this subject, is done in the Constitution before you. **Yet it behoves us to call out, and add every guard and preventive in our power. I think, sir, something very important, on this subject, is done in the present system;** for it has been provided, effectually, that the man that has been bribed by an office shall have it no longer in his power to earn his wages. **The moment he is engaged to serve the Senate, in consequence of their gift, he no longer has it in his power to sit in the House of Representatives; for "***No representative shall, during the term for which he was elected, be appointed to any civil office, under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased, during such time.***"**[59] And the following annihilates corruption of that kind: "*And no person holding any office under the United States shall be a member of either house during his continuance in office.*" **So the mere acceptance of an office, as a bribe, effectually destroys the end for which it was offered.**"[60]

Like the federal constitution, the Constitution of the State of Tennessee, expressly prohibits judges from holding a seat in the General Assembly.[61] The Tennessee Constitution, being the "least imperfect" and "most republican" also prohibits judges from holding any other office of trust or profit under the State of Tennessee, or United States.[62]

Going back to 16th Century England, plural office holding was regarded with grave concern. Executives, or other bodies appointing those already holding another office, consistently resulted in favoritism, and all other manner of corruption.

Again, the Incompatibility Clause seeks to prevent corruption; "*the mere acceptance of an office, as a bribe, effectually destroys the end for which it was offered.*" "*The Incompatibility Clause was motivated by worries about British-style corruption. The Framers did not perceive it as having much to do with the separation of powers.*"[63]

> **"The Framers' hatred of plural office holding grew from bitter experience. English Whigs, who greatly influenced the Framers, had for years**

---

[59] Constitution of the United States, Article I, § 6, ¶ 2
[60] Elliot's Debates, Vol II, Debates in the Convention of the State of Pennsylvania, Dec. 4, 1787, p. 475
[61] Constitution of the State of Tennessee, Article II, § 26
[62] Constitution of the State of Tennessee, Article VI, § 7
[63] Steven G. Calabresi & Joan L. Larsen, One Person, One Office: Separation of Powers or Personnel? 79 Cornell L. Rev. 1045, 1077 (1994)

complained about the corrupting effect of plural office holding and royal patronage on the conduct of politics in seventeenth- and eighteenth-century England. It was these complaints, rather than abstract theories about the separation of powers, that led the Framers to ban plural office holding."[64]

The latest Quarterly Report for the TBJC indicates that 96% of all YTD complaints against judges are dismissed (not knowing whether the classification "Other" are dismissals or disciplinary action). See **APPENDIX G**. The latest Quarterly Report also indicates complaints against judges have increased by 21% over the average of the last four years, evidencing the new TBJC has not improved conduct of the judiciary, with an increased number of complaints over prior years, not less.

Review of the 2024 public reprimands posted on the TBJC's website indicates that public reprimands by the TBJC are for trivial matters, and mere 30-day suspensions for crimes committed in office. Meanwhile, the lion's share of complaints dismissed, are complaints about court rulings, or inadequate factual basis, which the TBJC contends are grounds for dismissal. When dismissed based on inadequate factual basis, the TBJC, never bothers to request additional evidential materials.

In its more than 50 years of existence, the TBJC has never once recommended a single judge for impeachment.

Plural office holding, by judges in the TBJC, expressly prohibited in the Tennessee Constitution, has resulted in the corruption feared and protected against by the founders.

3. **No hereditary emoluments shall ever be granted or conferred in this state.**[65] **Offices of Trust cannot be delegated.**

Article I, Section 30 of the Constitution of the State of Tennessee prohibits conferring hereditary emoluments.

Emolument: Any perquisite, advantage, profit, or gain arising from the possession of an office.[66]

Understanding the meaning of the word "emolument" we know that an emolument is any perquisite, advantage, or gain received because of holding office. It is a clear advantage to the judicial branch to oversee the conduct of itself; to self-govern without oversight and without check on abuse of judicial power by the legislative branch. The positions of judges in the TBJC are an emolument.

Going back to medieval England, many offices under the crown were hereditary. In fact, in the United Kingdom, of the two parliamentary houses; the House of Commons

[64] *id,* footnote [63]

[65] Constitution of the State of Tennessee, Article I, § 30

[66] Black's Law Dictionary,_1979 Fifth Edition, p 470

and the House of Lords: the entire House of Lords were hereditary offices held for life until the 1999 House of Lords Act was passed as a reform measure. **Also, according to English tradition, heritable offices could be executed entirely by hired deputies, and in certain instances, sold.**[67]

Sir William Blackstone (1723-1780) was an English legal scholar, jurist, and politician who is considered one of the greatest scholars of English common law. According to Blackstone, offices of trust, **are not** heritable offices, since offices of trust require the exercise of discretion, judgement, experience, and skill and cannot be delegated to, or executed entirely by hired deputies.[68] [69] [70]

It must be common sense that the office of a Representative, in the House of Representatives, is both an office of trust and profit. Making or repealing statutory law or deciding whether to impeach or remove judges, are powers conferred by constitutional law, delegating sovereign functions concerning public welfare – the very definition of an office of trust. Very obviously, members of the House of Representatives cannot delegate to another person to cast votes for them in the House Chamber.

Since the 18th century, jurisprudence has held that offices of trust are not heritable, and cannot be delegated, or deputized to another person or body. Therefore, the General Assembly cannot lawfully confer hereditary emolument upon members of the judiciary in the Tennessee Board of Judicial Conduct.

The House of Representatives is entrusted by the people with the sole power of impeachment. Consideration of Articles of Impeachment or judicial complaints, and impeachment proceedings are an office of trust bestowed solely upon on the House of Representatives. As an office of trust, impeachment or removal proceedings cannot be delegated, and other bodies such as the TBJC, and others cannot be deputized to perform the duty of the House to consider Articles of Impeachment, aka, judicial complaints.

In January 2019, Petitioner John A Gentry asserted the Art. I, § 23 right to apply to the General Assembly for redress of grievances by remonstrance for the first time since the year 1850. In his Petition of Remonstrance, petitioner cited the 2010 Edition of Mason's Manual of Legislative Procedure, § 518, A Legislative Body Cannot Delegate Its Powers, ¶1 affirms:

> The power of any legislative body to enact legislation **or take final action requiring the use of discretion cannot be delegated to a minority, to a committee, to officers or members, or to another body**.

---

[67] Wharton's Law Lexicon, 14th Edition (1938) at 712

[68] A Dictionary of American and English Law (1883) at 895

[69] A New and Complete Law Dictionary (London, 2nd Edition (1771)

[70] Sir William Blackstone, Commentaries of the Laws of England (1765-1769), Book I, Chapter 4.

Approximately one year later, the National Conference of State Legislatures (publisher of Mason's Manual), published the 2020 Edition and completely deleted § 518 from the new edition, ignorant of well-established jurisprudence, that offices of trust cannot be delegated. Regardless, changing rules does not change the fact that offices of trust cannot be delegated.

In creating the TBJC, the General Assembly has unlawfully conferred hereditary emolument to judge members of the TBJC in gross violation of Article I, Section 30, and has unlawfully delegated their office of trust in gross violation of Article II, Sections 1 & 2.

4. Accumulation of Powers

In Federalist 47, James Madison stated;

> The accumulation of all powers, legislative, executive, and judiciary, in the same hands, whether of one, a few, or many, and whether hereditary, selfappointed, or elective, may justly be pronounced the very definition of tyranny.[71]

In Tennessee, same as in the several states as well as in the federal government, the judicial branch has accumulated the legislative power of impeachment through self-appointed hereditary emolument. As President Trump experienced, the result of this accumulation of power is absolute tyranny of the courts over whomever is so unfortunate to be brought within reach, and there is no check of one branch over the other of the judicial branch.

Pursuant to Tenn. Code Ann. 17-5-201, two judges are appointed TBJC by the Tennessee trial judges association, one judge is appointed by the Tennessee general sessions judges conference, one judge appointed by the Tennessee municipal judges conference, one judge by the Tennessee council of juvenile and family court judges, and one judge appointed by the Tennessee Supreme Court. These appointments are not confirmed by the legislative branch.

