UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MICHIGAN

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CLERK OF COURT
U.S. DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
BY: eod FILED BY: EOD 3/26

JEFFREY RYAN FENTON,

PLAINTIFF

v.

VIRGINIA LEE STORY ET AL.,

DEFENDANTS

CASE NO. 1:23-CV-1097

EXHIBIT: TENNESSEE PETITION OF REMONSTRANCE [1]

I, Jeffrey Ryan Fenton, declare as follows:

1. My name is Jeffrey Ryan Fenton.

2. I am the Plaintiff in this federal lawsuit (CASE NO. 1:23-CV-1097).

3. Please file this Tennessee Petition of Remonstrance by John A. Gentry, in my case, so that I can reference it in my lawsuit.

4. Source[2]: https://wethepeoplev50.com/resource-documents.

Pursuant to 28 U.S. Code § 1746, I declare under penalty of perjury that the foregoing is true and correct, to the best of my knowledge and belief.

Executed 2/12/2024

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[1] https://wethepeoplev50.com/blog/f/the-right-of-remonstrance-to-petition-for-redress-of-grievance

[2] https://img1.wsimg.com/blobby/go/284f2c99-1340-42a2-b2c8-41a36b9c2ab0/downloads/1d179j87h_711144.pdf?ver=1706922086744

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In the One Hundred Eleventh Congressional Session & General Assembly Of The State of Tennessee

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

ON PETITION OF GRIEVANCES OF THE PEOPLE & CITIZENS OF THE STATE OF TENNESSEE FOR: UNCONSTITUTIONAL & VOID STATUTES, FAILURE TO ADDRESS GRIEVANCES; JUDICAL REFORM; RE-INSTITUTION OF CONSTITUTIONALLY GUARANTEED RIGHTS

PETITION OF REMONSTRANCE

JOHN A. GENTRY
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sui juris

ORAL ARGUMENT DEMANDED

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INTRODUCTION

It is acknowledged that few, if any members of the House and Senate, neither recognize that fundamental rights are routinely denied for corrupt purpose, nor comprehend the great harm and cost to individuals and to society. This unfortunate circumstance is not the fault of any person, but the result of passage of time causing us to forget the lessons of our past, and a largely complacent and uninformed society.

Fundamental rights of due process, equal protection, and right to petition redress of grievance caused by state officials have been usurped. The facts proving this assertion are incontrovertible. These rights are as precious to us as our right to bear arms, and our right of free speech. Indeed, arguably more so, as one cannot defend a right of free speech or right to bear arms without the constitutionally protected rights of due process, equal protection and right to petition government for redress of grievances.

This Petition of Remonstrance DEMANDS simple, low-cost or no-cost reforms be put in place to ensure that fundamental principles of our form of government, and fundamental rights be restored, and that oversight of our judiciary in collusion with attorneys who perpetrate crimes under color of law be provided.

JURISDICTIONAL STATEMENT

This document is a FORMAL WRITTEN PROTEST, and PUBLIC PETITION; a Petition of Remonstrance as titled. Jurisdiction of the General Assembly and One-Hundred and Eleventh Congressional Session is proper, and a CONSTITUTIONALLY GUARANTEED RIGHT, as provided for in THE CONSTITUTION OF THE STATE OF TENNESSEE, and THE CONSTITUTION OF THE UNITED STATES OF AMERICA. The procedure for address by remonstrance is provided for in House and Senate Rules and *Mason's* Manual of Legislative Procedure. Jurisdiction is proper in the General Assembly and One Hundred and Eleventh Congressional Session as follows:

Mason's Manual of Legislative Procedure, § 518, A Legislative Body Cannot Delegate Its Powers, § 518, ¶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**.

Constitution of the United States of America, Amendment I affirms:

> **Congress shall make no law** respecting an establishment of religion, or prohibiting the free exercise thereof; or **abridging** the freedom of speech, or of the press; or **the right of the people** peaceably to assemble, and **to petition the government for a redress of grievances**.

Tennessee Constitution, Article I Declaration of Rights, § 1 affirms:

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

Tennessee Constitution, Article I Declaration of Rights, § 2 affirms:

> That government being instituted for the common benefit, **the doctrine of nonresistance against arbitrary power and oppression is absurd, slavish, and destructive of the good and happiness of mankind**.

Tennessee Constitution, Article I Declaration of Rights, § 23 affirms:

> **That the citizens have a right**, in a peaceable manner, to assemble together for their common good, **to instruct their representatives, and to apply to those invested with the powers of government for redress of grievances, or other proper purpose, by address of remonstrance**.

Remonstrance is defined as follows:

> **A formal protest against the policy or conduct of the government or of certain officials drawn up and presented by aggrieved citizens.** *Black's Law Dictionary 5th Edition.*
>
> 1. **A presentation of reasons** for opposition or **grievance.** 2. **A formal document stating reasons for opposition or grievance,** 3. **A formal complaint or protest against governmental policy, actions, or officials.** *Black's Law Dictionary 10th Edition.*[1]

Petition is defined as follows:

> **A written address**, embodying an application or prayer from the person or persons preferring it, to the power, body, or person to whom it is presented, **for the exercise of his or their authority in the redress of some wrong**, or the grant of some favor, privilege, or license. **A formal written request addressed to some governmental authority. The right of the people to petition for redress of grievances is guaranteed by the First Amendment, U.S. Constitution.** *Black's Law Dictionary 5th Edition.*
>
> A formal written request to a court or other official body. Black's *Law Dictionary 10th Edition.*[2]

The House's 110th Rules of Order, Rule No. 79 states that *Mason's* Manual of Legislative Procedure is to govern any question that may arise which is not provided for in the House's Rules of Order. Similarly, Senate Rules of Order, Rule No. 71 provides the same.

Mason's Manual of Legislative Procedure, § 143 states that questions come before the body in any of several different ways, including: Communications or Petitions, and Requests or Demands.

Mason's Manual of Legislative Procedure, § 148, ¶ 1, further establishes "*The right of petition is usually guaranteed in the constitution and presents a means by which questions can be presented to a legislative body.*" § 148, ¶ 2, establishes the construct of a petition, pursuant to which this petition complies. § 148, ¶ 3, states that: "*When the object of a petition is for the COMMON INTEREST or good, or for the redress of some public grievance, it is a public petition.*" This Petition of Remonstrance is a PUBLIC PETITION given that it is presented for the COMMON

---

[1] It is worth noting the change in definition of "remonstrance" between the Fifth and Tenth Editions of Black's Law dictionary. Clearly, "*drawn up and presented by aggrieved citizens*" is language **removed from the Tenth edition for corrupt purpose.** This change in definition reflects the sentiment of Thomas Jefferson regarding the judiciary and legal profession: "***...an irresponsible body, working like gravity by night and by day, gaining a little to-day & a little tomorrow, and advancing it's noiseless step like a thief, over the field of jurisdiction...***" National Archives: Letter from Thomas Jefferson to C. Hammond, August 18, 1821.

[2] See footnote one [1] above.

INTEREST of the Citizens and PEOPLE of the State of Tennessee and to ensure their PEACE, SAFETY, AND HAPPINESS.

ORAL ARGUMENT DEMANDED

Mason's Manual of Legislative Procedure, § 148, ¶ 4, affirms: "**A petition is presented to the body by the petitioners themselves.**"

§ 148, ¶ 2, requires a petition be "**addressed to the legislative body in which it is to be presented...**" Due to the critical nature of this Petition of Remonstrance and imperative of this body to address matters herein stated, questioning the republican character of the government of the State of Tennessee, **this Petition of Remonstrance is addressed to the One Hundred Eleventh Congressional Session & General Assembly Of The State of Tennessee and must be heard by the members qualified, of both the House and the Senate.**

Again, 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.**

Since it is a fact that this Petition of Remonstrance is addressed to the General Assembly and joint houses, and because of the magnitude of the questions raised challenging the republican character of the state, DEMANDING REFORM, and the further procedural rule that a legislative body cannot delegate its powers, and the still further fact that redress of grievance by address of remonstrance is a constitutionally protected right, it is incontestable, that this Remonstrance must be heard in joint session.

As established above, Citizens have an unalienable and indefeasible right, at all times, to reform or alter their government so as to preserve the peace, safety, and happiness, and Citizens have a right to redress of grievances by address of remonstrance.

Further pursuant to Tennessee Constitution, Art I, § 17, "**all courts shall be open**; and **every man shall have remedy by due course of law**, and **right and justice administered without sale, denial, or delay**."

Since it is guaranteed in our constitution **an unalienable and indefeasible right to reform**, or alter government, and **Citizens have a right of redress by address of remonstrance, and remedy by due course of law, these guarantees require fair due process which includes a right to be heard.** Herein, Petitioner asserts this right and demands oral argument before the full General Assembly, less those disqualified due to their inherent conflict of interest.

In the U.S. Supreme Court case, Mathews v. Eldridge, 424 US 319 - Supreme Court 1976, our Supreme Court stated;

> **The "right to be heard** before being condemned to suffer grievous loss of any kind, **even though it may not involve the stigma and hardships of a criminal conviction, is a principle basic to our society."** Joint Anti-Fascist Comm. v. McGrath, 341 U. S. 123, 168 (1951) (Frankfurter, J., concurring).

In Armstrong v. Manzo, 380 US 545, 552 - Supreme Court 1965, the earlier Supreme Court 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.**

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 <u>and by presenting his own arguments and evidence orally</u>.**

Therefore, and on premises considered, petitioner hereby asserts his constitutional right of due process and asserts right to be heard orally before the General Assembly to whom this Petition of Remonstrance is presented. Petitioner respectfully demands that Senate and House Rules be adhered to, including <u>*Mason's* Manual of Legislative Procedure</u>, § 148, ¶ 4, and § 518, ¶ 1.

Oral Argument is sought before the General Assembly only for the purpose of presenting why this Petition Of Remonstrance should be carefully considered. Due to the complexities of the matters presented, only cursory evidence will be presented herein and through oral argument. Further hearings must be conducted so as to consider complete evidence and proof of allegations and IMPERATIVE OF REFORM and REDRESS.

DISQUALIFICATION OF MEMBERS WITH INTEREST DEMANDED

Pursuant to Mason's Manual of Legislative Procedure, § 522, ¶ 1, It is the general rule that no **members can vote on a question in which they have a direct personal or pecuniary interest** and § 502 affirms:

> Every member entitled to vote should be counted in determining whether a quorum is present, **but members disqualified on account of interest from voting on any question cannot be counted for the purpose of making a quorum to act on that question.**

Petitioner respectfully requests members of the House and Senate who are also members of the BAR or attorneys, or who have close familial ties who are members of the BAR or attorneys, disqualify themselves from consideration and voting on this matter.

This Petition of Remonstrance essentially; (1) challenges unconstitutional conduct of the judiciary and legal profession, (2) challenges statutes as unconstitutional that grant emolument, provide false immunity, or confound due process, and (3) demands protections be provided THE PEOPLE from unconstitutional conduct of the judiciary and legal profession.

It is common sense that attorneys and members of the BAR have a clear conflict of interest pertaining to this remonstration and should willingly disqualify.

As a perfect example, Petitioner recently met with Representative Garrett, who is an attorney. During the meeting, Petitioner informed Rep. Garrett of DEMAND for audio/visual to be installed in all courtrooms w/ live and recorded proceedings to be made available to the public. Despite being a first term representative, and having never served on the Finance, Ways and Means Committee, and without any idea of the potential cost, and likely without knowledge of finance options available to the state, and or, financial or budgetary resources available to the state, Rep. Garrett quickly responded, "*It costs too much*".

Without having basis for such a statement as, "*It costs too much*", strongly suggests a conflict of interest, and a predisposition to ensure that courts are allowed to continue to conduct proceedings without transparency.

Make no mistake, the usurpation of fundamental rights of due process and equal protection have been usurped due to the pecuniary interests of the legal profession. It is common sense that statutes enacted that grant emolument and unconstitutional immunity to the legal profession were enacted for the pecuniary interests of the legal profession and judiciary. This Petition of Remonstrance demands correction of these unfortunate circumstances, and attorneys and members of the BAR have a clear conflict of interest and should voluntarily disqualify.

Mason's Manual of Legislative Procedure § 522, ¶ 1 affirms:

> **It is the general rule that no members can vote on a question in which they have a direct personal or pecuniary interest.** The right of members to represent their constituencies is of such major importance that members should be barred from voting on matters of direct personal interest only in clear cases and when the matter is particularly personal. **This rule is <u>obviously not self-enforcing</u> and unless the vote is challenged, members may vote as they choose.**

The phrase: "**This rule is <u>obviously not self-enforcing</u>**", is clear. "Not self-enforcing" means it falls to other members of the body to enforce the rule. For any

members of the body who are attorneys and refuse to disqualify voluntarily, **Petitioner implores the other members of the House and Senate, to challenge their vote pursuant to Mason's § 522.**

The further phrase in § 522 that: "The right of members to represent their constituencies is of such major importance..." begs the questions: "Who exactly is the constituency of the members of the House and Senate who are also attorneys? Is their constituency and loyalty to the BAR and judiciary or WE THE PEOPLE?" This Petition of Remonstrance is about reaffirming constitutionally protected rights and is in *COMMON INTEREST* of all Tennesseans who are not members of the legal profession or judiciary. A member of the House or Senate, who is also an attorney or member of the BAR, who refuses to disqualify, and votes against DEMANDS herein stated, evidences a member whose loyalty is to their profession, and not to THE PEOPLE.

STATEMENT

This Petition of Remonstrance is presented on behalf of the Citizens, PEOPLE, and government of the State of Tennessee, in demand for return to the republican principals upon which this state and our nation were founded. Testing whether THE PEOPLE retain rights constitutionally protected, of due process, equal protection, open courts, trial by jury, and for redress of grievances against government policy, and state officials. In the case, *United States v. Cruikshank*, 92 US 542, 23 – Sup. Ct, 1876 (at 553), 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.*"

Here before the One Hundred and Eleventh Congressional Session and General Assembly for the State of Tennessee is an opportunity to be recorded in history as the legislative body that began a great healing of our State, and indeed our Republic. Petitioner implores the **qualified members of the General Assembly** to embrace this opportunity and stand in defense of our Constitution and Republic[3].

Judges and state officials have been given tremendous power. Preventing abuse of that power is necessary to the imperative, to preserve the state's republican character, to ensure the physical, emotional, and financial health and well-being of the state's Citizenry and PEOPLE, and to ensure overall economic stability.

In the year 1822, Tennessee's 3rd governor, William Carroll[4], stated to the general assembly: "***A well-regulated and independent judiciary is so essential to the character of the State... that it has a strong claim upon your attention at all times.***" In Tennessee today, there is no objective oversight of our judiciary, and Tennesseans are

[3] U.S. Const., Art. IV, § 4: The United States **shall guarantee to every state in this union a republican form of government.**

[4] Governor Carrol is credited with initiating numerous legal reforms.

routinely subjected to federal law and rights violations, and have no means to seek redress, and no means to enforce constitutionally protected rights.

The government of the State of Tennessee has so far departed from the principles upon which our country was founded, the State has forsaken its republican character[5] and subjects its people to despotism. The facts proving this assertion are undisputed, and one need only consider objectively to see this fact. In the case, Pacific States Telephone & Telegraph Co. v. Oregon, 223 US 118, 32 – Sup. Ct., 1912, our highest court stated:

> ... **to afford no method of testing the rightful character of the state government, would be to render people of a particular State hopeless in case of a wrongful government.** (at 146)

In routine practice, throughout the courts of Tennessee, judges in collusion with attorneys and other agents and agencies of the state, conspire to deprive rights and perpetrate crimes under color of law with impunity. Color of law is defined as follows:

> 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.*

These crimes routinely perpetrated upon THE PEOPLE under COLOR OF LAW, include, but are not limited to:

- **18 U.S.C § 241 – Conspiracy against rights;** If two or more persons conspire to injure, oppress, threaten, or intimidate any person in any in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; They shall be fined under this title or imprisoned not more than ten years, or both;
- **18 U.S. Code § 242 - Deprivation of rights under color of law** Whoever, under color of any law, ..., willfully subjects any person in any State, ... to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, ...shall be fined under this title or imprisoned not more than one year
- **Tenn. Code Ann. § 39-14-112 - Extortion;** (a) A person commits extortion who **uses coercion** upon another person with the intent to: (1) Obtain property, services, any advantage or immunity;

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[5] **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.*

Respected members of the judiciary have warned of the great peril we find ourselves facing today. Speaking at a conference sponsored by the BAR at Columbia Univ., as reported on May 28, 1977, by The New York Times, Supreme Court Chief Justice Warren E. Burger warned: "*but the harsh truth is that if we do not devise substitutes for the courtroom processes, and do not do it rather quickly, we may well be on our way to a society overrun by hordes of lawyers, hungry as locusts, and brigades of judges in numbers never before contemplated.*"

In his book, "THE FRATERNITY, Lawyers and Judges in Collusion," Paragon House, 2004, endorsed by Senator John McCain and other legislators and dignitaries, The Honorable Judge John Fitzgerald Molloy tells us that the legal profession must change lest chaos consume our courts.

