

1 DECEMBER 19, 1996

4:00 P.M.

2 THE COURT: Miss Martin, do you live at 12906 West
3 Bellfort in Houston?

4 MS. MARTIN: Yes, 23rd Judicial District, 12906
5 West Bellfort, Houston, Fort Bend County, Texas, USA.

6 THE COURT: Then, you are a citizen of Texas. What
7 else do I need to do?

8 MS. MARTIN: Sir?

9 THE COURT: What else do I need to do? You're a
10 citizen of Texas.

11 MS. MARTIN: I'm a citizen -- I'm an original de
12 jure citizen of Texas -- by virtue of my heritage from my
13 ancestors.

14 THE COURT: No, you're a citizen of Texas by virtue
15 of the fact that you are a resident in Texas.

16 MS. MARTIN: I'm not a resident. This is my
17 domicile.

18 THE COURT: Well --

19 MS. MARTIN: Residence temporary.

20 THE COURT: It's all temporary because eventually
21 we go on to an entirely different jurisdiction.

22 You live in Harris County, in Fort Bend
23 County, Texas?

24 MS. MARTIN: That's my place of domicile.

25 THE COURT: So that makes you a Texan.

1 Where were you born?

2 MS. MARTIN: Titus County, Texas.

3 THE COURT: Up in northeast Texas?

4 MS. MARTIN: Uh-huh.

5 THE COURT: So to the extent that that is of any
6 significance, you are a Texan by birth.

7 MS. MARTIN: What I'm trying to determine is that
8 my citizenship derives from my lineage. From that, I'm
9 directly descended from revolutionary soldiers, who were the
10 original --

11 THE COURT: Which revolution?

12 MS. MARTIN: The American Revolution, when we
13 whipped King George. Thomas Norris fought in the
14 revolutionary war and so did --

15 THE COURT: What does that have to do with your
16 Texaness? We were all Mexicans. Well, actually we were
17 Spaniards.

18 MS. MARTIN: Texas was entered into the Union of
19 States on equal footing with the original 13 states.

20 THE COURT: Almost in equal footing.

21 MS. MARTIN: Well, my understanding was the
22 original footing, so equal original footing.

23 THE COURT: We reserve the right to abide by
24 ourself and to fight separate states by the simple decision
25 of the legislature and treaty of annexation.

1 The idea of having five Louisianas sort of
2 boggles the mind. Fortunately, they weren't an independent
3 state at the time that they became a state, they were real
4 estate speculation by Napoleon and Thomas Jefferson. But
5 since 1836 there has arguably been a Texas.

6 MS. MARTIN: Sir, I'm not hearing you very well.

7 THE COURT: Since 1836, arguably, there has been a
8 Texas. Not everybody agrees, and a lot of people don't think
9 it was a good idea. At the time Mr. Norris shot 50 duly
10 authorized officers of the government, people not unlike
11 these gentlemen here, there wasn't a United States of America
12 as a geographical entity operating under a uniform
13 citizenship law.

14 So his combat experience in establishing the
15 United States cannot independently be a ground of citizenship
16 anyway. After all, Kuskishiu, Lafayette and Polaski all were
17 valued soldiers in the Revolution for our side, and they
18 didn't all become Texans, and all of those Germans who came
19 to our side to shoot at Americans, didn't become
20 Pennsylvanians or Englishmen by virtue of combat.

21 So why don't we start with the ratification of
22 the United States Constitution in 1789 and work down from
23 there, as a question of title.

24 MS. MARTIN: Question of title?

25 THE COURT: Well, that's what you're trying to

1 derive your origins from some legal document.

2 MS. MARTIN: Okay. Are we saying that we want to
3 start with Texas or you want to start with South Carolina,
4 with my genealogy, from my ancestors?

5 THE COURT: Well, neither of us was around in
6 1789. That's how I really wanted to start, with Titus
7 County, Texas.

8 MS. MARTIN: Okay, from Titus County, Texas?

9 THE COURT: I don't want to start guessing, but as
10 long as it's been in the last 150, 160 years, you were born
11 into a state that was a member of the United States.

12 MS. MARTIN: I'm not questioning that I'm a Texan
13 at all. In fact, my ancestors -- I have ancestors that were
14 here when Texas was a republic, and I have a land patent and
15 the genealogy on certified government documents to prove
16 beyond a doubt that I'm their posterity.

17 THE COURT: Well, but, see, the American
18 Constitution, in fact, the American experience, which goes
19 back at least to the Declaration, if not by much earlier,
20 although with some notable failures, addressed people as
21 individuals and not as lineages. That's one of our
22 contributions to civilization, that it didn't bother the
23 president or the Senate that my ancestors in Virginia fought
24 for the crown and then had to move to Nova Scotia because the
25 neighborhood was going downhill, neither did my grandparents'

1 generation on that side return to this country, realizing
2 their mistake, were slow to segregate generations. We
3 figured out some of these things.