Clearly the judicial branch is self-appointing judges to oversee the conduct of the judiciary. In these self-appointed positions, awarded by the trial judges association, the general sessions judges conference, municipal judges conference, council of juvenile and council of family court judges, it is assured that whichever judge comes under scrutiny through complaint, they all have a friend from their own conference or council, in the Tennessee Board of Judicial Conduct to protect their corrupt conduct.

Further in Federalist 47, Madison quotes Montesquieu;

> "When the legislative and executive powers are united in the same person or body," says he, "there can be no liberty, because apprehensions may

[71] Federalist 47, James Madison, February 1, 1788

> arise lest THE SAME monarch or senate should ENACT tyrannical laws to EXECUTE them in a tyrannical manner. " Again: "**Were the power of judging joined with the legislative, the life and liberty of the subject would be exposed to arbitrary control**, for THE JUDGE would then be THE LEGISLATOR.
>
> **Were it joined to the executive power, THE JUDGE might behave with all the violence of AN OPPRESSOR.** " Some of these reasons are more fully explained in other passages; but briefly stated as they are here, they sufficiently establish the meaning which we have put on this celebrated maxim of this celebrated author.

As discussed above and in the preceding sections, the judicial branch self-appoints judges to unlawful offices of trust without legislative oversight of appointment, and has been conferred hereditary emolument by the legislature, establishing a roadblock to citizens to the court of impeachments in the House and Senate, and the judiciary has therefore usurped the legislative power of impeachment. The judiciary has also accumulated executive power of enforcement.

All courthouses and courtrooms in Tennessee are today guarded by Sherriff's Offices, or Municipal Police Departments, and Court Officers and Bailiffs. These officers enforce court rules, serve warrants, and carry our judicial directives, such as incarcerating for contempt. In effect, these officers act as a private police force for judges.

As President Trump is aware, having personally experienced "contempt of court" fining him, and taking monetary property without the benefit of trial by jury, citizens are all too often incarcerated for contempt of court.

Judges, through their usurped power of contempt, and through what amounts to a private police force, enforce their own orders, which is the executive power of enforcement. Having accumulated both executive and legislative powers in addition to their own judicial power, the judiciary exposes the citizenry to "arbitrary control," and behaves with all the violence of an oppressor, just as Montesquieu and Madison argued.

Petitioner's efforts to restore adherence to state constitution provision prohibiting second offices to judges.

To correct the gross violation of judges holding prohibited offices of trust in the TBJC, Petitioner, John A Gentry has made exhaustive efforts testifying in several legislative hearings, emailing the entire General Assembly, Governor, Attorney General, and filing complaint with the TBJC, against judge members of the TBJC.

- On January 14, 2019, Petitioner John A Gentry filed a Petition of Remonstrance with the Chief Clerk of the Tennessee Senate. In his remonstrance, Petitioner demanded the TBJC be abolished. Petitioner's Remonstrance was announced on the floor of the Senate on January 18, 2019. See **Appendix E**

- On January 18, 2019, Representative Bud Hulsey received Petitioner's Petition of Remonstrance, and filed it with the Chief Clerk of the Tennessee House of Representatives. Petitioner's Remonstrance was announced on the floor of the House on January 18, 2019
- On April 2, 2019, Petitioner John A Gentry testified in Civil Justice Subcommittee specifically raising the issue of judges holding second offices of trust in the TBJC.
- On December 19, 2019 Petitioner testified in Joint Government Operations Committee – Rule Review, considering the rules of the TBJC. Just prior to the beginning of that hearing Senator Bell and Judge David D Gay conspired to prevent Petitioner's testimony. Despite the collusion of Judge Gay and Senator Bell, Petitioner again raised the issue of judges holding prohibited office in the TBJC during his testimony. Senator Bell later resigned and Judge Gay was later replaced in the TBJC.
- On January 27, 2020, Petitioner testified in a continued Joint Government Operations Committee – Rule Review. Petitioner again raised the issue of judges holding prohibited office, and exposed how the rules of the TBJC are constructed to conceal judicial misconduct and criminal conduct. Senator Pody posed the question whether the general assembly "*was in any way in violation of Art. VI, § 7* to legislative counsel who responded; "*I'll have to get back to you on that*."
- On September 16, 2020, Petitioner testified in the Government Operations – Judiciary & Government Subcommittee regarding sunset of the TBJC. Petitioner again raised the issue of judges holding prohibited offices in the TBJC, and that the legislative houses must take back the power of impeachment.
- On or about December 30, 2020, Petitioner filed a REMONSTRNACE OF JUDICIAL MISCONDUCT BY JUDGE AND CHANCELLOR MEMBERS OF THE TENNESSEE BOARD OF JUDICIAL CONDUCT, with the TBJC in written protest of judges holding prohibited offices of trust in the TBJC. See **APPENDIX H**
- On January 7, 2021, Petitioner received a response stating "*that all the authority of The Board of Judicial Conduct came from The Tennessee Legislature, and you place blame on the "violation of The Tennessee Constitution" on the Board of Judicial Conduct. You also overlook that The Board of Judicial Conduct was created by another branch of government – the Tennessee Legislature*." The response was signed by Judge Gay, the same judge who colluded to prevent Petitioner's testimony to the Joint Govt. Ops Committee on Dec. 19, 2019. See **APPENDIX I**
- On December 2, 2023, Petitioner sent a mass email to every Senator, Representative (and all legislative staff), the Attorney General, the Governor, and members of the Tennessee press challenging any judge, Senator, Representative, Commissioner, or any government official to prove petitioner wrong that judges are not holding prohibited offices in the TBJC and Tennessee Code Commission. See **APPENDIX J**

- On December 16, 2023, Petitioner sent a follow-up email to every Senator, Representative (and all legislative staff), the Attorney General, the Governor, and members of the Tennessee press notifying all recipients that not one person had taken up Petitioner's challenge to prove him wrong that judges are not holding prohibited offices in the TBJC and Tenn. Code Comm. See **APPENDIX K**

C. The Right of Citizens To Apply To Those Invested With the Powers Of Government By Address Or Remonstrance Is Oppressed

This single gross violation of the Tennessee Constitution, oppressing the right of citizens to apply to those invested with the powers of government by oral address is sufficient cause on its own, to invoke Article IV, Section 4 Guaranty Clause.

On January 14, 2019, Petitioner John A Gentry filed a Petition of Remonstrance with the Chief Clerk of the Tennessee Senate, and on January 19, 2019 Representative Hulsey filed the same with the Chief Clerk of the Tennessee House of Representatives. On the cover and in the content of his Remonstrance, Petitioner requested oral argument to present his Remonstrance to a joint session of the senate and house. See **APPENDIX E**

Petitioner requested oral argument because he was deceived to not know he had a right to apply by oral address to the legislature, by a false version of the Constitution of the State of Tennessee held out to the people on the General Assembly website, in which the last phrase of Article I Section 23 was unlawfully altered in a Constructive Fraud upon the entire citizenry of the State of Tennessee.

Article I, Section 23 protects the right of citizens to apply to government for redress or proper purpose, by address or remonstrance. The last phrase of Article I, Section 23 correctly reads; "by address **or** remonstrance" meaning citizens can choose to make their application either by oral address or written remonstrance. In the false version that was on the General Assembly website, the last phrase was unlawfully altered to read "by address **of** remonstrance." By changing a single letter, and the word "or" to "of," the false version stripped the people of the right to orally address those invested with the powers of government.

The indirect response of the Tennessee General Assembly, abolishing and then reconstituting the TBJC, largely ignored Petitioner's Petition of Remonstrance in which he further sought abolishing the TBJC, Tennessee Code Commission, and the impeachment of three judges and the entire Tennessee Court of Appeals, and that various judicial reforms be put in place.

