

Public Law

That portion of law which deals with the powers, rights, duties, capacities and incapacities of government and its delegated authority. Those laws which are concerned with a government in its political capacity, considered in its quasi-private personality, i.e., as capable of holding or exercising rights or acquiring and dealing with property in the character of an individual.

Public Policy

The rules and procedures (policy) of a sovereign over its subjects. It holds that no subject can lawfully do that which has a tendency to be injurious to the public or against the public good as defined by the sovereign. Public policy is set by legislative acts and, pursuant thereto, by judicial and administrative promulgating of rules and regulations.

Such rules and regulations are therefore not laws but rather terms imposed by contract agreements. It's the contracts themselves which make these rules and regulations binding. If you are not a party to those contracts, not a subject (property) of the government, you can make yourself a party by volunteering to comply. But once you decide to play the game you are compelled by the rules of that game to continue to play.

Administrative Law is one term used to describe private law that comes into existence when someone acquires dominion over others and can dictate to them what the law is. Title 26 (the Internal Revenue Code) is an example of Administrative Law; it and the other federal titles classified by congress as "non-public" (administrative) laws, thus apply only to subjects of the federal government.

In 1938 the United States abandoned Public Law and adopted an unconstitutional system called Public Policy.

This Administrative Law is much like Roman Law which is also called Civil Law. Conceptually, Roman or Civil Law, which is practiced in most of Europe, is diametrically opposite to the Common Law.

Under Roman or Civil Law you are guilty until proven innocent and have only those rights your master the government chooses to grant you; and what your master giveth, he can take away.

Under the Common Law as practiced in America, you are innocent until proven guilty and retain all rights not delegated to government.

"The general rule is that an unconstitutional statute, though having the form and name of law, is in reality no law, but is wholly void and ineffective for any purpose since unconstitutionality dates from the time of its enactment, and not merely from the date of the decision so branding it. An unconstitutional law, in legal contemplation, is as inoperative as if it had never been passed

...

"Since an unconstitutional law is void, the general principles follow that it imposes no duties, confers no rights, creates no office, bestows no power or authority on anyone, affords no protection and justifies no acts performed under it ... No one is bound to obey an unconstitutional law and no courts are bound to enforce it." **16 Am Jur 2nd §177**

"The general rule is that an unconstitutional act of the Legislature protects no one. It is said that all persons are presumed to know the law, meaning that ignorance of the law excuses no one; if any person acts under an unconstitutional statute, he does so at his peril and must take the consequences." **16 Am Jur 2d §178**

"Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them." **Miranda v. Arizona**, 384 US 436 at 491.

Rebuttal

The sworn Affidavit will stand as truth if not timely rebutted by the Accused. In the instant case,

thirty (30) days.

The only one who can rebut a Commercial Affidavit is the Accused who alone, by his own affidavit, must speak for himself and only for himself. If the Accused uses someone else to speak for him, the third party must speak for and in behalf of the Accused as if he were the Accused; and the Accused still stands completely liable as if he himself were speaking. If however, the third party is identified as separated from the Accused, he also becomes a co-party with the Accused as an accomplice, thus a co-conspirator having no immunity whatsoever.

Every charge or claim contained in the Claimant's Affidavit must be rebutted point-for-point by the Accused. The Accused's rebuttal must be done in the form of an Affidavit of Truth. That means it must be SWORN TESTIMONY and must be signed by at least two witnesses. The Accused/Affiant must swear to the truth, the correctness and the certainty of his or her rebuttals within that affidavit, thereby assuming complete liability for the statements contained in it and must be prepared to prove his or her statements, preferably with documentation that is unimpeachable.

Failure to follow the correct process of rebutting the charges or ANY ATTEMPT TO PRESENT REBUTTAL EVIDENCE THAT IS NOT SWORN AS BOTH TRUE and "THE WHOLE TRUTH" INVALIDATES such response as if no evidence or rebuttal were given at all. SUCH FAILURE IS FATAL TO THE DEFENSE!

If a proper rebuttal is offered, any of several conclusions may result:

- If any or all charges are rebutted, those charges will (at Claimant's discretion) be resolved as described under "RESOLUTION BY JURY."
 - Any charges not rebutted or redressed will result in a DEFAULT CONVICTION for those charges and the issuance of a "non-trial" criminal complaint which will be covered under "CRIMINAL LIABILITY."
- An S.E.C. Security

When the Commercial Affidavit has matured, (after 30 days) it is evidence of a debt and/or obligations. In order for it to be classed as a security, it must carry the United States Securities and Exchange Commission (S.E.C.) TRACER FLAG on it from the very beginning. As a security it must conform to the rules governing securities and must be identified and monitored as such from the beginning.

 - A lien is a public declaration of commercial debt and/or obligation. "Debt" usually refers to money or property. "Obligation" usually refers to the fulfillment of specific performance. Examples include the fulfillment of oath of public office or the provision of the tax-financed due process, as in the provision of a jury trial instead of a summary process.
 - Examples of liens include mortgages and automobile loans. In both instances, the possessor has the right to use the property. However, he may not sell or otherwise alienate the property without first satisfying the lien. Any attempt to evade the lien is known as *poundbreach*, which is a felony in most jurisdictions.
 - An individual who has no debt, no need to borrow money and does not contemplate selling or refinancing his house or car can probably live with a lien for a long time. However, most people (especially most government officials!) do not fall into that category. Therefore, even though a Commercial Lien does not cause outright forfeiture of property, it can still cause significant hardship.

Commercial Liens, also known as contract liens, are true bills in commerce publicly declared. A true bill in commerce always contains, and is characterized by, a one-to-one correspondence between an item or service purchased and a debt owed. This commercial relationship is what is known as "just compensation" (5th Amendment, U.S. Constitution). A normal true bill in commerce is private, whereas a commercial lien is publicly declared, using means such as media advertising and/or filing at the County Recorder. When it is uncontested by a categorical point-by-point rebuttal of the affidavits, it is considered an account receivable security (15 U.S.C.).