4 My status in America in 1996 has nothing to do
5 with the status of my parents, grandparents, my great --
6 well, parents may be too much because if you're born abroad
7 an American citizen, we treat that as if you were born here,
8 so parents -- as far as Houston.

9 So whether you are a Texan or not doesn't have
10 anything to do with your great, great grandfather, it has to
11 do with you. People treat me as the kind of person I am, not
12 the kind of person my grandfather was. I might be better
13 off. They were both fine people.

14 MS. MARTIN: I'm questioning how do you define
15 "person"? See, this is where the issue is, the controversy
16 is.

17 THE COURT: If I go poke you, you'll say ouch. And
18 your mother certainly thought that she completed her work
19 when you were born in Titus County.

20 How do you want me to figure out whether
21 you're a person or not?

22 MS. MARTIN: Well, it depends on how you define a
23 person. I mean, a person, as per 14th Amendment is that
24 was -- that is 14th Amendment, citizenship that was granted
25 by Congress. I'm saying my citizenship was not granted by

1 Congress.

2 THE COURT: No, the 14th Amendment was proposed by
3 Congress and was ratified by the people of the states and
4 as --

5 MS. MARTIN: The 14th Amendment?

6 THE COURT: 14th Amendment.

7 MS. MARTIN: Wasn't that when the South was under
8 marshal law when it was passed?

9 THE COURT: It was when those people who had
10 committed armed treason against the United States were being
11 prevented from continuing their armed treason. The states
12 never left. Significant numbers with the population of those
13 states never wanted to leave. Being a good Texan, you'll
14 recall that Sam Houston was deposed as the governor of Texas
15 because he declined to take the oath of loyalty to the
16 Confederacy on the grounds that he was an American and had
17 already taken that oath.

18 So, it was -- the 14th Amendment was ratified
19 while there were Union troops in the Union.

20 There are 1,750,000 Union troops in the Union
21 now, and 250,000 of them are spread all over the world. I
22 don't know what difference that makes to James Madison's
23 amendment, which was adopted last year or the year before. I
24 remember the one about congressional failures, he proposed in
25 1791, and they got around to ratifying it two years ago that

1 says Congress can't raise their own pay. They won't even
2 raise the pay of the next Congress.

3 That must be 26 -- no, 27. I don't understand
4 what the presence of Americans in America, whether in uniform
5 or not, has to do with whether or not there is a 14th
6 Amendment.

7 But before the passage of the 14th Amendment,
8 Miss Martin, how would we tell whether you were a citizen or
9 not?

10 MS. MARTIN: You could tell because I was born in
11 these United States, and my ancestors were citizens and they
12 were the original citizens that were descended to posterity.

13 THE COURT: Both your parents were citizens, and
14 you were born in the United States. That gave you double
15 citizenship.

16 MS. MARTIN: I was born in Texas. Well, see, I was
17 born in Texas, and by virtue of my Texas citizenship made me
18 a citizenship, a citizen of these United States.

19 THE COURT: It works the other way around.

20 MS. MARTIN: Not the United States District of
21 Columbia, U.S.

22 THE COURT: Works the other way around. By virtue
23 of being born in the United States, you get to be a citizen
24 of Texas. You can move here from Saskatchewan and live in
25 Texas, but that doesn't make you a citizen of the United

1 States. It doesn't make you a citizen of Texas. You're just
2 here.

3 It is not the residence. Some people think we
4 have a whole bunch of people living around the country who
5 were not citizens in either place.

6 Having been born in the United States makes
7 you an American. As an American, wherever you live in the
8 United States, you are a citizen of that regional government.

9 MS. MARTIN: Your Honor, the issue that I'm making,
10 or that I'm -- the citizens that were state citizens for the
11 14th Amendment, okay, when the 14th Amendment was passed, all
12 right, did that take away -- did that take away the
13 inalienable rights of the state citizens? Because in the
14 Constitution it speaks of inalienable rights. If they were
15 sent to preserve to secure the blessings of liberty to
16 ourselves and our posterity, and then it goes down to the --

17 THE COURT: Inalienable rights is in the
18 Declaration of Independence.

19 MS. MARTIN: Okay. Well, the inalienable rights,
20 all right, the 14th Amendment granted equal rights to people
21 that had no rights, but those were rights that were granted
22 by Congress, all right?

23 THE COURT: No, the 14th Amendment made it
24 perfectly clear that they meant for full citizenships to be
25 granted to those who had been, because of the court insanity,

1 treated as if they were not citizens and to reaffirm the
2 equality of all citizens among all governments. And I'll
3 spare you my sermon on the nonslavery bases for the 14th
4 Amendment. But the short form is, 1787 it appears we were a
5 central government, because all of the apparent oppressors
6 were local agents through national government at that time.
7 So nobody thought to put a prohibition on all these misdeeds
8 on state and local governments.