First Petition for Writ of Mandamus Defending Article I, Section 23 Rights

Since the General Assembly refused Petitioner's oral address to a joint session of the General Assembly, and took no action on proposed Articles of Impeachment, or other

judicial reforms, Petitioner filed a Petition for Writ of Mandamus against the Speakers and Clerks of both the Tennessee House and Senate, amended on July 29, 2019, seeking the following mandates upon the Speakers and Clerks. See **APPENDIX L.**

1. To mandate the Clerk's Office of the Senate to properly announce Petitioner's Petition of Remonstrance filed with the Senate, pursuant to Senate Rule of Order, Rule 22 and uphold and honor Petitioner's constitutional right to petition by address (orally).
2. To mandate the Senate to hear and decide Petitioner's Petition of Remonstrance filed with the senate, pursuant to Tenn. Const. Art. I, §§ 1, 23 and 35.
3. To mandate the Clerk of the Senate, Respondent Humphrey to correct the last phrase in the PDF version on the general assembly's website of the Constitution of Tennessee Constitution, Article I, Section 23 to properly read "by address **or** remonstrance"
4. To mandate the Clerk's Office of the House to properly announce Petitioner's Petition of Remonstrance filed with the House, pursuant to House Rule of Order, Rule 15 and uphold and honor Petitioner's constitutional right to petition by address (orally).
5. To mandate the House to hear and decide Petitioner's Petition of Remonstrance filed with the House, pursuant to Tenn. Const. Art. I, §§ 1, 23 and 35.

On June 7, 2019, counsel for Defendant Speakers and Clerks, Dep. Atty. Gen. Jane Kleinfelter filed a Motion to Dismiss and Supporting Memorandum of Law. In her Memorandum of Law in Support of Motion to Dismiss, Dep. Atty. Gen. Kleinfelter tendered falsified evidence, which was a materially altered false counterfeit version of the Petitioner's Petition of Remonstrance. See **APPENDIX M.** Comparing **APPENDIX E** which is a true copy of Petitioner's Petition of Remonstrance, to the false version in **APPENDIX M**, Defendants,' and counsel for Defendants intent of deceit is obvious.

In Defendants' supporting memorandum, Dep. Atty. Gen. Kleinfelter stated; "A copy of the full Petition of Remonstrance is attached hereto as Exhibit 1. In that false version, filed as an Exhibit in a Court of Equity, Petitioner's Remonstrance was reduced from 72 pages to only 13 pages. On the pages that were included; pages, words, phrases, and sentences were deleted, or words and phrases were materially altered in gross fraud upon the court.

Regarding the Defendants' memorandum of law supporting Motion to Dismiss that included falsified evidence, Petitioner filed a Motion to Strike – DENIED, a Motion to Sanction – DENIED, and a Motion to Discipline Attorney Misconduct – DENIED. During a hearing, see transcript of proceedings **APPENDIX N, p 7 - 9**, Petitioner proved to the trial court judge, that falsified evidence had been improperly and deceitfully tendered to the court, but the court would take no action whatsoever to hold accountable

such incredulous deceitful attorney misconduct by the state's second highest ranking attorney.

On September 11, 2019, the trial court wrongfully dismissed Petitioner's Petition for Writ of Mandamus giving fraudulent opinion based on obvious intentional misinterpretations of law and court opinions, and DENIED subsequent Motion to Alter.

Petitioner timely appealed to the Tennessee Court of Appeals December 13, 2019. On December 27, 2019, Petitioner filed a Notice of Non Consent with the Court of Appeals, stating he does not consent to have his appeal heard by Judges who have interest to not be reformed or impeached. See **APPENDIX O** As relief, Petitioner entreated the Appellate Court to refer the matter to the Tennessee Supreme Court for the justices to certify to the Governor to appoint a Special Supreme Court, pursuant to Tennessee Constitution, Article VI, § 11.

On January 6, 2020, the Tennessee Court of Appeals panel refused to recuse or disqualify, effectively stating Tenn. Sup. Ct. R. 10B § 3 supplants, and is superior to constitutional mandates, which is not true. See **APPENDIX P.** The Tennessee Supreme Court made the process for seeking recusal intentionally difficult in Rule 10B, so that judges can wrongfully deny recusal based on procedural defect of a recusal motion, to obviate the necessity of a judge stating grounds for denial of a recusal motion.

Due to the fact that the Appellate Court panel violated constitutional mandate in Art. VI, § 11, Petitioner filed a Rule 10B recusal motion. Since Petitioner has properly motioned for more than 100 corrupt judges to recuse or disqualify, Petitioner is an expert at writing recusal motions that hurdle the myriad of procedural requirements in Rule 10B unlawfully adopted by Tennessee's corrupt Supreme Court.

On January 27, 2020, the Court of Appeals issued a corrupt Order DENYING Petitioner's recusal motion while admitting they had an interest in the case. See **APPENDIX Q**. The Order specifically stated; "*Given the allegations in Petitioner's Remonstrance,* ***we conclude that we the undersigned judges have an interest in the underlying case to the extent that it seeks to impeach the judges of this Court****. The interest in this case, however, does not mandate recusal, as we find that the Rule of Necessity applies*."

Article VI, § 11 states;

> No judge of the Supreme or Inferior Courts shall preside on the trial of any cause in the event of which he may be interested, or where either of the parties shall be connected with him by affinity of consanguinity, within such degrees as may be prescribed by law, or in which he may have been of counsel, or in which he may have presided in any Inferior Court, except by consent of all the parties. **In case all or any of the judges of the Supreme Court shall thus be disqualified from presiding on the trial of any cause or causes, the court or the judges thereof, shall certify the same to the**

> **governor of the state, and he shall forthwith specially commission the requisite number of men, of law knowledge, for the trial and determination thereof.** The Legislature may by general laws make provision that special judges may be appointed, to hold any courts the judge of which shall be unable or fail to attend or sit; or to hear any cause in which the judge may be incompetent.

What the Court of Appeals panel should have done, is refer the case to the Tennessee Supreme Court, and the Tennessee Supreme Court, should have referred the matter to the Governor to appoint a Special Supreme Court, not comprised of members of the judiciary. Simple as that. Instead, Petitioner was forced to have his case heard by judges with an admitted interest to not be impeached or reformed.

On September 17, 2020, the Court of Appeals rendered judgment affirming the trial court's wrongful dismissal of Petitioner's Petition for Writ of Mandamus. The Opinion ignored the fact that Petitioner requested oral argument while being deceived by a false version of the state constitution to not know he had a constitutional right to orally address the legislative houses in remonstrance.

In Petitioner's Amended Petition for Writ of Mandamus, Petitioner added the cause of action of a false version of the Tennessee Constitution held out to the people on the General Assembly's website in a massive constructive fraud, with the last phrase of Article I, § 23 unlawfully and materially altered. The Court of Appeals upheld the corrupt trial court ruling that the Defendants do not have a duty to have a correct version of the state constitution on General Assembly's website. See **APPENDIX R** In their Opinion, regarding the false version of the constitution, the Ct. of Appeals stated;

> Furthermore, as the trial court pointed out, the General Assembly has no duty to display the Tennessee Constitution. The official version of the Tennessee Code, including the Constitution, appears in volumes of Tennessee Code Annotated certified by the Tennessee Code Commission. Tenn. Code Ann. §§ 1-1-110–1-2-114. The General Assembly is under no duty to perform the act of correction requested by Mr. Gentry in his mandamus action.
>
> Thus, the trial court acted within its discretion in dismissing Mr. Gentry's petition for a writ of mandamus. **We would, however, encourage the General Assembly to make the correction**. **APPENDIX R, p 14/15**

The Defendants swore oath to support the constitution of this state, and having a false version on the General Assembly website that strips the people of their constitutional right to orally address government for redress of grievances or other proper purposes, is antirepublican, a violation of oath of office, and the antithesis of supporting the constitution they swore to support.

Moreover, the Opinion coming from a panel with admitted interest to not be impeached or reformed, and defendants deciding their own innocence, has no merit and is antirepublican, and a mockery of justice.

Petitioner petitioned for certiorari in both the Tennessee Supreme Court, Case No. M2022-00654-SC-R11-CV and Supreme Court of the United States, Case No. 20-1618, both DENIED to be considered.

