A Case for Treason

A Study and Dissection of the Unconstitutional and Un-American STATE BAR ACT of Texas.

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Unconstitutional on It's Face

The STATE BAR ACT was passed in Texas in 1939. At the time it was passed both houses of the Texas Legislature were entirely within the control of attorneys/lawyers that occupied an overwhelming majority of seats in each house (see ATTACHMENT A). The passing and maintaining of the STATE BAR ACT is a totally unconstitutional act that violates the Texas Constitution. This is equally true of the amendments made to Article 5, Sec. 2 of the Texas Constitution in 1980 that the attorney controlled Texas legislature sought successfully to have adopted.

The basis for the charges of Treason and Sedition that can be made against every judge and attorney in the entire Texas Republic that has ever been a STATE BAR member is as follows:

1. The STATE BAR ACT was created and exists as a STATE created monopoly on the practice of law, which is a direct violation of Texas Constitution Article 1, Section 26:

> Sec. 26. PERPETUITIES AND MONOPOLIES; PRIMOGENITURE OR ENTAILMENTS. Perpetuities and monopolies are contrary to the genius of a free government, and shall never be allowed, nor shall the law of primogeniture or entailments ever be in force in this State.

2. Every attorney/lawyer serving in the legislature in 1939 had a direct vested financial and personal welfare interest in its passing. The official Legislative Journal records show that they ***all*** voted to approve it. This fact proves the existence of an automatic conflict of interest and a violation of specific mandatory prohibitions upon these legislators voting on the Bill for this Act, as it was to directly affect and benefit their specific private professions to the exclusion of all others. There was, and still exists, a constitutional requirement for every member of each house that was a practicing attorney to make known their disqualification from any vote where they could be considered as having a personal or private interest to the legislative house in which they served and to recuse themselves from said vote pursuant Texas Constitution Article 2, Sec. 22 and Article 1, Sec. 29:

> Sec. 22. DISCLOSURE OF PRIVATE INTEREST IN MEASURE OR BILL; NOT TO VOTE. A member who has a personal or private interest in any measure or bill, proposed, or pending before

> the Legislature, **shall disclose the fact to the House, of which he is a member, and shall not vote thereon.**

3. The STATE BAR admits that this point of view is absolutely true and correct. The STATE BAR web site states the following:

> "The State Bar of Texas is an administrative agency of the state's **judicial** branch, and is charged with providing educational programs for the legal profession and the public, administering the mandatory continuing education program for **attorneys** and managing the grievance procedure. The Bar is a unified state bar composed of **62,500** members with total budgeted revenues of more than $26 million dollars per year.
>
> The State Bar of Texas had its beginnings in 1882 with unification coming in 1927. **The State Bar Act was adopted by the Legislature in 1939** and mandated that all attorneys licensed to practice law in Texas **belong** to the State Bar.
>
> ***The State Bar is governed by a board of directors that receive no compensation and are elected by the membership. The Bar includes committees, boards, sections, and divisions that are run by more than 260 full-time employees and 4,500 volunteers, both lawyers and nonlawyers.***"

4. Anyone that is currently outside of the control of the STATE BAR ACT can see where the Act is now being illegally and oppressively used to prevent the assistance of legal counsel to the general public by knowledgeable and competent layman. The Act is being wielded in virtually every area of law despite its strict limitations to only a few specific areas related to such practice, such as:
    a. holding one's self out to be a licensed lawyer when one is not (Penal Code Sec. 38.122); and
    b. acting as representative counsel in order to receive a personal financial benefit when acting in a *civil action* to:
        i. recover personal injury damages (Penal Code Sec. 38.123); or
        ii. broker legal services relating to a suit to recover personal injury damages (Penal Code Sec. 38.123); or
        iii. affect the title to real property (Government Code Sec. 83.001); or
        iv. to effect the release or transfer of a lien (also Government Code Sec. 83.001).

5. The only two penal laws that exist in Texas law regarding either falsely holding oneself out as an attorney or the unauthorized practice of law are found in Penal Code Secs. 38.122 and 38.123 respectively. Even if a person violates the prohibitions in Government Code Sec. 83.001, there is a punitive catch-all in Government Code Sec. 83.006.

6. In fact, when you do a search for the phrase "unauthorized practice of law" across all Texas codes, you get only six "hits":

Search request:

http://www.statutes.legis.state.tx.us/SearchResults.aspx?CP=1&Code=ZZ&Phrase=%22unauthorized+practice+of+law+%22

Search return:

1. GOVERNMENT CODE CHAPTER 81. STATE BAR
2. GOVERNMENT CODE CHAPTER 83. CERTAIN UNAUTHORIZED PRACTICE OF LAW
3. GOVERNMENT CODE CHAPTER 411. DEPARTMENT OF PUBLIC SAFETY OF THE STATE OF TEXAS
4. INSURANCE CODE CHAPTER 4102. PUBLIC INSURANCE ADJUSTERS
5. OCCUPATIONS CODE CHAPTER 1101. REAL ESTATE BROKERS AND SALESPERSONS
6. PENAL CODE CHAPTER 38. OBSTRUCTING GOVERNMENTAL OPERATION

7. However, the STATE BAR wants us all to believe that they are allowed to both investigate, and thus have access to, the criminal history of *anyone* the BAR is accusing of unauthorized practice of law. This too is a lie, as proven by Government Code Sec. 411.1005:

> Sec. 411.1005. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: STATE BAR OF TEXAS.
>
> (a) **The general counsel of the State Bar of Texas is entitled to obtain** from the department **criminal history record information** maintained by the department **that relates to a person who is**:
>
> (1) **a person licensed by the state bar** and **who is the subject of or involved in an investigation** of:
>
> (A) professional misconduct relating to a grievance filed under the disciplinary rules of the state bar; or
>
> (B) barratry, **the unauthorized practice of law**, or falsely holding oneself out as a lawyer, in violation of Section 38.12, 38.122, or 38.123, Penal Code;
>
> (2) **a witness** in any disciplinary action or proceeding conducted by the state bar, the Board of Disciplinary Appeals, or any court; or
>
> (3) **an applicant for reinstatement to practice law**.
>
> (b) Information received by the state bar is confidential and may be disseminated only:
>
> (1) in a disciplinary action or proceeding conducted by the state bar, the Board of Disciplinary Appeals, or any court; or
>
> (2) with the consent of the person who is the subject of the criminal history record information.

(c) The state bar shall destroy criminal history record information obtained under this section promptly after a final determination is made in the matter for which the information was obtained.

8. As you can plainly see, the STATE BAR'S only authority to access individual's criminal history record under the authority of Sec. 411.005(a)(1), (2) and (3) are those who are "**a person licensed by the state bar,**" "**a witness.**" or "**an applicant for reinstatement to practice law** ." There is absolutely no authority given in this chapter to obtain any criminal history information from the Department of Public Safety for the State of Texas ("DPS") on anyone that does not match the specific descriptions codified in this statute. In other words, non-lawyers like you and me. The sole exception is if a normal non-attorney individual is acting as a complaining witness in a matter. The STATE BAR can pull their criminal history to determine of the complainant is a credible person, which they might not be if they were ever convicted of certain kinds of criminal conduct. Which is something that every attorney I have ever met should absolutely be in fear of every single day of their life.

9. The aforementioned Secs. 38.122 and 38.123 are codified under Chapter 38 of the Penal Code, which is aptly titled OBSTRUCTING GOVERNMENTAL OPERATION, thus, further solidifying the assertions made below that the "practice of law" is codified as a GOVERNMENTAL function, not a private sector/industry one.

