

Divorcing the corporate state

from Barry Weinstein
annotated by Alfred Adask

A friend recently faxed some fascinating documents concerning the relationship of modern marriage to state government.

For example, consider an excerpt from the case *Ramon v. Ramon*, 34 N.Y.S.2d 100 (March 4, 1942):

[3] Marriage is a natural right. It was not created by law. It existed before all law. Marriage is a right of personality. By the marriage ceremony these obligations became vested rights of the personality of the respondent embraced in the law of the land, and defined as the rights of personality.

[4] The reciprocal duties of husband and wife constitute property. "These reciprocal rights may be regarded as the property of the respective parties, in the broad sense of the word property, which includes things not tangible or visible, and applies to whatever is exclusively one's own." *Jaynes v. Jaynes*, 39 Hun 40, at page 41.

The 1942 *Ramon* case seems to describe classical marriage (in a legitimate church of God) that

predates and is not subject to modern civil law.

Next, consider a letter sent from a Bishop in the Evangelical Lutheran Church to a church member who, after considerable investigation, wanted to be married without a state-issued marriage license. (The italicized highlights are my additions.)

North Carolina Synod
Evangelical Lutheran Church in America
1988 Lutheran Synod Drive,
Salisbury, NC 28144

June 25, 1999

Dear _____:

I appreciate your letter of May 6 and I hope you understood why I wanted to wait until after the Synod Assembly to send you a response.

I understand you would like to be married without a marriage license from the state and it is clear you do not believe that request is excessive. You were correct, I said to Pastor Miller that such a marriage is *not possible*. I have spoken with some friends in Chicago who received communication from you – in fact, they

called me in response to your letter. We all agree that the *church cannot do* what your request, there is *no way* to marry you because the church, when it comes to marriage, is an *agent of the state*. That is the simple answer, there seems to be no reason to say more. While I appreciate the time you spent in preparing a written foundation of your position, I have *no other response*. Your letter has numerous questions and definitions, once I have said it is not possible, then *that is all I can say*, but I would be glad to have conversation with you at any time.

Blessings to you both

Sincerely,
The Reverend Dr. Leonard H. Bolick
Bishop

Pretty strange, hmm? In 1942, the *Ramon* case declared that marriage is a "natural right" that preceded and was not created by man's law. This implies that marriage is not subject to man's law. I suspect God agrees.

And yet, 57 years later, a Lutheran Bishop advises that,

because the church is an *agent for the state*, marriage without license is not only *impossible* – he absolutely refuses to discuss the matter further.

Read closely, it's almost as if the Bishop were trying to hide something.

In any case, how can *Ramon* declare marriage is a natural right not subject to government law or license – and then a Lutheran Bishop declare that unlicensed marriage (one not subject to state law) is *impossible*?

How can such an extraordinary contradiction exist?

Answer? Maybe it's not a contradiction.

Maybe there are *two kinds* of marriage: one "natural" and subject only to God, the other "quasi-religious" and subject to the state.

I'm not a Biblical scholar, but I'd bet there's not a verse in the Bible that mandates a need for a state-issued license to be married in the name of God. If so, then why does the modern Evangelical Lutheran Church not only require a license, but views unlicensed marriage of the sort practiced in the Bible as *impossible*?

How could such a contradiction exist? How could a church of the Bible function effortlessly without licenses, while modern churches seem powerless without them?

Answer? Maybe it's not a contradiction.

Maybe there are *two kinds* of "churches" – one of the Bible and one of the state.

As you'll read, there *are* "two kinds" of marriages (those of God and those of the state), and there *are* also "two kinds" of churches (those of God and those of the state).

The spiritual implications are stunning. For example, virtually all modern Americans appear to have been married by churches

of the state rather than churches of God. That distinction might not mean much to atheists and the amoral, but no believer can be indifferent to the possibility that his marriage was not sanctified by God.

How could widespread "ungodly" marriages take place without the people knowing? The balance of this article (written or inspired by Barry Weinstein) offers insight into the difference between the two kinds of "churches" and the two kinds of "marriages".

Barry's original petition to a New Jersey court is too long to reprint in its entirety. I've edited to reduce the petition's size, and I've inserted my own [blue bracketed] comments. Nevertheless, it may take some effort on your part to follow the author's ideas.

Make the effort.

Mr. Weinstein's petition contains some remarkably original insight and an extraordinary legal theory.

To understand his petition, you'll need a little background information:

Barry and his wife applied for a marriage license and were married in the 1980's. They had children and later divorced in 1992. Since 1992, Mr. Weinstein has experienced the usual visitation and child support problems associated with being a noncustodial parent.

Unable to afford a lawyer and unwilling to quit his fight, Mr. Weinstein started studying law. During his self-education, Barry discovered a remarkable fact: The state was *in fact* (not theory) a legal third party in his marriage to his ex-wife. Constitutionalists have suspected as much for years – but until now, there's been little evidence to support our suspicions.

Barry's evidence provides that support and raises huge additional implications. For ex-



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ample, Barry discovered that despite his divorce from his ex-wife, his (and her) relationship to the third-party state was unaffected. In a sense, eight years after he and his wife ended their marriage to each other, they are both still "married" to the third-party state.

Although Barry doesn't say so in his petition, he suspects the continuing "marriage" to the state may be the foundation for the state's continuing ability to intrude into his post-divorce life and "administer" in the arenas of child support and visitation.

Barry's solution to this unwanted relationship?

Divorce the state.

Brilliant!