Second Petition for Writ of Mandamus Defending Article I, Section 23 Rights

On May 3, 2021, Petitioner John A Gentry presented a Tennessee Constitution, Art. I, § 23 application to the Tennessee General Assembly to Tennessee Representative Johnny Garrett. On the same day, Representative Garrett filed that application with the Chief Clerk of the Tennessee House of Representatives, and it was announced on the floor of the House on the same day. Attached as **APPENDIX S** is a copy of Petitioner's application and Representative Garrett's letter to the Chief Clerk.

Petitioner, now knowing the correct language of Article I, Section 23, and that citizens have a right to apply to legislative houses for redress of grievance by oral address, specifically applied to present his application by address. In his application, Petitioner merely sought to present to the Tennessee House why the body should welcome proper petitions and remonstrances, and why the House should reinstate the Propositions and Grievances Committee that previously existed prior to the year 1850.

Corrupt Speaker of the Tennessee House of Representatives, Cameron Sexton refused to present Petitioner to the body to make his oral address.

On December 15, 2021 Petitioner filed Petition for Writ of Mandamus against corrupt Speaker of the Tennessee House of Representatives, Cameron Sexton. In his Petition for Writ of Mandamus, Petitioner sought Order from the Court upon Speaker Sexton to schedule Plaintiff's oral address to a quorum of the House, and to make such schedule at a mutually agreed upon date and time with Plaintiff. Petitioner further sought Order upon Defendant Sexton to call Plaintiff to the table, before a quorum, at the mutually agreed date and time, and to provide reasonable time to Plaintiff to make his address to the body, requesting a reasonable 15 minutes. See **APPENDIX T**

In his Petition for Writ of Mandamus, Petitioner attached Exhibits of copies of co-signatures from citizens across the state of Tennessee, several emails sent to Speaker Sexton and his staff all ignored and not responded to, as well as emails to and from Representative Garrett.

On January 26, 2022, Counsel for Defendant Speaker Sexton, filed an Answer to Verified Petition for Writ of Mandamus admitting Defendant Speaker Sexton ignored Petitioner's emails and did not respond. See **APPENDIX U**

During trial court proceedings several motions and responses were filed, including motions for Summary Judgment from both parties. Counsel for Defendant motioned for

summary judgment falsely alleging that Mr. Gentry's "*claims are barred by the doctrine of res judicata as a matter of law*."

Legal doctrine is not law. The doctrine of *res judicata* is simply a legal doctrine that is all too often used by corrupt courts to wrongfully dismiss lawsuits.

Tennessee Courts determine application of *res judicata* to a case based on four factors, all of which must be present as follows;

1. The prior case must have been tried in a court of competent jurisdiction.
2. The parties must be the same parties in both cases.
3. Both cases must be based on the same cause of action.
4. The prior case was tried on the merits.

In the first case, the Court of Appeals admitted interest, and stated there was not a single judge in the entire state qualified to try the case. In the prior case, Petitioner also motioned for the trial court judge to disqualify due to interest admitted to by the Ct. of App., and therefore the prior case was not tried in a court of competent jurisdiction.

In the prior case, the cause of action was a written remonstrance demanding reform of the judiciary. In the second case, the cause of action was an application by address seeking resolution of the houses to welcome, hear, and decide proper petitions and remonstrances, and to reinstate the propositions and grievances committee, and therefore the causes of action were not the same, and clearly the courts falsely applied the legal doctrine of *res judicata*, since they could not deny the fact that citizens have a right to apply to the powers of government by oral address.

On April 8, 2022, the trial court granted Defendant Speaker of the House, Cameron Sexton's Motion for Summary Judgment, fraudulently holding that the legal doctrine of *res judicata* barred Mr. Gentry's claims. See **APPENDIX V**

Even if the four factors of *res judicata* were satisfied, which they were not, Article XI, Section 16 prohibits violation of any rights in the state constitution, on any pretense whatever, including fraudulently applied legal doctrine. Article XI, Section 16 affirms;

> **The declaration of rights hereto prefixed** is declared to be a part of the Constitution of the state, and **shall never be violated on any pretense whatever. And to guard against transgression of the high powers we have delegated, we declare that everything in the bill of rights contained, is excepted out of the general powers of the government**, and shall forever remain inviolate.

The word pretense is synonymous with color of law.[72] Any act, oppressing any right, is a pretense and executed under color of authority – without authority. The Supreme

[72] **Color of Law**: The appearance or semblance, without the substance, of legal right. **Misuse of power**, possessed by virtue of state law and made possible only because the wrongdoer is clothed with the authority of state, is action taken under "color of law". *Black's Law Dictionary 5th Edition.*

Court of the United States stated; ***"It is clear that under "color" of law means under "pretense" of law."*** *Screws v. United States*, 325 US 91 - Supreme Court (1945) at 111.

The 41st Congress passed the Enforcement Act of 1870 to combat oppression of voting rights based on race. During debates in Congress on the Enforcement Act of 1870, Senator John Sherman made the following statement;

> "This bill only proposes to deal with offenses committed by officers or persons **under color of existing State law, under color of existing State constitutions**. No man could be convicted under this bill reported by the Judiciary Committee **unless the denial of the right to vote was done under color or pretense of State regulation**."[73]

From Senator Sherman's statement, we can conclude without question that color of law is synonymous with pretense. Since pretense is synonymous with color of law, and because color of law means misuse of power made possible because the wrongdoer is clothed in the authority of the state, Art. XI, § 16 excepts powers of the state government to oppress rights in the Declaration of Rights through rule, policy, or statutory law, as well as by legal doctrine.

Certainly, if rights cannot be oppressed under "color of State law, or State constitutions, rights cannot be oppressed under fraudulently applied legal doctrine such as *res judicata*.

Section 16 is a clear prohibition placed upon government to not violate rights under color of authority. The phrases, "*to guard against transgression of the high powers we have delegated*," and "*excepted out of the general powers of the government*" all clearly evidence the fact the framers were further protecting the Declaration of Rights from infringement under color of authority.

The Phrase "*excepted out of the general powers of government"* means government has no authority, whether by rule, policy, statute, or any other means, to oppress any of the rights in the Declaration of Rights.

Petitioner has also sent numerous emails to the entire General Assembly, and spoken in many legislative hearings that this right must be restored, and not one single member of the General Assembly, or any person in government, will support reinstitution of this right to its full and proper magnitude.

Again, the Supreme Court of the United States stated: "*the very idea of a government, republican in form, implies a right of its citizens to petition for redress of grievances,*"[74] and very obviously, the government of the State of Tennessee grossly oppresses this fundamental right of citizens, proving that the government of the State

[73] Cong. Globe, 41st Cong., 2d Sess., p. 3663
[74] *United States v. Cruikshank*, 92 US 542, 23 – Sup. Ct, 1876 (at 553).

of Tennessee has forsaken its republican character and form, necessitating invocation of the Guaranty Clause in Article IV, Section 4 of the federal constitution.

D. Tennessee Code Commission Must Be Abolished or Reconstituted

The Tennessee Code Commission intentionally deceives what the law is, acts in violation of the Separation of Powers defined in Article II, Section 2, and includes justices holding expressly prohibited second offices of trust in gross violation of Article VI, Section 7.

Tenn. Code Ann. § 1-1-101

> (a) There is created a Tennessee code commission of five **(5) members** composed of the **chief justice of the supreme court, the attorney general and reporter, a director of the office of legal services for the general assembly, and two (2) other members appointed by the chief justice.**

First and foremost, T.C.A. § 1-1-101 clearly states the Tennessee Code Commission is comprised of five members one of whom is the Chief Justice of the Tennessee Supreme Court. Article VI, Section 7 as previously discussed, expressly prohibits judges from holding any other office, and most certainly, the Code Commission is an Office, and most certainly, the government of the State of Tennessee is acting in gross violation of the state constitution, and has repeatedly refused to correct such unlawful circumstance.