10. The STATE BAR ACT is being used as an instrument of oppression by lawyers, prosecutors, and judges to deny a constitutionally and statutorily protected right to the assistance of counsel and for the People to actively and meaningfully participate in every department of their government. Do you understand the consequences of declaring that the act of "practicing law" is entirely a ***governmental*** function rather than a private one? Because this is precisely what the STATE BAR ACT does. The STATE BAR ACT itself is codified within the GOVERNMENT CODE, not the OCCUPATIONS CODE. And the Penal Code codifies the crimes of "Holding Oneself Out to be a Lawyer" and "Unauthorized Practice of Law" under the heading of OBSTRUCTING GOVERNMENTAL OPERATION. ***This means that STATE BAR members are the only persons who can hold any office of actual authority within the People's judicial department of government. The only ones!!***

11. The STATE BAR ACT was created, and currently functions, as both a public corporation *and* an "administrative agency of the judicial department of government" pursuant Government Code Sec. 81.011(a) of the STATE BAR ACT. Therefore, we must also ask the following questions:

1) *Since the STATE BAR was created as, and is, an "administrative agency of the judicial department of government," do all of its officers and employees have a subscribed oath of office and anti-bribery statement as required by Texas Constitution Art. 16, Sec. 1?*

2) *As officers, members and/or employees of a state administrative government agency, aren't each of these persons required to have taken and filed these oaths as mandated therein prior to holding and acting under the authority of this public office?*

3) *How is it that this particular government agency and its officers, members and employees have been exempted from the requirements of Texas Constitution Art. 16, Sec. 1?*

4) *If they do not have these required oaths, then, how is it possible for them to exercise any power and authority delegated only to constitutionally valid State actors?*

5) *Why has no member of the legislative or executive department bothered to study this issue of constitutionality and legality before now and done something about it? That is, other than the fact that the majority of them are **also** members of this same office and fraternity themselves and derive multiple private personal and professional benefits and gains by remaining silent on the issue?*

6) *How is it not a violation of the Texas Constitution Art. 2's Division of Powers requirement for a STATE BAR member, who is a judicial department officer by mandate of State statute pursuant Government Code Sec. 81.011(a) of the STATE BAR ACT, to hold an office in and exercise power and authority belonging to a member or office within an entirely different governmental department?*

7) *How can any legal quorum of the legislature have existed and passed any alleged laws since 1939 when it sits in session with members that are participating in the legislative process unconstitutionally and illegally in direct violation of the Texas Constitution's Art. 2 Division of Powers requirement and to the express exclusion of any of the People of Texas who aren't STATE BAR members?*

12. The BAR's administrative oversight is under the direct control of the Supreme Court of Texas, on behalf of the judicial department, pursuant Government Code Sec. 81.011(c) of the STATE BAR ACT.

13. The Texas Constitution does NOT allow for the judicial department to "regulate the practice of law" as is stated in Government Code Sec. 81.011(b) of the STATE BAR ACT. The Texas Constitution, pursuant the absolutely unconstitutional amendments to Art. 5, Secs. **2** & **7**, states only that certain offices within the judicial department may be occupied by those that are "licensed to practice law" "in this State". Those offices are:

a. Chief Justice or Justice of the Supreme Court

b. District Judge

c. Certain members of the State Commission on Judicial Conduct (because they are already licensed as attorneys by the Supreme Court of Texas).

d. There is no provision whatsoever reserving the positions of Municipal Judge, Justice of the Peace, County Judge, County Court At Law Judge, Appellate Court Judge, District Attorney or County Attorney, nor is there any general provision requiring that, in general, the "practice of law" must be licensed by anyone or any agency whatsoever. Only the Texas Legislature has made any actual laws

regarding these official positions and whether a license to practice law is required to fill them. But, as we shall see below, there is no constitutional authority granted to the legislature to do that either, and for very good reason.

e. The problem remains however, that none of the judicial offices that are excluded here by omission have any real power and authority because they are under the direct control of those offices that are specifically enumerated when it comes to an appeal. The district courts can manipulate the case before it reaches the appellate courts, and the Supreme Court or Court of Criminal Appeals can overturn any decision that the courts of appeals may make, no matter how soundly their opinion may be grounded in the constitution or the law. However, this is a moot point as ***all*** of these offices, appellate courts included, are already occupied and controlled solely by those that *are* STATE BAR members, and whose opinions are rarely grounded in fact, logic, law, or the constitutions at all. Their writings show that they prefer instead to rely solely upon their own personal beliefs and understanding about how the law ought to work or how they actually want it to work, regardless of how it is written and reads.

14. There is a huge disparity between the original language and intent of the 1836, 1876, and current Texas Constitution when it comes to the current language of Art. 5, Sec. 2. In the 1836 version of the Republic of Texas Constitution, the judicial article was originally Article 4. When you read through that article you will see that there is no mention of a "license to practice law" or any language limiting the offices created therein to only certain members of society having only certain 'legal' qualifications or licenses. And despite the various iterations that the Texas Constitution has undergone, that language never appeared anywhere in any of them.

15. Also, take a really close look at Sec. 13 of Article 4 in the 1836 Republic of Texas Constitution. Then realize that the alleged joining of the Republic of Texas into the union of several states is responsible for the completely rewritten "State of Texas" Constitution that removed that section. Why? One could easily make the case that it was done so that the new government could more easily remove the People's common law protections against patently unreasonable and unjust criminal allegations and implement their statutory-only *malum prohibitum* 'crimes' and administrative law that they now use to extort revenue from and to control the general public in complete defiance of the common law standard and principles on what is required for an actual crime to exist and be charged against an individual.

16. The language "licensed to practice law in this State" was not added to Texas Constitution Sec. 2 of Art. 5 until Nov. 4, 1980 via Senate Joint Resolution 36, 66th Leg., R.S. 1979 (S.J.R. 36), which was well after the unconstitutional enactment of the STATE BAR ACT in 1939. By which time the attorneys had already been working relentlessly to unlawfully seize control of the Texas Legislature as well as the judicial department, which they have unquestionably successfully done. This has allowed the STATE BAR members to unlawfully simultaneously occupy and exercise the power and authority of

multiple offices within the Legislative and Judicial departments of the Texas Government. An act that is in direct violation of the separation of powers clause written into Art. 2, Sec. 1 of the Texas Constitution.

17. The addition of this language via S.J.R. 36 literally disenfranchised every member of the People of Texas who are not BAR member attorneys from participating in any meaningful way in an entire department of their own government. And then placed that department entirely within the monopoly control of a select and privileged few acting as government officials. Government officials that now unconstitutionally control multiple departments of that government. Thus, making this Amendment to the Texas Constitution completely unconstitutional on its face and in its effect. The judicial department of Texas government has been unconstitutionally transformed from a publicly accessible and responsible governmental department into a private racketeering enterprise designed to protect, enrich, and empower only those that STATE BAR members, acting as the government itself, sees fit to hold any office within it. This is blatant treason and sedition on the part of every attorney and judge who is unlawfully acting from the People's offices in the judicial and legislative branches of ***our*** government.

18. The "practice of law," according to these constitutional amendments and the STATE BAR ACT itself, has been converted into an entirely governmental office and function unlawfully posing as a private licensed vocation while usurping the powers of our own government to sustain the illusion and protect these nefarious individuals that are its participating members from public exposure and accountability. These constitutional Amendments and the STATE BAR ACT make it crystal clear that this is precisely the intended effect. Thus, this particular vocation and licensing scheme cannot be compared to that of any other private vocation where the effect of such licensing is to actually protect the public from unskilled labor in an occupation, such as electrician, plumber, or doctor, that poses a direct potential threat to the health and welfare of the general public. No. The only real function and purpose in relation to licensing the "practice of law" is to prevent members of the general public from participating in their governmental offices and functions or having any way to remove, hold accountable, or to financially compete with those individuals that act in violation of individual rights, the law, and numerous constitutionally imposed mandatory prohibitions and duties every hour of every day. These same persons have even usurped to themselves the sole power to determine if the constitution or the law actually relates to or controls them and their practices in any way or at all.

