

1 **SEEKING LIBERTY** by William Duff 11/24/2008

2
3 **At first glance the following controversy may seem to be trivial and not worth**
4 **your time. Read the entire article (including footnotes) and see if you feel the**
5 **same way then.**

6
7 **A CONTROVERSY:**

8 Duff went to the police station seeking help with a theft by deception issue. Clerk
9 (doe) asked for proof of ownership of the property in question. Duff provided said proof

10 in a signed and
11 the property. Clerk
12 Driver License for
13 informed Clerk doe

**Important Note: Read
the footnotes as you go as
they provide you with the
unassailable rule of law in
support of the claim**

witnessed original bill of sale for
(doe) then asked for Duff's State
identification purposes. Duff
that he did not use a State driver

14 license and offered other forms of identification. Clerk doe asked Duff 'how did you get
15 here?'. Duff replied ' I traveled using my private property upon the public right of way'.
16 Clerk doe then went to talk with the duty officer (Frazier). Thereafter Frazier came to

17 the counter and asked the same questions of Duff. Duff's answers were virtually
18 identical as when first answered. Frazier said that Duff must have a State Driver
19 license. Duff disagreed. Frazier threatened to have his agent, another officer, stop

20 Duff as he left the
21 the State Driver
22 doing so would be an
23 Right of action. Frazier
24 went to his automobile

**A GOOD IDEA
MUST COMPORT
WITH THE LAW
OF THIS LAND
BEFORE IT CAN
BE MADE INTO
LAW**

Station and arrest him for not having
License. Duff informed Frazier that
unlawful restraint on his Liberty and
terminated the conversation and Duff
and was arranging paperwork when

25 Frazier and another officer yelled at Duff to stop. Frazier approached Duff with his hand
26 on his gun, ordering Duff out of his auto. Duff was searched, seized, bound and
27 imprisoned. Duff's property was searched and seized by Frazier and his agent who
28 declared Duff's auto and property therein would

31 police impound lot somewhere in the vicinity of
33 Baseball Stadium. Duff informed Frazier that he
34 to any compelled contract with a third party. Frazier did remove Duff's private plate

SUI JURIS is
latin for "As of
Right".

be towed to the
the Royal
did not consent

35 "SUI JURIS" from Duff's auto claiming to keep it as evidence. Frazier, serial # 3092,
36 wrote three civil¹ traffic citations claiming Duff's failure to have valid State Driver License
37 case# 224354(4), Valid State License plates case# 2243355(1) and proof of financial
38 responsibility case# 2243356(9). Duff was held in that jail until he posted bond of \$300.
39

40 Later, in the Kansas City, Mo Municipal court trial was held where Frazier was
41 the only witness and his testimony provided no evidence whatsoever that Duff had a
42 duty to perform as declared by Frazier. Judge Williams, of that court, ruled against Duff.
43 Duff's auto and personal property was sold for the benefit of the City of Kansas City, Mo
44 and his Liberty has been unlawfully restrained from that day to this.
45

46 As such, Duff, is seeking a government official who can correctly comprehend
47 the law of this land and apply it or see that is applied rightly. This
48 matter is one that is not unlike all the acts of revenue farming done
49 by government men against we the people. It is in everyone's
50 interest to support Duff's effort to correct these lawless
51 officeholders. Helping me will help you because a totalitarian
52 State is not in anyone's interest except for those who are
53 insulated. Below is the unassailable rule of law
54 throughout America. Acts of government men must comport with this law if we the
55 people are to be a free people. Please republish this paper anywhere it will be read as
56 this is very likely the single most important document you will have read in your lifetime.

**REPUBLISH
WIDELY
USE THESE
FACTS IN
YOUR
DEFENSE TO
REVENUE
FARMING**

57
58 **SUPREME LAW OF THIS LAND**

59
60 **PRINCIPLES OF LAW RELIED ON**
61

62 1. The sovereign decrees the law². Whether it be the Fed, State or Individual

¹ Notice the charges are civil in nature but the enforcement is clearly criminal

² The very meaning of 'sovereignty' is that the decree of the sovereign makes law. [American Banana Co. v. Unit Fruit Co., 29 S.Ct. 511, 513, 213 U.S. 347, 53 L.Ed. 826, 19 Ann.Cas. 1047.]