At time of writing this document (1/14/25), the Tennessee Code Commission website, (incredulously, a page of the Tennessee Courts' website) lists members of the Code Commission which include Chief Justice Holly Kirby as Chair, and Justice Bivens and Attorney General Jonathan Skrmetti as members. Therefore, there are two justices in the Tennessee Code Commission holding prohibited offices in violation of Article IV, Section 7, and three members holding de facto prohibited legislative seats.

Tenn. Const. Art. II, § 26 affirms:

> **No judge of any court of law or equity**, secretary of state, **attorney general**, register, clerk of any Court of Record, **or person holding any office** under the authority of the United States, **shall have a seat in the General Assembly**;

Tenn. Const., Art II, § 26 clearly affirms that NO JUDGE, ATTORNEY GENERAL, or PERSON HOLDING ANY OFFICE, shall have a seat in the General Assembly, and yet here we have a "laundry list" of persons specifically excluded from seats in the General Assembly sitting in de facto legislative seats. This fact is so repugnant to our form of government and separation of powers doctrine, it frustrates rational thought.

Pursuant to Tenn. Code Ann. § 1-1-105

> (a) **The Tennessee code commission is hereby authorized** and directed **to formulate and supervise the execution of plans for the** compilation, arrangement, classification, **annotation**, **editing**, indexing, printing,

> binding, publication, sale, distribution and the performance of all other acts necessary for the publication of an official compilation of the **statutes, codes and session laws of the state of Tennessee of a public and** general nature, **now existing and to be enacted in the future**, including an electronically searchable database of such code, which official compilation shall be known as "Tennessee Code Annotated."

The Tennessee Code Commission must be dissolved, and T.C.A., Title 1 repealed or made compliant with the Tennessee Constitution. Indeed, since THE PEOPLE are subjected to members of the judiciary having unconstitutional "authority" to "edit" public acts of the General Assembly, the entire Tenn. Code Ann. must be reviewed thoroughly to discern which parts are Acts of the General Assembly and which are not, and to further discern whether "edits" circumvented the intent of the General Assembly.

As noted earlier, the General Assembly website included a false version of the Tennessee Constitution in which one letter was changed – the word "or" changed to the word "of" and that single letter being changed, stripped citizens of the right to orally address government. That single letter changed, materially changed the meaning of the supreme law of our state constitution. Having power to "edit" public acts, changing even just one letter is the power to make law to whatever desired, to suit one's own purpose absent the entire legislative process, and veto power of the governor.

The Tennessee General Assembly has "authorized" five (5) persons, who are all likely attorneys or judges, the power to "edit" lawful acts of General Assembly and compile "codes" created by who knows, along with acts of General Assembly and apparently so without any oversight whatsoever.

Considering T.C.A. 1-1-111, this is an awesome but unconstitutional delegation of power:

> (a) **Upon appropriate certification of approval by the commission** filed with the secretary of state as provided in § 1-1-110, the compilation in each volume and supplement **so certified shall be in force**.

Therefore, pursuant to T.C.A. 1-1-111(a) above, judges and attorneys as unelected members of the commission certify their own "edits" to acts of General Assembly and they "*shall be in force*". In subparagraph (b) noted below, the commission's "certificate of approval" is purported as **prima facie evidence of the statutory law of this state** used in all courts, agencies, etc., etc.

> (b) The text of the statutes, codes and code supplements (but not the annotations, footnotes and other editorial matter) appearing in the printed copies of the compilation, containing a copy of the commission's certificate of approval, **shall constitute prima facie evidence of the statutory law of this state and be received, recognized, referred to and used in all courts, agencies, departments, offices of and proceedings in the state as the official compilation of the statutory law,** and may be cited as Tennessee Code Annotated or by the abbreviation "T.C.A."

Mr. President, please take pause and carefully consider the language: "*shall constitute prima facie evidence of the statutory law of this state and be received, recognized, referred to and used in all courts, agencies, departments, offices of and proceedings in the state as the official compilation of the statutory law.*"

"**Statutes**" are acts of legislature declaring, commanding, or prohibiting something. The commission has unlawful authority to edit statutes, the public acts of the General Assembly. This language permits the commission to purport their "edits" under color of law[75] as lawful acts of General Assembly.

The commission comprised of two justices holding prohibited offices, is further granted the power to lobby the General Assembly in T.C.A. § 1-1-114 without registration as lobbyists as required in T.C.A. Title 3, Chapter 6:

> **The commission may prepare and submit to succeeding sessions of the general assembly its recommendations for the revision in substance and form or the repeal or amendment of certain statutes or any portion thereof, and submit bills for the accomplishment of such proposed revision, repeal or amendment**. T.C.A. §1-1-114

This is yet another violation of the separation of powers doctrine in granting power to the Chief Justice of the Supreme Court of Tennessee (and members of the BAR), to lobby the General Assembly, and submit bills; "**for the revision in substance and form or the repeal or amendment of certain statutes or any portion thereof, and submit bills for the accomplishment of such proposed revision, repeal or amendment**.

One can well imagine the outrage if Chief Justice Roberts of the Supreme Court of the United States made recommendations to U.S. Congress "**for the revision in substance and form or the repeal or amendment of certain statutes or any portion thereof, and submit bills for the accomplishment of such proposed revision, repeal or amendment**." One can also well imagine the outrage if Chief Justice Roberts of the Supreme Court of the United States were "editing" and compiling the lawful acts of the U.S. Congress. **Again, these facts are so repugnant to our form of government and separation of powers doctrine, it frustrates rational thought.**

These facts further evidence declared acts of tyranny as stated in our Declaration of Independence.

> For suspending our own Legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

---

[75] Color of Law: The appearance or semblance, without the substance, of legal right. **Misuse of power**, possessed by virtue of state law and made possible only because the wrongdoer is clothed with the authority of state, is action taken under "color of law". *Black's Law Dictionary 5th Edition.*

> He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their Public Records, for the sole purpose of fatiguing them into compliance with his measures.

"*Legislative bodies at places unusual*" and "*declaring themselves invested with the power to legislate*" is exactly what the Tennessee Code Commission is and does.

Further now consider the language of Tenn. Const. Art VI, § 1 which affirms:

> **The judicial power of this state shall be vested in one Supreme Court and in such Circuit, Chancery and other Inferior Courts as the Legislature shall from time to time, ordain and establish**; in the judges thereof, and in justices of the peace. The Legislature may also vest such jurisdiction in Corporation Courts as may be deemed necessary. Courts to be holden by justices of the peace may also be established.

Black's Law Dictionary defines Judicial Power as follows:

> The authority vested in courts and judges to hear and decide cases and to make binding judgments on them: the power to construe and apply the law when controversies arise over what has been don or not done under it.

As part of their judicial authority, the judiciary may be called upon to make determination as to whether an act of General Assembly encoded in state statute is constitutional or not. Since the Tennessee Code Commission (1) "**is hereby authorized** and directed **to formulate and supervise the execution of plans for the** compilation, …, **annotation**, **editing**, … **of the statutes, codes and session laws of the state of Tennessee of a public and general nature**, **now existing and to be enacted in the future,…"** and because (2) **"…of the commission's certificate of approval, shall constitute prima facie evidence of the statutory law of this state and be received, recognized, referred to and used in all courts,.."** and further that, **(3) "The commission may prepare and submit to succeeding sessions of the general assembly its recommendations for the revision in substance and form or the repeal or amendment of certain statutes or any portion thereof, and submit bills…"** renders the Chief Justice and Attorney General incapable of one of their primary functions which is to determine or defend the constitutionality of state statutes.

T.C.A. 29-14-107, requires a person challenging statute, ordinance, etc., to serve the attorney general with a copy of the proceeding as follows:

> 29-14-107. Parties to proceedings.[76]
>
> (a) When declaratory relief is sought, all persons shall be made parties who have or claim any interest which would be affected by the declaration,

[76] It is worth noting the deceptive title of 29-14-107 "Parties to proceedings" found under Chapter 14 Declaratory Judgments. This further evidence deceptive practices to the Tennessee Code Commission. T.C.A. 29-14-107 (b) is routinely used by corrupted courts to ignore statute "validity" or constitutionality challenges for failure to adhere to a deceptively labeled "statute" which may be one of the "codes" enacted under color of law and purported to be a statute enacted by congress.

and no declaration shall prejudice the rights of persons not parties to the proceedings.