Barry's first thought was to add the state of New Jersey to his original (1992) divorce proceeding and decree. But the judge currently administering Barry's visitation and child support issues explained that it was too late to add the state to the divorce seven years after the fact.

Instead, Judge Thomas W. Cavanagh Jr. advised that the state should be divorced separately in a new divorce petition. On Sept. 10, 1999, Judge Cavanagh issued an order to Mr. Weinstein which reads in part:

" 4. The chancery division - family part will retain jurisdiction on the issue identified by the plaintiff as "divorce from the New Jersey government/s." Within 30 days of the date of this order, the plaintiff will provide a more definitive statement of his claim, as explained in rule 4:6 - 4 (a) . The statement will provide the specific areas of challenge which the plaintiff seeks to establish therein including reference to any and all New Jersey statutes and or New Jersey court rules. . . . "

Can you imagine? Even though this order proves nothing, it at least implies that the judge views Mr. Weinstein's innovative legal theory as potentially valid.

This article consists primarily of Barry's subsequent petition to satisfy Judge Cavanagh's order.

As you'll read, Barry assumes that his "marriage" to the state is somehow based on the marriage somehow based on the marriage "contract". Under this assumed contractual relationship, Barry raises a number of complaints and grievances such as the state's failure to provide "full disclosure" when the "contract" was first made that the state would be an unnamed "third party" in his marriage.

I disagree with Barry's assumption that his marriage to state is based on contract.

I'm fixated by the idea that government uses trusts to operate outside the Constitution. Therefore, I interpret most of the facts Barry discovered as evidence that the "third party" state has used certain devices (like marriage licenses and "corporate" churches) to lure us into voluntarily entering into a state-sanctioned *trust* relationship

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rather than a marriage sanctioned by God. Within the state-sanctioned trust (quasi-marriage), the state sits as a third party "trustee" while we (man and wife) accept the relatively powerless status of marriage "beneficiaries". The trust "property" to be administered by the state-trustee may be "The reciprocal duties of husband and wife" defined as property in the 1942 Ramon case (supra) and/or any children produced by the marriage.

Also, when Barry wrote this petition, he hadn't yet perceived the difference between a legitimate, common law church of God and the incorporated churches of the state. As a result, many of his complaints are directed against corporate churches *as if* they were real churches of God.

Therefore, I also disagree with his complaints against the (corporate) church. Although such churches are probably deceitful and ungodly, I believe corporate churches (technically) have every "legal" right to operate as they do – including the secret imposition of the state as third party in our marriages.

Regardless of whether Mr. Weinstein's understanding of modern marriage or mine is more accurate, I give Barry enormous credit for documenting the government's "third party" role in our marriage and conceiving the strategy of "divorcing" the state.

If the following insights and fundamental theory pan out, we may soon see a host of people insisting they be married without the third party state.

Likewise, we may also begin to see divorces from existing marriages that are filed not only against one's ex-spouse, but also against one's (ex-) state government. We might even see divorces where both spouses agree to divorce each other, but the

husband also wants to divorce the state while the wife wants to remain "married" to the state. We may also see divorces where the spouses stay together and jointly sue to divorce the state! I can hardly wait to see the fur fly.

Mr. Weinstein has launched another fundamental attack on the state's power over our lives. Imagine America if government were effectively removed from "family law". Without power over our kids, government power is truly tepid. Barry's strategy may indirectly help save our children from government control and re-establish common law (Godly) marriage.

If so, government power must further decline – and Barry Weinstein deserves a big round of applause.

SUPERIOR COURT OF NEW JERSEY
MONMOUTH COUNTY

Barry Weinstein; Petitioner,
VS.
Governments of New Jersey and
its Employees, Respondent/S

Petition # 1-FM-13-1220-00-A
Related FM 05042-90

CLARIFICATION OF DIVORCE FROM GOVERNMENTS OF NEW JERSEY, ET. AL.

RESTORATION OF THE ESTABLISHMENT
CLAUSE RE: SEPARATION OF CHURCH AND
STATE

Petitioner, Mr. Barry Weinstein, is by way of this document, complying with the order of the Hon. Judge Thomas W. Cavanagh Jr., Order of Sep. 10th, 1999.

The Petitioner, Mr. Barry Weinstein, having been unaware of the government's third-party contract/ status/ position, at the time of his divorce in 1992, did not include the government in the complaint for divorce, nor was the Petitioner, Mr. Barry Weinstein, advised of the

government's claim of third-party status in the marriage contract.

The Petitioner, Mr. Barry Weinstein, was married in Florida in his individually and personally chosen religion and at its established institution.

[Barry assumes he was married in the church of his personal religion. However, if he unknowingly married in an *incorporated* church masquerading as a church of God, Barry's assumption may be false.]

The Petitioner, Mr. Barry Weinstein, was compelled through what is now self-evidently only the licensing agent for the government/s, acting as a member of the Clergy of the religious institution, wherein the Petitioner had sought the spiritual blessings of that member of the clergy and of God, as defined in the term "Holy Matrimony".

[Barry may have been deceived, but he was not "compelled". No one put a gun to his head and ordered him to get a marriage license and be married in a corporate church.]

U.S. SUPREME COURT

"What we said in [397 U.S. 254, 270] *Greene v. McElroy*, 360 U.S. 474, 496-497 (1959), is particularly pertinent here:

"Certain principles have remained relatively immutable in our jurisprudence. One of these is that where governmental action seriously injures an individual, and the reasonableness of the action depends on fact findings, *the evidence used to prove the Government's case must be disclosed* to the individual so that he has an opportunity to show that it is untrue."