9 And by the time the Civil War had ended, it
10 was perfectly clear that Cuyahoga County, Ohio was just as
11 capable of oppression as King George. And so, they said,
12 look, all of government has got to treat people right,
13 equal. So, it's not by accident that the 13th refers to
14 slavery and the 15th refers to slavery and the 14th doesn't.

15 The draftsmen in Congress and the ratifying
16 conventions knew the difference between people in previous
17 conditions to servitude and all persons. Even some
18 government lawyer from Washington probably knows the
19 difference between those. And they were carefully chosen,
20 and there's a lot of accidental language with the possible
21 exception of prohibition in the Constitution.

22 And I don't understand when South Carolina
23 joined the Union, it, as a political entity, seeded
24 considerable authority to the national government. So the
25 people of South Carolina gained considerable protection of

1 their liberties. I don't see where there is any problem
2 about inalienable rights with the exception of South
3 Carolina.

4 MS. MARTIN: They were very fearful of a government
5 becoming a tyranny government. That's why they were so --
6 that's why they fought so hard against King George, and they
7 granted -- they put in there that all power is not
8 specifically granted to government were reserved to the
9 states and to the people, and the people were the states.
10 The people made up the states. Without people there is no
11 states.

12 THE COURT: Actually, this is -- it starts out,
13 "We, the people." Doesn't start out, "We, the states."

14 MS. MARTIN: No, "We, the people" --

15 THE COURT: States are important, but they're not
16 sovereign.

17 MS. MARTIN: "We, the people" are the original --
18 it says sovereignty originated with the people.

19 THE COURT: We are sovereign.

20 MS. MARTIN: That remains with the people.

21 THE COURT: James Madison -- no, Monroe wrote a
22 book, after his retirement as president, that people were
23 sovereign. It doesn't say anything in this book about the
24 government being sovereign.

25 And, of course, there are two uses of

1 sovereignty. One is in political philosophy, in the sense
2 we're using it now, and the other is in the terms of
3 international law, which has to do with capability of
4 entering into binding treaties, which is certainly relevant
5 among the states of the Union.

6 So, I think I'm missing the point. Besides,
7 you're not a South Carolinian. Not that we would hold you
8 responsible for something you're not.

9 MS. MARTIN: Well, the people -- the people that
10 settled in Texas were from the other states. They were all
11 Anglo-Saxons, or they basically were.

12 THE COURT: You would have a hard time explaining
13 that to Lorenzos and De Zeladas and --

14 MS. MARTIN: Well, I won't say -- I'm sorry,
15 European -- they were basically people that -- the president
16 of Mexico, when he attempted to be settled, he enticed
17 people --

18 THE COURT: Until March 2nd, 1836, we were all
19 Mexican.

20 MS. MARTIN: I was a Mexican, but a Mexican is from
21 Europe. I mean, Mexicans are European.

22 THE COURT: I thought they were Central Americans.

23 MS. MARTIN: And the people that were citizens of
24 the Union of States, they were European. And when they won
25 the war with King George, well, then, King George lost his

1 sovereignty. He lost his liberal rights and everything else,
2 and there was no government.

3 And then when the people established -- the
4 government didn't create the people. The people created the
5 government, but they gave the government very limited
6 authority, and everything that wasn't specifically spelled
7 out in organic constitution remained with the people.

8 THE COURT: But they did -- it does it spell out --

9 MS. MARTIN: In the Yick Wo versus Hopkins --

10 THE COURT: Yick Wo versus Hopkins?

11 MS. MARTIN: Well, I was quoting you some cases.

12 THE COURT: That's my favorite case. The 1880s San
13 Francisco laundry case. Long before anybody ever started
14 talking about suspect classifications, Justice Bradley, I
15 think wrote it, he talked about all governments, including
16 the San Francisco Laundry Board, had to treat people as
17 individuals. We didn't have to wait another 50 years to come
18 up with suspect classifications.

19 But I'm at a loss of what you want me to do to
20 you. You're a Texan. Sorry. You can cure that by moving to
21 Minnesota. Your birth certificate may follow you and be used
22 against you, but I don't know what else we can do about that.

23 MS. MARTIN: All I'm asking is -- I haven't asked
24 for any money, anything like that -- all I'm asking for is
25 that the powers that, with the government to acknowledge my

1 status of citizenship as being that of de jure, which is the
2 original citizens that were here, not the citizenship that
3 was granted via the 14th Amendment.