(b) **In any proceeding which involves the validity** of a municipal ordinance or franchise, such municipality shall be made a party, and shall be entitled to be heard, **and if the statute, ordinance, or franchise is of statewide effect and is alleged to be unconstitutional, the attorney general and reporter shall also be served with a copy of the proceeding and be entitled to be heard**.

Again, the Chief Justice and Attorney General are incapable of impartial constitutionality challenge of state statutes due to being members of the commission who "edit" and certify, propose bills, etc. How possibly can the Chief Justice and Attorney General provide impartial consideration as to the constitutionality of state statutes if they are the ones editing and certifying statutes, and perhaps proposing the underlying bill? Again, this confounds rational thought.

In the case, *Peterson v. Peterson,* 320 P. 3d 1244 - Idaho Supreme Court (2014), Justice Eismann provided a comprehensive analysis of what is code and what is law and that the "***The Idaho Code is not the law. The code commission has no legislative authority***."

It is the personal observation of Petitioner, who was a Certified Public Accountant for more than twenty years, that the Tennessee Code Annotated is compiled in such a manner for the purpose of deception. Petitioner alleges that the titles of statutes and chapter headers are intentionally misleading to deceive the public and confound the layperson. Petitioner alleges the "statutes" as detailed and compiled may not be the lawful acts of General Assembly, but edited "codes" and edited public acts created and compiled by the commission, deceptively purported to be acts of General Assembly.

Regardless, two justices are holding prohibited offices in the Tennessee Code Commission and have unlawful authority to propose legislation, in violation of Art. II Separation of Powers defined in Article II, Sections 1 and 2, and therefore the Code Commission is repugnant to the Tennessee Constitution, and the government of the State of Tennessee has forsaken its republican character and form.

E. Proposed Amendments to the Tennessee Constitution Must Be Properly Published To The People As Required

Tennessee maintained the longest standing unamended constitution of all the states, because the framers made it intentionally difficult for the constitution to be amended. In 1953, the people were deceived into calling for a constitutional convention, and the process for amending was changed.

In recent years, the General Assembly has been exploiting the changed amendment process and proposing amendments nearly every session, if not in fact, at every session. Continuing this path of rapid-fire succession of routinely amending the state

constitution further deteriorates the republican character of the state, since very few amendments further the welfare of the people but instead benefit special interests.

Compounding the problem, the government of the state of Tennessee is not properly publishing proposed amendments to the people as required in Article XI, Section 3.

The Constitution of the State of Tennessee, Article XI, Section 3 directs the process that must be followed for how amendments to the state constitution are put into effect by the legislative houses. Article XI, Section 3 reads in part as follows;

> Any amendment or amendments to this Constitution may be proposed in the Senate or House of Representatives, and if the same shall be agreed to by a majority of all the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their journals with the yeas and nays thereon, and referred to the General Assembly then next to be chosen; **and shall be published six months previous to the time of making such choice;** and if in the General Assembly then next chosen as aforesaid, such proposed amendment or amendments shall be agreed to by two-thirds of all the members elected to each house, then it shall be the duty of the General Assembly to submit such proposed amendment or amendments to the people at the next general election in which a governor is to be chosen. And if the people shall approve and ratify such amendment or amendments by a majority of all the citizens of the state voting for governor, voting in their favor, such amendment or amendments shall become a part of this Constitution. When any amendment or amendments to the Constitution shall be proposed in pursuance of the foregoing provisions the same shall at each of said sessions be read three times on three several days in each house.

Black's Law Dictionary defines "publish" as follows;

Publish. To make public; to circulate; to make known to the people in general. To issue; to put into circulation.[77]

Publish, 1. To distribute copies (of a work) to the public. 2. To communicate (defamatory words) to someone other than the person defamed.[78]

Again, taking note of how definitions of legal terms were redefined by the publisher of Black's Law Dictionary between the Fifth and Tenth Editions, evidences further conspiracy to deceive the public as well as legal professionals.

Typical in the language of every proposed amendment is the following language falsely purporting compliance with the constitution's publishing provision;

---

[77] Black's Law Dictionary Fifth Edition p 1109
[78] Black's Law Dictionary Tenth Edition p 1428

> BE IT FURTHER RESOLVED, that the foregoing be referred to the One Hundred Fourteenth General Assembly and that this resolution proposing such amendment **be published in accordance with Article XI, Section 3** of the Constitution of Tennessee **by posting such amendment on the official website of the Secretary of State and on the official website of the General Assembly**.

The General Assembly website is intentionally structured that it is not user friendly and not an intuitive user interface. Moreover, very few citizens take time to browse either the General Assembly or Secretary of State websites. Petitioner alleges, and common sense affirms, that the strong majority of citizens of the State of Tennessee have never visited either the General Assembly or Secretary of State websites.

To "publish" is to circulate; to make known to the people in general, to distribute copies to the public. Posting proposed amendments to the state constitution on the General Assembly and Secretary of State websites, IS NOT circulating, making known to the people in general, or distributing copies to the public.

To compound the issue of failure to publish proposed amendments, prior to 2022, the Secretary of State website was using a deceptive URL for proposed amendments posted to the Secretary of State website. Petitioner alleges, the deceptive URL was intended to circumvent Google or DuckDuckGo search algorithms. That URL was as follows; https://sos.tn.gov/products/business-services-charitable-solicitations-and-gaming-civic-engagement-elections-executive. This link now redirects to https://sos.tn.gov/2022-amendments evidencing the deceptive URL previously used.

The Secretary of State website only abandoned the deceptive URL, after Petitioner emailed the entire General Assembly, Secretary of State, and governor protesting the deceptive URL. Presently, at time of writing this document, proposed amendments are available to the public on the Secretary of State website, by navigating to the elections page, and clicking the **thin tan bar under the menu bar**, which is not very intuitive for the public.

On that page, proposed amendments should at least be as visible as the button links for Register to Vote, View Elections Calendar, etc. See image which is a screen shot of the Tennessee Secretary of State website;

During the 2022 General Election, Petitioner John A Gentry spoke with several people waiting in line to cast votes, and not one person was aware of any of the four proposed constitutional amendments on the ballot in that election. Very obviously, the General Assembly proposing those amendments failed to properly circulate; to make known to the people in general, or to distribute copies to the public in violation of Article XI, Section 3.

The intent of the General Assembly and Secretary of State is obvious – to trick citizens into voting for amendments they know little to nothing about, and without proper consideration in public debate.

The 1870 Tennessee Constitution included the provision that proposed amendments must be published to the people six months prior to the election of the second General Assembly approving such proposed amendments.

During the 1870 Constitutional Convention, the convention discussed "PUBLICATION OF NEW CONSTITUTION."