> But, caution! If we are to move away from the potentially fatal favoritism that the Fraternity has achieved for itself, it will require delicate tailoring because the present system is still working – and, in some respects, well. **But, change course we must, for we are on the "edge of chaos," as an objective observer of this system has concluded.**[6]
>
> Changing course does not necessarily mean throwing away a precious baby with the bathwater. **There is great good in parts of our system – proven by our standard of living and freedom from tyranny, oppression, and discrimination.**[7] But the legal system that achieved this is simply not the same legal system that we have today, as it has been massaged to the benefit of the few – the Fraternity.
>
> **Changes as fundamental as now needed should be achieved in increments**[8], keeping always to the twin objectives of providing a judicial system that will effectively reveal the truth and that will discourage forces that are anti-social, i.e., discourage burglary, rape, murder, etc. **And it is in this category of the "anti – social" that the dominance of our society by the Fraternity should be placed.**
>
> **This means that every opportunity should be taken to sever the Fraternity into its two constituent parts – lawyers and judges – so as to deprecate the awesome strength that it obtains by having the bench and the bar as one fraternal organization. This separation should take place**

---

[6] Quoting from Mary Ann Glendon's A Nation Under Lawyers, (New York: Farrar, Straus & Giroux, 1995), p. 285

[7] Judge Molloy wrote his book as a confessional, and was published in 2004. Facts to be presented to the General Assembly, will show that the legal profession and judiciary are now today, acting in tyranny and oppression.

[8] As Judge Molloy suggests: **Changes as fundamental as now needed should be achieved in increments.** The reforms demanded as of right, and herein are just that – fundamental and incremental, with some already guaranteed in our constitution but usurped.

> **in as many ways as possible and whenever possible.** *The Fraternity "Lawyers and Judges in Collusion"*, p. 227-228

Consider a judge who is a "jury of one", easily corrupted[9], who often sees the same attorneys in case after case, day in and day out, and often fraternizing together outside the courtroom. Consider how that circumstance alone facilitates attorneys and judges in collusion, the opportunity to "strategize" in each case for corrupt purpose, and especially with the attorneys knowing the exact financial resources of both parties – to the penny.

Add to that "recipe", the legal profession's solid organization, high intelligence, and convenience of unconstitutional statutes that provide them false immunities, special privileges, and statutes and court rules that confound due process and deprive protected rights; and it becomes a simple matter for attorneys and judges in collusion to "orchestrate" proceedings, through various "dog-whistle" and cue phrases, to extract all financial resources from the parties. These unfortunate circumstances result in "mock trials" which our founders declared an act of tyranny in our Declaration of Independence.

Our courts are no longer on the "edge of chaos" as quoted by Judge Molloy, but rather **in a state of chaos!** Perjury is suborned of their clients by attorneys so as to perpetuate vexatious litigation and generate unnecessary billable hours. Obvious perjurious testimony is routinely used as basis of decision, and when perjury is proven; perjury statutes are not enforced, neither in the trial courts, nor in our appellate courts. **Our courts now serve the primary purpose of generating as much revenue as possible for the legal profession, without regard for fairness or justice,** causing great emotional, and financial harm to the parties of the case, their children, and to the economy overall.

Whether by design, or happenstance accumulation of one unconstitutional circumstance on top of another, our present society effectively finds itself subject to a new "aristocracy" comprised of members of the BAR, operating in the "practice of law", or from the bench, and/or from attorneys in legislative seats. This new "aristocracy", in character and form, (1) lobbies the legislature, (2) enacts unconstitutional statutes for their own benefit as members of the legislative bodies, (3) establishes their own unconstitutional rules of procedure, to complicate process and to confound due process, (4) creates their own oversight agencies that do not provide objective oversight and while operating in the dark, (5) establishes ethical rules providing only an illusion of ethical standards, all the while holding themselves above the rules, ethical standards, and statutes the put in place – **holding themselves above the law.** The BAR and the bench, in collusion, use the convenience of the statutes they enact, and control of the courts and oversight functions, to violate rights

[9] See Federalist Paper 83, written by Alexander Hamilton

and perpetrate crimes with impunity. The facts proving these assertions are undeniable, and one need only look with open eyes to know this is true.

Oversight agencies, federal and state court judges, all look the other way and conceal the evidence of misconduct and operate in the dark. Law enforcement and legislators always direct those complaining of judicial misconduct to the agencies that protect them through willful gross negligence, thus aiding and abetting rights violations and crimes perpetrated under color of law. The BAR and the Judiciary lobby congress in violation of separation of powers doctrine and infringe upon a right reserved to the people. The statutes lobbied by the BAR and judiciary are then enacted though non-quorum consensus of BAR members that should disqualify due to conflict of interest but never do. To compound injury, attorneys and judges are the ones who draft and edit the final language of our statutes, to suit corrupted purpose.

Consider the wisdom of our founders who included in our constitution, Art. II, § 26 stating: "No judge of any court of law or equity, ..., shall have a seat in the General Assembly. Yet despite that wisdom, we presently have judges in de facto legislative seats in the Tennessee Board of Judicial Conduct and Tennessee Code Commission, performing the legislative function of providing oversight of the judiciary and drafting legislation, a power granted solely to the House and joint houses. Compound the unconstitutional judicial oversight of the judiciary – by the judiciary, with the fact that the BAR and judiciary have sole oversight of attorneys licensed by the state, and who maintain seats in both legislative houses, then there exists control of two branches of government by a fraternity of lawyers and judges in collusion.

Further consider the wisdom of our founders who included in our Declaration of Rights, **Art. I § 1**, an unalienable and indefeasible right to reform, alter or abolish our government, **Art. I § 6** an inviolate right of trial by jury, **Art. I § 19**, an invaluable right to speak, write, and print on any subject including the official conduct of men in public capacity, **Art. I § 23**, right to redress of grievance by address of remonstrance, and **Art. 5**, Impeachments.

These protected rights and provisions set forth in our constitution are why Thomas Jefferson declared the Tennessee Constitution the "*least imperfect and most republican*". These declared rights and provisions were set forth in our constitution, according to the wisdom of the founders, because they learned from lessons of the past and knew these eventualities would come to pass. **These rights and provisions are prima facie evidence of the need to protect against tyranny and oppression of THE PEOPLE by the judiciary.** Our founders were so concerned to preserve declared rights of THE PEOPLE, they further declared in Tenn. Const., Art. XI, § 16:

> 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.**

Let us not pretend that rampant corruption does not exist in our courts. Let us not pretend that judges and attorneys are all saints and never deserving of impeachment or discipline, despite the fact that there has not been an impeachment of a judge since 1958 and little if any disciplinary action. In Federalist Paper 83, written by Alexander Hamilton: "*The excellence of the trial by jury in civil cases appears to depend on circumstances foreign to the preservation of liberty. The strongest argument in its favor is, that* ***it is a security against corruption.***" Yet, THE PEOPLE are routinely and unconstitutionally denied trial by jury for the purpose of subjecting them to the despotism and oppression of corrupted court proceedings.

Tenn. Const. Art. I, § 17 states that all courts shall be open but somehow the "administrative courts" of the Tenn. Bd. Judicial Conduct and Board of Professional Responsibility, and courts of record such as the Ct of Appeals, all operate in the dark, without public or legislative oversight, and complaints and appellant briefs are kept "confidential" or concealed from the public, thus concealing the misconduct of attorneys and judges.

> Without publicity, all other checks are insufficient: in comparison of publicity, all other checks are of small account. Recordation, appeal, whatever other institutions might present themselves in the character of checks, would be found to operate rather as cloaks than checks; as cloaks in reality, as checks only in appearance. J. Bentham, Rationale of Judicial Evidence 524 (1827). (at 569)

In the case, Richmond Newspapers, Inc. v. Virginia, 448 US 555 - Supreme Court 1980, Chief Justice Burger, provided a comprehensive summary of the history and value of open courts that included the following:

> **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."** Supra, at 567. It is not enough to say that results alone will satiate the natural community desire for "satisfaction." **A result considered untoward may undermine public confidence, and where the trial has been concealed from public view an unexpected outcome can cause a reaction that the system at best has failed and at worst has been corrupted.** (at 571 - 572).

Not only is there no objective oversight of the legal profession and judiciary through "self-policing", there are no performance measurements whatsoever. In corporate America, businesses meticulously measure performance of employees and contractors down to minute detail. Performance measurements take many forms

including customer satisfaction surveys, manager evaluations, independent third-party surveys. Some leading-edge companies even utilize third-party blind surveys of employees on the performance of upper management.

Where is the scorecard on judges? Where is the measuring of performance of judges? There is none. So even if the general public did engage in elections of judicial officials, there is no information available to the public to scrutinize, or with which to gauge if they are voting for a knowledgeable and fair judge, let alone one corrupted such as Casey Moreland, recently sentenced in federal court, and who remained on the bench despite multiple complaints against him. How is the legislature able to manage compensation and reward good judges, or how is the legislature to make determination whether or not a bad actor judge should be removed or impeached? The legislature cannot, because the legal profession and judiciary operate in the dark, without transparency, and without any oversight whatsoever. The current situation is a culmination of circumstance that invites and propagates corruption.

Not only is there a lack of self-policing, and lack of performance measurement, but judges and attorneys are corruptly held above the law. It is an undeniable fact that attorneys will neither bring suit on behalf of a non-legal professional, against another member of BAR, nor against a member of the judiciary, particularly when the suit arises out of family or child custody court cases. It is also an undeniable fact, as the proof will show, that both state and federal judges, including state and federal appellate court judges proactively and criminally protect the criminal and unconstitutional conduct of judges and attorneys for crimes and rights violations perpetrated under color of law. This is yet another declared act of tyranny as aggrieved in our Declaration of Independence!

Many of the grievances stated in our Declaration of Independence are the same injustices to which Tennessee litigants are routinely subjected. These "long train of abuses and usurpations" provide sound justification for demanding reform, just as the grievances stated in our Declaration of Independence justified our independence from Great Britain. To name a few ...:

> He has dissolved Representative Houses repeatedly, for opposing with manly firmness his invasions on the rights of the people;
>
> For protecting them, by a mock Trial, from punishment for any Murders (crimes) which they should commit on the Inhabitants of these States;
>
> 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;
>
> For suspending our own Legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

In an Executive Order, our President recognized the harm caused by corruption as follows:

> **Human rights abuse and corruption undermine the values that form an essential foundation of stable, secure, and functioning societies; have devastating impacts on individuals; weaken democratic institutions; degrade the rule of law; perpetuate violent conflicts; facilitate the activities of dangerous persons; and undermine economic markets.** *Executive Order Blocking the Property of Persons Involved in Serious Human Rights Abuse or Corruption,* December 21, 2017

These harms enumerated by our President, are the exact same harms resulting of state court corruption, and why reform is necessary. Since these same harms enumerated by our President are the same harms caused by corrupted state court proceedings, hereto is imperative for this General Assembly to take action.

Consider the phrase: "***have devastating impacts on individuals.***" Recently many of the people of this nation were captivated by the confirmation hearings of our most recently appointed Supreme Court Justice, Kavanaugh. As was widely publicized, Justice Kavanaugh was forced to address unsupported allegations made against him.

Again, let us not pretend, in courtrooms across the state, litigant after litigant is the victim of unsupported and false allegations used as basis for decision, while the falsely accused is deprived due process to prove allegations false. These decisions are venal and intentional for the corrupted purpose of vexatious litigation; knowing the wrongfully accused will use the entirety of their emotional and financial resources seeking justice (thus perpetuating vexatious litigation). And again, even when perjury and unsupported allegations are proven false, our trial and appellate courts refuse to enforce perjury statutes in clear denial of equal protection of the laws.

As one can well imagine, this vexatious and corrupt litigation caused by the BAR and judiciary in collusion, leads to substance abuse, suicide, and both parties financially and emotionally bankrupt. In family court cases particularly, spouses and the legal system are weaponized with one parent wrongfully alienated, causing extreme emotional and mental damage to both the alienated parent and to the children. Coupled with the fact that society shuns victims, many become isolated from their support network of friends and family.

How many more suicides must there be? How many more to become addicted to substance abuse before action is taken? How many more to be left emotionally devastated and financially insolvent? How many more children kept from loving parents? How long will we pretend this problem does not exist and how long will we continue to fail to recognize simple corrective measures that can be put in place?

Or..., will we wait until it is too late, and the damage cannot be undone..., the corruption too entrenched?

Consider the phrase: "***and undermine economic markets.***" The result of persons emotionally and financially devastated by court corruption has long term adverse economic consequences. Former productive members of society and the workforce become so emotionally devastated, it becomes impossible for them to remain as productive as they once were, and many lose their jobs. This emotional devastation tears at the very fabric of our nation, not only at an individual level, but economically as well.

It is not uncommon for legal expenses in a lone family court or divorce case to exceed hundreds of thousands of dollars, with some divorce cases costing families more than one-half million dollars (+$500,000), as a result of monopolistic rates and vexatious litigation. Very often, these cases drag on for years for no other purpose than to slowly bleed families of their wealth through contrived conflict. This fact alone evidences a corrupt and broken legal system. It should never, under any circumstance, cost hundreds of thousands of dollars to divide up the assets of two people getting divorced.

Moreover, with life savings depleted, and families buried in debt, they can no longer provide for their children as before, including a complete incapacity to take advantage of college savings plans or pay for the education of their children. This has even longer and far-reaching adverse consequences to individuals and to society. Coupled with the resulting dysfunctional behavior and PTSD caused by abuse of the legal system, the fabric of our nation tears irreparably.

It was conveyed to Petitioner by Attorney Sarah Richter Perky, BPR No. 024676, that divorce cases involving family businesses most always lead to the closure of family businesses. The proof will show that this very often proves true, and that this failure of family court system, results in lost jobs and loss of revenue to the state. Clearly, if the result of corrupted and or vexatious court proceedings leads to the closures of businesses, this greatly harms our economy and state budget. The lost sales tax revenue alone from a small family business, that remits on average $1,000 per month to the state is harmful to the state. Compound that with the lost franchise and excise tax, and employer SUTA taxes, etc., amplified by the number of businesses destroyed, and compounded over time, and the lost revenue to the state is significantly material costing the state millions in lost revenue.

Further consider the lost sales tax revenue from individual spending. According to the 2018-2019 Budget, fifty-four percent (54%) of the revenue of the state budget is collected though state sales tax. Excluding housing expenditures, effectively all individual spending is spent on goods and services subject to state sales tax. When individuals and families are subjected to corrupted state court proceedings, their life

savings are first depleted, and then they amass debt through personal loans and credit cards to pay unnecessary legal expenses. Many eventually become insolvent and are forced into bankruptcy. Where before, much of their disposable income was spent on goods and services subject to state sales tax, after being subjected to corrupted court proceedings, they no longer have disposable income to spend on goods and services, and all of their income then goes to debt payments instead, adversely affecting sales tax revenue. Very obviously, this is not a long-term sustainable business model.

If the General Assembly wants to see first-hand, the full ramifications of unchecked corruption and a legal profession in control of two branches of government, look to the State of California. Presently there is a large migration of skilled and professional labor from the State of California because the standard of living in California, and conduct of the state government there is no longer tenable to many California Citizens with many of them coming to Tennessee.

Case in point, see **Appendix M**, which summarizes California state statutes requiring a meal break if an employee works more than five hours in a day. Also see **Appendix N**, Chamber of Commerce summary of California state statutes pertaining to meal and rest breaks. As noted in Appendix N, "***Meal and rest break compliance continues to be the source of a great deal of litigation for California employers.***"

It is common sense reasoning that the meal break statute in California was not enacted due to an outcry of the workforce being denied meal breaks by their employers. No! Enactment of that statute was the result of the legal profession lobbying the state congress to create a "new product line" and tort for the legal profession to effectively extort money from businesses under color of law. The result of that statute is costing business, both domestic and out-of-state businesses, millions of dollars in unnecessary legal expenses. This adversely affects the ability of those businesses to invest in growth and to invest in their workforce. This too materially impacts the state budget by reducing taxable business income, further reducing tax revenue to the state.

Again, it is common sense that it is not a sustainable business model to continue to transfer wealth from individuals and businesses to members of the legal profession, pursuant to unconstitutional statutes, and through rights deprivations and mock trials conducted by attorneys and judges in collusion, in litigation that serves no true purpose of law, but only unnecessary and artificial conflict contrived to generate revenue for the legal profession.

Consider the root of the word attorney which is to attorn. Black's Law Dictionary defines the word attorn as: *To turn over; to transfer to another money or goods; to assign to some particular use or service.* Our present legal profession creates no value (transforming raw materials into something of value), sells no product desired

by society. The profession as it stands today, and for the most part, merely transfers property, often unconstitutionally and through rights deprivations.

It is common sense that to transfer wealth from; (1) businesses that create value, (2) individuals that innovate business (targeted high earners), (3) Citizens that spend disposable income and generate sales tax revenue, and then transfer that wealth to legal professionals who do not create, innovate, or drive the economy, is a non-sustainable business model that contracts GDP for the state and nation.