- 63 2. Tenth Amendment Identifies American Sovereigns as being The Fed, The State
64 and the People. Since the State is the voice of the Collective People..... the
65 reference to "The People" can only mean the Individual People³
66 3. There can be no rule making or legislation⁴ that would abrogate rights of the fed,
67 state or individual secured by the constitutions. Those rights are not in conflict.
68 4. Rights secured by the constitutions to the individual are th e "blessings of
69 Liberty"⁵ some of which are referenced in the bill of rights. These blessings are
70 understood by all to be "Life, Liberty and Happiness". "Happiness" is understood
71 by all primarily to mean right to own property.
72 5. Individual property ownership⁶ is the **exclusive** province of the owner. That
73 exclusivity bars the state from determining use of private property without the
74 consent of the owner in
75 exactly the same way as it does
76 for a neighbor (State Police
77 Power not withstanding).
78 Lacking consent by the owner, use is barred to any other than the owner by right
79 secured by the constitutions
80 although such property right
81 does not withstand
82 harms done. A compelled performance or prohibition law is an attempt to use
83 private property when enforced upon a private individual who acts in his/her own
84 private capacity.
85
86
87
88
89 6. All "public property" is the property belonging to the people collectively.
90 Governments are merely trustees of that property⁷.

The Law there is no excuse not to know is that we agree not to harm one another. This applies to the State too.

When we do harm another we have a duty⁷⁸ take responsibility for that harm and it is tha⁷⁸ duty that is a state interest ⁷⁸

³ [Amendment X

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people

⁴ Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them. [Miranda v. Arizona, 384 US 436, 491.]

⁵ See Preamble to the Constitution for the United States of America:

⁶ WEBSTER: A right of ownership is associated with property that establishes the good as being "one's own thing" in relation to other individuals or groups, assuring the owner the exclusive right to dispense with the property in manner he or she sees fit, whether to use or not use, exclude others from using, or to transfer ownership.

⁷ The municipality, which is a mere trustee of the public, and holds the streets and alleys in trust for that public, cannot deny the right of the public to use the streets and alleys. It cannot assume an exclusive ownership, and deny the rights of the beneficiaries under their trust, and arrogate to itself a power greater than that of a mere trustee, and

91 7. Possession⁸ of public property by one of the people is evidence of ownership
92 where no better title exists. As such, Title to public property is no better in one or
93 a group of the people than in any other of the people. Possession is a means by
94 which right and title is measured⁹. Respecting the public right of way, I possess
95 the land where I stand and where my auto is and there is no better title existing
96 than my possession. This is a necessary element of liberty. There can be no
97 liberty without a right to be where you are. Your Liberty right is as authoritative
98 as ownership. It comprehends exclusivity.

99

100 IMMUTABLE DUE PROCESS FACTS AND LAW

101

102 While the general wisdom of both the contemporary federal and state legal communities
103 recognize due process to be simply "notice and
104 opportunity to be heard". Due process, as in
105 Ekern v. McGovern¹⁰ is far more than just that. It is
106 the Due Process of the Common law as adjusted for
107 this American Society and every department and

**ALL ACTS OF GOV. MEN
REPUGNANT TO THE
MAGNA CHARTA
RESPECTING LIFE, LIBERTY
AND PROPERTY ARE VOID
IN AMERICA**

prevent the use of the streets and alleys by individual members of the public. The right of the public to use the streets is the right to use them for purposes of travel in the recognized methods in which the public highways of the state are used. Any method of travel may be adopted by individual members of the public which is an ordinary method of locomotion, or even an extraordinary method, if it is not, of itself, calculated to prevent a reasonably safe use of the streets by others. *City of Chicago v Collins et al.*, Supreme Court of Illinois. 175 Ill. 445, 51 N.E. 907 (Oct. 24, 1898).