4 And the 14th Amendment didn't give me
5 anything. The 14th Amendment was to give citizenship to
6 people who didn't have it. It didn't give me anything.

7 THE COURT: It doesn't give anything. It protects
8 what you already have.

9 MS. MARTIN: But I didn't need protecting, and how
10 can --

11 THE COURT: Well, I would disagree with you, having
12 watched the government for 55 years now, I think we need all
13 the protection we can get.

14 MS. MARTIN: Well, my rights were inalienable which
15 couldn't be --

16 THE COURT: Which rights? Wait a minute, which
17 rights?

18 MS. MARTIN: My rights, my God given rights.

19 THE COURT: I want to know what right you think
20 somebody took away. More specifically, these guys' client,
21 which is the government of the United States, what did the
22 government do? It's not America as an abstraction, which is
23 a wonderful thing, but all the little bureaucrats in there
24 and their clean, nice shape, that's what they represent.

25 They don't represent our country. They represent the

1 government. What did that client do blatantly that took away
2 any right of yours?

3 MS. MARTIN: Okay. They are, like I said, they're
4 determined to force upon me de facto citizen, stated on 14th
5 Amendment, which the government created the 14th Amendment,
6 they gave that citizenship --

7 THE COURT: People created the 14th Amendment. The
8 government didn't do it.

9 MS. MARTIN: Anyway --

10 THE COURT: One of those crazy people up there in
11 some bureau who didn't give me the 14th Amendment.

12 MS. MARTIN: And the definitions of the 14th
13 Amendment refers to persons. When you read in the Black's
14 Law Dictionary, a person in all of the statutes, just about,
15 or you read the statute to determine who the statute applies
16 to, and when you read the definition of who it applies to, if
17 it's a person, individual, whatever, and it says in the
18 Black's Law Dictionary, persons, in general usage, a human
19 being, i.e. natural person, though by statute term may
20 include the labor, organization, partnership, that's
21 commerce.

22 Okay. Next paragraph --

23 THE COURT: Well, the first time I see a labor
24 union born or naturalized in the United States, I'm going to
25 worry about the 14th Amendment.

1 MS. MARTIN: Well, it says down here, scope and
2 delineation of term is necessary for determining those within
3 14th Amendment of Constitution affords protection --

4 THE COURT: You were born in the United States. So
5 you are a United States citizen. You reside in Texas, so
6 you're a Texan.

7 MS. MARTIN: Their term, United States citizen, is
8 the 14th Amendment, corporate U.S. citizen.

9 THE COURT: What do you think George Washington
10 was?

11 MS. MARTIN: George Washington, I don't think
12 called himself a U.S. citizen.

13 THE COURT: I cannot quote to you when he did it,
14 but at any point after 1789, I would have been surprised if
15 George Washington did not always call himself --

16 MS. MARTIN: Excuse me, pardon me. You don't mind
17 if I take a Tic-Tac. I have asthma, and I have a very dry
18 mouth sometimes.

19 THE COURT: Is there no water in that pitcher?

20 MS. MARTIN: I don't know. When you take
21 medication, it dries you out.

22 Yes, there is. Thanks very much. Okay.

23 THE COURT: Well, I know Abraham Lincoln thought he
24 was an American; James Madison thought he was an American
25 citizen. Some of them thought they were Americans before the

1 Constitution.

2 Actually, I got in an argument over my thesis
3 because over the last statement of my thesis was the concept
4 of America antedated the Constitution considerably, because I
5 had to prove my thoughts with footnotes, as nerds do. They
6 didn't say that if you're going to be president, you have to
7 be born in America. We all know that George Washington was
8 born in a British colony. Don't we all know that?

9 MS. MARTIN: I'm sorry, what did you say?

10 THE COURT: He was born in a British colony, in
11 America.

12 MS. MARTIN: Then he became the first president.

13 THE COURT: But Paragraph 5 of Section 1 of Article
14 2 says: No person, except a natural born citizen or a citizen
15 of the United States at the time of the adoption of the
16 Constitution, shall be eligible to be president.

17 Certainly, George wouldn't have committed a
18 fraud, being president twice, but he actually was president
19 of the constitutional convention.

20 MS. MARTIN: And he refused to be King. Wasn't
21 there a movement -- he said there will be no more kings in
22 this country. It was my understanding, see, that all of the
23 people here, when you read the earlier cases, like ^{Twining} ~~Twang~~
24 versus The State of New Jersey, it says that state
25 citizens -- that governments were instituted and established

1 to protect those rights of those state citizens. That ~~was~~
2 left untouched by the 14th Amendment. And then when we have
3 Congress --

4 THE COURT: Well, that's a statement which needs to
5 be serious to qualify. American governments are instituted
6 for the protection of people and their rights, and that
7 limited the American government. I don't think most
8 governments make any, even pretense in instituting themselves
9 for the benefit of the citizens except very derivatively.
10 But that general language, claim, doesn't say anything about
11 the relation between you and the two principal governments to
12 which you relate to, and that is, the State where you live
13 and the country where you were born.

