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BRIEF SUMMARY OF OUR CONSTITUTIONAL METHODS

Since the Constitution is the declared Supreme Law of America, we and followers of our Constitutionally based methods have enforced the Constitutions upon reluctant government officers and judges for many years. All of our methods are outlined on our website, and we would encourage you to review them. This section will give a very brief synopsis of these methods.

As previously stated, anytime we have concern with government or corporate America, we write what is called a presumptive letter, in which we make the presumption that everything we claim and charge is true and correct, unless specifically rebutted, with particularity, by the letter recipient(s). The letter contains two "presumptive paragraphs", presented first and last, which contain a lawful notification warning the recipient(s) that, if they do not respond and rebut that with which they disagree, then, they admit to all charges and claims made in the letter(s), fully binding upon them in any court, without their protest, objection or that of those who represent them. Lawful notification is the first essential of due process of law.

The body of the letter(s) contains all the specific charges and claims we made against the offending government or corporate officer(s). Other presumptive letters are sent to all supervisory and oversight personnel within that jurisdiction or within that chain of command. The intent is to notify everyone who should be notified, so that someone will take action to remedy the problem. The purpose of the letter(s) is to resolve the problem administratively and Constitutionally, before it goes further and probably requires for court action. It is obvious to anyone who has dealt in these matters that the courts in this nation are corrupt and rife with fraud. Thus, it is best to strive to resolve the matter before one must resort to court action.

The time limit we allow for the recipients' response is always thirty (30) days, and if no response is made within that time period, we usually wait another ten (10) days and then send an Affidavit of Truth to all letter recipients. The Affidavit has three basic components: (1) lawful notification to the recipients that, by their failure to respond to the letter, or if a meaningless, non-specific response was made, they admit to and agree with all charges and claims made in that letter, fully binding upon them in any court, without their protest, objection or that of those who represent them, meaning, of course, their attorneys; (2) a list of some of the charges and claims made in the letter to which they have admitted; (3) a challenge to the recipients to rebut our Affidavit with their own sworn, notarized affidavits, certifying that their affidavit is based in

fact, law, truth and valid evidence, under the pains and penalties of perjury under the laws of the United States of America. In over fifty (50) years of doing this, we have written thousands of affidavits, and no one has responded with a rebuttal affidavit. This is easy to understand, since we are based in truth, fact, law and valid evidence, all founded in and supported by the Supreme Law of the Land. Clearly, it is impossible for any public officer, pursuant to his oath, to rebut truth, fact, law and valid evidence, by means of his own sworn and notarized affidavit.

If there is no response to our Affidavits, within thirty (30) days, we wait another ten (10) days or so, then, record our Affidavits with the county clerk-recorder to place them on the public record. Should the matter eventually end up in court, we have supportive documents which, pursuant to both state and federal rules of evidence, are considered "self-authenticating"; thus, admissible in court as evidence against our opponents and with which we can invoke "estoppel by acquiescence" to bar our opponents from making defenses against issues to which they have already admitted. We send copies of the recorded instruments to our opponents, so that they know we are totally serious and ready to go to court and invoke rules of evidence, if necessary.

If our opponents do not respond to the copies of the recorded Affidavits and if we are the moving party in the action, namely, the Plaintiff, then, we send a Notice of Suit to our opponents. This Notice is the last step in the administrative and Constitutional process to resolve the issue before having to go to court. As Defendants, we obviously do not send a Notice of Suit, and wait until the resolution of the matter, before it goes to court, or ready ourselves for court action as Defendants.

By and through this process, we have achieved the following: (1) our positions are supported by our Affidavits, recorded on the public record, self-authenticating and admissible in court; (2) our opponents have tacitly admitted to our positions by failing to rebut them, pursuant to the cautions in our lawful notifications to them; (3) since the opponents admit to our charges and agree they will present no defense to them in court, if they then attempt a defense against our charges, we charge them with putting fraud upon the court; (4) we invoke positions of estoppel by acquiescence, by which our opponents cannot defend against their prior admissions; (5) since the court only convenes to hear matters in controversy, and there is no controversy for the court to hear, due to our opponents' prior admissions, victory lawfully should be ours. On a scorecard of 1 to 100, our score is 100 and our opponents' score is zero.

In the rare case, opponents may state that they have no duty or requirement to respond to the letters or the affidavits. We disagree, and so do the Constitutions. Public officers are required to take oaths of office. The oath is required by the federal Constitution, state Constitution, federal law, state law, and sometimes, county and local law. Therefore, it is well established, lawfully and legally, that the oath is Constitutionally and statutorily required – no exceptions! Thus, pursuant to their oaths, public officers must abide by the Constitutions in the performance of their official duties. The oath is given in exchange for the Public Trust, and the oath taker is lawfully bound to uphold the Public Trust. The First Amendment guarantees the Right of free speech and the Right to petition government for **redress of grievances**, which, the oath taker, pursuant to his oath, is mandated to uphold. If he fails this requirement, then, he has violated two provisions of the First Amendment, the Public Trust and perjured his oath. Further, by not responding and/or not rebutting, the oath taker denies the Citizen remedy, thus, denies the

Citizen Constitutional due process of law, as stated within the Bill of Rights. An American Citizen can expect, and has the Right and duty to demand, that his government officers uphold their oaths to the Constitution(s) and abide by all Constitutionally imposed mandates of their oaths. This is an un-enumerated Right guaranteed in the Ninth Amendment. No oath taker has the authority to defy and deny the very document to which he swore his oath and to which he owes his *limited*, delegated authority. The oath taker must act within the lawful scope of his duties and authority. Pursuant to the delegation of powers clause, within the Tenth Amendment, no power is delegated to any oath taker to deny, defy, or oppose the very document to which he swore his oath.