⁸WEBSTER: Possession is a property interest under which an individual is able to exercise power over something to the exclusion of all others. It is a basic property right that entitles the possessor to (1) the right to continue peaceful possession against everyone except someone having a superior right; (2) the right to recover a chattel that has been wrongfully taken; and (3) the right to recover damages against wrongdoers. Possession requires a degree of actual control over the object, coupled with the intent to possess and exclude others. The law recognizes two basic types of possession: actual and constructive

⁹ *Duffey v. Rafferty*, 15 Kan. 9 "mere priority of possession gives precedence where no better title can be shown belonging to either." Meaning; where a man stands no other man or group of men can lawfully charge him rent on that place nor force him to move against his consent and so long as the man does not obstruct the liberty of another there can be no lawful State or Local regulatory interest that can alter that fact

¹⁰ : "Due process of law does not mean merely according to the will of the Legislature, or the will of some judicial or quasi-judicial body upon whom it may confer authority. It means according to the law of the land, including the Constitution with its guaranties and the legislative enactments and rules duly made by its authority, so far as they are consistent with constitutional limitations." *Ekern v. McGovern*, 154 Wis. 157, 142 N.W. 595, 620 (1913)

108 agent of government is bound to observe it rightly¹¹ and they take an oath to do so.
109 That due process has been in place since at least 1215 AD in the Magna Charta and
110 hasn't changed in substance from that day to this, as it is immutable (see FN 8).

111
112 Due process conditions acts of all agents of government and failure to meet that due
113 process mandate results in loss of jurisdiction over the subject matter¹² and the person
114 and thrusts the office holder out of the office of trust and into their own private capacity
115 when their acts exceed the authority of the office¹³. This fact applies to judges, as well
116 as all other officeholders.

117
118 In addition to the facts related in the previous paragraph, all office holders are required
119 to know the law of this land and to observe and apply it rightly¹⁴ or risk vacating their
120 office of trust and losing their immunity by losing jurisdiction over the subject matter.
121 The law of this Land is the organic Constitutions, both Federal and State. Common

¹¹ "Judgment is a void judgment if court that rendered judgment lacked jurisdiction of the subject matter, or of the parties, or acted in a manner inconsistent with due process", Fed. Rules Civ. Proc., Rule 60(b)(4), 28 U.S.C.A. U.S.C.A. Const. Amend. 5- *Klugh v. U.S.*, 620 F.Supp. 892 (D.S.C. 1985).

¹² *The U.S. Supreme Court, in Scheuer v. Rhodes*, 416 U.S. 232, 94 S.Ct. 1683, 1687 (1974) stated that "when a state officer acts under a state law in a manner violative of the Federal constitution, he "comes into conflict with the superior authority of that Constitution, and he is in that case stripped of his official or representative character and is subjected in his person to the consequences of his individual conduct. The State has no power to impart to him an immunity from responsibility to the supreme authority of the United States." By law a judge is a state officer. The judge then acts not as a judge, but as a private individual (in his person).

¹³ Should the judge not have subject-matter jurisdiction, then the law states that the judge has not only violated the law, but is also a trespasser of the law. *Von Kettler et.al. v Johnson*, 57 Ill. 109 (1870) ("if the magistrate has not such jurisdiction, then he and those who advise and act with him, or execute his process, are trespassers." *Elliott v Peirsol*, 1 Pet. 328, 340, 26 U.S. 328, 340 (1828) ("without authority, its judgments and orders are regarded as nullities. They are not voidable, but simply void; and form no bar to a recovery sought, even prior to a reversal : opposition to them. They constitute no justification; and all persons concerned in executing such judgments or sentences, are considered, in law, as trespasser:

¹⁴ **MAGNA CHARTA.** The great charter. The name of a charter (or constitutional enactment) granted by King John of England to the barons, at Runnymede, on June 15, 1215, and afterwards, with some alterations, confirmed in parliament by Henry III. and Edward I. This charter is justly regarded as the foundation of English constitutional liberty. Among its thirty-eight chapters are found provisions for regulating the administration of justice, defining the temporal and ecclesiastical jurisdictions, securing the personal liberty of the subject and his rights of property, and the limits of taxation, and for preserving the liberties and privileges of the church. *Magna Charta* is so called, partly to distinguish it from the *Charta de Foresta*, which was granted about the same time, and partly by reason of its own transcendent importance. Black's Law dict 1st page 740

(some elements material to this action):

ARTICLE 45. "We will not make men justices, constables, sheriffs, or bailiffs, unless they are such as know the law of the realm, and are minded to observe it rightly.