[Emph. add. Here, Barry attempts to show government's obligation to disclose whatever mechanism has been used to

mysteriously complicate his marriage with a third party and subject Barry to governmental control.]

Three grievances were raised in the Petition . . . They are:

[A] Claims made by the courts of the states that they (the state, but it is actually the government) are a third party in the marriage contract, in fact, if not in name and that the state government's interests are paramount;

[B] The Petitioner believes . . . that the marriage license (actually a contract) [I suspect it's actually an application to become the beneficiary of a trust.] is the means by which (according to the cited court orders) the government/s becomes the third party in the marriage contract/status.

[C] The violation of the Establishment Clause (violation of the separation of Church and State);

[No. Your freedom of religion prevents government from inter-

fering with *any* "religious" choice, no matter how idiotic and contrary to your own self-interest that choice may be. If you voluntarily claim to worship turnips, so be it. Government is absolutely prevented by the 1st Amendment from even snickering. Likewise, if you are dumb enough to voluntarily claim membership in a corporate church, government is prohibited by the 1st Amendment from commenting on the spiritual and political disabilities such membership incurs.

Thus, the 1st Amendment is not merely a guarantee of personal freedom. It is far more dangerous in that, like all absolute freedoms, it is also an absolute guarantee of personal responsibility. Because personal responsibility is always the flip side of personal freedom, the 1st Amendment's "Freedom of Religion" can also be known as the "*Responsibility* of Religion". (Similarly, the "Bill of Rights" can

be aptly termed the "Bill of Responsibilities".)

Thus, under the 1st Amendment's personal "Responsibility of Religion," if you be dumb, that's *your* problem – you will nonetheless be held fully responsible for your choice.

When a freedom is absolute, so is the correlative personal responsibility. There is no limited liability under the 1st Amendment. You are absolutely expected to *know* and understand the nature and ramifications of whatever faith you choose to follow. If not, work it out with God – the courts are not only prohibited by the 1st Amendment from hindering you, they're also prohibited from helping you.

Thus, absolute freedom can be used against the ignorant to establish responsibilities they don't understand or can't even imagine. Based on the 1st Amendment's guarantee of unlimited personal responsibility, you can be tricked into a false (corporate) church and, so long as you enter *voluntarily*, government *can't* protect you from the adverse consequences of your own ignorance.

The freedoms we claim to cherish are far from free. That's why freedom is only appropriate for moral individuals who *know* the difference between right and wrong and are therefore capable of wisely executing the freedom of choice. Those amoral individuals who don't know the difference between right and wrong are not fit to be free (choose freely between right and wrong) and are proper wards of the court. These amoral individuals can probably be identified as 14th Amendment "citizens".¹

[a] "For many years, the law has been that the state is a third party, in fact, if not in name, in every divorce action." *Welch v Welch* 35 NJ Sup 255

[b] "the state is a party at

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interest to the marriage contract or status, together with the husband and wife . . ." *Anonymous V Anonymous* 62 NY S2d 130; also *Duerner v. Duerner* 142 NJEq 759

[c] "If parties subsequent to divorce, entered into common law marriage, then nothing either party did or did not do thereafter could dissolve the marriage." *Thomas V Thomas* APP 565 P2D 722

[This excerpt is quoted out of context, but the implications are extraordinary. The state may have no authority to grant divorces in true common law marriages. If so, the principal "benefit" of a *licensed* marriage in a corporate church may be easy divorce. Thus, while common law marriages may be true, til-death-do-us part marriages (unless divorce is sanctioned by a church of God) – marriages in the corporate churches may legally constitute little more than extended "dates" and licensed cohabitation.

If common law marriages differ from corporate marriages in that the latter allow easy divorce, it follows that corporate marriages must foster a higher incidence of damage to children through broken (corporate) homes. If so, the state might justify regulating/ licensing corporate marriages and inevitable corporate divorce for the "best interests" of the children of corporate marriages.

In fact, it might be argued

that the state's marriage license applications and fees are not intended to encourage corporate marriage (likely to end in divorce) but rather to subtly *discourage* corporate marriages since they are inherently more costly than a lawful, common law marriage in an unincorporated church of God (which requires no state license or fee.)]

[d] "where there is a conflict between the interests of the state and the interests of either of the spouses, the interests of the state will be regarded as paramount." *Feikert v Feikert* 98 NJEQ 444; *Marum v Marum* 10 misc 2d 695

The State of New Jersey claims it is a third party to the marriage contract in all marriages. Yet, the State never disclosed this to the other two parties to the contract. It never discloses what its specific performance is in order for the State's position in the contract to be valid. It never discloses, what its consideration is, to those parties in order for the State's position in the contract to be valid.

[Although "full disclosure" requirements exist for contracts, there is no similar requirement for trusts – at least not for beneficiaries.

For example, if I want to create a trust for my three-year old daughter's future education and benefit, there is no requirement that I provide the child-benefi-

ciary with "full disclosure" of my intentions or even notify her of the trust's existence.

Similarly, government can make certain benefits available to "applicants" (those who *apply* for benefits) without providing full disclosure of the consequences of accepting those benefits. As a voluntary applicant, you are expected to know those consequences before you apply. Ignorance is no excuse, remember?

Thus, government need not disclose that anyone whose application to become a beneficiary of a governmental trust will also forfeit any claim to legal title or legal rights to trust property. Likewise, government need not disclose that beneficiaries become subject to arbitrary regulation by government trustees.