14 You don't need the 14th Amendment to be an
15 American, and nobody would have thought somebody born in the
16 United States, which is part of America, wasn't also a
17 citizen of that state.

18 The trouble is that the government, the
19 current two million civilian employees of the executive
20 branch of government has not done anything lately to mess
21 with your citizenship of either, but may have a large
22 bureaucracy that deals with people they believe may not be
23 really Americans or shouldn't be really Americans, but the
24 INS has taken no action against you. The Interior Department
25 has taken no action against you. The Food And Drug

1 Administration, based on citizenship -- they may have injured
2 everybody in some other way.

3 In the last two years what has the government
4 done to you because it thought you weren't really a Texan?

5 MS. MARTIN: The government is classifying me as a
6 person, under the 14th Amendment, that was created by
7 Congress; and Congress was given exclusive jurisdiction that
8 they could legislate over the ten-mile area of Washington,
9 D.C., and all of the areas, but not the states, okay.

10 Now, I'm talking about all those citizens of
11 Washington, D.C., of its District of Columbia can't even
12 vote, but they pay taxes.

13 THE COURT: They should not be allowed to vote.

14 MS. MARTIN: Well, they can't vote --

15 THE COURT: Good.

16 MS. MARTIN: -- because they're not a citizen of
17 the state.

18 THE COURT: Well, there is also some logic to --

19 MS. MARTIN: But they pay taxes.

20 THE COURT: -- not allowing the seat of government
21 to influence the policies they're hired to carry out. It's
22 the fox in the chickenhouse or something like that. There is
23 no problem with them not being -- you are not a citizen of
24 the District of Columbia, you can't complain about that.

25 MS. MARTIN: Well, I know. What I'm pointing out

1 is the differences between citizenship, of the citizenships.
2 That is, what Congress gives, Congress can take away. And
3 Congress gave the 14th Amendment citizenship.

4 THE COURT: No, ma'am, you got to quit saying
5 that. Congress drafted and proposed, under Article 5 of the
6 Constitution, an amendment, which was ratified by the people
7 through three quarters of the states, but the government and
8 Congress did not give us the 14th Amendment.

9 MS. MARTIN: Sir --

10 THE COURT: It also says in here that Congress has
11 the authority to establish a uniform rule of naturalization.
12 Article 1, Section 8. So I guess if they wanted to say that
13 all Texans were naturalized Americans, they could do it, but
14 they haven't. These gentlemen represent a client who seems
15 to be preoccupied with annoying other people. I don't see
16 why you're bothering them. They don't seem to be bothering
17 you.

18 MS. MARTIN: What about -- what right do they
19 have, like, making me commerce? I have a certificate here
20 that was sent to my parents --

21 See, I'm just -- I didn't know -- I'm a
22 product of public school system.

23 THE COURT: I am, too.

24 MS. MARTIN: Okay. Now, in the public school
25 system, we are not taught that there is a difference in

1 meanings of words. Like, we were taught a person is a human
2 being, okay?

3 THE COURT: We're not denying you are actually a
4 human being.

5 MS. MARTIN: Well, that's what I'm trying to get
6 to, though. In Black's Law --

7 THE COURT: Well, no, Black's Law Dictionary,
8 actually, is not Congress.

9 MS. MARTIN: Well, it's not Congress, but I'm just
10 saying --

11 THE COURT: Although it is badly written as many of
12 these things --

13 MS. MARTIN: That's the person -- the definitions
14 they use are not the definitions that we are taught in
15 school. We are taught like Webster's dictionary, a person,
16 Webster's dictionary of --

17 THE COURT: You know, James Madison managed to
18 write the text of the Constitution without Black's or
19 Webster's and did an awfully good job at it.

20 So, I don't care what Webster, who came along
21 70 years later, thought Madison meant. I really don't care
22 what Black meant.