MEANING IN THIS SOCIETY: Officials must be knowledgeable about the law, and willing to apply it rightly and obey it as a condition of their office of trust

122 among them is right to due process of the common law as was comprehended by the
123 framers that included those laws as comprehended by the Magna Charta into our
124 constitutions in the 4th, 5th and 6th Amendments. The Framers understood Due Process
125 of law to mean Due Process of the Common Law as existed during the 4th year of the
126 reign of King James 1st of England and as comprehended by a bill of right passed in
127 1297 AD¹⁵ and attached to the Magna Charta of 1215 AD. To the extent the 14th
128 Amendment driven by the Selective Incorporation Doctrine have the effect of
129 diminishing that due process they are both void acts and due no respect in America n
130 law. So if you are an office holder it would be wise to know and observe the Magna
131 Charta as it applies here in America.

132
133 Due Process of the Common Law then is; (in addition to fn 9) 1. That no freeman will
134 be harmed in any way where he has harmed on one¹⁶; 2. That No government official
135 may be a witness in court. And if he is going to impose his law on another, then he must
136 have the support of non-governmental witnesses (2 or more). Witnesses paid by the
137 government are not considered faithful witnesses¹⁷; 3. That there will be no government
138 interference with the court of a free man¹⁸; 4. **That prosecution on your behalf in**
139 **pursuit of right or justice is guaranteed**¹⁹. 5. All government men shall know the law
140 and observe and apply it rightly (Article 45 MC see FN 12). Due process of the
141 common law as is represented here is not alterable by any court or legislature in
142 America and is therefore the supreme law of this land as comprehended by the 4th, 5th
143 and 6th Amendments, the 14th amendment or the Selective Incorporation doctrine and
144 the States Police power notwithstanding.

¹⁵ **CONFIRMATIO CHARTARUM** LAT. Confirmation of the charters. A Statute passed in the 25 Edw, I whereby the Great Charter is declared to be allowed as the common law; all judgments contrary to it are clared void; copies of it are ordered to be sent to all cathedral churches and read twice a year to the people; and sentence of excommunication is directed to be as constantly denounced against all those that, by word or deed or counsel, are contrary thereto or in any degree infringe it. 1 Bl. Comm. 128. ; Blacks Law dictst page 250 October 10, 1297, 25 Edw. i, c. i. Danby Pickering (ed.), Statutes at Large (Cambridge, 172-1807), I, 273-75. Declares the Magna Charta to be the common law of England and was so declared during the era eluded to in #1 above

¹⁶ **ARTICLE 39**: “No freeman shall be taken, or imprisoned, or disseized, or outlawed, or exiled, or in any way harmed--nor will we go upon or send upon him--save by the lawful judgment of his peers or by the law of the land.”

¹⁷ **ARTICLE 38**. “No bailiff, on his own simple assertion, shall henceforth put any one to his law, without producing faithful witnesses in evidence.”

¹⁸ **ARTICLE 34**. “Henceforth the writ which is called Praecipe shall not be served on any one for any holding so as to cause a free man to lose his court. “

¹⁹ **ARTICLE 40**. “To none will we sell, to none deny or delay, right or justice.”

145
146 Breach of these or any statutory due process protections causes loss of jurisdiction and
147 all office holders who so breach and continue to act under color of law while in that
148 breach are doing so on their own private behalf and without governmental authority or
149 immunity. If they intentionally injure another they are personally liable for that act that
150 injures in exactly the same way as any criminal would be. Those office holders who
151 hide the crime²⁰ by failing to observe and apply the law of this land rightly²¹ make
152 themselves accomplices to the original act.

153
154 The Missouri Supreme court correctly, in Hernandez, recognizes that a prosecutor has
155 a non discretionary duty to vigorously prosecute a crime²² because it is a due process
156 guarantee (see Article 40 Magna Charta and FN 19 & 20).

157
158 **SUMMARY** – As presented along with Duff’s criminal complaints to Ass’t U.S. Attorney
159 Roseann Ketchmark, Kansas City office, who laughed and called us children for
160 suggesting what you have just read and her boss hung up on us.