19. This Amendment further proves its unconstitutionality by the way it conflicts with other provisions of the Texas Constitution as a whole.

a. ***First,*** by granting nothing less than complete monopoly control of law and participation in the judicial department of the People's government to what the public merely presumes to be a singular private industry in violation of the Texas Constitution Art. 1, Sec. 26 prohibition upon the creation and exercise of monopolies of *any* kind.

b. ***Second,*** by the biased and prejudicial protection of that private industry by other of its members unlawfully exercising the power of the State itself via the legislative process for virtually any and all of their unconstitutional actions, which are egregious and many.

c. ***Third***, what happens when they use this as precedent to make a law or constitutional amendment that requires you to be a STATE BAR member attorney to hold the office of Governor, or Speaker of the House, or a member of the Legislature? If they can do it with any office in one department, then why can't they do it with every office in any department? What then?

d. ***Fourth***, you must understand that our legislative process is ***supposed*** to be performed by a completely separate department of our government. But, just as it was then, and just as it remains today, the legislature is under the majority control of members of the STATE BAR Association. Their slimy tentacles are deeply intertwined into every branch and level of ***our*** government. And they have used that power to ensure to themselves a path to enrichment and power by victimizing the whole of the very People who originally forbade any single man or group of persons to ever have posses such power.

20. The agenda of gaining power for the express purpose of establishing a fully communist controlled government and society, one that would allow the government to put its unclean hands into every aspect of American life, is precisely the fear and reason that Senator Joseph McCarthy went after the National and STATE BAR Associations using the authority of the House Un-American Activities Committee that was established in 1938, the year prior to the unconstitutional enactment of the STATE BAR ACT here in Texas in 1939. Although there were very distinct constitutionality issues with 'McCarthyism' and the committee's overall agenda and [ab]use of its power, the dangers it was established to investigate and prevent, communist infiltration and control of our society and government, were and are very very real. The National and STATE BAR Associations and their unconstitutional usurpations of governmental power and authority and the absolutely unconstitutional activities they engage in for their own self-interest, enrichment and power are proof of that.

21. We have been unconstitutionally converted from a Republic into an oligarchy by equally unconstitutional legislation and courts. An oligarchy manipulated and controlled in every respect by a single group of people known as attorneys, who use and abuse that power on a daily basis to intrude into and control every level of our private lives and property for their own personal gain and enrichment while they spit upon the constitutionally protected rights and property of the People with impunity, especially the right to assistance of competent counsel.

22. ATTACHMENT A lists all of the members of both houses of the legislature that were holding public office during the debating and passage of the STATE BAR ACT. This list shows both the unconstitutionality and illegality of the passage of this Act as it

documents the irrefutable fact that the majority of the legislators that occupied both houses of the Texas Legislature at the time this bill was passed were LAWYERS! This bill was passed for no other purpose than to ensure their own personal self-interest in their profession through the creation of a public corporate/governmental monopoly. These legislators were FORBIDDEN to even vote on such a bill because it involved a direct personal and financial benefit to those legislators to see that it passed. In so doing, these legislators were in direct violation of Texas Constitution Article 2, Sec. 22 and Article 1, Sec. 29.

The Total Hypocrisy of the Judiciary and the STATE BAR Members That Control It.

There exists a legal maxim that declares, in layman's language, "ignorance of the law is not an excuse for violating it." In other words, and again in layman's terms, every man has a duty to know and understand the law to such a degree that he knows and understands what acts are specifically prohibited by it.

Using this maxim, United States Supreme Court cases, and simple straightforward logic alone, I will demonstrate the utter stupidity of the concept that any man can engage in the "unauthorized practice of law" by doing nothing more than providing information, writings, or personal assistance to others merely because they are not a BAR licensed terrorist sellout of our American principles and heritage. Government was specifically established to protect the rights of every individual to engage in any lawful occupation and to participate in any office within any and every branch of our government, not just so it could be occupied and controlled by an elitist few giving themselves special privileges and authority.

You should also understand that these court opinions are themselves penned by persons who are also members of the very same fraternity as the other attorneys of which I write. So there is a definite conflict of interest that must be recognized where a court opinion goes against common sense and the People's right to participate in every department of their own government to say that the "State," i.e. the Legislature of any given state, which is itself either entirely composed of or majority controlled by attorneys as well in most cases and in violation of the Separation of Powers clause, has the power to regulate the "practice of law" in a way that never specifically defines what the "practice of law" actually is, or allows the state Supreme Court to legislate from the bench to create an offense that is not written into any law, or that encompasses every aspect of using or assisting others with the law to such a degree that the People are completely disenfranchised from any meaningful participation in their own governmental department or to protect their rights within the courts.

The STATE BAR ACT purports to criminalize every man's duty to know and understand the law, a requisite state of mind under this legal maxim, if that man attempts to use his knowledge and understanding to provide assistance to someone else that has no such knowledge, understanding or capability of their own in the area of law.

So, hypocrisy #1 is that the STATE BAR ACT has rewritten this legal maxim to read, "*you cannot claim ignorance of any kind in relation to the law because you have absolutely no choice*

but to know and understand the law well enough for us to be able to accuse you of knowingly and willfully violating it, but, it is impossible for you to know and understand anything at all about the law well enough to defend yourself against it without paying a licensed attorney or to tell or assist others about how to do so on their own or with your help."

Now, the STATE BAR wants us to believe that we have no right to talk about, write, or otherwise assist each other in the area of law unless we are one of their particular brand of ilk, but that is a fallacy. In the case of *Railroad Trainmen v. Virginia Bar*, 377 U.S. 1 (1964), the United States Supreme Court opinion reads"

> "*It cannot be seriously doubted that* ***the First Amendment's guarantees of free speech, petition and assembly give railroad workers the right to gather together for the lawful purpose of helping and advising one another in asserting the rights Congress gave them in the Safety Appliance Act and the Federal Employers' Liability Act, statutory rights which would be vain and futile if the workers could not talk together freely as to the best 6*6 course to follow****."*

So, if these railroad workers can work together to assist one another on the best course of action in relation to rights granted and protected by statute, then how is it possible for the STATE BAR to prohibit we the People from engaging in the same activity when it comes to our fundamental and inherent individual rights that are protected, but not granted, by the State and Federal Constitutions? But once you have read it, one thing that the facts of the *Railroad Trainmen* case makes very clear is that attorneys are not above attacking and trying to eat their own if it helps to keep their collective power and control over the law and the administration of [in]justice absolute.

The Court went on to say in the *Railroad Trainmen* case:

> "Virginia undoubtedly has broad powers to regulate the practice of law within its borders; [10] **but we have had occasion in the past to recognize that in regulating the practice of law a State cannot ignore the rights of individuals secured by the Constitution**.[11] **For as we said in *NAACP* v. *Button, supra,* 371 U. S., at 429, "a State cannot foreclose the exercise of constitutional rights by mere labels."** Here what Virginia has sought to halt is not a commercialization of the legal profession which might threaten the moral and ethical fabric of the administration of justice. It is not "ambulance chasing."