I doubt that any marriage *contract* is used to include the state as third party. Instead, the state probably intrudes into the marriage as a third-party *trustee* to administer the married couple's (beneficiaries') affairs. The property of this trust probably includes the spouses' "relationship and duties" (*Ramon*, supra) and the children produced by the marriage and registered into the "public trust" by the birth certificates and/or Social Security Numbers. The marriage-trust property might even include whatever income or wealth is generated by the marriage, reported by spouses filling "joint" tax returns. As a result, the state-trustee has every right to divide trust property (house, car, debts, kids) however it sees fit and in the "best interests" of the trust beneficiaries.

Incidentally, since marriage is a "natural right," perhaps the marriage license is not to allow the spouses to be married, but to empower the corporate "preacher" to perform the ceremony. The fact of *licensed* marriage (in a corporate church – not church of God) probably indi-

cates the couple are amoral (they either don't believe in God or don't understand his Law since they were married in a corporate church). Licensed marriage may indicate the spouses are atheistic beneficiaries of the "public trust" and therefore in need of government regulation.]

The State of New Jersey claims it is a third party to a marriage contract but never performs its end of the bargain. This is "constructive fraud". The two parties to the marriage contract, husband and wife, have been defrauded by the State of New Jersey acting as a fraudulent third party who is under no obligation to abide by the terms of the marriage contract. . . .

[I disagree. As trustee in a trust which the spouses entered voluntarily, the state has only those duties and obligations that are specified in the trust indenture. There can be no breach of contract since there (probably) is no contract.

However, there might be a breach of *fiduciary* duties by the

trustees if they violated the terms of the trust. *Thus, the first order of business may be to secure a copy of the marriage-trust indenture from the state.*

If my trust hypothesis is correct, the state will not only resist exposing the trust indenture's terms – they will even try to deny the trust's existence. However, if a beneficiary of the trust were to properly demand a copy of the trust indenture so that he might "better perform" his duties as beneficiary, I doubt that any state trustee could, refuse his demand without incurring serious personal liability for violating his fiduciary obligation to act in "good faith".]

Marriage is a fundamental, God-given right that cannot be licensed by the State in order to allow the State to become an uninvited third party.

[Not precisely. "Natural" marriage is a fundamental, God-given right. "Artificial" (corporate/unnatural) marriage is not.]

Licenses are imposed by the regulatory police powers of the State in order to do something that is illegal or unlawful.

[Yes. In this case, the illegal act is probably allowing a corporate officer of an incorporated "church" to perform a wedding that could normally be performed only by a true minister of a church of God.]

Since when did marriage, a God-given, fundamental right, become illegal or unlawful.

[It's not. But perhaps marriages in a corporate church of the state rather than the church of God, are technically unlawful and therefore in need of license.]

In New Jersey, marriage licenses were once required because of interracial marriages and blood testing. Since interfering with interracial marriages is a racially motivated bias/hate crime and since 1995 blood tests are no longer necessary, why are marriage licenses required at all?

[Answer: To marry in a *corporate* church of the state rather than a lawful church of God.]

In *Zablocki v. Redhail*, 434 U.S. 374, 98 S.Ct. 673 (1978), the U.S. Supreme Court held that marriage is fundamental right that requires strict judicial scrutiny if the State wants to interfere with marriage. The High Court held that substantial interferences with that right will therefore not be sustained merely because they are rational. In *Zablocki*, the U.S. Supreme Court struck down a Wisconsin statute that prohibited a party from marrying if they owed child support.

[Absolutely. But that "fundamental right" is to a "natural" marriage in a church of God. However, there is no "fundamental right" to marrying in a corporate church of the state. If so, corporate marriages may be licensed and regulated.

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The state is prohibited by law from preventing you from exercising your 1st Amendment right to "Holy" (rather than "corporate") matrimony. However, recognizing corporate marriages are shams, the state may have a legitimate interest in regulating/ licensing those sham marriage and also the allegedly "legitimate" children of such marriages since their legitimacy (in the eyes of God) may also be "sham".]

In *Loving v. Virginia*, 388 U.S. 1, 12, 87 S.Ct. 1817 (1967), the U.S. Supreme Court further upheld the fundamental right to marry when it held that the State could not prohibit marriages on the basis of race.

[To *regulate* interracial marriage is not the same as *prohibiting* such marriages. Further, I wouldn't be surprised if the reason for regulating marriage between Blacks and Whites was not based on race, but on citizenship. Whites were "Citizens of the United States," but Blacks were 14th Amendment "citizens of the United States". The intermarriage of "Citizens" to "citizens" raises huge, conflict of law, property right questions should the spouses later seek divorce.

It's the secular equivalent to a marriage between an Orthodox Jew and a traditional Catholic. Assuming such marriage is even possible, which church would administer any subsequent divorce? If the Jew refused to be bound by the Catholic church's divorce rules and the Catholic refused to be bound by the Jew's, no divorce could be possible or enforced. Unless . . . one of the spouses voluntarily agreed to be bound by the divorce rules of the other spouse's church.

Similarly, perhaps the White Citizen's marriage could only dissolved by a church of God while the Black citizen's marriage could only be dissolved by the state. So who could administer

the divorce of a (White) Citizen married to a (Black) citizen?

The license may have answered that question by serving as a kind of pre-nuptial agreement over who would administer any future divorce: the church or the state. If so, the marriage license constituted an agreement by the Citizen-spouse to surrender his unalienable Rights and be bound by the same state laws governing citizen-spouse. You can see the enormous disabilities that attach to a Citizen who, by license, surrenders his unalienable Rights to marry a 14th Amendment "citizen".

On the other hand, imagine a common law wedding performed without state marriage license, licensed minister, or corporate church. Where would the state gain authority over the spouses, their children or their property?]