23 MS. MARTIN: Well, he published his first
24 dictionary 1828.

25 THE COURT: Okay. The fact is --

1 MS. MARTIN: But did that grant -- did they have
2 the right to -- I have -- see, I'm just now learning about
3 all of this, but this is something that's always bothered me,
4 and this is from the United States of America Department of
5 Commerce Bureau of Census, notification of birth
6 registration, and this is from the Department of Commerce to
7 my parents telling them that I've been born, and they thought
8 it was my birth certificate --

9 THE COURT: Did that come as a surprise to them?

10 MS. MARTIN: Sir?

11 THE COURT: Did that come as a surprise to them?

12 MS. MARTIN: No, but it -- I'm not commerce. What
13 is the Department of Commerce doing with my -- issuing a
14 thing to my parents acknowledging my birth and making my
15 birth -- my parents think it's a birth certificate. And they
16 even --

17 THE COURT: I've got no idea.

18 MS. MARTIN: Well, that's what I'm saying --

19 THE COURT: If you want to chalk that up, if you
20 want to chalk that up to waste, you win. You know, and there
21 may have been a commerce department official who thought
22 maybe Texas really shouldn't be part of the Union, but
23 counselor offices normally issue birth certificates for
24 out-of-country versus Americans, but I don't know, I could
25 sit here and go on to midnight just by memory of stupid and

1 wasteful things the government has done, but I suspect they
2 did that more than two years ago.

3 MS. MARTIN: Well, in the past two years, let me
4 ask you this --

5 THE COURT: Well, my point is that we have a rule
6 that if what they did to you hadn't bothered you enough to
7 sue in two years, you can't sue.

8 MS. MARTIN: Because I didn't know any better. I
9 hadn't learned. We are not taught, we are not really taught
10 the Constitution in public schools.

11 THE COURT: It's readily available. In fact, I'll
12 give you my copy.

13 MS. MARTIN: Well, I have a copy now, as I have
14 gotten older.

15 THE COURT: This one is handy. You can carry it
16 with you. I have a whole stack of them. I even have it in
17 Spanish.

18 MS. MARTIN: As I've grown older, I have realized
19 that I haven't -- I wasn't taught. You know, I really wasn't
20 taught, okay, and now I am studying and I am learning.

21 THE COURT: But that's your job.

22 MS. MARTIN: I know it is.

23 THE COURT: Once you become a citizen, it's your
24 affirmative duty to watch what these guys' client does and
25 make sure they stay within the rules written in the

1 Constitution.

2 MS. MARTIN: What about -- like, again, it goes
3 back to their definitions of "person" and "individual" --

4 THE COURT: I think you're a person.

5 MS. MARTIN: In the National Homeopathic Hospital
6 Association versus Britain states that when a statute defines
7 a term, well, then, whatever -- any common ordinary
8 dictionary says or common ordinary man --

9 THE COURT: Did you have any problem last month --

10 MS. MARTIN: -- establishes that -- the definition
11 according --

12 THE COURT: Did you have any problem last month
13 with having the Homeopathic Hospital Association --

14 MS. MARTIN: I'm citing cases.

15 THE COURT: -- vote instead of you? Well, I know,
16 but cases are about a particular controversy. Only by
17 analogy are they persuasive, and nothing has happened to you
18 because they say that a labor union can be a person for some
19 status. Congress, in its manifold insanities, has never said
20 a labor union can be president because it was born naturally
21 in the United States.

22 You complain here because Mr. Meyers keeps
23 calling you a tax protestor. Ma'am, I wouldn't complain
24 about that. I think that's a compliment. I'm a tax
25 protestor. The only thing wrong with this country is there's

1 not about a hundred million more of us.

2 MS. MARTIN: It's a very dangerous thing now,
3 though, because people do -- you know, if they don't pay
4 their taxes, they can go --

5 THE COURT: I pay my taxes.

6 MS. MARTIN: Well, now --

7 THE COURT: I just protest it all the way. I
8 scream and kick.

9 MS. MARTIN: You're not supposed to file something
10 unless you've checked it out to reasonably --

11 THE COURT: Every time he calls you a tax
12 protestor, you call him a bureaucrat, and you'll be even,
13 because he is --

14 MS. MARTIN: Well, he didn't actually do it.

15 THE COURT: Well, whoever on their -- on its side
16 did.

17 MS. MARTIN: But what about that they will not
18 recognize, under the Section 122.32 of Postal Code says a zip
19 code is voluntary. Well, the government possibly -- I mean,
20 all branches of government, are determined to force their
21 viewpoint on me, forcing me -- okay, now, I choose not to
22 have a zip code. That's my right not to have a zip code.
23 Okay?

24 Well, then, well, then this very court
25 proceedings here, I have to come down to the courthouse and

1 to check with district clerks about once a week to find out
2 what's been filed against me, because they will not mail me
3 what they have filed without a zip code.

4 THE COURT: Look, now, counsel for the government
5 may deposit, but whether that department actually delivers it
6 is an entirely different question. If they put all nine
7 digits of the zip code on there, there is still some doubt
8 whether the postal service will deliver it.

9 MS. MARTIN: No, the postal service delivers my
10 mail to the 23rd Judicial District, 12906 West Bellfort,
11 Houston, Fort Bend County, Texas, USA, with no problem.

12 THE COURT: What's the 23rd Judicial District?

13 MS. MARTIN: Well, that's the original judicial
14 district that Texas was divided into. And do not I, as -- I
15 mean, since the people created the government, how do we have
16 a government then telling the people what they're going to
17 accept and what they're not going to accept.