As an aside, one of the funniest things I read in that opinion is the words "***a commercialization of the legal profession which might threaten the moral and ethical fabric of the administration of justice.***" Talk about hypocritical! This is exactly the kind of activity that the licensed attorneys themselves engage in on hourly basis! You go to see a licensed attorney to try and get legal assistance with something literally as simple as a traffic citation, and when you ask them how much it will cost they say "Oh, that'll be about $1,500 if we don't go to court, and $5,000 if we do." To which you exclaim, "But, the ticket was illegally issued by making a false charge, and even if I just paid it today the cost would only be $100. So how are you going to help me by charging me $1500-$5000 for defending myself against a false allegation by the officer that only costs me a $100?" Which inevitably leads to the attorney's sole retort, "*Well, you can handle it*

yourself for free, but any other attorney is going to charge you the same amount or more to do the same thing that I would do," which, according to every case I've ever seen and been involved with, would literally be ***nothing***. You will pay them that money and then they and the prosecutor will simply get together on the phone or at some other court proceeding they are both in and agree to drop the case or cut a deal to get you to agree to pay an additional "administration fee" to the city or county on top of what you already paid your attorney, because they've both gotten paid already. And it is done this way for no reason more complicated than to give the ***mere appearance*** of justice while also lining the pockets of the cops, prosecutors, defense attorneys and judges regardless of the innocence of the Accused or the wrongful conduct of any one or more of them in the matter.

In the system as it exists right now, what is right, what is wrong, what is unjust, and what is the law, can all be damned, because they've got their money and can force you over that barrel again anytime they want for virtually any reason they want. This is not justice, or even the appearance of justice. It is a complete mockery of justice that threatens and undermines "***the moral and ethical fabric of the administration of justice***."

Division of Powers Violations

Besides the unconstitutionality of the STATE BAR ACT'S creation of yet another illegal monopoly, we have the constitutional violations involving the requisite division of powers. The Texas Constitution mandates that the individual division of powers of each branch of government is to be strictly separated pursuant Article 2, Sec. 1:

THE TEXAS CONSTITUTION
ARTICLE 2. THE POWERS OF GOVERNMENT

> *Sec. 1. DIVISION OF POWERS; THREE SEPARATE DEPARTMENTS; EXERCISE OF POWER PROPERLY ATTACHED TO OTHER DEPARTMENTS. The powers of the Government of the State of Texas shall be divided into three distinct departments, each of which shall be confided to a separate body of magistracy, to wit: Those which are Legislative to one; those which are Executive to another, and those which are Judicial to another; and no person, or collection of persons, being of one of these departments, shall exercise any power properly attached to either of the others, except in the instances herein expressly permitted.*

In determining that the division of powers doctrine has indeed been violated by the STATE BAR ACT, the points of fact to consider are these:

1. Before there was a STATE BAR ACT enacted in 1939, the Texas Legislature was almost totally controlled by lawyers in that legislative year, and as it still is today. These lawyers occupied ***49%*** of the House of Representatives and ***87%*** of the Senate (see ATTACHMENT A).

2. The Act itself declares that the STATE BAR is in fact, "*an administrative agency of the judicial department of government*" pursuant Government Code Sec. 81.011(a) of the STATE BAR ACT, thus placing the STATE BAR and all of its officers and employees squarely within the confines of the judicial department as a governmental administrative agency.

3. This creates the following necessary implication of fact;' that anyone who becomes a member of the STATE BAR, must, as a matter of law, also become a judicial department officer/office holder or employee, which then creates the following additional necessary implications:

    a. As a bar card carrying member of the STATE BAR, every attorney/lawyer is, in fact, an officer of the judicial department of government (a MEMBER of the BAR). How does one become a MEMBER of any governmental office (in this case the STATE BAR) except by election or appointment?

    b. Aren't all governmental offices supposed to be publicly accessible so that any member of the public can seek to hold that office?

    c. Why, and most importantly, ***how***, is the judicial department now an exception to these requirements?

    d. Isn't it true that only those attorneys/lawyers that actually occupy one of our public offices EVER takes the oaths required of ALL persons elected or appointed to ANY office within ANY department of government pursuant Article 16, Sec. 1. The remainder of the practicing attorneys/lawyers NEVER take the required mandatory oaths at all that I am aware of, despite being appointed as officers/members of the judicial department of government by the STATE BAR ACT.

    e. This also makes the practice of law an occupation strictly limited (monopolized) to those that serve as government officers, which is in direct conflict with the People's right to representative assistance of legal counsel as, since 1939, allegedly, all legal counsel must be provided by a *de facto* state government officer. Do you truly understand the problem with having an attorney that actually works for the same entity, the government, that is accusing you of criminal wrongdoing or presiding over your lawsuit against some state official or office? This is proven by the fact that the STATE BAR is the entity that files and prosecutes suits against anyone that strays into their protected domain of the practice of law. The full weight, power, and budget of government, fully assisted by the courts, which are themselves presided over by bar card carrying members of this same state office, act to suppress any attempts by laymen to assist others by circumventing those in the "legal profession" in order to cut costs and have a better chance of getting actual justice. The courts are the hammer of the STATE BAR and act to protect the private interests of its members as well as their own power.

4. These facts then accumulate to create the following facts and constitutional violations:

a. Anyone that has an active bar card is, simply as a matter of law, a *de facto* active member of the judicial department of government.

b. As an active member of one department of government, no single member or collection of members of that department, may exercise any of the duties and powers of any other office or individual within any other department, pursuant Texas Constitution Article 2, Sec. 1 as cited above.

c. Pursuant the VERY clear language and intent of Texas Constitution Article 2, Sec. 1, and the specific language and provisions of the STATE BAR ACT as codified in Chapter 81 of the Government Code, we can then draw the following conclusions:

   i. Attorneys/Lawyers who are active members of the STATE BAR ARE in fact, *de facto* judicial officers within the judicial department of government;

   ii. Attorneys/Lawyers are active members of the STATE BAR as long as they maintain their STATE BAR Card;

   iii. Attorneys/Lawyers who are active members of the STATE BAR are therefore REQUIRED to take the oaths mandated by Texas Constitution Article 16, Sec. 1.

   iv. Attorneys/Lawyers who are active members of the STATE BAR are acting unconstitutionally and illegally in their occupations under the color of state law as they are personally profiting from the exercise of an authority belonging solely to a governmental office and agent. In other words, they are embezzling funds from the government by engaging in a fraudulent private practice using an authority that only the government itself can provide at this point.

   v. As judicial officers, attorneys/lawyers are FORBIDDEN by Texas Constitution Article 2, Sec. 1 to occupy ANY office within ANY other department of government or to exercise any power or authority belonging to any person or office of that other department;

d. This means that no attorney/lawyer that has an active bar card can, either constitutionally, lawfully, or legally, sit in either the legislative or executive branches of government as it directly violates the division of powers mandated by Texas Constitution Article 2, Sec. 1.

5. This places Texas in a dire constitutional crisis for the following reasons:

   a. As a simple matter of constitutional law, there has been no constitutionally lawful quorum within the Texas Legislature since the passage of the STATE BAR ACT in 1939 if even one attorney/lawyer has unlawfully and illegally sat in a single seat of either house of the State Legislature. The reasoning is that an

unconstitutionally and illegally formed governmental body is, by default, incapable of performing a governmental function, especially the holding and casting of any vote, regardless of the issue before the body.

b. This would, in turn, invalidate every single legislative enactment since 1939, including any legislation passed by that particular legislative session. We can make that reasoning on the basis that if those attorneys that were sitting in the legislature were wiling to violate the constitution to gain for themselves a privilege and benefit specifically denied to every other member of the people, then the STATE BAR ACT cannot be reasonably presumed to be the only legislation they enacted that had such a purpose and intent buried within it.

c. This would also require the invalidation of any and all constitutional amendments proposed and submitted to the People of Texas by the Texas Legislature since 1939.

d. It further invalidates every single action by every single governmental office or agency because they have been acting under unconstitutionally enacted color of law to the absolute detriment of the Texas Constitution and the protected rights and property of the People of Texas since 1939.

There is no question that what exists as government in Texas today is operating completely outside of the constitutional limits that we the People of Texas put in place for our public servants to obey. The Texas Legislature has come to think of itself as the ruler of the People of Texas instead of as our servant.