Yet, New Jersey violates those U.S. Supreme Court holdings and violates the fundamental, God-given right to marriage by stating it is a third party to every marriage.

[Nope. It's only a third party to *corporate* marriages.]

Not only is this unconstitutional but it violates Freedom of Religion as it interferes with marrying parties' rights to worship their religions. This is a direct religious persecution attack by the State on religions.

[I disagree. I'll bet the state's entire rationale hinges on the married persons' own ignorance of God's law and the faith they profess to follow. This ignorance is amply demonstrated by their decision to seek a corporate rather than common law (Godly) marriage. The state is rightly regulating us because we be dumb, incompetent, and unable to effectively handle even our most fundamental concern: re-

lating properly to God. If we can't do *that* much properly, what the H__ *can* we do? If we don't care enough to even tend to our own immortal souls, we are obviously amoral, legally insane, and in desperate need of government supervision.]

There is a long line of New Jersey cases implicating the State in criminal acts of violating constitutional rights. These cases show that the state is a party to a marriage and to divorces. This is a violation of the fundamental right to marry without state interference. The state has no real compelling interest to interfere with marriages because to do so only supports the legal industry's profit motive.

[The state surely profits from corporate marriages and their nearly inevitable divorces. Nevertheless, I still suspect the state has a legitimate interest in interfering in (regulating) the marriages of all the fools who don't even know the difference between corporate churches of the state and churches of God. My people not only perish for lack of knowledge, they also suffer regulation.]

"The State is a party at interest to the marriage contract or status together with the husband and wife". *Duerner v. Duerner*, 142 N.J. Eq. 259 (E. & A. 1948).

[At first reading, this quote seems to justify the idea that modern corporate marriages involve the state by *contract*. And maybe that's true. But the quote also says the state may be a party at interest to the marriage "status". "Status" is defined in part in Black's Law Dictionary (7th ed.) as "a person's legal condition . . . the sum total of a person's legal rights, duties, liability and other legal relations." I suspect it is this "status" that opens to door for government intrusion into marriage by trust rather than

contract. I.e., the marriage "status" may be that of a trust administered by the state and the spouses' status may be that of beneficiaries.]

The law does not encourage divorce actions and regards such actions as imposing special responsibilities upon the court and attorneys as officers of the court because, in every divorce action, State is in fact, if not in name, third party having substantial interest, and public is represented by 'court's conscience'. *In re Backes*, 16 N.J. 430, 433-34 (1954). See also, *Schlemm v. Schlemm*, 31 N.J. 557, 585 (1960).

[Any reference to a court's "conscience" implies that court is sitting in equity rather than law.]

"The State is a third party to every matrimonial action to sever or void the bonds of matrimony . . . It has long been well settled and now stands unchallenged that marriage is a social relation-

ship subject in all respects to the state's police power". *Manion v. Manion*, 143 N.J. Super. 499, 502 (Ch.Div. 1976), citing *Rothman v. Rothman*, 65 N.J. 219, 228 (1974).

[Note this court's description of marriage as a "social" – rather than "spiritual" – relationship. This court can only be talking (deceptively) about state-licensed marriages in corporate churches. To read this quote otherwise would indicate that government no longer allows spiritual marriages in natural churches of God, but has instead outlawed such common law marriages. I don't believe government would (yet) dare criminalize Godly, common law marriages.]

"It has been well said that in the granting of divorces the state, as well as the parties, is interested, and that the public is represented by what is called 'the conscience of the court'. . . . The State is a third party to every di-

vorce proceeding and has exclusive control of the matrimonial status of those domiciled within its borders." *McLean v. Grabowski*, 92 N.J. Super. 545, 547-48 (Ch.Div. 1966).

[The phrase, "granting of divorces" sounds suspiciously like "granting benefits". If a divorce is a "benefit," then the corporate marriage must be a trust which includes the state in the third-party role as trustee. This implies that the state-issued license is not to allow the spouses to be married (as a natural right, marriage can't be licensed), but rather to allow the officer-priest of the corporate church to *create the statutory trust* which will then pass for a godly marriage.]

"Other *contracts* may be modified, restricted, or enlarged, or entirely released, upon the consent of the parties. Not so with marriage. The *relation* once formed, the law steps in and holds the parties to various obligations and liabilities. It is an institution in the maintenance of which, in its purity, the *public* is deeply interested, for it is the foundation of the family and of society, without which there would be neither civilization nor progress". *McLean v. Grabowski*, supra, at 547. [Emph. add.]

[Again, this quote seems to support the contention that the state enters our marriages through contract. But note that it also refers to the marriage "relation". I know from other authoritative sources, that we are expected to recognize the presence of a trust by the *relationships* established. Thus, it is entirely possible and legal to establish a trust that never explicitly uses the words, "grantor," "trust," "trustee," or "beneficiary". Relationships alone determine the presence of a trust and we are each legally responsible for recognizing the presence of a trust by those relationships.]

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These words sound great but in reality they are hollow. However, after the New Jersey Divorce Reform Act of 1976, in which no-fault divorce came into being, the State of New Jersey showed its true hand by not being interested in marriages. Under the new law the State allowed one party to request a divorce—a total sundering of the institution of marriage.

[Again, a “natural” marriage sanctioned by God is not the same as an “artificial” corporate marriage sanctioned by the state. The first may be preserved as a pure contract/covenant, but the second need only be regulated as an trust.]