18 THE COURT: Texas has a great judicial system. The
19 district judges would get together every once in a while and
20 be the court, the Supreme Court, and then they'd meet, then
21 they'd go back to being district judges eliminating the need
22 for all these superfluous people. I think we ought to adopt
23 that nationally. I can go to Washington once a month,
24 straighten things out and just come back.

25 MS. MARTIN: But, see, my point with that is I am a

1 citizen of the State of Texas by virtue of my birthright.
2 I'm not a citizen of the regions, and I see it as a way of
3 breaking down the state's boundaries, not with these
4 gentlemen, you know, but they are part of the system. I
5 mean, I did not file suit against them individually.

6 THE COURT: No, I know. They're representing it.
7 But every time you sue it, some human being has got to show
8 up.

9 MS. MARTIN: Well --

10 THE COURT: But the problem is here, there is no
11 genuine controversy. There is, what I would call, abstract
12 political discussion. And Article 3, Section 2, I think,
13 limits the authority of this institution. Section 2 -- did I
14 say, Article 3, Section 2 -- two cases and controversies, and
15 the case is not a stack of paper. I've got that.

16 A controversy is a genuine dispute over some
17 real world situation directly affecting the parties who are
18 here before me about which I have some hope of dealing with
19 effectively.

20 This is not the case here. Your dispute is
21 that you wish the government would behave differently in a
22 policy sense, and I'm not taking the "it's a political
23 question dodge." If the Constitution says that they must do
24 something, it is this Court's position they must do it.
25 There is no such thing as a political question.

1 If it says the president has got to be 35, he
2 has to be 35. It's real simple. It's not a political
3 question. They're all political questions. If we don't
4 enforce the president has to be 35, there is no need to
5 require that the legislation be passed by both houses or that
6 the president not legislate himself. But at the moment,
7 there appears to be no genuine controversy that directly
8 affects your economy or liberty. There is simply a wish that
9 political economy of America might have gone differently a
10 little bit or a lot.

11 MS. MARTIN: Sir, what about -- what about Title 42
12 of Section 11.01(a), Social Security says that it is a fund
13 that was supposed to be for old people, and it's supposed to
14 be voluntary, but yet it's forced upon you because you can't
15 hardly get a job without a Social Security card. But yet my
16 grandfather didn't have a Social Security card.

17 THE COURT: He didn't get his Social Security
18 either.

19 MS. MARTIN: No. He didn't want Social
20 Security. I didn't want a Social Security card.

21 THE COURT: It's a tax, ma'am.

22 MS. MARTIN: It's made to where you are forced to
23 have a number, which is a -- hey, I'm -- *mark of the beast* a *Christian*

24 THE COURT: No question about it.

25 MS. MARTIN: I believe in -- *Christ* I really believe we're

the monkey the beast

1 not supposed to take all of these numbers, and it's --

2 THE COURT: You've got to have a number, and you've
3 got to pay your taxes. Social Security is not an insurance
4 contribution, as the act says. It is a tax.

5 MS. MARTIN: I have a letter from Social Security
6 that says it's voluntary.

7 THE COURT: That's another lying bureaucrat. The
8 problem is, it didn't cost you anything.

9 MS. MARTIN: So where do you get redress of
10 grievances, then?

11 THE COURT: But your grievance, if you'll pardon
12 the harshness of this, is a political whining and not a
13 direct controversy. Nobody is asking you for more than 7.62
14 percent or whatever it is. Your social security obligations
15 are met by paying the payroll tax.

16 MS. MARTIN: Okay.

17 THE COURT: If you've done that, you don't have a
18 controversy with them. What's your controversy with Social
19 Security? You don't like numbers? I don't like numbers.

20 MS. MARTIN: Well, my controversy is it's forced on
21 me, and it's supposed to be voluntary. It's forced on me.

22 THE COURT: It's not supposed to be voluntary,
23 ma'am. It's a tax. I've actually ruled and published it.
24 It's nothing but a tax. It's not a trust; it's not
25 insurance; it's a tax.

1 MS. MARTIN: Well, where does it say "policy"? Is
2 there a policy? Insurances have policies. Where is the
3 policy?

4 THE COURT: The policy is in the statute that
5 defines who gets how many benefits under the welfare program
6 that is, theoretically, funded by the tax. It's as -- it's
7 no different than any 20 cents you want to take out of any
8 dollar of your income tax.

9 MS. MARTIN: Well, I have a letter here from Social
10 Security that says it's voluntary participation.

11 THE COURT: It is. It's voluntary on the
12 withdrawal end. It is not voluntary on the contribution
13 end. If you don't want to get your social security benefits,
14 they're not going to force you to take it.