The Legislature was not created to invoke rules and regulations dictating to the People what they could and could not do, be, or say. It was created solely to protect our individual rights from abrogation and derogation by other men or legal entities, especially those in government itself. The People's rights are unlimited, and their exercise of those rights is forever removed from the powers of government where such rightful exercise cannot be proven to directly act adversely upon and/or against the rights and property of any other individual(s).

Simply put, if a right causes no harm simply by its exercise, it is not within government's power to alter, abolish, or regulate it ***because*** it belongs to the People individually and not collectively. Even more importantly, it is because our governmental servants have never been delegated any authority whatsoever to act for that purpose. For if it had, then such authority would immediately contradict and destroy the manifest reasoning that government was actually created to protect those individual rights, not take them away or destroy them like they have tried to do ever since.

I have also included a transcript of an on-line discussion where I pointed out how the Act does not apply to the average layman. It details the specifics of exactly how this Act is being used to unlawfully protect the profits of those engaging in the private "practice of law". It is included as ATTACHMENT B to this document.

ATTACHMENT “A” CONTENTS

Breakdown of 46th Legislature As Taken from the Texas Legislative Manual – 46th Legislature (1939) (ATTACHMENT A):

On Page 325-328 is listed the **Members of the House of Representatives**, Forty-Sixth Legislature

Name	**Occupation**
Morse, R. Emmett, Speaker	Real Estate
Allen, C.L.	Farmer-Stockraiser
Allison, Alvin R.	**Lawyer (1)**
Alsup, Lon E.	Music Dealer & Insurance
Anoerson, P.L.	Printer
Bailey, W.J.	Farming & Ranching
Baker, H. Cecil	**Farmer, Lawyer (2)**
Baker, Roy G.	**Attorney (3)**
Bell, John J.	**Lawyer (4)**
Blankenship, Dallas A.	**Lawyer (5)**
Boethel, Paul C.	**Attorney (6)**
Bond, Bowlen	**Lawyer (7)**
Boyd, James R.	**Attorney (8)**
Boyer, Max W.	**Lawyer (9)**
Bradford, Ed	**Attorney (10)**
Bradbury, Bryan	**Lawyer & Publisher (11)**
Bray, Clayton	**Lawyer (12)**
Bridgers, W.W.	**Lawyer (13)**
Broadfoot, A.S.	**Lawyer (14)**
Brown, H.T.	**Lawyer (15)**
Bundy, M.A. 'Bill'	Broker
Burkett, Omar H.	?
Burney, Weldon	Hrdwre Merchant & Farmer
Cauthorn, Albert R.	Ranchman
Celaya, Augustine	Real Estate & Farming
Chambers, W.R.	Farmer
Clark, Lester	Business
Cleveland, E.J.	Cotton Buyer
Cockrell, Ellis D.	Teaching & Law Student
Coleman, Wiley N.	Druggist
Colquitt, Rawlins M.	Insurance – Bonds
Colson, Neveille H., Mrs.	Student
Cornett, Leighton	Farmer & Law Student
Corry, W.N.	Farmer
Crossley, P.L.	**Attorney (16)**
Daniel, Price	**Lawyer (17)**
Davis, Mat	**Lawyer (18)**
Davis, Minet M.	Teacher & Merchant

Dean, Travis B. **Lawyer (19)**
Derden, Albert L. **Lawyer, Stockman (20)**
Dickison, P.E. Teacher
Dickison, R. Temple **Lawyer (21)**
Donaghey, R.R. **Attorney (22)**
Dowell, Maurice Newspaper Correspondent
Dwyer, Pat Salesman
Faulkner, J.R. Salesman
Felty, Fred **Attorney (23)**
Ferguson, Walter A. Teacher
Fielden, Virgil A. Farmer
Fuchs, R.A. Stockfarmer
Galbreath, W.J. Blacksmith
Gilmer, C.H. **Attorney (24)**
Goodman, James H. **Lawyer (25)**
Gordon, Margaret Harris **Lawyer (26)**
Hale, L. De Witt Law Student
Hamilton, E.B. Salesman
Hankamer, Harold M. **Attorney (27)**
Hardeman, Dorsey B. **Attorney (28)**
Hardin, Ross **Lawyer & Farmer (29)**
Harp, R.A. Teacher
Harper, George H. Farmer & Stockman
Harrell. Eugene F. Law Student
Harrell, Mason D. Student
Harris, C.L. **Lawyer (30)**
Hartzog, Howard G. **Lawyer (31)**
Heflin, J.M. **Lawyer (32)**
Holland, Arthur **Lawyer (33)**
Howard, Geo. F. **Lawyer (34)**
Howington, Frank Stockfarmer
Hull, Henry A. Business
Hunt, Cortney Merchant
Isaacks, S.J. **Lawyer (35)**
Johnson, B.T. **Lawyer (36)**
Johnson, Leland M. **Lawyer (37)**
Keith, Joe A. **Lawyer (38)**
Kennedy, Harold L. **Lawyer (39)**
Kern, Troy E. Teacher
Kerr, John A., Jr. **Attorney (40)**
Kersey, Clinton Business
Kinard, De Witt Real Estate, Insurance
King, Delmar L. Teacher & Farmer
Langdon, Jack **Attorney (41)**
Lehman, Henry G. Undertaker & Farmer
Leonard, Homer L. **Attorney (42)**

Leyendecker, B.J. Retired
Little, G.H. 'Jack' Attorney (43)
Lock, Ottis E. Teacher
Loggins, Edgar Law Student
Lonon, Marvin F. Attorney (44)
Mays, Abe M. Merchant
McAlister, Obel L. Lawyer (45)
McDaniel, L.C. Salesman
McDonald, W.T. Attorney (46)
McFarland, C.M. Lawyer (47)
McMurry, Houston Attorney (48)
McNamara, Gene Lawyer (49)
Mohrmann, John M. Student
Monkhouse, Joe R. Real Estate & Insurance
Montgomery, William Calvin Lawyer (50)
Morris, G.C. Law Student
Newell, G.E. Merchant
Nicholson, C.E. Oil Refining
Oliver, J.J. Farming & Ginning
Olsen, J.J. Cattleman & Farmer
Pace, Jim Salesman
Petsch, Alfred Attorney (51)
Pevehouse, Doyle ?
Piner, R.G., Jr. Chiropractor
Pope, W.E. Lawyer (52)
Ragsdale, Bailey B. Farmer
Reader, Bose Ranchman
Reader, R.L. Salesman
Reaves, R.H. Stockfarmer
Reed, W.O. Lawyer (53)
Rhodes, Cecil T. Salesman
Riviere, Harvey Lawyer (54)
Roach, John E. Minister
Roberts, Grady Publisher
Robinson, Theodore R. Lawyer (55)
Russell, J.K. Lawyer (56)
Schuenemann, H.H. Lawyer (57)
Segrist, Kal Real Estate & Farmer
Shell, J. Harvey Ginner & Farmer
Skiles, Joe Lawyer (58)
Smith, Howard S. Lawyer (59)
Smith, Magus F. Lawyer (60)
Smith, Paris Druggist
Spencer, James C. Textile Chemist
Stinson, Jeff D. Attorney (61)
Stoll, Robert ?

Talbert, Eugene **Lawyer (62)**
Taylor, James E. Publisher
Tarwater, Arthur B. Farmer
Tennant, Roy I., Jr. **Attorney (63)**
Thornberry, Homer **Lawyer (64)**
Thornton, E.H., Jr. **Attorney (65)**
Turner, Reese Farmer
Vale, A.J. **Lawyer (66)**
Vint, Edward L. **Lawyer (67)**
Voigt, Frank B. **Lawyer (68)**
Waggoner, J.H. Publisher
Weldon, Odis A. Farmer
Wells, T.D. **Lawyer (69)**
Westbrook, Mainor N. Teacher & Stockraising
White, Joseph, Jr. Student, Farmer
Wilson, D.M. **Attorney (70)**
Winfree, J.E. **Lawyer, Cattleman (71)**
Wood, Robert H. Railway Clerk
Worley, Eugene **Lawyer (72)**
Wright, E.R. **Lawyer (73)**

73 out of 150 members of the Texas House of Representatives (46.67%) were attorneys/lawyers along with some law students, and, some members failed to state their previous or current occupation at all.