When did the State of New Jersey become a party to a marriage? When did it inform the parties to a marriage that it was a third party to the marriage? When did it inform the parties of what specific performance it would perform? When did it inform the parties of its consideration to those parties?

[The state became a party to our marriages when *we* invited it to do so by being married in an incorporated church.]

The state is no longer interested in maintaining marriages.

[But why should government be more interested in maintaining our marriages than we are? Government doesn’t put a gun to our heads and force us to divorce. We may have implicitly asked for the “benefit” of divorce when we applied for a licensed to be joined in a trust rather than wedded in a Godly marriage. If we implicitly asked for the benefit of divorce when we applied for a marriage license, why complain when we get that benefit?

Likewise, government doesn’t force us to commit corporate marriage. We make those

amoral choices all by ourselves. After we do, government agents (lawyers) do their best to take every dime we’ve got.

It’s like being arrested in a whore house. You can argue government had no warrant to enter the whore house and arrest you. But the primary question remains: What were *you* doing in a whore house? No matter how corrupt government may be, if *you* didn’t voluntarily enter the whore house in the first place, you wouldn’t’ve been arrested.

Likewise, despite government’s shameful exploitation of our matrimonial ignorance, we must still admit our own *primary* culpability for our divorces. If you truly believed in God, what the H___ were you doing getting “married” in a corporate church/whore house?]

Divorce is a huge industry making many lawyers wealthy and feeding the bureaucracies associated with divorce, i.e., mental health bureaucracy, child support enforcement bureaucracy, domestic violence administration bureaucracy, etc. Lawyer-created legislation has given lawyers a multitude of avenues to create as many divorces as possible. Divorce in New Jersey averages between \$70,000- \$100,000 per couple. Since the Divorce Reform Act was instituted, divorces jumped from under 5,000 to over 70,000. Lawyers have found a financial windfall in divorce litigation. This is redistribution of wealth from the suffering of others into lawyers’ pockets.

As can be clearly seen in *Massar v. Massar*, 279 N.J. Super. 89, 94-95 (App.Div. 1995), 652 A.2d 219, the State gives “lip service” that it “does not promote divorce and as always has strong public interest in promoting marriage”. *Massar* at 94 holds that “the State has adopted a *public* policy through statute that citizens of the state shall have lib-

eral grounds to disengage themselves from marriages”

[Whenever I see the terms “public interest” and “public policy” I suspect they’re code words signaling the presence of the almighty “public trust”.

Also, the enormous cost and pain of divorce can be rationalized as disincentives to keep us married. If you really want a divorce, fella, we’ll let you have one – but you’ll have to pay our lawyers through the nose just to prove you really want it.]

Chief Justice Marshall said of Marbury’s rights and remedies:

“2. If he has a right, and that right has been violated, do the laws of his country afford him a remedy? (5 U.S. 137, 163) The very essence of civil liberty certainly consists in the right of every individual to claim the protection of the laws, whenever he receives an injury.”

One of the first duties of government is to afford that protection.

[True. But as a beneficiary of his “marriage-trust,” Barry Weinstein has probably not received an injury. His child was probably “voluntarily” registered as property of the public trust by the Birth Certificate. He and his wife “voluntarily” applied to become beneficiaries of that trust by virtue of their marriage license. The court acts as trustee for the public trust. Insofar as the parents “voluntarily” entered into the “public trust,” they probably don’t have an ordinary claim of injury – unless they can show that the trust has been improperly administered.]

In the third volume of his *Commentaries*, page 23, Blackstone states two cases in which a remedy is afforded by mere operation of law.

‘In all other cases,’ he says, ‘it is a general and indisputable

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rule, that where there is a *legal* right, there is also a legal remedy by suit or action at law, whenever that right is invaded."

[Indeed. But note that Blackstone referred to "legal" rights. As I've postulated repeatedly, legal rights flow from legal title. Beneficiaries have only equitable title to trust property and thus have neither legal title nor legal right to trust property. Blackstone's comment almost certainly does not apply to trust beneficiaries. That's why government trusts are so dangerous. The beneficiaries – you and me – have no no *legal* title to trust property, no *legal* rights to trust property and thus and no standing in courts of law.]

SUPPORT FOR GRIEVANCE OF VIOLATIONS
OF THE ESTABLISHMENT CLAUSE

NEW JERSEY STATE CONSTITUTION (1947)
ARTICLE 1 RIGHTS AND PRIVILEGES

3. No person shall be deprived of the inestimable privi-

lege of worshipping Almighty God in a manner agreeable to the dictates of his own conscience; [Freely worshipping one's God is the *prime* unalienable Right – the "right of rights" – implicitly declared by "The unanimous Declaration of the thirteen united States of America" signed on July 4, 1776 A.D.] nor under any pretense whatever be compelled to attend any place of worship contrary to his faith and judgment; nor shall any person be obliged to pay tithes, taxes, or other rates for building or repairing any church or churches, place or places of worship, or for the maintenance of any minister or ministry, contrary to what he believes to be right or has deliberately and voluntarily engaged to perform. . . .

It is one of the Petitioner's grievance/s that the marriage license is an unconstitutional invasion by the government of the freedom of Religion and Privacy.

[Probably not. The application for license is a voluntary act by the petitioners to create a "marriage" trust to avoid the unlimited liability ("til-death-do-us-part") that attaches to true, common law marriages. The voluntary nature of this application is probably proved by the fact that the spouses *paid* for the License/trust application to become beneficiaries of a (marriage) trust. So long as the process was voluntary rather than mandated, it's probably constitutional.]