As stated by Judge Molloy above, there are essential functions of our judiciary and legal profession; "*keeping always to the twin objectives of providing a judicial system that will effectively reveal the truth and that will discourage forces that are anti-social.*" However, the legal profession all too often encourages forces that are anti-social (extortion under color of law, rights deprivation, unconstitutional statutes and rules), thus "*questioning whether a nation conceived in liberty, and dedicated to the proposition that all men are created equal, so conceived and so dedicated, can long endure.*[10]"

It is not contended that all court proceedings are corrupted and certainly there is value in our legal system, and as also stated by Judge Molloy, we should not throw out the baby with the bathwater. However, the facts evidenced in appendixes and further evidence to be presented, leave no doubt that incremental changes must be made, and must be made expeditiously.

Imagine a nation where justice is once again ensured in our courts, and where cases are resolved in a few months instead of years. Imagine, the prosperity restored that caused our nation greatness. Imagine this nation as conceived, once again an inspiration to the world. The initial steps necessary to achieve this are not difficult, cost little or nothing, with some already constitutionally required. The reforms and redresses sought herein are more than reasonable and should be embraced. Frankly stated, if the General Assembly does not also desire these same reforms and redresses, evidences a General Assembly that, like the judiciary, desires to protect unconstitutional and criminal conduct and subjection of THE PEOPLE to despotism and tyranny.

Tennessee Constitution, Article I, § 1 states that power is inherent in THE PEOPLE. THE PEOPLE are represented by members of the legislature and primarily by the HOUSE. Has the power of THE PEOPLE been usurped, and the power of their legislatures rendered impotent by the power of the BAR and judiciary? Is this how far we have fallen, that republican principals, and the right to redress of grievances has been forsaken? Say this is not true. Prove this is not true through

[10] Paraphrase ¶ 1of the Gettysburg Address.

your actions, and through proper hearing and consideration of this Petition of Remonstrance.

Take proper action and void unconstitutional statutes. Put into effect, reforms and redresses herein DEMANDED. Remove or impeach bad actor judges.

Impeach one bad judge, and the legislature representative of THE PEOPLE will have the attention of the judiciary. Impeach all those herein evidenced of their crimes, and this General Assembly will not only have the attention of the judiciary, but such constitutionally mandated action will shake the foundation of corruption so profoundly, members of the judiciary and legal profession will most certainly give pause before further perpetrating crimes and rights violations against WE THE PEOPLE.

Take back our republican form of government! Adhere to your oaths! Stand in defense of your constitution as you swore to do! Do so and other state legislatures will follow your courageous example. Do so and a great healing of our nation will begin to commence.

Pursuant to Tenn. Const. Art X, § 2:

> **Each member of the Senate and House of Representatives**, shall before they proceed to business **take an oath or affirmation** to support the Constitution of this state, and of the United States and also the following oath: I_____ do solemnly swear (or affirm) that as a member of this General Assembly, I will, in all appointments, vote without favor, affection, partiality, or prejudice; and that **I will not propose or assent to any bill, vote or resolution, which shall appear to me injurious to the people, or consent to any act or thing, whatever, that shall have a tendency to lessen or abridge their rights and privileges, as declared by the Constitution of this state.**

In Latin, the legal maxim – *NON EST ARCTIUS VINCULUM INTER HOMINES QUAM JUSJURANDUM* translates approximately to: **There is no closer (or firmer) link among men than an oath.** The reforms and redress herein sought, restore constitutionally protected rights, and provide for the safety, happiness and well-being of the Citizens and PEOPLE of the State of Tennessee.

If the General Assembly does not agree that court proceedings should be available to the public via livestream and recorded video, then the General Assembly desires courts that operate in the dark, so as to facilitate crimes and rights violations which is in violation of oath of office. "It costs too much" is a false argument based on the fact the state has budgeted one-million dollars ($1,000,000) for grants to the counties to enhance courtroom security.

If the General Assembly does not agree that all litigants must be advised of their right of due process and what due process is comprised of, then the General Assembly desires that litigants remain ignorant of their rights, so as to facilitate crimes and rights violations which is in violation of oath of office.

If the General Assembly does not agree that statutes that provide false immunities, grant emolument, and/or that usurp constitutionally protected rights should be voided, then the General Assembly desires to protect rights violations, and provide false immunities, and grant emoluments which is in violation of oath of office.

If the General Assembly does not agree to retain sole power of impeachment, then the General Assembly desires unconstitutional transfer of power to the judiciary, for oversight of the judiciary, which is in violation of oath of office.

If the General Assembly does not agree to impeach judges evidenced of crimes perpetrated against THE PEOPLE, then the General Assembly desires to subject THE PEOPLE to try their cases before judges evidenced of knowingly and willfully depriving protected rights, and who commit crimes under color of law for corrupted purpose.

These reforms and redresses are not to be feared, but should embraced as lost republican principles. **The awesome power achieved by having the bench and the bar as one fraternal organization is but a house of cards, easily tumbled, by simply following the instructions and safe guards provided to us by our founders in our constitution.** Your oaths require this of you: and in your hearts, you know this reformation must be achieved, lest our republic ultimately fail.

To prove this, let fair and impartial legislators consider facts and arguments of constitutional law as follows;

STATEMENT OF FACTS & EVIDENTIAL PROOF

The following documents prove that: **(1) judges and attorneys conspired to and perpetrated crimes, and violated protected rights under color of law, (2) there is no objective oversight of attorneys and judges, (3) judges and attorneys are held above the law in both state and federal courts.** These documents (exhibits to Appendixes to be provided in subsequent hearings), effectively prove allegations and necessity of reform beyond reasonable doubt.

These Appendixes are detailed as follows:

Appendix A: Complaint to TBJC: Judge Thompson

Appendix B: Amended Verified Complaint: Civil Rights Violation Judge Thompson

Appendix C: Wrongful Dismissal of Complaint by TBJC

Appendix D: State Court Complaint: Fraud, Abuse of Process, Civil Conspiracy. Atty Defendants: Pamela Anderson Taylor, Brenton Hall Lankford

Appendix E: Federal Court Complaint: RICO, Civil Rights & Reform. State of TN, Atty Defendants: Taylor, Lankford, and Perky

Appendix F: Supreme Court of United States Motion To Disqualify All Supreme Court Justices

Appendix G: Supreme Court of the United States Petition for Writ of Certiorari: State of TN, Atty Defendants: Taylor, Lankford, Perky

Appendix H: Supreme Court of the United States Petition for Writ of Certiorari: Judge Thompson

Appendix I: Supreme Court of the United States Petition for Rehearing: Judge Thompson

Appendix J: Supreme Court of the United States Petition for Rehearing: State of TN, Atty Defendants: Taylor, Lankford, Perky

Appendix K: Supreme Court of the United States Motion To Expedite

Appendix L: Transcript of Taylor, Lankford Fraud and Abuse of Process Case; proving Judge McClendon conspired to deprive rights through abuse of power and fraud upon the court

Appendix O: Complaint & Supplemental Complaint to Tenn. Bd of Prof. Responsibility

Appendix P: Memorandum Evidencing Conduct of Federal Magistrate Judge That is Impeachable In Nature

Appendix Q: Transcript of Court Proceedings Proving Extortion Under Color Law, and Violations of 18 U.S.C. §§ 241 and 242

Appendix R: Affidavit of Truth Attesting to Crimes Perpetrated Under Color of Law

Appendix A, B, C clearly evidence rights violations defined as criminal conduct in 18 U.S.C. §241 and §242 by Judge Thompson, ignored by the T.B.J.C. and wrongfully dismissed by the U.S. District Court, thus aiding and abetting those violations and crimes.

Appendix D was a fraud and abuse of process complaint against attorneys Pamela Anderson Taylor and Brenton Hall Lankford wrongfully dismissed by Judge Amanda McClendon through her abuse of power, conspiracy to deprive rights, and her intentional fraud upon the court and false application of law. Any law student knows res judicata is no defense in a case with different parties, different causes of action, and where no final judgement had been rendered. Any law student knows litigation

privilege is no defense for fraud and abuse of process. Clearly attorneys were held above the law for crimes and tortious conduct, by Judge Amanda McClendon with her knowing appellate courts would affirm her wrongful dismissal in further conspiracy. Appendix L is a transcript of proceedings in that case, proving Judge McClendon conspired to deprive rights.

Appendix E is a federal lawsuit filed under federal RICO and Civil Rights statutes and as a reform cause of action. Included in that lawsuit were Exhibits A through W proving allegations beyond reasonable doubt. **Appendix E proves Judge Thompson conspired with attorneys to deny protected rights and to perpetrate crimes.** Appendix E and further evidence to be provided proves Atty Sarah Richter Perky conspired against her own client. **Appendix E and Third Cause of Action stated therein, evidences the breakdown of state's oversight agencies and appellate court.** When it was evidenced in the record that the federal magistrate judge was conspiring with the attorney defendants of the case and engaging in conduct impeachable in nature, referral to the magistrate was withdrawn and the case was dismissed by Dist. Ct. Judge Trauger without permitting intended response. **See Appendix P evidencing conduct of federal magistrate judge impeachable in nature.**

Appendix F is a motion filed in the Supreme Court of the United States and provides compelling argument of the breakdown of our legal system, and how the judiciary is provided false immunity, and how the judiciary fails to self-police resulting in rights violations and crimes perpetrated by the judiciary with impunity. Petitioner implores the General Assembly to read this Appendix thoroughly.

Appendix G is a Petition for Writ of Certiorari filed in the Supreme Court of the United States, regarding the Complaint attached as Appendix E. This writ proves wrongful dismissal of the case, and that attorneys and judges are held above the law even in our highest court. The case is docketed in Sup. Ct of U.S. here: https://www.supremecourt.gov/search.aspx?filename=/docket/docketfiles/html/public/18-170.html

Appendix H is a Petition for Writ of Certiorari filed in the Supreme Court of the United States, regarding the Complaint attached as Appendix A. This writ proves wrongful dismissal of the case, and that judges are held above the law even in our highest court. The case is docketed in Sup. Ct of U.S. here: https://www.supremecourt.gov/search.aspx?filename=/docket/docketfiles/html/public/17-1479.html

Appendixes I and J are Petitions for Rehearing docketed in the Supreme Court of the United States. These documents further prove that attorneys and judges are held above the law, and the unwillingness of the judiciary to hold judges and attorneys accountable to federal civil and criminal statutes. These documents further evidence that even the justices of our highest court hold themselves above the law. Take note

of the last page of Appendix J which is "**Additional material from this filing is available in the Clerk's Office**" That "additional material" is actually a copy of the federal lawsuit (Appendix E herein), concealed from public view by the Clerk's Office of the Supreme Court of the United States, so concealed to preserve FALSE PUBLIC TRUST, and to hide the misconduct of the judiciary and legal profession in collusion.

Appendix K is a motion filed in the Supreme Court of the United States. That motion evidences the fact that the Clerk's Office of the Supreme Court of the United States, corruptly concealed fourteen (14) of seventeen (17) appendixes from public view. See Appendix K, pages 9 – 15. Those fourteen (14) appendixes were concealed from public view so as to hide the criminal and unconstitutional conduct of federal District Court and Circuit Court judges and magistrates.

Appendix L is a transcript of proceedings in a hearing of a case bringing suit against bad actor attorneys Pamela Anderson Taylor and Brenton Hall Lankford, for fraud, abuse of process, etc. That transcript proves beyond any doubt whatsoever, that the Judge Amanda McClendon conspired to deprive due process, held attorneys above the law, and committed fraud on the court through intentional false application of law.

Appendix O are a complaint and supplemental complaint filed with the Tennessee Board of Professional Responsibility, proving that agency does not provide objective oversight of attorneys.

Appendix P is a Memorandum filed in U.S. District Court, Middle District Tennessee evidencing conduct of a federal magistrate judge impeachable in nature, conduct that was engaged in to protect unconstitutional and criminal actions perpetrated by bad actor attorneys, in an effort to hold them above the law.

Appendix Q is a transcript of court proceedings proving Judge Woodruff conspired with Attorneys Russ Heldman and Robert Todd Jackson to extort more than one-hundred thousand dollars (+$100,000) under color law, and violations of 18 U.S.C. §§ 241 and 242 by Judge Woodruff.

Appendix R is an uncontested affidavit of truth attesting to crimes perpetrated under color of law, as evidenced in Appendix Q. It is a criminal offense write a false affidavit. Since the affidavit is uncontested and because the affiant was not arrested for executing a false affidavit, it is clear the affidavit is factually true. *Morris v National Cash Register*, 44 S.W. 2d 433 (Tex. Civ. App. 1931), the holding clearly states that '*uncontested allegations in affidavit must be accepted as true*'. Also, *Group v. Finletter*, 108 F. Supp. 327 - Dist. Court, Dist. of Columbia 1952, "Defendant has filed no counter-affidavit, and therefore for the purposes of the motion before the Court, the allegations in the affidavit of plaintiff must be considered as true, Federal Rules of Civil Procedure, Rule 9(d)". Federal Rules of Civ. Procedure Rule 9(d):

OFFICIAL DOCUMENT OR ACT. In pleading an official document or official act, it suffices to allege that the document was legally issued or the act legally done.

REASONS FOR GRANTING THE PETITION AND IMPLEMENTING REFORMS

I. Constitutionally Guaranteed Rights Are Unenforceable In Any Court, Under Any Circumstance

The undeniable fact that constitutionally guaranteed rights are no longer enforceable for Tennesseans, alone provides sound basis for General Assembly to redress grievances and implement reforms. No matter the crime or rights violation, Tennesseans cannot enforce their rights against state court judges, even when only seeking equitable relief. **(1)** If a citizen complains of rights violations or crimes perpetrated against them by a state court judge to The Tenn. Bd. of Judicial Conduct (TBJC), the complaint is dismissed. The TBJC does not dispute the fact that the TBJC dismisses 100% of complaints filed by non-legal professionals. **(2)** If suit is brought against the state court judge in state or federal court, the state asserts that "sovereign immunity" protects them in their official capacity and so too are these cases dismissed, even when only equitable relief is sought. **(3)** In both federal and state courts, if suit is brought against a state court judge in his personal capacity, the state asserts "judicial immunity" protects them in their personal capacity, and again, the courts always dismiss these cases too, even when only equitable relief is sought. **(4)** If suit is brought against the state for rights violations perpetrated by a judge, the defense of "sovereign immunity" is used as a false cloak to deny enforcement of constitutionally guaranteed rights. **(5)** If a Tennessean attempts to bring suit against a "governmental entity" for rights or federal law violations, the state has enacted unconstitutional statute providing false and unconstitutional immunity from suit (see below) as well the sovereign immunity defense.

Similarly, redress is also unavailable for rights violations and tortious conduct perpetrated by attorneys, as proven in Appendix D, E, G, J, L, and O.

These undisputed facts leave no doubt that Tennesseans are provided no means to redress grievances against the state, its officials or attorneys for rights violations and criminal conduct. This further fact also provides sound basis for this General Assembly to redress grievances and implement reforms.

According to the Chief Clerk of the House of Representatives, Ms. Tammy Letzler, the last time a Remonstrance was submitted to Tennessee's General Assembly was in the year 1850. It should have never become necessary for this Petitioner to Remonstrate before this General Assembly. Your petitioner has humbly sought the protection of his government and redress through every possible channel, including

law enforcement agencies, oversight agencies, state and federal courts, and even our highest court – all in vain.

This matter brought before this General Assembly, is quite simply, history repeating itself. Have we not learned from the lessons of the past? Does one not comprehend the similarities between this matter and the causes of our founders that led to our Declaration of Independence? Consider the words of Patrick Henry in his "Give me liberty or give me death speech."

> Shall we try argument? Sir, we have been trying that for the last ten years. Have we anything new to offer upon the subject? Nothing. We have held the subject up in every light of which it is capable; but it has been all in vain. Shall we resort to entreaty and humble supplication? What terms shall we find which have not been already exhausted? Let us not, I beseech you, sir, deceive ourselves. **Sir, we have done everything that could be done, to avert the storm which is now coming on. We have petitioned; <u>we have remonstrated</u>; we have supplicated; we have prostrated ourselves before the throne, and have implored its interposition <u>to arrest the tyrannical hands of the ministry and Parliament</u>. Our petitions have been slighted; our remonstrances have produced additional violence and insult; our supplications have been disregarded; and we have been spurned, with contempt, from the foot of the throne. In vain, after these things, may we indulge the fond hope of peace and reconciliation. There is no longer any room for hope.** If we wish to be free, if we mean to preserve inviolate those inestimable privileges for which we have been so long contending, if we mean not basely to abandon the noble struggle in which we have been so long engaged, and which we have pledged ourselves never to abandon until the glorious object of our contest shall be obtained, we must fight! I repeat it, sir, we must fight! An appeal to arms and to the God of Hosts is all that is left us!

Already today, we see vigilante justice occurring because THE PEOPLE have no means for redress of grievances against state officials, particularly those involved in family court and child custody cases[11]. In recent news, little covered by the media; a shootout on the steps of a courthouse outside Chicago; eight social workers and attorneys killed in a shooting rampage in Arizona; and the all too common story of a spousal suicide-murder that includes children. How many more of these stories before proper action is taken to address the underlying problem of rampant court corruption and vexatious litigation? Correlation can even be found in the school

[11] It is important to note that petitioner does not have children, and is not a victim parental alienation. As a result of his advocacy, communicating with thousands of persons across the nation, the pain of parental alienation, and criminal abduction of children under color of law, studies evidence tremendous emotional and mental damage to both parents and children.

shootings of which the entire nation is appalled, where the shooters are the product of parental alienation and vexatious litigation.