On Page 335-337 is listed the **Members of the Senate**, Forty-Sixth Legislature

Name **Occupation**

Aikin, A.M., Jr. **Attorney (1)**
Baek, E. Harold **Attorney (2)**
Brownlee, Houghton **Attorney, Rancher (3)**
Burns, Gordon M. **Attorney (4)**
Collie, Wilbourne B. **Attorney (5)**
Cotton, Clay **Attorney (6)**
Graves, W.C. 'Bill' **Attorney (7)**
Hardin, Doss **Attorney (8)**
Head, J. Manley **Attorney (9)**
Hill, Joe L. **Attorney (10)**
Isbell, Claude **Attorney (11)**
Kelley, Rogers **Attorney (12)**
Lanning, R.C. **Attorney (13)**
Lemens, Veron **Attorney (14)**
Martin, Jesse E. **Attorney (15)**
Metcalfe, Penrose B. **Attorney, Rancher (16)**
Moffett, George Farmer

Moore, Weaver **Attorney (17)**
Nelson, G.H. **Attorney (18)**
Pace, Will D. **Attorney (19)**
Redditt, John Sayers **Attorney (20)**
Roberts, Morris Oil Refining
Shivers, Allan **Attorney (21)**
Small, C.C. **Attorney (22)**
Spears, J. Franklin **Attorney (23)**
Stone, Albert **Attorney (24)**
Stone, William E. **Attorney (25)**
Sulak, L.J. Editor & Publisher
Van Zandt, Olan R. **Attorney (26)**
Weinert, Rudolph A. **Attorney (27)**
Winfield, H.L. Banker & Rancher

27 out of 31 Texas Senators (83.87%) were attorneys/lawyers as their previous or current occupation.

1. How could 73 Attorneys or Lawyers in the Texas Legislature of the **House of Representatives** vote for The STATE BAR ACT in 1939 when it was enacted?
2. How could 27 Attorneys in the Texas Legislature of the **Senate** vote for The STATE BAR ACT in 1939 when it was enacted?

The very fact that each of those individuals were barred by constitutional prohibition from voting on such a bill, but they all voted anyway, shows just how long it has been accepted as "normal" that those that seek the reins of power have little regard for those they were meant to serve with that power. So what good to the People of Texas is a Constitution that our public servants can ignore or disobey at their own pleasure? Who is the real and actual government in Texas, the People, or those individuals and consortiums that can buy their way into public office or steal public elections through voting fraud?

ATTACHMENT “B” CONTENTS

Unauthorized Practice of Law - No Myth To It

I was asked by Joey Daubin of the Ellis County Observer to supply him with some information regarding the UNAUTHORIZED PRACTICE OF LAW in Texas. Below is the information that I originally sent to Joey, highlighted in light blue, the first response to that information, highlighted in yellow, and my additional commentary on the subject below that. Enjoy.

> Eddie Craig from www.RuleOfLawRadio.com:
>
> Hi Joey,
>
> The only "offense" that constitutes the "Unauthorized Practice of Law" is Penal Code Section 38.123. This section makes it very clear that it only applies if someone attempts to represent, prepare documents, or receive any part of a jury award for the specific purpose of garnering a financial benefit for themselves **IN A PERSONAL INJURY SUIT FOR DAMAGES**. There is also 38.122 "Holding Oneself Out to be a Liar" (oops, I mean "Lawyer").
>
> There is ABSOLUTELY NO OTHER STATUTE that forbids, prohibits, or PUNISHES anyone from acting as legal counsel to another in a criminal case, EVEN IF THEY ARE GETTING PAID FOR IT!
>
> As usual, the judge wants to protect the status quo idea of the constitutionally (Texas) unlawful and patently illegal monopoly that is the STATE BAR and its money-grubbing vermin minions.
>
> God bless,
>
> Eddie

The first posted response was this:

> *Judge Bill Scott is right says:*
>
> *January 19, 2011 at 8:36 pm*
>
> *I don't know where these guys like Eddie come from, but he may want to spend some time researching the resources readily available at the Texas Unauthorized Practice of Law Committee website – http://www.txuplc.org. The Penal Code is only a small sampling of Texas law. Here are additional provisions from the Government Code:*
>
> *Section 81.101 of the Texas Government Code states:*

(a) In this chapter the "practice of law" means the preparation of a pleading or other document incident to an action or special proceeding or the management of the action or proceeding on behalf of a client before a judge in court as well as a service rendered out of court, including the giving of advice or the rendering of any service requiring the use of legal skill or knowledge, such as preparing a will, contract, or other instrument, the legal effect of which under the facts and conclusions involved must be carefully determined.

Section 81.102 of the Texas Government Code states who may practice law in Texas:

(a) Except as provided by Subsection (b), a person may not practice law in this state unless the person is a member of the state bar.

(b) The supreme court may promulgate rules prescribing the procedure for limited practice of law by:

(1) attorneys licensed in another jurisdiction;

(2) bona fide law students; and

(3) unlicensed graduate students who are attending or have attended a law school approved by the supreme court.

So there you go. Another myth debunked.

Eddie Craig Responds:

Actually "Judge" Scott, there is no myth to it at all. And as far as the question of where I come from goes, I suppose that I arrived on planet earth by pretty much the same method as you probably did, through the acts of conception, incubation, and then birth. Without a DNA check however I can only assume that both of your parents were just like mine, human, and in your case, not blood relatives of any kind.

As far as my assertions regarding the laws relating to the "UNAUTHORIZED PRACTICE OF LAW" is concerned, well, let's just get into the nitty-gritty of that shall we. Both federal and Texas judicial case history CLEARLY shows that in our judicial past private citizens, non-lawyers, have acted as legal counsel for others, including acting as the prosecutor of criminal cases in Texas courts. I have several such cases taken directly from Vernon's Annotated Civil Statutes that attest to this. In these cases the People were actually PRIVATE CITIZENS prosecuting crimes rather than the county or district attorney, who often had stepped aside for one reason or another. Private Citizens also acted as legal counsel for the defense of other

Citizens at such trials. This was true even after the TEXAS STATE BAR was created in 1939 as some of these cases date from the 1940s.

Both sections of statute that you reference do not stand alone unto themselves, they must be read in unison with other law, especially since they specify no punitive measures within themselves and you are asserting that such measures exist. There are no punitive offenses listed in these two sections are there? Why? Because they are only punishable as offenses in accordance with the penal laws, which exist only in TxPC Secs. 38.122 and 38.123 in relation that particular charge.

Not only that, you misrepresent what the "practice of law" actually entails. It does NOT simply mean someone that acts as legal Counselor in any type of case does it? If you truly are a judge then you could and should know this. This is further substantiated by the very section you yourself quoted, specifically Secs. 81.102(2) & (3). Neither of these two classes of law STUDENTS can be said to be licensed by ANY stretch of the imagination, yet the code says that they CAN "practice law"... kind'a looks like a license is not actually required for that purpose after all then huh? How about paralegals, can they prepare court documents for others, file them on their behalf, and even go to court and act as counsel or speak for them in certain cases? Yes they can, and again, you could and should know this. You should also know that there is no official licensing or certification requirement for a paralegal in Texas.