Furthermore, that the forced use of the marriage license, in order to be an upstanding/ accepted, married member of the religious/ spiritual community, is now the very unconstitutional establishment of a "government religion" and as such is the "religion of their own law/s," not God's, in violation of all common, spiritual beliefs.

[First, the assertion that government coerced us into accept-

ing their un-godly license is flimsy. I doubt that God will accept your excuse on Judgement Day that you got a corporate marriage license so you could be popular (accepted) in your secular community.

This life is a test. The question always before us is "Who shall I serve today – God or mammon?" If you would serve God, count the cost. That cost may include community disdain for those who don't get politically-correct, licensed marriages.

Further, government hasn't "established" a state religion insofar as no such religion is mandatory. Instead, they've merely made some quasi-religious "opportunities" available.

For example, if your minister wants to increase contributions to your "church," he can *incorporate* the church and offer parishioners the benefit of deducting their church contributions from their income taxes.

Of course, once the church is incorporated, it may become a church of the *state* rather than a church of God. If so, it might follow that an incorporated church is not sanctioned by God to perform weddings. Therefore, who sanctions the corporate/artificial church to perform weddings? The corporate *state*, silly.

How? By allowing prospective spouses to apply for a license to be married in a corporate "un-church". And then, of course, seeing as the progeny of said artificial churches and artificial weddings may be illegitimate in the eyes of God, it may follow that the state should assume the burden of taking care of the children who God may not claim since they are born outside of Holy matrimony.

Thus, the logic in this mess flows from the possibility that most modern churches are incorporated and thus "artificial" – man-made, not of God.]

The Old and New Testaments (the original laws of God and man) do not call for a license.

[Yeah, we know. So why'd you get one?]

Marriage is a fundamental, God-given right, never meant to be the subject of objective government control.

[True, but that God-given right can only be exercised in a "natural" (not corporate/artificial) church. You don't need a marriage license to be married in God's church (common law) – but apparently you do need a license to be married in man's *corporate* (artificial) church.]

But, marriage is subject to government control in the United States of America, one cannot get married in their religion of choice, unless they agree to a contract/license to include their government employees.

[Not so. A "natural" (Godly) marriage can take place almost

anywhere. But one can't get married in the *corporate* religion of his choice without a marriage license. Again, I suspect the license is not for the couple, but for the corporate minister. I.e., instead of empowering the couple to become married, the license may empower the corporate priest to perform the "ungodly" ceremony of creating a trust (a three-party, artificial entity) rather than memorializing the wedding of two persons joined into "one flesh" (not one trust) by God.]

This control by license is absolutely the very unconstitutional establishment of the law as a religion.

[Nonsense. *You* voluntarily chose to enter an incorporated (artificial) church and receive the "benefit" (rather than blessing) of a corporate (temporary) marriage-trust. To deny your right to choose (even ignorantly) to commit corporate marriage

would violate your constitutionally-protected 1st Amendment right to absolute freedom (and responsibility) of religion. The fact that you may've made a bad choice is not government's concern. However, since the freedom of religion is absolute, so your responsibility for your choice is also absolute. The roads to Hell and government servitude are both paved with good (but ignorant) intentions.

In fact, government might rationalize the imposition of license and fee requirement as an attempt to *prevent* the establishment of a state religions by making its "marriage" services more expensive than those of the true (marriage performed in the common law churches of God.)

According to Black's Law Dictionary (5th):

"Marriage License: A license or permission granted by public authority to persons who plan to intermarry *usually addressed to the minister* or magistrate who is to perform the ceremony, or, in general terms, to anyone authorized to solemnize marriages. By statute in most jurisdictions it is made an essential prerequisite to the lawful solemnization of the marriage". [emph. add.]

[Thus, the "license" is not precisely granted to the persons who "applied" for the license (the prospective spouses). Instead, it is "addressed" to the priest (pastor, whoever) who ultimately "solemnized" the marriage. This implies that the marriage license doesn't license you and your spouse to be married – God did that – instead, the license may authorize a "corporate" priest to perform the ceremony in a corporate church *outside* the church of God.]

By refusing to give their spiritual blessings and that of God, the clergy are in fact in violation of "the Establishment

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I have fought for years against the **Ungodly** who, today, almost totally control America. Because I've fought corruption, our government has charged me with several felony indictments in a U.S. District Court. I, and others, believe these charges were filed to shut me up.

It's time for us to reclaim God's country — which He ordained for us — and live under God's laws and not man's laws. God's warnings are coming to pass; they are being fulfilled every day. This is our last chance to stand up for God before God's second and final coming.

My most precious possession is my soul that God gave me. If we sacrifice our souls to survive in this world, on judgement day, God states, "**He will know us not**".

The cost for my upcoming court trial will exceed \$100,000. As one of God's children, I am asking for any donations you can afford to send to me, to offset the cost of my upcoming trial and defense.

Let us all join together and create a united house and fight God's unholy evil enemies. We will then be blessed by our God. God bless all who have eyes to see and ears to hear. To paraphrase Patrick Henry, "give me God's liberty or give me death".

Celeste C. Leone

POB 475 Riverside, Connecticut 06878-0475

Clause is violated by a delegation of governmental decision making to churches”

[Nope. That might be true if a clergyman in *God's* church refused to perform the marriage without a license. However, corporate “clergy” can probably grant only government benefits (not spiritual blessings) and are thus incapable of refusing to grant that which they do not already possess.]

Walz v. Tax Comm'n, 397 U.S. 664, 694-97 (1970) (Justice Harlan concurring). “The general principle deducible from the First Amendment and all that has been said by the Court is this: that we will not tolerate either governmentally established religion or governmental interference with religion.