15 MS. MARTIN: The IRS doesn't issue a number, how do
16 they --

17 THE COURT: They have -- actually, they wrote me
18 last week and asked to make sure I had the right number.

19 MS. MARTIN: The IRS uses social security numbers.

20 THE COURT: Well --

21 MS. MARTIN: Which is supposed to be voluntary.
22 Social security says you're not -- you don't have to take a
23 number.

24 THE COURT: No. You don't have to take the
25 benefits. You have to pay the taxes.

1 MS. MARTIN: But you have to -- the IRS --

2 THE COURT: And you can't pay the taxes --

3 MS. MARTIN: Well, isn't that forcing you to have a
4 number because Social Security --

5 THE COURT: Ma'am, there is no question. They
6 force you to have a number, and if you are male an older --

7 MS. MARTIN: But it's not voluntary.

8 THE COURT: -- you would even have one of those
9 funny numbers that you would have gotten from your draft
10 board. They give you a lot of numbers. You have your
11 drivers license number, phone number. I'm building a new
12 house, but I'm building it at the same zip code, so I won't
13 have to learn a new zip code. I don't like numbers any more
14 than anybody else. It's just not an inalienable right not to
15 use zip codes in your mail.

16 When I was a boy, my dad would get letters
17 addressed to him in Houston. Then I had to start using
18 streets and numbers. That's not worse than the zip code.

19 MS. MARTIN: They would not mail me anything
20 without a zip code.

21 THE COURT: Why is that any worse than having the
22 numbers in front of the street?

23 MS. MARTIN: When it's a law case and they're
24 supposed to notify me and mail me, and they sent it Certified
25 Mail --

1 THE COURT: That's more wasting your money --

2 MS. MARTIN: -- well, that's with the zip code, and
3 they always put a zip code. They're forcing a zip code on
4 me. And it's the government that my ancestors established,
5 it's a created ever greater --

6 THE COURT: But they don't own it. They're
7 responsible to us all. It's a free country, so you're
8 perfectly at liberty to dislike every piece of it. There are
9 some parts of it that are compulsory. Some parts are
10 voluntary. You don't use zip codes, the postal service
11 doesn't deliver your mail very efficiently.

12 MS. MARTIN: I get it just fine.

13 THE COURT: You can use Federal Express, if you
14 don't want to use the postal service at all. That's not an
15 endorsement; that's an example.

16 There is, however, at the moment, no genuine
17 controversy affecting anything other than the complexities of
18 modern life to which the government has made a significant
19 and not entirely pleasant addition, but that's not a case of
20 controversy over which I have a jurisdiction or that we can
21 spend any longer the money of the people out there paying for
22 it.

23 MS. MARTIN: I had filed my case originally in
24 state court, because it is a state citizen issue, and state
25 court has original jurisdiction over state issues, and they

1 removed it to federal court.

2 THE COURT: Well, ma'am, even though I got them
3 from public institutions, I have two law degrees, and they
4 were correct to remove it. They didn't have to, but they had
5 a lawful opportunity. They chose to exercise that
6 opportunity, just as you could file it in state court, they
7 can remove it.

8 But I've got to go on to the next case. So
9 I'm going to dismiss this case for failing to state the cause
10 of action.

11 Anything else, Counsel?

12 MR. MEYER: No, Your Honor.

13 THE COURT: Anything else, Ms. Martin?

14 MS. MARTIN: Is this with prejudices or without
15 prejudices?

16 THE COURT: Dismissal. I am not at liberty to
17 practice law for you, but I will hint that a dismissal for
18 failure to state cause of action is preclusive of that.

19 MS. MARTIN: Well, what I'm trying to get at is
20 whether or not I will refile in state court or whether or not
21 I --

22 THE COURT: If you refile it in state court, they
23 will remove it again res adjudicata, and probably move for
24 sanctions.

25 All right. Thank you, Counsel.

1 MR. MEYER: Judge, may I inquire, do you want three
2 separate orders of dismissal or one?

3 THE COURT: I'll do them all.

4 MR. MEYER: Pardon?

5 THE COURT: I'll do them all. Thank you.

6 MS. MARTIN: Sir, may I say one thing?

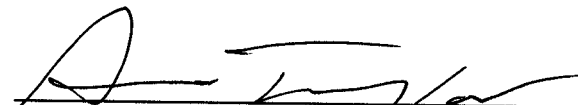
7 THE COURT: No, ma'am. I've got to move on. Thank
8 you.

9 (Proceedings concluded.)

10 C E R T I F I C A T E

11 I certify that the foregoing is a correct transcript
12 from the record of proceedings in the above-entitled matter.

13 4/8/1997

14 
Anne Traylor, CSR, RPR

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