I do not know if you are like the vast majority of all the other municipal court judges and JPs in Texas who claim to know the law but who have neither read nor really studied its history, language, and content. This includes the study of the language terminology and history of the Texas Constitution, which is the superior law over any legislative enactment or judicial interpretation. I don't know, maybe you have, but I will not hold my breath till I find out as it is my experience that such judges, and I use that term loosely, ignore the law entirely, preferring instead to reply and rule based solely upon their own opinions of how things ought to be rather than how the law and its history says they are. That being said, the other problem with your opinion is that there are several very fundamental things wrong with the whole STATE BAR ACT and concept in and of itself, especially if your particular interpretation were to be accepted as correct.

First, if you are correct, this grants the liars, I mean lawyers, a statewide monopoly on acting as legal Counselor in any and all types of judicial proceedings, which is different than the "PRACTICE OF LAW", and which also contradicts the specific elements of the offense "UNAUTHORIZED PRACTICE OF LAW" as they are found in TxPC Sec. 38.123. The Texas Constitution FORBIDS monopolies, but to date the STATE has created at least three, two for itself, one in licensing someone for the sale and distribution of alcoholic beverages, the second for running the only "legalized gambling ring and con-game" allowed in Texas, the STATE LOTTERY, and the third for the private use of the liars, through the STATE BAR ACT.

According to the penal code the "UNAUTHORIZED PRACTICE OF LAW" occurs ONLY under the conditions and circumstances prescribed by law in THAT section, or can you name another punitive statute specific to the "UNAUTHORIZED PRACTICE OF LAW"? What you assert as covering ALL aspects of acting as legal Counselor to someone simply is NOT in the code sections you reference, it is not in TxPC 38.123 which actually states what constitutes the crime, nor is it found in any other Texas code whatsoever that I have been able to locate. So where is it?

Second, let's take a moment and analyze the STATE BAR ACT itself. It was enacted in the year 1939 and it established the STATE BAR of Texas. The Act itself is currently codified in Chapter 81 of the Texas Government Code. The Act clearly creates the STATE BAR as "a public corporation and an administrative agency of the judicial department of government."

SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

Sec. 81.011. GENERAL POWERS. (a) The state bar is a public corporation and **an administrative agency of the judicial department of government**.

Section 81.011(a) shows us several points of interest regarding the STATE BAR:

1. It is a public corporation, just like a municipality, and as such it would actually be a political subdivision of the Texas STATE government, as that is what "public corporations" are, which is different than "publicly traded corporations."
2. The STATE BAR is declared by the Act to actually BE an administrative agency of the judicial department of government, so assertion number 1 above is proven to be true.
3. There is no specific authority within the Texas Constitution for the creation of a STATE BAR Association. In fact, the term "state bar" can be found in the Texas Constitution only twice, and both times it is in Article 5 Sec. 1-a, and that section deals specifically and only with the "*RETIREMENT, CENSURE, REMOVAL, AND COMPENSATION OF JUSTICES AND JUDGES; STATE COMMISSION ON JUDICIAL CONDUCT; PROCEDURE.*" In other words, it details how to manage, rate, punish, and/or get rid of the crooked bastards who sully the People's courts and/or use them for criminal purposes or other unacceptable abuses of judicial authority and power.
4. The STATE BAR was created and intended to act as a government watchdog agency that was to protect the People's rights and property from such abuses. Instead it is now nothing more than a rubber-stamp factory for protecting virtually every type of public betrayal and abuse of power and authority imaginable by rubber-stamping any complaints with "we find nothing wrong with the actions complained of."

As there is no specific power or authority granted to the Legislature by the Texas Constitution to create a STATE BAR for any other purpose than those specifically written and granted within it, how does the STATE BAR get ANY power and authority over the People as private Citizens to prevent their engaging in the lawful occupation of serving as someone's legal Counselor under private contract? Such authority is not granted in the Constitution itself, and nowhere does it address any authority of the STATE BAR to do anything except provide a certain number of BAR members to serve on the State Commission on Judicial Conduct, which according to the Texas Constitution, exists only to monitor and punish misbehavior by judges and licensed liars, not private Citizens.

Furthermore, if there is no specific constitutional provision allowing specifically for the creation of the STATE BAR, then the Act could have only been enacted under the GENERAL POWERS of government, as there are no other powers made available to the legislature by which it could be done.

The fact that this Act could only exist as a creation of the GENERAL POWERS bestowed upon the legislature places it under some very noticeable restrictions in order to comply with the Bill of Rights as written and memorialized in the Texas Constitution. The most pronounced of which is that the Legislature may NOT create any law or Act that violates ANY provision of either the Bill of Rights or any other Article or section of the Texas Constitution itself. This is self-evident pursuant Article 1 Sec. 29:

THE TEXAS CONSTITUTION
ARTICLE 1. BILL OF RIGHTS

Sec. 29. PROVISIONS OF BILL OF RIGHTS EXCEPTED FROM POWERS OF GOVERNMENT; TO FOREVER REMAIN INVIOLATE. To guard against transgressions of the high powers herein delegated, we declare that everything in this "Bill of Rights" is excepted out of the general powers of government, and shall forever remain inviolate, and all laws contrary thereto, or to the following provisions, shall be void.

Well THAT seems pretty clear, at least to those of us that read English instead of legalese. No legislative enactment can violate the Texas Constitution in any way whatsoever, period. This Section of the TxConst proclaims the invalidity, illegality, and unconstitutionality of every legislative enactment that involves the STATE controlled monopolies as well as those that purport to remove or limit the People's protected rights. There is also the matter of footnote 3(c) from the APPENDIX section of the TxConst which you may have missed:

3. H.J.R. No. 75, Section 9.01, 77th Legislature, Regular Session, 2001.

Temporary Transition Provision.

(a) This section applies to the amendments to this constitution proposed by H.J.R. No. 75, 77th Legislature, Regular Session, 2001.

(b) The reenactment of any provision of this constitution for purposes of amendment does not revive a provision that may have been impliedly repealed by the adoption of a later amendment.

(c) The amendment of any provision of this constitution does not affect vested rights.

These provisions are EXACTLY why statutes such as TxCCrP Art. 26.04, which purports to deny Class C misdemeanor offenses their constitutionally protected right to the assistance of counsel, and TxCCrP Art. 14.01(b), which purports to allow arrest without warrant for anything whatsoever alleged to be a "crime" despite such act not constituting a felony or a breach of the peace, are unconstitutional on their respective faces. TxConst Art. 1 Sec. 10 begins with the proclamation "*In **all** **criminal prosecutions** **the accused** **shall** **have**…*" and continues on to declare "*the **right** of **being heard** by **himself** or **counsel**, **or both***". There is absolutely no distinction inferred in this language as to severity or classification of the alleged crime before this right may be invoked. In fact, the language could not be more clear, the right is invoked at the moment of arrest or indictment "*In **all** **criminal prosecutions***".

The declaration of this same unalienable right is codified in TxCCrP Arts. 1.05-.051. It is simply not reasonable or sensible to determine that the legislature acted properly and within their authority to mirror the declaration of this constitutionally protected right in these particular statutes and then also properly acted to deny this same fundamental right by later or other legislative enactments. The reasons why this interpretation is ludicrous should be obvious, there is absolutely no authority granted to the legislature or the courts to remove or ignore a specific right or protection written into the Bill of Rights. In fact, any such attempt would not only be an act of sedition, it would be automatically void pursuant TxConst Art. 1 Sec. 29, which we can once again see forbids it, to wit: "*To guard against transgressions of the high powers herein delegated, **we declare** that **everything** **in this "Bill of Rights"** **is excepted out of the general powers of government**, **and shall forever** **remain inviolate**, and **all laws** **contrary thereto**, or **to the following provisions**, **shall be void**.*"

The "we" written into TxConst Art. 1 Sec. 29 is representative of ***we the People***, not "we the Legislature" or "we the Courts".