[Exactly. Regardless whether you choose to be married in a Church of Satan or a government-sanctioned corporate “church,” the government is ab-

solutely prevented from commenting, interfering, or warning you that your choice may create possible adverse consequences. The prohibition against government “interference” allows government to silently exploit our ignorance.]

See *Rosenberger v. Rector and Visitors of Univ. of Va.*, 515 U. S. __, __ (1995) (slip op., at 4-14) (Souter, J., dissenting); see also *id.*, at __ (slip op., at 5) (O'Connor, J., concurring).

“The *rule* expresses the hard lesson learned over and over again in the American past and in the experiences of the countries from which we have come, that religions supported by governments *are compromised* just as surely as the religious freedom of dissenters is burdened when the government supports religion. . . . When the government favors a particular religion or sect, the disadvantage to all others is obvious, but even the

favored religion may fear being ‘taint[ed] . . . with corrosive secularism.’ The favored religion may be compromised as political figures reshape the religion’s beliefs for their own purposes; it may be reformed as government largesse brings government regulation.”

[At first reading, this excerpt reads like a simple aside, a superfluous “observation” gratuitously included in the case. However, this “aside” can also be read as an absolute statement of government quid pro quo power. Read closely, the Supreme Court is telling us that it’s a hard “rule” that churches which ask for and receive government “largesse” (benefits like incorporation or tax deductions for church donations) must also accept having their faith “compromised” by the government that provides their support. Apparently, this hard “rule” applies to both churches and to “dissenters” who are known members of those corporate churches.

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If no man can serve two masters, it follows that neither can any church. If so, I can't imagine any theological argument to suggest that once a church incorporates or otherwise seeks state benefits (and thereby accepts the state's control) that God will stick around as "co-master" of the church. Once a church incorporates (or otherwise becomes an "agent of the state"), you can kiss your God goodbye. He will not appear in that corporate church nor bless that corporation's activities or members.]

Petitioner Weinstein concludes by seeking an annulment of the marriage license/contract and any involvement of the government/s as a third party in his marriage. He also demands to be released from bondage or servitude to all parties to the previous marriage – including government.

He also seeks a "remedial decree," which the Supreme Court has said,

"must closely fit the constitutional violation; it must be shaped to place persons unconstitutionally denied an opportunity or advantage in the position they would have occupied in the absence of [discrimination]." See *Milliken v. Bradley*, 433 U.S. 267, 280 (1977).

Barry Weinstein, 11-22-99
532 La Guardia PL. Ste. 584
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If it seems like I'm picking on Mr. Weinstein's work with all my "analysis," I'm not. I disagree with some of his fundamental assumptions, but I could be wrong. In any case, no matter which of us more closely understands this issue, I doubt that either of us understands it perfectly.

However, together (and with

my readers' help) we may soon understand modern marriage more clearly. (If I could only say the same about women.)

Nevertheless, Barry Weinstein has opened an extraordinary arena of law to constitutionalist research and dialogue. His achievement is remarkable.

¹ Incidentally, I heard years ago that the IRS keeps track of church membership. If you join a church and/or contribute to that church, government adds your name to a list.

I don't know if the alleged tracking of church membership truly takes place, but I can now see why such tracking might be important to government rule over "citizens". This insight applies some of the principles explored in "The Amoral Majority" (*AntiShyster* Vol. 9 No. 3). If you're not familiar with that article, the following comments on "morality" might not make much sense.

Simply put, if you're stupid enough to join a *corporate* church (a quasi-governmental agency, not a church of God), then you are obviously amoral and unfit to be free. If you don't care enough about your own immortal soul and your personal salvation to thoroughly investigate whatever church you join or support, you obviously don't understand the difference between right and wrong; you are obviously amoral and government must therefore look after you just it does any other incompetent, juvenile or person determined to be "legally insane" (unable to tell the difference between right and wrong).

I don't know if the IRS actually tracks membership and contributions to *corporate* churches, but if they did, it might make sense if such membership and contributions provided prima facie evidence of your amoral nature and thereby justify government treating you like an incompetent subject rather than a sovereign.

What's in a name?

This column is "hipshot"; an offhand remark that doesn't really fit anywhere else, so I just slipped it in here.

I was nosing around the official website for the "Secretary of State of Texas" when I noticed a grammatical ambiguity.

Technically, if the "State of Texas" is the proper name for a corporate state government, we should expect the "Secretary of State" of that corporate entity to be properly designated as "Secretary of State of the State of Texas". Instead, we find a confusing title called "Secretary of State of Texas".

See the ambiguity?

Does the title "Secretary of State of Texas" identify the corporation "Secretary" for the (corporate) "State of Texas"?

Or does that title identify the constitutional "Secretary of State" for the de jure State of the Union called "Texas"?

Depending on how you parse the terms of that title, you might be talking to an employee of the corporate state or an officer of the de jure State. And, in theory, it could be the same individual in either case – speaking sometimes in his corporate capacity and sometimes in his constitutional capacity.

This kind of duplicity would allow said "Secretary"/"Secretary of State" to serve as a kind of "switching mechanism".

If you unwittingly invoked his capacity as corporation "Secretary" for the corporate "STATE OF TEXAS," you, your issue and your case would fall under the corporation's jurisdiction.

On the other hand, if you could properly address him in his constitutional capacity as "Secretary of State," you, your issue and your case might be subject to the jurisdiction and laws of the State of the Union called "Texas".

Makes you wonder, doesn't it? No? Hmph. . . . well, it sure makes *me* wonder. ■