> Mr. WILLIAMSON offered the following resolution:
>
> *Resolved*, That for the information of the people an official copy of the amended Constitution, adopted by this Convention, be published in the two papers of the largest circulation in the cities of Knoxville, Nashville and Memphis, and in one newspaper of largest circulation in each other county in which a newspaper is now published; and that 30,000 copies of the said amended Constitution be printed by the Public Printers for general distribution; and that the newspapers publishing an official copy of the amended Constitution be paid fifty dollars each. [79]

On February 22, 1870, the Committee on Printing made a report and recommendation to the Convention; that 30,000 copies of the proposed constitution be printed, and deliver 400 copies to each of the Delegates for general distribution among the people, that the Secretary have said Constitution printed as early as possible, as an advertisement in newspapers as proposed by Mr. WILLIAMSON, and that the Secretary copy the Journal of Proceedings in a well bound book to be deposited in the state archives library, and 30 copies delivered to each delegate for distribution.[80]

On motion, the part of the committee's report requiring printing the constitution as advertisement in newspapers was stricken out. Mr. THOMPSON moved 100,000 copies of the Constitution be printed for general distribution, which was rejected. Mr. BAXTER moved for 75,000 copies, and demanded the yeas and nays, which was ordered, and the motion rejected 27 to 35. Mr. GARNER moved to print 50,000 copies, and

[79] Journal Of The Proceedings Of The Convention Of Delegates, Nashville, 1870, p. 366
[80] Journal Of The Proceedings Of The Convention Of Delegates, Nashville, 1870, p. 391

demanded the yeas and nays, which were ordered, and the motion was adopted 38 to 23.[81]

Mr. HOUSE moved to reconsider the vote rejecting that part of the resolution which authorized printing of the Constitution in the newspapers. Mr. FIELDER demanded the yeas and nays, which were ordered, and the motion to reconsider was rejected 30 to 34, a narrow 6% margin rejecting publication in newspapers.[82]

As evidenced in the Journal of Proceedings of the 1870 Constitutional Convention, almost one-half or forty-seven percent of the delegates favored publishing the constitution as an advertisement in newspapers across the state. Sixty-two percent voted in favor of printing 50.000 copies for distribution amongst the people.

Equating what is happening today to how the proposed constitution was published in 1870, what the General Assembly and Secretary of State are doing today, would be comparable to in 1870 as posting a copy of proposed amendments on the wall of the lobby in the state capitol building, with the people forced to trek to the capitol.

What should be happening today at a minimum, is at least six months prior to the election of the second general assembly to consider proposed amendments, such proposed amendments should be posted on every candidate for legislative office and every legislator's social media pages, as well as the social media pages of the Governor, and Secretary of State. Since the 1870 convention resolved to print 50,000 copies for distribution to the people; the Tennessee government should therefore email copies of each proposed amendment to every email address on file, with the Office of the Governor, and every county election commission. The cost to post on social media pages and to email is nothing – zero-dollar cost.

And if the government of the State of Tennessee desires to not publish to the people at zero cost, evidences a government that has forsaken its republican character and form, and a government that desires to deceptively trick its people into adopting by ratification proposed amendments.

F. The Tennessee Board of Professional Responsibility Must Be Abolished

The Board of Professional Responsibility BPR website states;

> In 1976, the Tennessee Supreme Court created the Board of Professional Responsibility to aid in supervising the ethical conduct of attorneys. The Tennessee Supreme Court regulates and supervises the practice of law in Tennessee pursuant to Tennessee Supreme Court Rule 9.

[81] *Id*, footnote [80]
[82] *Id*, footnote [80]

As stated on the BPR website, the Tennessee Supreme Court "created" the Board of Professional Responsibility. The constitution of the State of Tennessee does not grant power to the Supreme Court or any court to create anything.

Pursuant to the Constitution of the State of Tennessee, Article VI, § 1;

> The judicial power of this state shall be vested in one Supreme Court and in such Circuit, Chancery and other Inferior Courts as the Legislature shall from time to time, ordain and establish; in the judges thereof, and in justices of the peace. The Legislature may also vest such jurisdiction in Corporation Courts as may be deemed necessary. Courts to be holden by justices of the peace may also be established.

Black's Law Dictionary **Fifth** Edition defines Judicial Power as follows;

Judicial Power. The authority exercised by that department of government which is charged with declaration of what law is and its construction. The authority vested in courts and judges, as distinguished from the executive and legislative power. Courts have general powers to decide and pronounce a judgment and carry it into effect between two persons and parties who bring a case before it for decision; and also such specific powers as contempt powers, power to control admission and disbarment of attorneys, power to adopt rules of court, etc.[83]

Conversely, Black's Law Dictionary **Fourth** Edition defines Judicial Power as follows;

Judicial Power. The authority exercised by that department of government which is charged with declaration of what law is and its construction. The authority vested in courts and judges, as distinguished from the executive and legislative power.[84]

It is important to notice that the publishers of Black's Law Dictionary added to the definition between the Fourth Edition (1968) and Fifth Edition (1979) the language; "*and also such specific powers as contempt powers, power to control admission and disbarment of attorneys, power to adopt rules of court, etc.*"

That redefinition of Judicial Power between 1968 and 1979 is nothing more than a usurpation of power by the judicial branch. Interestingly, beginning in the early 1960's is when the judicial branch started becoming grossly corrupt.[85] As an unrelated side note on adding the "*power to adopt rules of court*:" In Tennessee, the legislature approves rules of the court, but not local court rules. Local court rules are often used to corruptly circumvent and deny due process.

Tenn. Constitution Art. VI describes the judicial branch of the Tennessee government. It established the Supreme Court as a court with appellate jurisdiction only. There is no original jurisdiction for the Tenn. Supreme Court. And the

[83] Black's Law Dictionary, Fifth Edition, p. 761
[84] Black's Law Dictionary, Fourth Edition, p. 986
[85] Lawyers and Judges in Collusion The FRATERNITY, Judge John Fitzgerald Molloy

constitution establishes that it is the legislature that shall create the inferior courts. The Tennessee Supreme Court has no jurisdiction to create and control an adjudicatory body with original jurisdiction over the practice of law. Further, Rule 9 was not approved by the Tenn. General Assembly. The "Compiler's Notes" state that these rules become effective January 1, 2014, replacing the previous Rule 8 which was adopted in 2006. However, the compiler notes do not give any indication that Rule 9 was adopted by resolution.

Tennessee Constitution, Article VI, § 2 states;

> **Section 2.** The Supreme Court shall consist of five judges, of whom not more than two shall reside in any one of the grand divisions of the state. The judges shall designate one of their own number who shall preside as chief justice. The concurrence of three of the judges shall in every case be necessary to a decision. **The jurisdiction of this court shall be appellate only**, under such restrictions and regulations as may from time to time be prescribed by law; but it may possess such other jurisdiction as is now conferred by law on the present Supreme Court. Said court shall be held at Knoxville, Nashville and Jackson.

The jurisdiction of the Tennessee Supreme Court is appellate only. Clearly, The Tennessee Supreme Court has no jurisdiction to create and control an adjudicatory body with original jurisdiction over the practice of law. The use of the word "only" prohibits all other jurisdiction, including original jurisdiction over the practice of law and licensure of attorneys. Since the Supreme Court is prohibited original jurisdiction because it is vested "only" with appellate jurisdiction, precludes creating an agency such as the BPR having original jurisdiction over the licensure of attorneys and their ability to practice their trade of law.

Judicial Power is only the power to decide cases at controversy. Since the Tennessee Supreme Court created an attorney oversight agency, the judicial branch exercised legislative power and usurped prohibited power and jurisdiction. Article II Sections 1 and 2 define the Separation of Powers in the Tennessee government, and prohibit any person or persons belonging to one branch from exercising powers belonging to either of the other two branches.

Article VI, Section 1 states;

> **The judicial power of this state shall be vested in one Supreme Court and in such Circuit, Chancery and other Inferior Courts as the Legislature shall from time to time, ordain and establish**; in the judges thereof, and in justices of the peace. The Legislature may also vest such jurisdiction in Corporation Courts as may be deemed necessary. Courts to be holden by justices of the peace may also be established.

As affirmed in Article VI, Section 1, judicial power is vested in the "**Inferior Courts as the Legislature shall from time to time, ordain and establish."** Clearly "inferior courts" are to be established by the Legislature, and only the Legislature. The BPR is an inferior court, that conducts trials of alleged attorney misconduct, without the benefit of trial by jury, and was created by the Tennessee Supreme Court through a usurpation power vested in the Legislature to establish inferior courts.

Moreover, The BPR mandates that all attorneys pay an annual fee of $300 per year to fund operations of the BPR which is taxation, again a legislative power.