This is exactly the concern our president stated in executive order, referenced above: "***Human rights abuse and corruption perpetuate violent conflicts; facilitate the activities of dangerous persons.***" Rather than addressing the underlying problem causing the need for courthouse security, which is injustice served by corrupted court proceedings, the state has budgeted one million dollars ($1,000,000) for the single purpose of studying enhancement of court security, which is in analogy, to prescribe an aspirin for a headache caused by brain tumor. In his book, THE FRATERNITY, Lawyers and Judges in collusion, Judge Molloy noted that prior to corruption of our legal processes, court security had been unnecessary (Chapter 5, page 81). If further failure of the government persists in failing to redress grievances, then eventually THE PEOPLE will find themselves in the circumstance of our founders with no choice but to abolish the government and start over.

As also stated in Patrick Henry's speech: "*I have but one lamp by which my feet are guided; and that is the lamp of experience. I know of no way of judging of the future but by the past.*" No person can predict the future, but our present circumstance of tyrannical courts can have but only one outcome, which is reform either from within the government or through THE PEOPLE, with the former being preferred to the latter. Knowing the lessons of the past, and through study of history, our present circumstance suggests we are only one or two generations away from large scale and organized demand for reform. Why wait for such a tipping point, when it remains within the power of the legislature to begin implementing corrective measures. Many lives can be saved, and our economy strengthened, if proactive action is taken now.

II. The Constitution of Tennessee Guarantees An Unalienable And Indefeasible Right To Reform Government

The Const. of the State of Tenn., art. I, § 1 (See Appendix Q) states;

> "That **all power is inherent in the people, ... they have at all times, an unalienable and indefeasible right to alter, reform, or abolish the government in such manner as they may think proper.**"

In the case, Marbury v. Madison, 5 US 137, 2 L. Ed. 60, 2 – Sup. Ct. 1803, quoting Blackstone: "*it is a general and indisputable rule, that where there is a legal right, there is also a legal remedy by suit, or action at law,...*" (at 163). Further in the Marbury opinion, the Supreme Court states the people have an original right to establish for their future government, such principles as shall conduce their own happiness. (*id* at 176, 179)

III. The Doctrine of Nonresistance is "Absurd" And The Intent Of The State's Congress To Encourage Reform Actions Is Clear

Considering Sections 1 and 2 of Article I of the state's constitution, the intent of the state's constitutional convention in 1870 was obvious in establishing power inherent in THE PEOPLE and **duty** to ensure a republican form of government. Joshua W. Caldwell, author of *STUDIES IN THE CONSTITUTIONAL HISTORY OF TENNESSEE*, who had the "good fortune" to be acquainted with members of 1870 convention, conveyed this fact in his book. "*No Tennessean... fails to quote Mr. Jefferson's (Thomas) declaration that the Constitution was "the least imperfect and most republican of the state constitutions.*"

Tennessee Constitution, Article I, § 2 affirms:

> That government being instituted for the common benefit, **the doctrine of nonresistance against arbitrary power and oppression is absurd**, slavish, and destructive of the good and happiness of mankind.

Our Declaration of Independence states much the same:

> **But when a long train of abuses and usurpations**, pursuing invariably the same Object **evinces a design to reduce them under absolute Despotism,** it is their right, **it is their duty,** to throw off such Government, and to provide new Guards for their future security.

"*It is their duty,*" "*the doctrine of nonresistance... is absurd, slavish, and destructive of the good and happiness of mankind.*" Upon reading this remonstrance, these words should have new and profound meaning to this General Assembly.

Your petitioner, as a former Force Reconnaissance Marine, who served his country honorably for more than eight years, well understands duty to protect, preserve, and defend the constitution..., as an American Citizen to ensure our birthright, and as a veteran under sworn oath.

Frankly stated; every time a corrupted judge colludes with an attorney to intentionally and wrongfully deny fair due process, they spit upon the graves of our fallen who gave their last full measure to defend our constitution.

That is the purpose of this Petition of Remonstrance... "***that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion—that we here highly resolve that these dead shall not have died in vain—that this nation, under God, shall have a new birth of freedom—and that government of the people, by the people, for the people, shall not perish from the earth.***" —- Abraham Lincoln

Your Petitioner did not choose this path, and has no desire for this civic engagement with his government..., but such is his duty as an American Citizen and according to his oath. To do otherwise would be "*absurd, slavish, and destructive of the good and happiness of mankind.*"

TENNESSEE CODE COMMISSION MUST BE DISOLVED AND CERTAIN "STATUTES" REPEALED OR MADE VOID

All statutes challenged as unconstitutional and complained of herein: (1) provide false immunities to attorneys and members of the BAR, judges, state officials, or "governmental entities" (2) were "enacted" to confound due process for corrupted purpose, or (3) were "enacted" for the benefit of BAR members, certain professionals, and judges as unconstitutional emolument. It is no surprise THE PEOPLE are subjected to these constitutionally repugnant "statutes" since members of the BAR are writing legislation without oversight and without act of congress in violation of the separation of powers doctrine.

In October 2001, Justice Antonin Scalia, speaking before the Senate Judiciary Committee on the topic of the role of judges under the U.S. Constitution stated:

> "**What is the reason you think that America is such a free country, what is it in our constitution that makes us what we are?** And I guarantee you that the response will get is... the answer would be freedom of speech, freedom of the press... those marvelous provisions of the bill of rights. **But I tell them, if you think that a bill of rights is what sets us apart, you're crazy! Every Banana Republic in the world has a bill of rights. ...just words on paper, what our framers would have called a parchment guarantee. ... The real key to the distinctiveness of America is the structure of our government** ... the independence of our judiciary... very few countries have two separate bodies in the legislature, equally powerful. ... **It is the separation of powers that is the main protection...**"
> https://www.youtube.com/watch?v=Ggz_gd--UO0&t

Indeed, this petitioner agrees with Justice Scalia, due to the fact of the present circumstance of a single branch of government of the legislature and judiciary effectively controlled by the judiciary and legal profession, has made the bill of rights, a worthless parchment guarantee, wholly unenforceable. This must stop. Separation of powers doctrine, and our Declaration of Rights must be restored and made enforceable.

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.**

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

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**, <u>**editing**</u>, indexing, printing, binding, publication, sale, distribution and the performance of all other acts necessary for the publication of an official compilation of the **statutes,** <u>**codes**</u> **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."

As referenced above in Tenn. Code Ann. § 1-1-101 and § 1-1-105, a chief justice (attorney), attorney general (attorney), director of the office of legal services (also likely an attorney), and members appointed by the chief justice (also likely attorneys) comprise the Tennessee Code Commission who are "authorized" to annotate, "edit", and compile statutes, "***codes***" and session laws.

Black's Law Dictionary, Fifth Edition defines terms as follows:

> "**Statutes**" as acts of legislature declaring, commanding, or prohibiting something.
>
> "**Statutes at Large**" are an official compilation of the acts and resolutions of each session of congress. "
>
> "**Session laws**" are statutes enacted by a particular session of congress and a "**Session**" is sitting of the legislature.
>
> "**Code**" is defined as a **systematic collection**, compendium or revision of laws, rules or regulations.

Herein lies the problem in that members of the judiciary and BAR "compiling" Tennessee Code Annotated. T.C.A. 1-1-105 clearly reads the commission is

authorized to compile statutes, "***codes***" and session laws for the state. This falsely asserts the commission has the authority to compile, edit, and annotate "***codes***". This begs the question: "*What are the 'codes' to be compiled and who creates the 'codes' and under what lawful authority?*" Black's clearly defines "Code" (singular) as systematic collection, compendium or revision of laws, rules or regulations. Accordingly, "Code" is a compilation of lawful acts of congress, while "*codes*" are not something to be compiled along with the lawful acts of congress.

Essentially, T.C.A. 1-1-105 unconstitutionally creates a commission who have unlawful authority to compile "*codes*", perhaps made up by themselves, and who are "authorized" to "edit" and "annotate" acts of congress. Clearly, the legislative authority of the state is vested in the General Assembly consisting of the Senate and House of Representatives, pursuant to Tenn. Const. Art. II, §3. Who reviews the "editing and annotating" of the attorneys and judges who comprise the Tenn. Code Comm., and does the Tenn. Code Ann. reflect the intent of Congress?

The first step that must be taken in determining whether the "statutes" challenged and contained in Tenn. Code Ann. are constitutional, is to first determine if they were in fact acts of congress, and whether the language reflects the intent of congress, or whether some are merely "*codes*" purported as lawful statutes under color of law.

Moreover, it must also be determined whether or not the legislature can lawfully delegate authority to a commission comprised of attorneys and judges, who have authority to "edit and annotate" and compile "*codes*" along with the lawful acts of congress. Petitioner contends such authority cannot be lawfully delegated as provided for in Tenn. Const. Art II, § 3 and Mason's Manual of Legislative Procedure, § 518, ¶1.

Respectfully stated, the legislature has apparently "authorized" five (5) persons, who are all likely attorneys or judges, the power to "edit and annotate" lawful acts of congress and compile "codes" created by who knows, along with acts of congress 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 congress and they "*shall be in force*". In subparagraph (b) noted below, the commission's "certificate of approval" is **prima facie evidence of the statutory law of this state** used in all courts, agencies, etc., etc.

Esteemed Senators and Representatives, 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.*" As we learned above, "**Statutes**" are acts of legislature declaring, commanding, or prohibiting something. As we learned above, the commission has unlawful authority to compile, edit, and annotate "codes" made up by whom we don't know. And we know that "codes" are not session laws or statutes at large. This language permits the commission to purport their "edits" and incorporated "codes", under color of law[12] as lawful acts of congress. As stated in T.C.A. 1-1-111(b):

> (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."

The commission comprised primarily (if not completely) of attorneys and judges, is further granted the power to lobby the congress 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 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 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**

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[12] 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.*

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.**

Petitioner has also recently learned that the Executive Branch lobbies the General Assembly. Petitioner encourages discussion as to whether or not such lobbying violates the separation of powers doctrine.

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.
>
> 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" is exactly what the Tennessee code commission is and does. The members of Tennessee Code Commission are Reverse Practicing the Declaration of Independence.

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 congress 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,** <u>**editing**</u>, ... **of the statutes,** <u>**codes**</u> **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** <u>**prima facie evidence of the statutory law of this state**</u> **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.[13]
>
> (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, 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 writing, editing and certifying the statutes? 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**."

> In 1947, the legislature created the "1947 Idaho Code Commission" to consist of three members of the Idaho State Bar who were not holders of any public office or position, were actively engaged in the practice of law, and were to be appointed by the governor from a list of seven qualified persons whose names were submitted by the board of commissioners of the state bar. Ch. 224, § 1, 1947 Idaho Sess. Laws 541, 543. **The commission was "empowered, directed and authorized to cause to be**

[13] 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.

edited, compiled, annotated, printed, bound (including provision for insertion of pocket supplements) and published the existing codes and statutes of the State of Idaho of permanent and general nature, including enactments of the Twenty-Ninth regular session of the Legislature." Id. Like the prior compilations, upon completion, publication, and approval of the compilation by the commission and a proclamation by the governor announcing its publication, **the compilation was to be received "as evidence of the statute law of the State of Idaho."** Ch. 224, § 7, 1947 Idaho Sess. Laws 541, 546 (emphasis added).

The 1947 legislation provided that the compilation completed by the 1947 **Idaho Code Commission would be known "by such name as the Commission shall determine."** Ch. 224, § 7, 1947 Idaho Sess. Laws. 541, 545. **The Commission named the publication it produced the Idaho Code.** In 1949, the legislature adopted that as the official name, Ch. 167, § 2, 1949 Idaho Sess. Laws 355, 356, and it created a "continuing code commission" to keep the Idaho Code current without the necessity of forming a commission to compile the statutes from time to time, Ch. 167, §§ 1, 3, 1949 Idaho Sess. Laws 355, 356-57. The legislation authorized the "publication of pocket parts to the volumes of the Idaho Code, or as necessary the republication of single or more volumes, or the addition of volumes, or by other devised designed and intended to maintain the Idaho Code up to date." Ch. 167, § 1, 1949 Idaho Sess. Laws 355, 356. **The 1949 legislation provided that "the `Idaho Code' published pursuant to Session Laws of 1947, Chapter 224, shall be received in all courts and by all justices, judges, public officers, commission and departments of the state government and all others as evidence of the general laws of Idaho then existing and in force and effect."** Ch. 167, § 9, 1949 Idaho Sess. Laws 355, 359 (emphasis added). That wording has remained. I.C. § 73-209 (2006).

The Idaho Code is a compilation of laws enacted by the legislature; it is not a codification in the sense that the legislature has enacted the contents of the current version of the Idaho Code as the laws of Idaho. **"The present Idaho Code is a compilation of laws, evidentiary, but not a codification thereof."** Golconda Lead Mines v. Neill, 82 Idaho 96, 102, 350 P.2d 221, 224 (1960).

Thus, the compilation of statutes in the Idaho Code is merely evidence of the laws enacted by the legislature as set forth in the session laws. **The Idaho Code is not the law. The code commission has no legislative authority**. *Peterson v. Peterson,* 320 P. 3d 1244 - Idaho: Supreme Court 2014, (at 1249).

Pursuant to Mason's Manual of Legislative Procedure, § 16, Fraud Will Invalidate Acts:

> Where there is more than a mere technical violation of the rules of procedure, the violation may invalidate the act, and **an act will be invalidated where there is fraud or bad faith.**

It is the personal observation of Petitioner, who is a Certified Public Accountant, that the Tennessee Code Annotated is compiled in such a manner for the purpose of deception. Petitioner alleges that the titles of statutes are intentionally misleading so as to deceive the public and confound the layperson. Petitioner alleges the "statutes" as detailed and compiled are not all lawful acts of Congress, but "codes" created and compiled by the commission, deceptively purported to be acts of congress.

These statutes may be void at the outset because they were enacted by a non-quorum of members of the bodies comprised of members who should have been disqualified from vote[14]. The statutes herein challenged as unconstitutional were enacted not through mere "technical violation" but by non-quorum legislative bodies comprised of members that should have disqualified due to a clear conflict of interest and bad faith and a commission unlawfully empowered to "edit" lawful acts of congress and the power to lobby congress without registration. Furthermore, the commission is unlawfully comprised of and chaired by the Chief Justice of the Tennessee Supreme Court, and Attorney General, both of whom are specifically excluded from seats in the General Assembly, **including their present de facto seats.** Therefore, regardless of whether these statutes are unconstitutional, they are invalidated by major procedural error and bad faith.

Attorney members of the body, being well educated in procedural, ethical, and statutory and constitutional provisions, know full well they should disqualify from any vote in which they have an interest. Mason's Manual of Legislative Procedure, § 502 clearly states members of the body disqualified on account of interest should not be counted in computing a quorum. Furthermore, § 522 affirms: "It is the general rule that no members can vote on a question in which they have a direct personal or pecuniary interest." In the case, Wilson v. Iowa City, 165 NW 2d 813 - Iowa: Supreme Court 1969; "*We have held in several cases a vote contrary to a conflict of interest rule is void, but in each case the vote was necessary to the passage of the resolution.*" In the case, Williams v. State, 315 P. 2d 981 - Ariz: Supreme Court 1957: quoting Dillon on Municipal Corporations, § 444:

> **"One who has power, owing to the frailty of human nature will be too readily seized with the inclination to use the opportunity for securing his own interest at the expense of that for which he is intrusted.** * * * The law will in no case permit persons who have undertaken a character or a charge to change or invert that character by leaving it and acting

[14] This is assuming the vote would not have carried without the vote of members that should have disqualified.

> for themselves in a business in which their character binds them to act for others."

One can reasonably question whether members of the BAR should be allowed to sit in legislative seats at all. 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**; nor shall any person in this state hold more than one lucrative office at the same time; provided, that no appointment in the Militia, or to the Office of Justice of the Peace, shall be considered a lucrative office, or operative as a disqualification to a seat in either House of the General Assembly.

Petitioner contends the judiciary has unlawfully taken control over the licensure of attorneys, and that control of licensure provides the judiciary control of the legal profession, and control over the licensure of attorneys who are sitting in legislative seats. Having this unlawful authority[15] over the licensure of attorneys, provides opportunity and power to the judiciary to coerce votes of attorney members of the houses of the General Assembly in violation of Tenn. Const. Art. II, § 26 through potentially de facto legislative seats and in further violation of the separation of powers doctrine.

In 1916, the United States Supreme Court affirmed in opinion, that **a law "must be construed, if fairly possible, so as to avoid not only the conclusion that it is unconstitutional, but also grave doubts upon that score."** *United States v. Jin Fuey Moy, 241 U.S. 394, 401, Sup. Ct. (1916); see also Clark v. Martinez, 543 U.S. 371, 380–81. Sup. Ct. (2005).* Here, there is no "grave doubt". The below listed state statutes are in violation of multiple constitutional provisions and principles.