161
162 In view of the law of this land as clearly provided above and where Duff was possessed
163 of public property where he stood and where his auto was, Frazier and Roth, ignored
164 Duff’s due process and property rights by trespassing upon them and therefore lost
165 jurisdiction and their office of trust. In addition, both were in possession of written notice
166 declaring the wrong they engaged and they willfully and wantonly persisted in accosting
167 Duff without probable cause or the lawful judgment of the people and proceeded to take
168 Duff’s liberty and property by force of arms and without Duff’s consent from property Duff
169 possessed and where no better title existed. In so doing, their acts and all of them were

²⁰ Judges who do not report the criminal activities of other judges become principals in the criminal activity, 18 U.S.C. Section 1. Since no judges have reported the criminal activity of the judges who have been convicted, the other judges are as guilty as the convicted judges

²¹ "Knowledge of facts which would naturally lead an honest and prudent person to make inquiry constitutes 'notice' of everything which such inquiry pursued in good faith would disclose. Twitchell v. Nelson, 131 Minn. 375, 151 N.W. 621, 624; German -American Nat. Bank of Lincoln v. Martin, 277 Ill. 629, 115 N.E. 721, 729." Black's Law Dictionary, 4th Ed., p. 1210.

²² Prosecuting officials have the duty to prosecute cases with vigor, but they have the duty to do so within the bounds of rules of evidence and within the procedural boundaries prescribed for the conduct of criminal trials Hernandez, 815 S.W.2d at 71.

170 acts done in the actors own private capacity (see fn 9) and constitute crimes under the
171 same rules anyone who intentionally injures another would be held to. That same
172 notice was given to the prosecutor and judge hearing the complaint made by Frazier,
173 both of whom ignored notice, that included Duff's Affirmative defense of sovereign
174 immunity, and proceeded to further injure Duff by failing to dismiss for want of
175 jurisdiction, holding trial with only Frazier (a government paid witness) as witness who
176 provided no evidence at trial that Duff had a duty or consented to a duty to perform in a
177 manner described in the charges.

178 Duff filed a common law counterclaim in Clay County Circuit Court noticing all of the
179 wrongdoing where circuit judge Gabbert ignored his duty to preserve Duff's court and to
180 observe the law rightly, but rather proceeded without subject matter jurisdiction and
181 thereafter provided State Attorney General (counsel for Frazier and Roth) a judgment in
182 favor of Frazier tantamount to an attempt to hide those crimes and therefore acting as
183 accessory to Frazier's, et al, actions.

184 Thereafter, Duff filed criminal complaints against Frazier, Roth, Williams, and Gabbert
185 with Assoc. Clay County Circuit Judge Sutton, who having complete notice of the crimes
186 refused, through her clerk Janet, to have the charges investigated and prosecuted or to
187 inform the prosecutor so as to initiate that procedure.

188 All of these actors are informed of the probable cause and crimes complained of by Duff
189 and none have been willing to apply the law rightly to Frazier, et al, or to initiate
190 procedures that would fairly test those complaints for justice. Rather, Gabbert, Williams
191 and Sutton have attempted to hide the crimes of their fellow office holders. As such,
192 they too are as guilty as Frazier, et al, will be found to be when the law of this land is
193 finally observed and applied rightly.

194 No, John Marshall wasn't wrong, respecting his decision in Barron vs. Baltimore (1833),
195 he just didn't tell the whole story. He forgot to tell you about the bill of rights being a
196 composite of the secured rights in the Virginia and Massachusetts Constitutions and
197 that Article 4 section 2 of the Federal
198 Constitution binds the states thereto
199 as a condition of statehood and this
200 is the pathway by which States are

**DON'T BELIEVE ANYONE THAT TELLS
YOU THAT THE FEDERAL GOVERNMENT
CAN NOT PROTECT YOU AGAINST STATE
RIGHTS VIOLATIONS USING THE FORCE
OF THE BILL OF RIGHTS**

201 compelled to observe the full substance of the Federal Bill of Rights. As such the
202 federal government has jurisdiction over the rights secured by the states to their citizens
203 without the need of the 14th amendment or the dilution of the selective incorporation
204 doctrine. I recognize you will likely look to that body of law that flows from the 14th
205 amendment privilege and immunity and due process clauses when you screen my
206 complaints to determine federal jurisdiction over controversies arising out of my claims
207 of rights violations as secured to state citizens but that is wholly unnecessary. Title 18
208 ss 241 and 242 should apply to the controversy I bring you through article 4 section 2
209 even though that section has heretofore been all but ignored by the supreme court.
210 There is your jurisdiction and the acts complained of are well shown in the attending
211 documents.

212 If you are inclined to help yourself by helping me, feel free to do so.

213

214 From.

215 William Duff

216 816-365-1600

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