Tennessee courts and so called "legal scholars" have given the false opinion that the Tennessee Supreme Court has inherent powers to regulate the practice of law which is not true. In a Formal Ethics Opinion 2012-F-91(c) it was stated;

> **Included in the Supreme Court of Tennessee's "…inherent power is the essential and fundamental right to prescribe and administer rules pertaining to the licensing and admission of attorneys**." Petition of Burson, 909 S.W.2d. 768, 773, (Tenn. 1995); *Sneed v. Board of Professional Responsibility*, 301 S.W.3d. 603, 612 (Tenn. 2010); *Hughes v. Board of Professional Responsibility*, 259 S.W.3d 631, 640 (Tenn. 2008). The Court "…possesses not only the inherent supervisory power to regulate the practice of law, but also the corollary power to prevent the unauthorized practice of law." Petition of Burson, supra, 909 S.W.2d. at 773. **The Supreme Court of Tennessee (Supreme Court) possesses the exclusive authority to regulate the practice of law and define the unauthorized practice of law**. *Tennessee Environmental v. Tennessee Water*, 254. S.W.3d 398, 403 (Tenn. Ct. App. 2007)(perm. app. denied 2008).

As stated above the Tennessee Constitution states; "**The jurisdiction of this court [Supreme Court] shall be appellate only."** The Tennessee Supreme Court cannot lawfully take jurisdiction to regulate the practice of law and is not vested power to create inferior courts like the BPR. Moreover, the Tennessee Supreme Court does not have any inherent powers – none whatsoever.

The following definitions define inherent power;

Power. "The right, ability, authority, or faculty of doing something. Authority to do any act which the grantor might himself might lawfully perform."[86]

Inherent Right. "One [right] which abides in a person and is not given from something or someone outside itself. A right which a person has because he is a person."[87]

Inherent Powers. "An authority possessed without its being derived from another. A right, ability, or faculty of doing a thing, without receiving that right, ability, or faculty from another. Powers originating from the nature of government or sovereignty, i.e.,

[86] Black's Law Dictionary, 1979 Fifth Edition, p 1053
[87] Id footnote [86], p 704

powers over and beyond those explicitly granted in the Constitution or reasonably implied from express grants" (**Fifth** Edition).[88]

Inherent Powers. "An authority possessed without its being derived from another. A right, ability, or faculty of doing a thing, without receiving that right, ability, or faculty from another (**Fourth** Edition).[89]

It is important to note the added language in the definition of "Inherent Powers" between the 1979 Fifth Edition, and the 1968 Fourth Edition of Black's Law Dictionary, adding the language; "*Powers originating from the nature of government or sovereignty, i.e., powers over and beyond those explicitly granted in the Constitution or reasonably implied from express grants*."

"*Powers over and beyond those explicitly granted in the Constitution*?!?" There is no such thing as powers over and beyond those explicitly granted in the Constitution. Any powers asserted beyond what is explicitly granted in the constitution is a usurpation of power. **Usurpation defined**; The unlawful seizure or assumption of sovereign power; the assumption of government or supreme power by force or illegally, in derogation of the constitution and of the rights of the lawful ruler.[90]

The entire construct of state and federal constitutions is to establish checks and balances and limitations upon government. To say there are powers over and beyond those explicitly granted in the constitution, opens the door to absolute tyranny and despotism, which is true of our corrupt legal system today.

"Power" is the right ability or authority of doing something. An "Inherent Right" is a right a person has because he is a person. "Inherent Powers" are authority possessed without being derived from another.

Article VI, § 2 only vests appellate jurisdiction in the Supreme Court, and therefore the Supreme Court's "powers" are limited to appellate jurisdiction only. Inherent rights or powers are not given from someone or something outside one's self, and are not derived from another authority. The power vested in the Tennessee Supreme Court is appellate jurisdiction only. That jurisdiction is derived from the state constitution, which was bestowed upon the Supreme Court by the people who ratified the constitution.

To say the courts or Tennessee Supreme Court have inherent powers is a direct contradiction of Article I, Section 1 which states;

> That all power is inherent in the people, and all free governments are founded on their authority, and instituted for their peace, safety, and happiness; for the advancement of those ends they have at all times, an

[88] Id footnote [86], p 703
[89] Black's Law Dictionary, Fourth Edition, (1968) p 921
[90] Black's Law Dictionary Fourth Edition, (1968) p 1713

> unalienable and indefeasible right to alter, reform, or abolish the government in such manner as they may think proper.

All power is inherent in the people, as affirmed in Article I, § 1. The Tennessee Supreme Court derives its power from the people. The government has no "inherent powers" – none whatsoever, since all power is inherent in the people.

This unlawful usurpation of power by the Tennessee Supreme Court is further proof that the government of the State of Tennessee has forsaken its republican character and form, and that the President of the United States must make good on the guarantee to every state, a republican form of government.

CONCLUSIONS

The President is vested with power to enforce the law, including enforcement of the Article IV, Section 4 guarantee to every state a republican form of government. The President has jurisdiction, and a duty to enforce Article IV, Section 4.

The government of the State of Tennessee acts in gross and knowing violation of its state constitution in; 1) oppressing the right of citizens to orally address those invested with the powers of government, 2) statutorily placing judges in prohibited offices of trust, 3) the Tennessee Supreme Court usurping power to regulate the practice of law, and 4) the Legislature failing to properly publish to the people proposed amendments to the Constitution of the State of Tennessee.

The Honorable President J Trump should take whatever actions appropriate to restore the republican character and form of government to the State of Tennessee.

Respectfully Submitted,

_____

John Anthony Gentry
208 Navajo Court
Goodlettsville, TN 37072
johng@wethepeoplev50.com
(615) 351-2649

OATH

State of Tennessee)

County of _____)

I, John Anthony Gentry, after being first duly sworn according to law, and pursuant to the penalties of perjury under the laws of the State of Tennessee, and the United States, do hereby make oath and affirm that all statements, in this **MEMORIAL & REMONSTRANCE: CONSTITUTION OF THE UNITED STATES ARTICLE IV, SECTION 4 GUARANTEE DEMAND** are true and correct to the best of my knowledge, information and belief. I further affirm that I have personal knowledge of the facts, assertions and allegations herein stated, and that all the facts, assertions, and allegations are supported by evidentiary materials.

_____
John Anthony Gentry

Sworn to and subscribed before me, this

the _____ day of _____, 2025

Notary Public

My Commission Expires _____

Appendix A: Proposed Executive Order Regarding Article IV, Section 4, Guarantee Demand

Appendix B: CNN Investigative Report

Appendix C: Report of Independent Certified Public Accountant, Qualified Opinion

Appendix D: Constitution of the State of Tennessee

Appendix E: Petition of Remonstrance

Appendix F: Application by Address; Restoration of Right to Apply for Redress of Grievance or Other Proper Purpose by Address or Remonstrance

Appendix G: Board of Judicial Conduct Quarterly Report (7/1/2024 – 9/30/2024

Appendix H: REMONSTRNACE OF JUDICIAL MISCONDUCT BY JUDGE AND CHANCELLOR MEMBERS OF THE TENNESSEE BOARD OF JUDICIAL CONDUCT

Appendix I: TBJC Response to Remonstrance

Appendix J: Mass Email to General Assembly, Governor, Attorney General, et al

Appendix K: Follow-up Mass Email to General Assembly, Governor, Attorney General, et al

Appendix L: Petition for Writ of Mandamus

Appendix M: Memorandum of Law In Support of Respondents' Motion to Dismiss Including Falsified Evidence

Appendix N: Certified Court Reporter Transcript Proving Falsified Evidence

Appendix O: Notice of Non Consent

Appendix P: Appellate Court Order DENYING Non Consent

Appendix Q: Appellate Court Order DENYING Rule 10B Motion to Recuse of Disqualify in Violation of Article VI, § 11

Appendix R: Appellate Court OPINION Affirming Trial Court's Wrongful Dismissal

Appendix S: Letter to Chief Clerk of Tennessee House & Application By Address

Appendix T: Verified Petition for Writ of Mandamus Against Speaker of the Tennessee House of Representatives, Cameron Sexton

Appendix U: Answer to Verified Petition for Writ of Mandamus

Appendix V: Fraudulent ORDER Granting Summary Judgement Dismissing Petition for Writ of Mandamus