In Federalist No. 43, in consideration of Article I § 9, U.S. Constitution, James Madison asked: **"But who can say what experiments may be produced by the caprice of particular States, by the ambition of enterprising leaders...?"** Today, we have one answer to that question... Clearly members of BAR have successfully lobbied state Congress, effectively lobbied themselves, to enact a statute granting special privilege and false immunities to themselves, in violation of state and federal constitutions.

As further stated by James Madison in Federalist 43:

> **"In a confederacy founded on republican principles, and composed of republican members, the superintending government ought clearly to possess authority to defend the system against aristocratic or monarchial innovations.** The more intimate the nature of such a union may be, the greater interest have the members in the political

[15] Lawful authority further discussed below.

> institutions of each other; and the greater right to insist that the forms of government under which the compact was entered into should be SUBSTANTIALLY maintained. **But a right implies a remedy; and where else could the remedy be deposited, than where it is deposited by the Constitution?** Governments of dissimilar principles and forms have been found less adapted to a federal coalition of any sort, than those of a kindred nature. "As the confederate republic of Germany," says Montesquieu, "consists of free cities and petty states, subject to different princes, experience shows us that it is more imperfect than that of Holland and Switzerland. " "Greece was undone," he adds, "as soon as the king of Macedon obtained a seat among the Amphictyons." In the latter case, no doubt, the disproportionate force, as well as the monarchical form, of the new confederate, had its share of influence on the events. **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.**

Indeed, at the time of the founding, it was obvious to the members of our new Republic to repudiate, and guard against, a government comprised of monarchial or aristocratic rule and privileged persons. "*What need there could be of such a precaution?*" Today, we now know the need of that precaution and why Article I § 9, U.S. Constitution was included in our federal constitution and Art. I, § 30 of our state constitution. Fortunately, having suffered the grievances detailed in our Declaration of Independence, our founding fathers included in the constitution, the emoluments clause, constitutionally protected rights, and other provisions, and we need only look to our past history to know well why such privileges should be vehemently guarded.

Moreover, the conduct of the legislature is in violation of oath of office, and contrary to the well-being of the people, and in violation of both state and federal constitutions. The Const. of the State of Tenn., Art. X. § 2 states;

> **Each member of the Senate and House of Representatives**, shall before they proceed to business **take an oath or affirmation** to support the Constitution of this state, and of the United States and also the following oath: I_____ do solemnly swear (or affirm) that as a member of this General Assembly, I will, in all appointments, vote without favor, affection, partiality, or prejudice; and that **<u>I will not propose or assent to any bill, vote or resolution, which shall appear to me injurious to the people</u>, or consent to any act or thing, whatever, that shall have a tendency to lessen or abridge their rights and privileges, as declared by the Constitution of this state.**

Most certainly the statutes complained of herein are injurious to the people, usurping their guaranteed rights to bring suit against the state and seek redress for false arrest, malicious prosecution, civil rights violations, etc., etc. Tenn. Const. Art

I § 17, states all courts shall be open for an injury done him in his lands, goods, person, or reputation.

I. State Statute Providing Unconstitutional Immunity – TCA 29-20-205; Governmental Tort Liability, Actus repugnans non potest in esse produci

State statute, Tennessee Code Annotated (TCA) 29-20-205, is repugnant to the principles upon which our Republic was founded. This law is self-incriminating, and prima facia evidence that the state must be required to reform. Knowing that conduct such as; *"gross negligence, false imprisonment pursuant to a mittimus from a court, false arrest, malicious prosecution, intentional trespass, abuse of process, libel, slander, deceit, infliction of mental anguish, invasion of privacy, civil rights violations, and malicious prosecution without probable cause,"* should all be anomaly conduct by governmental entities, this begs the question: "*Why would the State enact in statute, and provide immunity for conduct that should be an anomaly..., conduct for which redress should be available*?" The only answer to this question is that this conduct by state officials and "governmental entities" is not the occasional anomaly, but common occurrence, and the state seeks to protect its corrupt activities by unlawfully preventing suits against the state through the enactment of unconstitutional law. Perhaps it is further true that the Tenn. Code Comm. "edited" lawful acts of congress to circumvent the intent of congress?

The purpose of our legal system is to prevent not punish crime. By enacting TCA 29-20-205, the state removes all deterrent for such conduct. For the state to nullify deterrent law by enacting a law providing unconstitutional immunities, and then through its oversight agencies to grossly and negligently dismiss all complaints made against state court officials, demonstrates a profound necessity of reform.

Most certainly TCA 29-20-205, is injurious to the people, usurping their guaranteed right to bring suit against the state and seek redress for false arrest, malicious prosecution, civil rights violations, etc., etc. Tenn. Const. Art I § 17, states all courts shall be open for an injury done him in his lands, goods, person, or reputation. TCA 29-20-205 usurps this right for redress of harms caused by state agencies.

In 1916, the United States Supreme Court affirmed in opinion, that a law "*must be construed, if fairly possible, so as to avoid not only the conclusion that it is unconstitutional, but also grave doubts upon that score.*" *United States v. Jin Fuey Moy, 241 U.S. 394, 401, Sup. Ct. (1916)*; see also *Clark v. Martinez, 543 U.S. 371, 380–81. Sup. Ct. (2005).* Here, TCA 29-20-205 is repugnant to state and federal constitutions. In Latin, ***Actus repugnans non potest in esse produci***, translates approximately to; a repugnant act cannot be brought into being (that is, cannot be made effectual).

II. State Statute Corrupting Due Process – TCA 24-9-101 Deponents Exempt from Subpoena to Trial But Subject to Subpoena to Deposition

TCA 24-9-101 is a statute in violation of U.S. Const. Amend XIV, § 1, and Tenn. Const. Art. I, § 17 due process clauses. Our entire system of jurisprudence rests on the well-established procedures of direct and cross-examination of witness testimony. TCA 24-9-101 unconstitutionally provides that certain persons are exempted from testifying at trial, but subject to subpoena to a deposition.

In recent legislation, the state voted to expand the list of persons exempt from testimony through proposed legislation which makes licensed clinical social workers exempt from subpoena to trial. TCA 24-9-101 sets the stage for economically disadvantaged litigants to be subjected to one-sided deposition testimony. The likely and devastating outcomes resulting from this unconstitutional legislation are deprivation of due process, children wrongfully taken, persons wrongfully declared mentally unfit, etc. Such outcomes are the clear intent and purpose of this unconstitutional statute.

Judges and juries should not be deprived the opportunity to gauge for themselves and credibility of witnesses and litigants should not be deprived an element of due process to confront adverse witness testimony.

The final clause of TCA 24-9-101, grants the state trial courts authority to award attorney fees to a party successfully defending against a subpoena to trial, which is nothing more than an unjust punishment, and seizure of property without jury, inflicted upon a party seeking fair due process.

TCA 24-9-101 is also in violation of Tenn. Const., Art. I, § 30; "That no privileges shall ever be granted or conferred in this state. It is most certainly a special privilege to be exempt from subpoena to trial further establishing the unconstitutionality of TCA 24-9-101.

TCA 24-9-101 is also in violation of Tenn. Const., Art. I, § 9

> That in all criminal prosecutions, the accused hath the right to be heard by himself and his counsel; to demand the nature and cause of the accusation against him, and to have a copy thereof, **to meet the witnesses face to face,** to have compulsory process for obtaining witnesses in his favor, and in prosecutions by indictment or presentment, a speedy public trial, by an impartial jury of the county in which the crime shall have been committed, and shall not be compelled to give evidence against himself.

III. TCA 28-3-104 Personal Tort Actions: Actions against Certain Professionals is Unconstitutional Under Both State and Federal Constitutions

"*Congress surely did not intend to assign to state courts and legislatures a conclusive role in the formative function of defining and characterizing the essential*

elements of a federal cause of action." *Wilson v. Garcia*, 471 US 261 - Supreme Court 1985, 471 US 261, 105, 1938, 85 L. Ed. 2d 254 - Supreme Court, 1985. "*The relative scarcity of statutory claims when § 1983 was enacted makes it unlikely that Congress would have intended to apply the catchall periods of limitations for statutory claims that were* ***later enacted by many States.***" (at 278).

"*Thus, in considering whether all § 1983 claims should be characterized in the same way for limitations purposes, it is useful to recall that § 1983 provides "a uniquely federal remedy against incursions under the claimed authority of state law upon rights secured by the Constitution and laws of the Nation.*" *Mitchum v. Foster*, 407 US 225, 92 S. Ct. 2151, 32 L. Ed. 2d 705 - Supreme Court, 1972.

TCA 28-3-104(a)(1)(B) affirms: "...the following actions shall be commenced within one (1) year after the cause of action accrued: **Civil actions** for compensatory or punitive damages, or both, **brought under the federal civil rights statutes**"

Suits brought under the federal rights statutes are brought in federal court, not state courts. Yes, it is accepted (perhaps falsely) that state legislatures have authority to enact statutes setting time limitations for civil suit for state statute violations and torts. Yes, if the U.S.C. does not define a statute of limitations, federal courts turn to state statutes for time limitations in "like-kind" causes of action. Regardless, states do not have authority to create statutes of limitations on federal statutes. Due to the fact that this law explicitly affirms: "***Civil actions... brought forth under the federal civil rights statutes***": (1) this subsection of statute does not set time limitations on state suits brought in state courts under state statute, (2) this statute is expressly directed at federal suits, brought in federal courts, under federal statutes, which makes this law unconstitutional. **Congress has never granted power to the various states to set time limit bars on suits in federal courts under federal laws, and TCA 28-3-104 does exactly that – and TCA 28-3-104 is therefore unconstitutional.**

In truth, Tennessee does not have authority to legislate any statute of limitation for any injury caused to a person's land, goods, person, or reputation. Tenn. Const., Art. I, § 17 affirms: "*That all courts shall be open;* ***and every man, for an injury done him in his lands, goods, person or reputation, shall have remedy by due course of law, and right and justice administered without sale, denial, or delay.***"

"WITHOUT SALE, DENIAL, OR DELAY", means exactly as it reads – "WITHOUT DENIAL". Indeed, any and every "statute of limitation" is an unconstitutional denial of justice. All statutes of limitations are to say: "Sorry..., you waited too long, so you are DENIED JUSTICE" or, "Sorry..., too bad you didn't know at the time, but now it is too late to seek redress, so you are DENIED JUSTICE". Justice and due course of law are not for sale. Justice and due course of law is not to

be denied. Justice and due course of law is not to be delayed. These facts could not have been stated clearer in our state constitution.

Again, State of Tenn. Const., art. X. § 2 affirms:

> I_____ do solemnly swear (or affirm) that as a member of this General Assembly, I will, in all appointments, vote without favor, affection, partiality, or prejudice; and that **I will not propose or assent to any bill, vote or resolution, which shall appear to me injurious to the people, or consent to any act or thing, whatever, that shall have a tendency to lessen or abridge their rights and privileges, as declared by the Constitution of this state.**The state constitution explicitly states that legislators are to swear oath to not propose or assent to any bill, or consent to any act or thing, whatever, that shall have a tendency to "**lessen or abridge their rights and privileges**", as declared by the Constitution of this state."

Clearly TCA 28-3-104 unjustly lessons and abridges remedy by due course of law, and administration of justice, and the legislators enacting TCA 28-3-104 are in violation of their oath of office, and therefore TCA 28-3-104 is unconstitutional under the State's constitutional provisions. It must be obvious that in enacting TCA 28-3-104, the state is circumventing the intent of U.S. Congress's enactment of federal civil rights statutes and lessoning the right of its people to seek redress of harm caused by rights violations and discriminatorily privileged "certain professionals". Perhaps too, the Tenn. Code Comm. "edited" the intent of Congress.

TCA 28-3-104 is also in violation of the equal protection clause of U.S. Const. Amend. XIV § 1, Tenn. Const., art. I. § 30, and U.S. Const. Art. I § 9. TCA 28-3-104(c) clearly grants special privilege to persons of "trust"; attorneys and CPA professionals, while denying that same "privilege" to medical professionals. The title alone of TCA 28-3-104 "Personal tort actions; actions against certain professionals" tells us TCA 28-3-104 is unconstitutional. "Certain Professionals"? What about other professionals? Why aren't other professionals provided equal protection of the law as required by U.S. Const. Amend. XIV § 1? TCA 28-3-104 is nothing more than a "special privilege" granted in violation of federal and state constitution emolument clauses.

TCA 28-3-104 is in violation of U.S. Const. Amendment XIV, equal protection clause. TCA 28-3-104 (c)(1) affirms: "*Actions and suits against licensed public accountants, certified public accountants,* ***or attorneys for malpractice shall be commenced within one (1) year after the cause of action accrued...***" Conversely, there is a larger deadline for medical malpractice lawsuits encoded in TCA 29-26-116: "*In no event shall any such action be brought more than three years after the date on which the negligent act or omission occurred...*" Considering that the professions of accountancy, medicine, and law are professions that are self-regulated, provide

service to society, and require formal education and qualification, the statute of limitations provided in the law should be equal for these professions. Obviously, this law was enacted to eliminate legal malpractice suits, while preserving revenue streams to the legal profession from medical malpractice suits.

The unconstitutional immunities and shorter statute of limitations provided for in TCA 29-20-205 and 28-3-104, are also in violation of the emoluments clause, U.S. Const. art I § 9, in that persons holding office, and or, trust under them are granted special privilege and emolument, as well as Tenn. Const., Art. I, § 30; "That no privileges shall ever be granted or conferred in this state.

TCA 29-20-205 is also in contradiction of TCA 28-3-104 which provides a one-year statute of limitations for false imprisonment, and malicious prosecution, etc. False imprisonment and malicious prosecution are most often tortious actions perpetrated by the state through its "governmental entities" (agents). To provide a statute of limitations in TCA 28-3-104 for false imprisonment and malicious prosecution, and then provide immunity from these torts in TCA 29-20-205 is contradictory statute.

IV. TCA 23-2-102 Attorney Lien on Right of Action is Unconstitutional Under Both State and Federal Constitutions

Tenn. Code Annotated § 23-2-102. Lien on right of action.
Attorneys and solicitors of record who begin a suit shall have a lien upon the plaintiff's or complainant's right of action from the date of the filing of this suit.

U.S. Constitution, Art. I § 9 Clause 8 affirms:

> No title of nobility shall be granted by the United Affirms: and **no person holding any office of profit or trust under them**, shall, without the consent of the Congress, **accept of any present, emolument, office, or title**, of any kind whatever, from any king, prince, or foreign state.

The Constitution of the State of Tennessee, Art. I, § 30 affirms:

> That **no hereditary emoluments, privileges, or honors, shall ever be granted or conferred in this state.**

There can be no doubt, Tenn. Code Ann. § 23-2-102 is an emolument and privilege granted to persons in public trust - Attorneys. Clearly this statute was enacted in violation of State Constitution and U.S. Constitution. Clearly attorneys are a distinct class of persons. There is no doubt Tenn. Code Ann. § 23-2-102 provides an extra protection to a "set of men" in collecting fees not provided to other professions. Therefore, Tenn. Code Ann. § 23-2-102 is not only in violation of emoluments clauses, Tenn. Code Ann. § 23-2-102, was also enacted in violation of Amend XIV, U.S. Const.

Considering enactment of Tenn. Code Ann. § 23-2-102, it becomes apparent that Tennessee has forgotten lessons of the past, and the grievances that caused our

nation to declare independence from Great Britain. It is apparent the legislators who enacted Tenn. Code Ann. § 23-2-102 did not consider Art. I, § 30 of the state's constitution. Perhaps too, the Tenn. Code Comm. "edited" the intent of Congress.

Like any profession, the legal profession should rely on good customer service and a process that does not bankrupt one or both of the parties. This begs the question: "*If attorneys are providing good customer service, why should there be need for enactment of a statute such as Tenn. Code Ann. § 23-2-102?*" Enactment of such a statute is prima facie evidence of a breakdown in the legal system, and attorney clients are either not satisfied with services received, or they are left unable to pay by the process, or both, "*necessitating*" such statute.

In his book, "THE FRATERNITY, Lawyers and Judges in Collusion", The Honorable Judge John Fitzgerald Molloy, details how the legal profession had transformed over the last several decades. Judge Molloy details the most profound transformation occurred as a result of billing practices of the legal profession. Around the year 1947, Judge Molloy's firm billed based on the following factors: "***1)*** *what we had achieved for the client,* ***2)*** *what was the client able to pay, and* ***3)*** *what the client expected to pay." id* p. 3. By the year 1969, all top-rated lawyers began billing on the "time-is-money" concept and thus came into effect today's billing standard of six-minute increments. Judge Molloy stated:

> "And, as this time-is-money concept became gospel, the time necessary to get things done extended wondrously — oh, yes! — wondrously!" p. 5

Judge Molloy then went on to explain how this new "time-is-money" concept, incentivized the legal profession to create new procedural rules, complicating the legal process, "to make less, what lay persons could do for themselves." (establishment of a monopoly).