In light of the foregoing, there is no legitimate argument to support the claim that oath takers are not required to respond to letters, which, in this case, act as petitions for redress of grievances, stating complaints, charges and claims made against them by their constituents or by Citizens injured by their actions. The Declaration of Independence requires all Citizens to oppose all enemies of this Republic, foreign and domestic. When public officers harm the Citizens by their errant actions, and then refuse to respond to or rebut petitions from Citizens, then, those public officers are domestic enemies, acting in sedition and insurrection to the declared Law of the land and must be opposed, exposed and lawfully removed from office.

As previously stated, the purpose of the presumptive letters and affidavits is to resolve problems before it becomes necessary to go to court. However, once the matter comes before the court, we use Constitutional Court Challenges from the very inception of the court action. We support everything we do with the Supreme Law of the Land, and when we get to court, this is very difficult for anyone to lawfully oppose. When the judge convenes court, he usually asks the attorney for the opponent if he is ready to proceed, and then asks us if we are ready to proceed. We then state: "No, we are not, since there are several matters we need to clarify before we go further." The person acting as judge usually says: "Go right ahead." We then immediately say: "You and the prosecuting attorney have sworn oaths of office to support and defend the Constitution of the United States of America and the Constitution of the state of…. Is that correct?" In our court appearances, the judge says, "Yes." This response binds not only him, but also the opposing attorney to their respective oaths. We then state: "With all due respect, you and the opposing attorney are required to abide by those oaths in the performance of your official duties, especially those before this Honorable Court. Is this correct?" When we receive two affirmative answers to these two confirming questions for our prior statements, then, we have brought the court under the authority of the Constitution, by holding the judge and opposing counsel to their oaths.

If the Citizen before the court understands what he has accomplished and how he can protect himself Constitutionally, and if he can articulately advocate his Constitutional argument(s), then, he has a much greater chance of a successful outcome. To do this, one must be well vested in the Constitution(s) and know how to competently and convincingly present his Constitutionally based positions. While using the Constitution is not a guarantee of success, not using it is almost a guarantee of failure. Our Constitutional Court Challenges are on our website and provide additional information, including how we would proceed should the judge respond in a negative fashion. Basically, if the judge tries to avoid confirming his and the opposing counsel's oaths and duties thereunder, we politely inform him that the confirmation of the oath

and adherence thereto are required to assure the Citizen's Rights are upheld, including, but not limited to, all aspects of due process of law. We would then say that, by his evasion and reluctance to confirm his oath, it appears he either has no oath or does not intend to abide by it. Therefore, it is unlikely he will uphold our Rights and due process of law, so we would then state: "You are disqualified, sir; step down." Every Citizen has the Right to disqualify a judge, especially one who refuses to confirm his oath and his sworn duties thereunder.

Prior to appearing in court, we file several Constitutionally based motions, including a Motion to Claim and Exercise Constitutional Rights, which would be very difficult for any judge, pursuant to this oath, to deny. Because of our opponents' prior admissions, which are on the public record; thus, very difficult for any judge or opposing attorney to ignore, we could also file a motion for a declaratory judgment on those admissions, and, if necessary, a subsequent motion to enforce estoppel by acquiescence. Both of these make it very obvious and put it on the court record that our opponents have admitted to all of our claims and charges, and to deny this would be impossible. This does not mean our opponents cannot advocate their positions or defend themselves, but they cannot do so on the points to which they have previously admitted. Since our presumptive letters and our affidavits cover all salient points at issue and in controversy, there is virtually nothing remaining for our opponents to argue or defend.

The Constitutional Court Challenges also specifies our status to the court and how we lawfully appear before that court. The confirmation of the oaths and our status are very important. If we appear as Defendants, and if we know that the charges alleged against us are invalid and without any substance, then, right after the status statement, we make a verbal motion to dismiss the charges alleged against us because they are fraudulent, bogus, and without substance. If the opposing counsel objects, then, we respectfully demand, by and through the judge, that the opposing counsel certify the charges, as valid, lawful and Constitutionally compliant, specific to the Bill of Rights, by means of his own sworn, notarized Affidavit, so attesting, under the pains and penalties of perjury of the laws of the United States of America. In the rare instance in which this needs to be done, there is usually an immediate conference among the judge, the opposing counsel and us, and the charges alleged against us miraculously disappear for, of course, some convenient, but obscure, "reason". No prosecuting attorney would ever execute such an affidavit and no court can lawfully hear and adjudicate bogus, fraudulent charges.

If you have any questions or comments about anything contained herein, or would like more information, we would happy to speak with you, and you are most welcome to call us at 207-404-9093, or you can email us at takebackourrights@yahoo.com or jackmargyflynn@yahoo.com. We publish an Internet News-Letter at least once a month. There is no charge for it, and if you would like to subscribe, instructions for doing so are given on our website under NEWSLETTER.

Best regards,

Jack and Margy Flynn