Not only is TCA 23-2-102 unconstitutional under the state and federal constitutions, TCA 23-2-102 encourages collusion between judges and attorneys to extort unearned attorney's fees under color of law. Appendix Q is a transcript evidencing collusion to extort under color of law and provides a perfect example. In that case, the litigant was extorted more than one-hundred thousand dollars ($100,000) while being denied due process, denied trial by jury, and through criminal threat of force under color of law perpetrated by the judge.

Let us be honest together and recognize glaring facts. The number one complaint filed with the Tennessee Board of Professional Conduct is for exorbitant and fraudulent attorney's fees. Perhaps hereto the Tennessee Code Commission, "enacted" their own legislation, compiling their own "code" into the lawful acts of congress under color of law.

V. TCA 23-3-103 Unauthorized Practice of Law is Unconstitutional Under Both State and Federal Constitutions

Petitioner asserts T.C.A. 23-3-103 is unconstitutional in that it unlawfully establishes a monopoly, and deprives protected rights of due process and remedy by due course of law, provided for in U.S. Const. Amend., XIV, § 1, and Tenn. Const. Art I, § 17. Moreover, as discussed above, the validity of this "statute" is challenged as discussed above, and may very well be one of the "*codes*" compiled into T.C.A. and not an actual act of congress.

The language of this statute is so restrictive, it too is the equivalent of requiring a medical license to sell aspirin.

> 23-3-101. Chapter definitions.
>
> As used in this chapter, unless the context otherwise requires:
>
> (3) "Practice of law" means the **appearance as an advocate in a representative capacity or the drawing of papers, pleadings or documents or the performance of any act in such capacity in connection with proceedings pending or prospective before any court, commissioner, referee or any body, board, committee or commission constituted by law or having authority to settle controversies, or the soliciting of clients directly or indirectly to provide such services.**

Since the language of T.C.A. 23-3-101 and 23-3-103 is so restrictive, the statute effectively establishes a monopoly in violation of Tenn. Const. Art. I, § 22, "*That perpetuities and monopolies are contrary to the genius of a free state, and shall not be allowed.*"

It is a well-known fact, and the proof will show, that attorneys routinely conspire against their own clients for the purposes of; (1) vexatious litigation to generate unnecessary billable hours, and (2) civil conspiracy for various reasons. It is a further well-known fact, and the proof will show, that attorneys refuse to provide representation to any person seeking to bring a cause of action against another attorney or member of the BAR, or a member of the judiciary for; (1) tortious acts such as abuse of process, mal-practice, etc., (2) rights violations, or (3) crimes perpetrated under color of law.

It is well-established in Tennessee that litigants have a right of self-representation in Tennessee courts, and Tenn. Const., Art I, § 17 guarantees that all persons, "*for an injury done him in his lands, goods, person, or reputation, shall have remedy by due course of law, and right and justice administered without sale, denial, or delay.*"

In the case, *Meyer v. Nebraska,* 262 US 390 - Supreme Court 1923, it was affirmed:

> **The established doctrine is that this liberty may not be interfered with, <u>under the guise</u> of protecting the public interest**, by legislative action

> which is arbitrary or without reasonable relation to some purpose within the competency of the State to effect.

In the case, Schware v. Board of Bar Examiners of NM, 353 US 232 - Supreme Court 1957

> **A State cannot exclude a person from the practice of law or from any other occupation in a manner or for reasons that contravene the Due Process or Equal Protection Clause of the Fourteenth Amendment.**

The end result is attorneys and judges who have lobbied for these special emolument privileges, now arrogantly claim they are the only ones entitled to them which is monopoly leveraging. Members of the BAR use this unconstitutional statute as defense mechanism to protect corrupted proceedings.

> The case law of the United States Supreme Court "**reflect the obvious concern that there be no sanction or penalty imposed upon one because of his exercise of constitutional rights.**" *Gray v. Commonwealth*, Pa: Commonwealth Court 2017

The facts of (1) the unconstitutional conduct of the Tennessee Code Commission "editing" acts of congress, and compiling "codes" purported to be statute, (2) attorneys refusal to represent persons bringing causes of action against attorneys and judges, (3) the lack of objective oversight of the legal profession and judiciary, (4) conspiratorial conduct of members of the judiciary and legal profession in collusion to deprive rights and extort property under color of law through vexatious litigation designed to perpetuate unnecessary billable hours at monopolistic rates, renders THE PEOPLE effectively incapable of defending fundamental rights when the courts have been weaponized against them.

Compound these facts with the purported enactment of T.C.A. 23-3-103, further deprives Citizens and THE PEOPLE, from assistance of counsel outside the membership of the BAR who are the very ones causing them harm. Therefore, T.C.A. 23-3-103 deprives fundamental rights rendering the statute unconstitutional.

UNCONSTITUTIONAL COURT RULES MUST BE RENDERED VOID

Tennessee Rules of Civil Procedure, Rule 38.02: Demand, is unconstitutional and limits an inviolate right to trial by jury. Rule 38.02 states:

> Any party may demand a trial by jury of any issue triable of right by jury **by demanding the same in any pleading specified in Rule 7.01** or **by endorsing the demand upon such pleading when it is filed**, or **by written demand filed with the clerk, with notice to all parties, within fifteen (15) days after the service of the last pleading raising an issue of fact.**

Tennessee Const. Art. I, § 6 affirms: "***That the right of trial by jury shall remain inviolate**, and no religious or political test shall ever be required as a qualification for jurors.*" Black's Law Dictionary defines Inviolate as: "Intact; not violated; free from substantial impairment. In the case, Lakin v. Senco Products, Inc., 987 P. 2d 463 - Or: Supreme Court 1999, the Supreme Court of Oregon determined "Inviolate" means the same thing today as it did in the 1800's when the Tennessee Constitution was ratified.

> In 1828, the word "inviolate" meant "unhurt; uninjured; unprofaned, unpolluted; unbroken." Noah Webster, American Dictionary of the English Language, Vol. 1, p. 113 (1828). Although it post-dates adoption of Article I, section 17, in 1889 "inviolate" meant "not violated; free from violation or hurt of any kind; secure against violation or impairment." The Century Dictionary, Vol. III, p. 3174 (1889). **Thus, for purposes of this case, whatever the right to a jury trial in a civil case meant in 1857, it has the same meaning today.** The plain wording of Article I, section 17, does not answer the question whether the right to a jury trial then meant, and, therefore, now means, that the legislature may not adopt a statute imposing a cap on the amount of noneconomic damages recoverable in a civil case. (at 468)

Tennessee Rules of Civil Procedure, Rule 38 limits demand for trial by jury unconstitutionally. Just as state congresses cannot adopt a statute imposing a cap that limits a right to trial by jury, neither can the courts impose limits requiring demand in writing or at specified times.

Furthermore, the same conclusions of law stated in Miranda v. Arizona, 384 US 436 - Supreme Court 1966, prove that THE PEOPLE are deprived their inviolate right trial to by jury by never being informed of their right for the purpose of depriving them of their fair due process, and to perpetuate unnecessary billable hours through vexatious litigation. In the Miranda opinion, the Supreme court made clear that the (1) **"accused must be adequately and effectively apprised of his rights and the exercise of those rights must be fully honored,** (2) **The warning of the right to remain silent must be accompanied by the explanation that anything said can and will be used against the individual in court. This warning is needed in order to make him aware not only of the privilege, but also of the consequences of forgoing it,** and (3) **Only through such a warning is there ascertainable assurance that the accused was aware of this right.**

> Today, then, there can be no doubt that the Fifth Amendment privilege is available outside of criminal court proceedings and serves to protect persons in all settings in which their freedom of action is curtailed in any significant way from being compelled to incriminate themselves. **We have concluded that without proper safeguards the process of in-custody**

> **interrogation of persons suspected or accused of crime contains inherently compelling pressures which work to undermine the individual's will to resist and to compel him to speak where he would not otherwise do so freely. In order to combat these pressures and to permit a full opportunity to exercise the privilege against self-incrimination, the accused must be adequately and effectively apprised of his rights and the exercise of those rights must be fully honored.** Miranda v. Arizona, 384 US 436 - Supreme Court 1966 (at 467)
>
> **The warning of the right to remain silent must be accompanied by the explanation that anything said can and will be used against the individual in court. This warning is needed in order to make him aware not only of the privilege, but also of the consequences of forgoing it. It is only through an awareness of these consequences that there can be any assurance of real understanding and intelligent exercise of the privilege.** Moreover, this warning may serve to make the individual more acutely aware that he is faced with a phase of the adversary system—that he is not in the presence of persons acting solely in his interest. (*id* at 469)
>
> **Accordingly, we hold that an individual held for interrogation must be clearly informed that he has the right to consult with a lawyer and to have the lawyer with him during interrogation under the system for protecting the privilege we delineate today. As with the warnings of the right to remain silent and that anything stated can be used in evidence against him, this warning is an absolute prerequisite to interrogation.** No amount of circumstantial evidence that the person may have been aware of this right will suffice to stand in its stead: **Only through such a warning is there ascertainable assurance that the accused was aware of this right.** (*id* at 472).

The exact same argument is true regarding the right of due process and right to trial by jury but THE PEOPLE are never warned, never advised of their rights in "courts of law', and are then so deprived for corrupt purpose, and subjected to the confidence schemes of attorney and judges in collusion.

> Although the confidence man is sometimes classed with professional thieves, pickpockets, and gamblers, he is really not a thief at all because he does no actual stealing. **The trusting victim literally thrusts a fat bank roll into his hands.** It is a point of pride with him that he does not have to steal.
>
> Confidence men are not "crooks" in the ordinary sense of the word. **They are suave, slick and capable. Their depredations are very much on the genteel side. Because of their high intelligence, their solid organization,**

> **the widespread convenience of the law, and the fact that the victim [sometimes] must admit criminal intentions if he wishes to prosecute, society has been neither willing nor able to avenge itself affectively.** (*Scamming: The Misunderstood Confidence Man, Yale Journal of Law & the Humanities p.250*)

As an example, here is a common scam perpetrated by attorneys and judges in collusion. First the targeted victim is identified, and in family court cases, it is typically the high earner, or the person least at fault for the divorce. The first information attorneys require before accepting a divorce case is a detailed listing of assets and liabilities, so they will know exactly how much money can be extracted from the trusting victim(s). The parties, uninformed of the corruption of our courts, and through FALSE PUBLIC TRUST, assume they will be provided fair and impartial proceedings and adherence to the "law". They are never advised of their rights of due process, right to trial by jury, and right to remonstrate grievance of wrongdoing by government officials. As in Miranda, this is a clear deprivation of constitutionally protected rights.

In coordination with opposing counsel, the opposing party makes false and unsupported allegations, often suborned perjury encouraged by an attorney, and upon which the judge in collusion then bases unjust decision. These unjust rulings are made knowing that the falsely accused party will expend all their emotional and financial resources disproving false and unsupported allegations.

> "No official with an IQ greater than room temperature in Alaska could claim that he or she did not know that the conduct at the center of this case violated both state and federal law. (perjury statutes)" *Hardwick v. County of Orange*, 844 F. 3d 1112 - Ct of App, 9th Cir., 2017 (at 1119).

Continuing in FALSE PUBLIC TRUST, the wrongfully accused, continues to believe that when further evidence is provided to the court, the court (corrupted judge), will then render justice. Typically, it takes as much as one-year passage of time, exposed to corrupted and vexatious litigation, for the wrongfully accused, to finally understand and recognize that no matter what evidence they present, no matter what proper legal argument is made, they will never be provided fair due process, and they will always be denied justice. It is then that they begin to seek redress of grievance by petition to oversight agencies, or suits in federal courts, only to further find all the agencies and courts have been corrupted. It is common sense, that these corrupted practices of the legal profession and judiciary in the trial courts would not be engaged in, except for knowing they can do so with impunity. See Appendix F, for expanded argument.

The first step to combat this corruption of our courts is to advise persons of their rights, including their inviolate right to trial by jury (if necessary).

THE TENNESSEE BOARD OF JUDICIAL CONDUCT IS UNCONSTITUTIONAL TRANSFER OF POWER

The Tennessee Board of Judicial Conduct (TBJC), is a governmental entity that never should have come into being and is repugnant to our Constitution. The TBJC is an unconstitutional transfer of power from the legislature to the judiciary to oversee the judiciary. Article V, § 2 of the Tennessee Constitution affirms: "**The House of Representatives shall have the sole power of impeachment.**", and § 3 of the same Art. further affirms: "**The House of Representatives shall elect from their own body three members, whose duty it shall be to prosecute impeachments.**"

The phrases "shall have **sole power** of impeachment", "**shall elect** from their own body", and "**whose duty** it shall be to prosecute impeachments" could not be clearer. It is the DUTY of the House to prosecute impeachment, and the House is required and "SHALL ELECT" three members to prosecute impeachment.

It is for good reason our Constitution set forth these duties of the House. The House is representative of the people, elected to office, with the solemn responsibility to protect the welfare of their constituents. Conversely, the TBJC's officers and members are appointed and comprised primarily of judges performing duties clearly mandated to the legislature in our constitution, and in violation of Separation of Powers doctrine. Astoundingly, Tenn. Const. Art. II, § 26 affirms: "**No judge of any court of law or equity, shall have a seat in the General Assembly...**" and yet here we have judges in de facto legislative seats clearly performing the duties of the House, in clear violation of our Constitution. THIS MUST STOP.

Our Constitution states that "All courts shall be open" and while legislative proceedings are conducted in the open and under scrutiny of livestream and recorded video, review of complaints against judges are concealed from public view and the TBJC unconstitutionally operates in the dark so as to preserve FALSE PUBLIC TRUST. Indeed, even the record retention policy of the TBJC, suggests intent to conceal judicial misconduct.

Despite it being the House's responsibility to prosecute impeachments and hear complaints, one can well expect that the judiciary, through the TBJC, will defy the General Assembly and refuse to provide copies of complaints and evidence filed with the TBJC. Petitioner challenges this body to demand review of complaints. The judiciary will likely and falsely assert their contorted view of "separation of powers"

According to Petitioner's research, and the SUMMARY of OVERSIGHT OF JUDICIAL CONDUCT IN TENNESSEE 1971 TO 2011, prepared by the Administrative Office of the Courts, the last time a judge was impeached by the General Assembly was 1958, and prior to the creation of the Judicial Standards Commission (JSC) in 1971, now the TBJC. This is not surprising, since we have the fox watching the hen house, and no judge will take action against another judge,

except in corrupted interest, or where there is infighting. Indeed, Supreme Court Justice Gorsuch stated: ""any criticism of his brothers and sisters of the robe is an attack or a criticism on everybody wearing the robe as a judge."

Your people are suffering greatly. Corrupted judicial proceedings conducted by judges who have no objective oversight are causing great harm. The travesties of our judiciary perpetrated upon our fellow Americans, very often leads to substance abuse to dull the pain of injustice, and all too often leads to suicide and sometimes even vigilante justice. THIS TOO MUST STOP.

In considering proper legislation and quorum to establish the TBJC (or abolish), further consideration should be given to the conduct of the TBJC. I would direct the General Assembly's attention to the fact that the TBJC has not once recommended impeachment, and has dismissed 100% of complaints filed by non-legal professionals. It is a statistical impossibility that 100% of complaints are without merit. See attached Auditor's Compilation proving this fact based on the TBJC's own annual reports (previously provided to US Congress in requested brief and emailed to this General Assembly). That Auditor's Report is not a statistical analysis, but simple addition and subtraction: Complaints received, minus complaints acted upon, equals complaints dismissed.

Tennessee judge, Casey Moreland was arrested by federal authorities and recently sentenced in federal court. Judge Moreland had been on the bench since 1998, and the TBJC admitted to the media, that multiple complaints to the board, against Judge Moreland had been received and dismissed. A USA Today reporter stated in her article: "Documents suggest Moreland had continued control in those cases, and that may be symptom of a larger problem." Further in that article is a quote of David Cook, a former member of the TBJC: "It could just be a bureaucratic mix-up, but it certainly has every appearance of a conflict and does not inspire confidence in the judicial system."

In a Tennessean news article, it was reported Moreland kept a list of 13 people on his iPhone labeled "witnesses" and he paid more than $6,000 so a woman would recant her allegations against Moreland and he plotted to have drugs planted in her car to be "discovered" in a staged traffic stop. Judge Moreland's wife testified he moved out of their home due to infidelity allegations, was diagnosed with a depressive disorder in 2009, and struggled with mental illness and alcohol abuse. The fact that the TBJC received and dismissed multiple complaints against a judge of such character, evidences the TBJC provides no objective oversight of the judiciary. It is common sense logic that judges would not engage in that type of conduct except for the fact that they know they can do so with impunity, and that the TBJC is not functioning as intended.

It is further suggested to the General Assembly to consider the "return on investment" and work product of the TBJC, and whether the services they provide merit the expense to the state and its citizens. Very likely the caseload of 1.4 complaints per day is manageable by the House. Respectfully, if a few judges are impeached, such as the ones presented herein, it is very probable the rest of the judiciary will begin to conduct themselves with honor, and within the confines of the constitution, and complaints against the judiciary will decrease dramatically.

During preparation of this Petition of Remonstrance, it has come to Petitioner's attention, through members of the bodies, that the General Assembly intends to "sunset" the TBJC, and perhaps transfer that authority to the Supreme Court of Tennessee. Perhaps, this is for the purpose of circumventing this Remonstrance and declaring the issue "moot" as court's often do when forced to adhere to the law of the land and constitutional provisions. Petitioner strongly cautions members of the Senate and House from transferring the authority of the TBJC to the Supreme court as THE PEOPLE can expect more of the same lack of objective oversight in the judiciary having oversight of the judiciary. The Tenn. Const. Art. V, clearly states the House has the sole power of impeachment and it is the duty of the House to oversee the conduct of the judiciary.

THE TENNESSEE BOARD OF PROFESSIONAL RESPONSIBILITY IS UNCONSTITUTIONAL TRANSFER OF POWER

The Tennessee Board of Professional Responsibility is but yet another unconstitutional mechanism of the BAR and judiciary in collusion, to protect corrupted court proceedings. If an attorney complains about the conduct of a judge, very often that attorney is brought before the discipline counsel under false, and unsupported allegations. The Tenn. Bd. of Prof. Resp. is used by the judiciary to hold the licensure of attorneys hostage when a well-minded attorney calls into question the conduct or integrity of a member of the judiciary, or when an attorney advocates a position "unpopular" to the judiciary.

In subsequent hearings, members of the BAR will present testimony to this General Assembly that they have been retaliated against by members of the judiciary for the purpose of protecting corrupted court proceedings, and or, for taking a position "unpopular" or contrary to judiciary.

In addition to the normal privilege tax imposed by the state, the judiciary also imposes a tax used to fund the Tenn. Bd. of Prof. Resp. This is of course unconstitutional due to the fact that the judiciary does not have lawful authority to impose taxes. It is further alleged that pursuant to lawful act of congress, court rules must be approved by congress, and that Tenn. Sup. Ct. Rule 9: Disciplinary Enforcement, has never been approved by congress, and that the Tennessee Supreme Court is acting outside their jurisdiction and authority.

Again, as referenced above, 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.

Also, as referenced above, 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 done or not done under it.

It is the state that licenses attorneys to practice law, not the judiciary or BAR. **The constitution does not grant lawful authority to the judiciary to legislate or oversee licensure of any profession, including the "profession of law".** Only judicial power is granted to the judiciary and no other powers.

In the words of an undisclosed member of the BAR:

> *"The third is about the **intimidation of attorneys**. So Attorney's not only have to pay a privilege tax just like everybody else who has a license which goes to the state treasury, attorneys have to pay the supreme court an additional fee to operate the Board of professional responsibility and then **if they are disciplined they have to pay attorney's fees on top of that**.*
>
> ***And then if they put him on probation the attorney has to pay another attorney to supervise them**.*
>
> ***The power and control that the supreme court has over attorneys is greater than you even understand**.*
>
> *I challenge the constitutionality of the attorney discipline system and of course the supreme court found that it was constitutional."*

This General Assembly should take pause and carefully consider the words of an attorney and member of the BAR: "***The power and control that the supreme court has over attorneys is greater than you even understand**.*"

The repugnancy of this concept of the judiciary having power over attorneys who appear before them, is yet another unconstitutional concept that frustrates rational thought and is repugnant to our form of government and in violation of constitutional provisions.

Consider the words of this attorney... "**if they are disciplined, they have to pay attorney's fees on top of that..., And then if they put him on probation the attorney has to pay another attorney to supervise them.**

Very obviously, the judiciary does not have power to legislate. The judiciary only has judicial power (defined above). The judiciary cannot force payment of attorney fees, nor does the judiciary have power to coerce payment to another attorney for supervising them. Effectively, this amounts to extortion under color of law.

Pursuant to Tenn. Const. Art. I, § 8, "***That no man shall be*** *taken or imprisoned, or* ***disseized*** *of his freehold, liberties or privileges,* ***or outlawed, or exiled, or in any manner destroyed or deprived of his life, liberty or property, but by the judgment of his peers, or the law of the land."*** It is an incontrovertible fact that attorneys are deprived trial by jury in Bd of Prof. Responsibility proceedings. This begs the further question: "Under what lawful authority, and under what law of the land are attorneys subject to in paying attorney's fees, and fees for another attorney to supervise them?" Perhaps one of the "codes" compiled by the Tennessee Code Commission without lawful act of congress?

Having licensure of attorneys subject to the "oversight" of the judiciary and BAR, through an agency controlled by the judiciary, unconstitutionally sets the stage for coercive oversight of well-minded attorneys. Premises considered, the Tennessee Board of Professional Responsibility should be abolished, power returned to the THE PEOPLE inherent in their representation in the House.

Just has the House has the sole power of impeachment, the House and the legislature have oversight of the licensure of all professions, including the profession of law. Also, as stated above:

> Petitioner contends the judiciary has unlawfully taken control over the licensure of attorneys, and that control of licensure provides the judiciary control of the legal profession, and control over the licensure of attorneys who are sitting in legislative seats. **Having this unlawful authority over the licensure of attorneys, provides opportunity and power to the judiciary to coerce votes of attorney members of the houses of the General Assembly in violation of Tenn. Const. Art. II, § 26 through potentially de facto legislative seats and in further violation of the separation of powers doctrine.**

PROPOSED ARTICLES OF IMPEACHMENT AND/OR REMOVAL FROM OFFICE

Pursuant to Tennessee Constitution, Article V, § 1, the **House of Representatives shall have the sole power of impeachment.** Pursuant to Article V, § 4, **judges shall be liable to impeachment, <u>whenever they may commit any crime in their official capacity</u>**

which may require disqualification but **judgment shall only extend to removal from office, <u>and disqualification to fill any office thereafter</u>**.

Further pursuant to Tennessee Constitution, Article VI, § 6;

> **Judges and attorneys for the state may be removed from office by a concurrent vote of both Houses of the General Assembly**, each House voting separately; but two-thirds of the members to which each House may be entitled must concur in such vote. The vote shall be determined by ayes and noes, and the names of the members voting for or against the judge or attorney for the state together with the cause or causes of removal, shall be entered on the journals of each House respectively. The judge or attorney for the state, against whom the Legislature may be about to proceed, shall receive notice thereof accompanied with a copy of the causes alleged for his removal, at least ten days before the day on which either House of the General Assembly shall act thereupon.

Tennessee Code Ann. § 17-1-104. Oath of office, states as follows:

> Before entering upon the duties of office, **every judge and chancellor in this state is required to take an oath or affirmation to support the constitutions of the United States and that of this state**, and to administer justice without respect of persons, and impartially to discharge all the duties incumbent on a judge or chancellor, to the best of the judge's or chancellor's skill and ability. The oath shall be administered in accordance with title 8 or any other applicable law.

18 U.S.C § 241 – Conspiracy against rights; If two or more persons conspire to injure, oppress, threaten, or intimidate any person in any in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; They shall be fined under this title or imprisoned not more than ten years, or both;

18 U.S. Code § 242 - Deprivation of rights under color of law Whoever, under color of any law, ..., willfully subjects any person in any State, ... to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, ...shall be fined under this title or imprisoned not more than one year

Tenn. Code Ann. § 39-14-112 - Extortion; (a) A person commits extortion who **uses coercion** upon another person with the intent to: (1) Obtain property, services, any advantage or immunity;

IN MAINTENANCE AND SUPPORT OF IMPEACHMENT AGAINST THE FOLLOWING FOR CRIMES AND MISDEMEANOURS AND CONDUCT IN VIOLATION OF OATH OF OFFICE.

I. Judge Joe H. Thompson, Circuit Court Judge, Sumner County

Judge Joe H. Thompson, is Circuit Court Judge for Sumner County at Gallatin, with office located at: 105 Public Square, Gallatin, TN 37066, Phone 615-452-6771.

Incident to his position as a circuit court judge, Joe H. Thompson engaged in criminal and unconstitutional conduct with respect to a litigant that is incompatible with the trust and confidence placed in him as a judge as follows:

Article I

Petitioner John A Gentry was a litigant in a divorce case appearing before Judge Joe H. Thompson.

On numerous occasions, during court proceedings, Judge Thompson repeatedly and grossly deprived Mr. Gentry fair due process, which included deprivation of: right to be heard, right to present evidence, right to confront adverse witness testimony, right to present argument orally. Such conduct is in violation of 18 U.S. Code § 242 and commission of crime while in office.

Wherefore, Judge Joe H. Thompson is guilty of crime and should be removed from office.

Article II

Petitioner John A Gentry was a litigant in a divorce case appearing before Judge Joe H. Thompson.

On two occasions, during court proceedings, Judge Thompson conspired to injure, oppress, threaten, and intimidate free exercise of fair due process. Such conduct is in violation of 18 U.S. Code § 241 and commission of crime while in office.

Wherefore, Judge Joe H. Thompson is guilty of crimes and should be removed from office.

Article III

Petitioner John A Gentry was a litigant in a divorce case appearing before Judge Joe H. Thompson.

On several occasions, during court proceedings, Judge Thompson conspired to extort money under color of law. Such conduct is in violation of Tenn. Code Ann. § 39-14-112 – Extortion, 18 USC § 1951(b)(2), and commission of crime while in office.

Wherefore, Judge Joe H. Thompson is guilty of crimes and should be removed from office.

Article IV

Petitioner John A Gentry was a litigant in a divorce case appearing before Judge Joe H. Thompson.

During court proceedings, Judge Thompson conspired to evade subpoenaed evidence and testimony. Such conduct is in violation 18 USC § 1512 and commission of crime while in office.

Wherefore, Judge Joe H. Thompson is guilty of crimes and should be removed from office.

II. Judge Joseph A. Woodruff

Judge Joseph A. Woodruff is Circuit Court Judge in the Chancery Court For The 21st Judicial District at Williamson County, with office located at: 135 4th Avenue South, Suite 286 Franklin, TN 37064, Phone 615-425-4009.

Incident to his position as a circuit court judge, Joseph A. Woodruff engaged in criminal and unconstitutional conduct with respect to a litigant that is incompatible with the trust and confidence placed in him as a judge as follows:

Article I

Petitioner Ronna Lyn Ueber was a litigant in a divorce case and ancillary separate cause of action to obtain judgment for collection of attorney fees appearing before Judge Joseph A. Woodruff.

On numerous occasions, during court proceedings, Judge Joseph A. Woodruff repeatedly and grossly deprived Ronna Lyn Ueber fair due process, which included deprivation of: right to be heard, right to present evidence, right to confront adverse witness testimony, right to present argument orally. Such conduct is in violation of 18 U.S. Code § 242 and commission of crime while in office.

Wherefore, Judge Joseph A. Woodruff is guilty of crime and should be removed from office.

Article II

Petitioner Ronna Lyn Ueber was a litigant in a divorce case and ancillary separate cause of action to obtain judgment for collection of attorney fees appearing before Judge Joseph A. Woodruff.

During court proceedings, Judge Joseph A. Woodruff conspired to injure, oppress, threaten, and intimidate free exercise of fair due process. Such conduct is in violation of 18 U.S. Code § 241 and commission of crime while in office.

Wherefore, Judge Joseph A. Woodruff is guilty of crimes and should be removed from office.

Article III

Petitioner Ronna Lyn Ueber was a litigant in a divorce case and ancillary separate cause of action to obtain judgment for collection of attorney fees appearing before Judge Joseph A. Woodruff.

During ancillary case court proceedings, Judge Joseph A. Woodruff conspired to extort money under color of law. Such conduct is in violation of Tenn. Code Ann. § 39-14-112 – Extortion, 18 USC § 1951(b)(2), and commission of crime while in office.

Wherefore, Judge Joseph A. Woodruff is guilty of crimes and should be removed from office.

Article IV

Petitioner Ronna Lyn Ueber was a litigant in a divorce case and ancillary separate cause of action to obtain judgment for collection of attorney fees appearing before Judge Joseph A. Woodruff.

During court proceedings, Joseph A. Woodruff conspired to accept illegally obtained subpoenaed documents including personal banking information. Such conduct amounts to aiding and abetting criminal conduct and he is guilty as principal of commission of crime while in office.

Wherefore, Judge Joseph A. Woodruff is guilty of crimes and should be removed from office.

Article V

Petitioner Ronna Lyn Ueber was a litigant in a divorce case and ancillary separate cause of action to obtain judgment for collection of attorney fees appearing before Judge Joseph A. Woodruff.

During court proceedings, Joseph A. Woodruff conspired to take jurisdiction in a case where he had none, and then conspired to "create jurisdiction" for the purpose of perpetrating crimes listed in Articles I through IV above, and also to extort through unlawful attorney's fees from both parties.

Wherefore, Judge Joseph A. Woodruff is guilty of crimes and should be removed from office.

Article VI

Petitioner Ronna Lyn Ueber was a litigant in a divorce case and ancillary separate cause of action to obtain judgment for collection of attorney fees appearing before Judge Joseph A. Woodruff.

During court proceedings, Joseph A. Woodruff conspired to issue unlawful arrest warrant, and set excessive bail on an out of state person. Such conduct is in violation of 18 U.S. Code § 241, 242 and commission of crime while in office.

Wherefore, Judge Joseph A. Woodruff is guilty of crimes and should be removed from office.

III. Judge Amanda McClendon

Judge Amanda McClendon is Circuit Court Judge in the Second Circuit for Davidson Country, Tennessee, Twentieth Judicial District, with office located at: 1 Public Square, Suite 506, Nashville, TN 37201, Phone 615-862-5905

Incident to her position as a circuit court judge, Amanda McClendon engaged in criminal and unconstitutional conduct with respect to a litigant that is incompatible with the trust and confidence placed in him as a judge as follows:

Article I

Petitioner John A Gentry was a Plaintiff in a fraud and abuse case appearing before Judge Amanda McClendon.

Judge Amanda McClendon repeatedly and grossly deprived Mr. Gentry fair due process, which included deprivation of: right to be heard, right to present evidence, right to confront adverse witness testimony, right to present argument orally. Such conduct is in violation of 18 U.S. Code § 242 and commission of crime while in office.

Wherefore, Judge Amanda McClendon is guilty of crime and should be removed from office.

Article II

Petitioner John A Gentry was a Plaintiff in a fraud and abuse case appearing before Judge Amanda McClendon.

Judge Amanda McClendon refused equal protection of the law. Such conduct is in violation of 18 U.S. Code § 241, 242 and commission of crime while in office.

Wherefore, Judge Amanda McClendon is guilty of crime and should be removed from office.

Article III

Petitioner John A Gentry was a Plaintiff in a fraud and abuse case appearing before Judge Amanda McClendon.

During court proceedings, Judge Amanda McClendon conspired to injure, oppress, threaten, and intimidate free exercise of fair due process. Such conduct is in violation of 18 U.S. Code § 241 and commission of crime while in office.

Wherefore, Judge Amanda McClendon is guilty of crime and should be removed from office.

Article IV

Petitioner John A Gentry was a Plaintiff in a fraud and abuse case appearing before Judge Amanda McClendon.

During court proceedings, Judge Amanda McClendon committed fraud upon the court through intentional false application of res judicata and litigation privilege doctrines. Such conduct is commission of crime while in office.

Wherefore, Judge Amanda McClendon is guilty of crime and should be removed from office.

IV. Tennessee Court of Appeals at Nashville, Appellate Court Judges

Incident to their position as appellate court judges, the Tennessee Court of Appeals judges have engaged in criminal and unconstitutional conduct with respect to all appellate court litigants that is incompatible with the trust and confidence placed in them as a judge as follows:

Article I

The Tennessee Court of Appeals aides and abets rights violations and refuses to enforce perjury statutes and refuses to report judicial misconduct. It is true and incontestable that crimes and rights violations occurring in the lower courts would not occur, except for the intentional gross negligence, and fraud upon the court of the appellate court judges.

Wherefore, all Appellate Court judges are guilty of crimes and should be removed from office.

Article II

The Tennessee Court of Appeals conspired to deprive a litigant fair due process of appellate court proceedings in violation of 18 U.S.C. §§ 241 and 242. See Appendix E Third Cause of Action.

Wherefore, Appellate Court judges are guilty of crimes and should be removed from office.

Article III

The Tennessee Court of Appeals previously issued invoices for "State Litigation Tax" in the amount of $13.75. The bottom of each invoice reads in part: "*Failure to pay the litigation tax within 15 days from the date of this invoice will subject your appeal to dismissal*". Clerks in the Appellate Court Clerk's Office have stated that

cases are often dismissed for failure to pay a $13.75 invoice. More recently, the Ct of Appeals has accelerated the pay by date from 15 days to 7 days. There can be no valid business purpose in accelerating payment for "State Litigation Tax" for such a small amount. The fact that cases are dismissed under such circumstance is clear evidence of a confidence scheme and intentional deprivation of constitutionally protected rights in violation of 18 U.S.C. §§ 241 and 242.

Wherefore, Appellate Court judges are guilty of crimes and should be removed from office.

V. Chief Justice of the Tennessee Supreme Court

Justice Jeffrey S. Bivins is Chief Justice of the Supreme Court of Tennessee and Chair of the Tennessee Code Commission, with office located at: Supreme Court Building, Suite 321, 401 7th Avenue North, Nashville, TN 37219.

Incident to his position as Chief Justice, he has engaged in declared acts of tyranny and violation of our most sacred separation of powers doctrine:

Article I

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.

Article II

He has dissolved Representative Houses repeatedly, for opposing with manly firmness his invasions on the rights of the people.

Article III

He 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.

Article IV

For protecting them, by a mock Trial from punishment for any crimes which they should commit on the Inhabitants of this state.

VI. Attorney General for the State of Tennessee

Attorney General Herbert H. Slatery III is Attorney General & Reporter for the State of Tennessee with office located

Justice Jeffrey S. Bivins is Chief Justice of the Supreme Court of Tennessee and Chair of the Tennessee Code Commission, with office located in Nashville, TN 37202.

Incident to his position as Attorney General, he has engaged in declared acts of tyranny and violation of our most sacred separation of powers doctrine:

Article I

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.

Article II

He has dissolved Representative Houses repeatedly, for opposing with manly firmness his invasions on the rights of the people.

Article III

He 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.

Article IV

For protecting them, by a mock Trial from punishment for any crimes which they should commit on the Inhabitants of this state.

Article V

For holding himself above the law and above review by any court.

MISCELLANEOUS GRIEVANCE

On or about November 14, 2018, Petitioner visited the office of the Chief Clerk of the House of Representatives, Tammy Letzler, inquiring about in which office a Petition of Remonstrance should filed. Ms. Letzler, informed me that she was unaware of what a Remonstrance was but that she would research and follow up with me at a later time.

On November 15, 2018, Petitioner sent a follow-up thank you email to which no response was received. On November 26, 2018, Petitioner sent another follow-up email, and again, no response was received.

On or about November 28, 2018, having received no communication from Chief Clerk Tammy Letzler, Petitioner again visited her office, and met with her briefly in the corridor outside her office. During a brief conversation in the corridor, Chief Clerk Letzler informed Petitioner that the last time a remonstrance was filed in the State of Tennessee was in the year 1850. Chief Clerk Letzler suggested to Petitioner that he should introduce a bill to the legislature, apparently suggesting a remonstrance was not the proper way to seek redress of grievances against government policy or government officials.

As evidenced above, it is most certain that a right to redress of grievance by address of remonstrance is a constitutionally provided right. As evidenced above, it

is beyond doubt that inherent in the republican character of a state, is the right to petition the government for redress of grievances. This right is fundamental to our form of government and guaranteed in both state and federal constitutions.

The conduct of Chief Clerk Letzler, in ignoring email communication, suggesting Petitioner introduce a bill to the legislature, failing to provide instruction on where to file a remonstrance, strongly suggests intent to deprive a constitutionally guaranteed right of remonstrance, possibly in violation of criminal codes 18 **U.S. Code § 241, and 242.**

At best, the conduct of Chief Clerk Letzler is in violation of oath, and evidences lack of competence in performance of duty. Petitioner respectfully DEMANDS that Chief Clerk Letzler be informed of her duty to preserve rights guaranteed in our constitution, and be responsive to THE PEOPLE to whom she serves.

REFORMS DEMANDED & REDRESS OF GRIEVANCES

I. Impeachment of Those Found Guilty of Crimes Committed While in Office.

Pursuant to Tenn. Const. Art. V, § 1, The House of Representatives shall have the sole power of impeachment. Pursuant to Tenn. Const. Art. V, § 4, judges of the Supreme Court, judges of the inferior courts, and attorneys for the state, shall be liable to impeachment, whenever they may, in the opinion of the House of Representatives, commit any crime in their official capacity which may require disqualification.

The above Proposed Articles of Impeachment allege crimes, declared acts of tyranny, violation of oath of office. The attached appendixes and proof to be further presented prove beyond reasonable doubt, that those accused are guilty of crimes and declared acts of tyranny inflicted upon the inhabitants, Citizens, and PEOPLE of the State of Tennessee.

For their crimes and acts of tyranny, they should be impeached so as to never again hold office in public trust. For the House to discharge or ignore its duty in this regard, is to further subject the inhabitants, Citizens, and PEOPLE of the State of Tennessee to despotism and oppression, thus forsaking the state's republican character in violation of THE CONSTITUTION OF THE UNITED STATES.

Tenn. Const. Art. VI, § 6 further provides the House authority to remove from office, judges and attorneys of the state by concurrent vote of both houses, should they be found to have engaged in conduct incompatible with the trust and confidence placed in them.

II. Drug Testing of Judges & Attorneys

Many professions require drug testing as a prerequisite to employment for good reason. For attorneys and especially judges, mandatory drug tests before taking office, and for attorneys when being licensed to practice must be required. It is further suggested that judges from the pool of the judiciary be randomly selected and tested for illegal substances.

THE PEOPLE should not be subjected to try their cases before judges who may be drug dependent of use illegal substances for obvious reasons.

Since members of the judiciary more commonly come from a more economically privileged class, those members of the judiciary who may use illegal substance recreationally or habitually, are more likely to utilize more expensive illegal substances. An expensive drug habit will likely predispose them to engage in corruption as a means to finance expensive illegal substance use or abuse. Random drug testing will minimize or eliminate the potential for criminal or unconstitutional conduct.

III. Live Stream and Recorded Court Proceedings Must Be Made Available To The Public

Tenn. Const. Art. I, § 17 affirms: "That all courts shall be open". It is for good reason our founders included this protection in our constitution. As stated by U.S. Supreme Court Justice Burger in opinion in the case *Richmond Newspapers, Inc. v. Virginia*:

> **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."** Supra, at 567. It is not enough to say that results alone will satiate the natural community desire for "satisfaction." **A result considered untoward may undermine public confidence, and where the trial has been concealed from public view an unexpected outcome can cause a reaction that the system at best has failed and at worst has been corrupted.** (at 571 - 572).

"Star Chambers", "In Chamber Proceedings", and any and all closed-door sessions of the courts with less than both parties and both counsels present (including pro se litigants), must be declared by session statute unlawful and prohibited. Since our constitution states that all courts shall be open, any and all "In Chamber" and similar closed-door sessions of court are in violation of Tenn. Const. Art. I, § 17 and must be declared so by this General Assembly.

All Court proceedings must be made available to the public via audio visual recorded proceedings, and made available online through the court's website(s). It is a false statement to assert "it costs too much" considering the 2018-2019 budget

includes $1,000,000 for the single purpose of "Courtroom Security: To provide non-recurring funding for grants to counties to implement or improve security systems in courtrooms." What better way to improve courtroom security than to ensure justice is served fairly through truly open courts, thus minimizing the need for courtroom security?

Further false arguments of protecting victims, juveniles, etc. can be addressed through the use of aliases and other similar measures.

On July 9, 2018, Senator Grassley, chairman of the Senate Judiciary Committee, made the case in a video address for increasing transparency and confidence in the federal judiciary by allowing cameras in federal courtrooms.
https://www.facebook.com/grassley/videos/10156439972170797/UzpfSTEwMDAwODI5NTAwNzg0NjoyMjc5NTEzODg5MDAxNzU2/

In his video address, Senator Grassley states:

> "... *it brings transparency, it brings an educational opportunity, so I think it is about time we have rules mandating cameras in the courtroom, including the Supreme Court here so people can see how the judicial branch of government functions, so they can be educated about it, but the more important thing is to have respect for the judicial branch and in turn greater respect for rule of law."*

If somehow the state does not desire to makes its courts safe for the people by installing audio/visual equipment, the legislature must declare it illegal in session statute, to prohibit litigants from providing their own audio-visual equipment. Many courthouses in Tennessee, post rules that cameras and recording equipment are not permitted. Some courthouses require permission of the court to record court proceedings in violation of Tenn. Const. Art. I, § 17.

The General Assembly must declare in session statute that it is unconstitutional to prohibit or require permission to record court proceedings. The General Assembly must take action to begin outfitting all courtrooms with audio-visual equipment and make recorded proceedings available to the public online.

IV. All Courts Shall be open, and the Tennessee Court of Appeals Should Not Conceal The Record from Public Access.

The Tennessee Court of Appeals is operating unconstitutionally by concealing the record from public view. On the Court of Appeals website, at the court's "discretion", many documents are concealed, and not made available to the public for viewing or download. Many documents are not made available so as to hide the misconduct of attorneys and judges that occurs in the lower courts.

Recently Petitioner was notified that the record in his own personal case was to be destroyed but that he could withdraw the record if desired. Petitioner notified the appellate court of his desire to withdraw the record.

While standing at the counter in the Clerk's Office of the Court of Appeals at Nashville, to withdraw the record, the clerks removed all the motions, briefs, and orders from the record, prior to turning over the record to Petitioner. Petitioner inquired if he could also have the motions, briefs, and orders since those documents too were part of the record. The clerk responded, that those documents were the property of the court and would not be released. Inquiring further if those documents were to be retained by court, Petitioner was informed that the documents would be destroyed. This fact renders the Tennessee Court of Appeals as NOT a COURT OF RECORD due to the facts that certain documents are excluded from the online record at the "discretion" of the court and clerk's office, and that those documents excluded from the electronic record are ultimately destroyed, thus rendering the Court of Appeals NOT A COURT OF RECORD.

The General Assembly must declare in session statute that the Tennessee Court of Appeals is to make ALL DOCUMENTS (Appellant/Appellee Briefs, Motions, Memorandums, Orders, etc.) available online for public viewing and download and maintain a complete permanent record electronically available to the pubic. Our federal courts already do this via the Public Access To Court Electronic Records (PACER) website and database.

V. Litigants Must Be Advised Of Their Right Of Due Process

Respectfully stated, this DEMAND, cannot rightfully be denied by the General Assembly, and must be put into effect immediately. Upon presentation of Remonstrance, Petitioner moves for a vote of the joint houses of the Senate and House.

As stated above: In the Miranda opinion, the Supreme court made clear that the (1) **"accused must be adequately and effectively be apprised of his rights and the exercise of those rights must be fully honored,** (2) **The warning of the right to remain silent must be accompanied by the explanation that anything said can and will be used against the individual in court. This warning is needed in order to make him aware not only of the privilege, but also of the consequences of forgoing it,** and (3) **Only through such a warning is there ascertainable assurance that the accused was aware of this right.**

In the same basis as stated in opinion of the Supreme Court of the United states in Miranda, litigants must be advised of their right of due process which includes: (1) Right to be heard, (2) Right to Present Evidence, (3) Right to confront adverse witness testimony, (4) Right to fair and impartial court, (5) Right to trial by jury in civil cases and at any time the impartiality of the court is questioned.

CONSTRUCT & PROCESS

Upon commencement of any and all litigation, both civil and criminal, all parties to any case, both Defendant(s) and Plaintiff(s) must be advised and acknowledge advisement and understanding, in writing, of their constitutionally protected rights. This writing is to be evidenced by their signature and witnessed by a member of the court, and recorded permanently into the court of record.

BEGIN DOCUMENT

Rights retained by THE PEOPLE in all courts.

Tenn. Const. Art. I, § 17: That all courts shall be open; and every man, for an injury done him in his lands, goods, person or reputation, shall have remedy by due course of law, and right and justice administered without sale, denial, or delay.

Due course of law means you have a right of DUE PROCESS. Essential elements of DUE PROCESS as determined by the Supreme Court of the United States include the following:

- You have a right to be heard;
- You have a right to present evidence according to the rules of evidence;
- You have a right to present your evidence orally;
- You have a right to confront adverse witness testimony of ANY person(s) face to face;
- You have an inviolate right to trial by jury in both civil and criminal cases;
- You have a right to a fair and impartial court;
- You have a right to record proceedings with audio/visual equipment if not provided by the court;
- If in your own opinion, and at any time, if you feel you are being deprived a fair and impartial court (JUDGE), you have a right to stop proceedings and STAY ALL ORDERS, and DEMAND TRIAL BY JURY;
- It is a federal crime to violate constitutionally protected rights under 18 U.S.C. §§ 241 and 242.
- If you have evidence beyond doubt that a member of the judiciary has violated any of these rights, you have a right to Petition of Remonstrance to seek impeachment of any judge to be filed with the Clerk's Office of the House of Representatives.

Do you understand these rights? If you understand your rights presented above, acknowledged so by your signature.

Litigant Name Printed: _____

Litigant Signature: _____

Witness Name Printed: _____

Witness Signature: _____

END DOCUMENT

VI. Unconstitutional Statutes Granting Emolument, Providing False Immunities, and Usurping Rights Are Void

As discussed above, statutes challenged must be made void or repealed. When the constitutionality of a state statute is challenged, the challenge is presented first to the state Supreme Court. Due to the fact that the Chief Justice of the Tennessee Supreme Court is a member of the Tennessee Code Commission, who edits, compiles, and organizes the Tennessee Code Annotated, and certifies acts of state congress placing them if force, the Tennessee Supreme Court is incapable of impartial review. Therefore, it will fall to the Supreme Court of the United States to review and make determination, should the General Assembly decide not to void/repeal.

VII. Oversight of the Judiciary Must Be Restored to the House

ARTICLE V. Impeachments. § 1. The House of Representatives shall have the sole power of impeachment. The process of Remonstrance and Demand for Impeachment for crimes should be put in place and streamlined.

This process should include the following:

- Complaint is to be accepted by the House of Representatives. It is suggested committee(s) be put in place by the House to review complaints.
- The "voting members" of the committee(s) should never include a member who is an attorney due to clear conflict of interest. An attorney may be a part of the committee to provide advisement.
- Petitioners have a right to attend proceedings and present orally.
- If the committee determines a complaint is without merit, the complainant has a right to petition either the full House, or request review by a jury of twelve (12) from the jury pool, with proceedings to be conducted in the House Hearing Rooms, with House member oversight. If the jury concurs that the complaint has merit, the petition is presented to the House for vote.
- If crimes are evidenced and the House concurs that crimes are evidenced, impeachment proceedings should commence under Art. V.
- If the conduct complained of is such that it is incompatible with the trust and confidence placed, then removal proceedings should commence under Art. IV, § 6.

VIII. Licensure of Attorneys Must Be Restored To the Legislature & Tenn. Bd. of Prof. Resp. Abolished

For reasons stated above, the Tennessee Board of Professional Responsibility must be abolished. The state must create a new agency with oversight and/or controlled by the House.

IX. The Tennessee Code Commission Must Be Abolished

For obvious reasons stated above, the Tennessee Code Commission must be abolished. The entire Tennessee Code must be reviewed to ensure the Code reflects the lawful acts of congress. Repealed statutes must be reviewed to make determination of lawful repeal. The compilation, structure, etc. of the Tennessee Code must be restored to the General Assembly, or Secretary of State. It is respectfully suggested to follow the process used in publishing of the United States Code.

X. Performance Measurements of Judges Must Be Put In Place

Blind surveys mandatory by litigants, court workers, attorneys, members of juries should be put in place. There is a common phrase of varying sorts by different groups. In business the phrase might be; "What gets measured, gets managed" or "Measure what you treasure"

Perhaps law students attend court proceedings and complete survey. Perhaps CPE credits for attorneys who court watch and complete surveys.

The results of surveys should be made available to the public online and reviewed on a regular basis by the House.

XI. Personal Redress of Grievance Demanded

Your petitioner John Anthony Gentry has suffered grievous loss due to the failure of the state to provide him fair and impartial courts, and due to the repeated and gross violations of his protected rights by state officials. Petitioner therefore, respectfully and humbly requests the state to reimburse him all of his litigation and court costs (including attorney fees paid), incurred in both state and federal courts. As a Certified Public Accountant, Petitioner is well capable of providing detailed listing of costs and fees incurred, supported by credit card and bank statements and receipts. Petitioner anticipates this reimbursement to total less than Fifty-thousand dollars ($50,000). Considering the emotional and financial devastation caused by state officials, and countless hours spent over several years, researching, writing complaints, memorandums, motions, appeals, this should be considered a very humbly sought redress.

Petitioner further requests the General Assembly to declare the judgments of Judge Amanda McClendon, in Case No. 16C2615, void for fraud on the court and false application of law, and civil conspiracy to deprive equal protection and due process of law. Petitioner seeks this redress so that he may bring suit once again, before a jury of peers and a fair and impartial court to seek redress for fraud, constructive fraud, civil conspiracy, deprivation of rights, abuse of process, and intentional infliction of emotional anguish against the perpetrators Pamela Anderson Taylor and Brenton Hall Lankford. It is due to the criminal and tortious conduct of Pamela Anderson Taylor and Brenton Hall Lankford, that this matter is now brought before this Honorable General Assembly.

Respectfully Submitted,

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

Oath

State of Tennessee)

County of Davidson **)**

I, John Anthony Gentry, after being first duly sworn according to law, do hereby make oath and affirm that all statements included in this PETITION OF REMONSTRANCE and attached appendixes, are true and correct to the best of my knowledge, information and belief

John Anthony Gentry

Sworn to and subscribed before me, this

the 14th day of January, 2019

SHAILESH PATEL
STATE OF TENNESSEE NOTARY PUBLIC
DAVIDSON COUNTY
My Commission Expires 05-06-2019

Notary Public

My Commission Expires 05/06/2019