As previously mentioned, via the mechanism of legislative fiat, the Texas Legislature has enacted TxCCrP Art. 26.04 which purports to prevent the assignment of legal counsel to an accused in the case of Class C misdemeanors.

It is also a requirement in TxCCrP Art. 26.04 that the Accused be determined to be indigent before being deprived of the right of having legal counsel assigned. An accused is declared to be indigent upon a showing or affirmation that the costs involved with procuring legal counsel and of court, including the fines assessed, would cause or further increase an undue financial hardship.

However, in the case of those accused of Class C fine-only misdemeanor criminal offenses, this right to assistance of legal counsel is denied out of hand. There is absolutely no attempt whatsoever to ascertain whether or not an accused is indigent or even capable of defending themselves in such cases. It is simply theft by court order after the virtually predetermined outcome has played out in the court.

This denial of counsel is a direct violation of the clear language written into TxConst. Art. 1 Sec. 10 and it is totally violative of the original intent of the People to ensure the protection of their rights when confronted with the full prosecutorial force and resources of the STATE in any adversarial criminal proceeding.

This is a specific protection written into the Texas Constitution, and it is guaranteed to every man, woman, and child within its territorial boundaries. Neither the Legislature nor the courts of Texas have either the power or the authority to diminish or do away with this right by legislative enactment, fiat or judicial interpretation. And this is but one example of the numerous violations of the People's rights in courts of this type. There are literally dozens, and they start from the moment a law enforcement/revenue agent precipitates the citation issuing process.

At this point I would like to ask if you are stating that you, as municipal court judge, do not engage in this deprivation of rights by claiming that you are simply doing that which the legislature purportedly allowed as a matter of law? Didn't you take an oath to uphold the Texas and united States constitutions and the laws of this STATE, but only when those laws do NOT conflict with the respective Bill of Rights and the other provisions of those constitutions? Do you think that being a judge somehow entitles you to immunity or plausible deniability of wrongdoing when you act in violation of the Bill of Rights? Yeah, the Nazi's all thought so too. We certainly could use a "Nuremberg" style event here in Texas for a lot of these public serpents and public pretenders that lie, cheat, steal, and work to deprive and destroy rights of the People of Texas.

If the pretended excuse for denying counsel is presumed to be the actual cost of providing such legal counsel rather than the likelihood of a not guilty verdict in such a case, thus ensuring that it costs more to prosecute than it is otherwise capable of extracting in the form of punitive fines as a matter of law, then I would demand that the court provide the specific constitutional provision that allows for this right of an accused to be ignored or removed due simply to the cost involved. Once again, there is no authority for it, it is illegal, it is unconstitutional, and as a municipal court judge or justice of the peace, a magistrate/judge is personally liable and guilty of depriving the People of Texas that appear before them of a guaranteed and protected right, and those People can sue that judge's ass into utter destitution for it. And I would be more than glad to assist them in that endeavor as that judge has zero immunity for that act. Other STATE officials might try to protect him/her, but that won't hold true in federal court in a 42 USC 1984

action based upon violations of 18 USC 242 for deprivation of rights, even if they are mirrored from the federal constitution but more specifically worded in the STATE constitution.

Try not to forget, we the People created the Texas Constitution AND the state government. Neither of them created we the People, nor do either of them grant us any unalienable rights of any kind. Let me be clear in this, neither the Constitution for the united States nor that of Texas granted any rights whatsoever to the People. All rights belonged to us long before the Constitutions or the STATE ever existed. The STATE BAR card and "license" are two VERY different things. One difference is that the license itself is issued by the Texas Supreme Court pursuant TxGvC Sec. 82.021, it is NOT issued by the STATE BAR, it is NOT the BAR card. Such license is granted for the specific privilege to PRACTICE LAW in the courts of this STATE, not to act as legal Counselor or to operate as a law firm. The right to make and exercise private contracts for whatever lawful purpose or occupation is a common right of the People, not a privilege granted or revocable by government.

In fact, if one were to read Chapter 82 in its entirety, one would see that its entire purpose is to protect the license of the liars despite complete and total reprobate behavior, even if that liar is a dope addict, drunkard, or common thief who steals their client's retainer fees but never provides them a single service or benefit for their money. In short, it is legalized racketeering, engineered by similar racketeers, from the inside of the system that they themselves created, and did so for the specific purpose of giving their kind a particular financial benefit and advantage over others.

Free People were never meant to be controlled by their public servants, no matter what that servant's title or position. As a judge, if you actually are one, your statements attest that you, like most of those that occupy other offices of public service, have forgotten the simple reason that we the People created our government as well as our public offices and the positions of magistrate/judge in the first place. Those offices and positions belong to us, the People, they don't belong to you, and we assent to your residing in that office and acting in that position only as long as you abide by ***OUR*** law and act to protect ***OUR*** rights. It was for the single purpose of forming a more powerful tool for protecting ***OUR individual*** rights from incursion, deprivation, or destruction by other physically or numerically superior capricious and/or malevolent actors, whether private or governmental in nature, that we the People created government and invested it with some of our collective powers.

Which brings us to another salient point in this issue, the violation of the Texas Constitution's provision requiring the division of powers pursuant Article 2 Sec. 1:

THE TEXAS CONSTITUTION
ARTICLE 2. THE POWERS OF GOVERNMENT

Sec. 1. DIVISION OF POWERS; THREE SEPARATE DEPARTMENTS; EXERCISE OF POWER PROPERLY ATTACHED TO OTHER DEPARTMENTS. The powers of the Government of the State of Texas shall be divided into three distinct departments, each of which shall be confided to a separate body of magistracy, to wit: Those which are Legislative to one; those which are Executive to another, and those which are Judicial to another; and ***no person****,* ***or***

***collection of persons**, **being of one of these departments**, **shall exercise any power** **properly attached to either of the others**, **except in the instances herein expressly permitted**.*

It should be duly noted that there are no "expressly permitted" exceptions within the Texas Constitution related to this and many other such issues regarding the power and authority of government. The power and authority has simply been usurped and wrested from the People's hands, literally at the point of a gun wielded by yet another unconstitutional agency, through yet another unconstitutional Act, and that created a new standing army in the midst of the People and called it LAW ENFORCEMENT. Take a good look around and you can see that this is far truer than you will care to admit.

Now, let's try a little paint-by-numbers walk-through of the particulars of the STATE BAR and liars in general. We saw in TxGvC Sec. 81.011 that the STATE BAR is an administrative office of the judicial department of government. Get it, the JUDICIAL DEPARTMENT. All liars MUST be members of the STATE BAR in order to "PRACTICE LAW", and they must be able to produce a bar card proving that they are currently members of the STATE BAR in good standing. Thus, by definition and necessity, as members of the STATE BAR, all lawyers are in fact, government employees, and are in fact "officers of the court", which is also in the JUDICIAL DEPARTMENT of government. Are we clear on this fact yet? ALL LIARS ARE DE FACTO JUDICIAL DEPARTMENT OFFICERS BY NECESSITY OF LAW PURSUANT THE STATE BAR ACT!

This in and of itself has some serious repercussions for liars, such as the constitutional requirement that all elected and appointed STATE officials must take both a STATE anti-bribery oath and an oath of office pursuant Texas Constitution Article 16, Sec. 1, which they never do. This also means that, as public servants, they must post a bond, which they also never do. And finally, there is the oath requirement of the Constitution of the united States pursuant Article 6 Sec. 2 and codified at 4 USC §§ 101 & 102. Simple logic would dictate that when a public servant fails to qualify for office in the manner prescribed by the People within their constitution, whether federal or state, that the courts would be expected to abide by the specifically mandated requirements and hold that the individual is constitutionally unqualified to hold the office, and this disqualification *cannot* be corrected *after* the fact. Why? Because there is no provision in the Texas Const. that provides a method by which to "correct" this failure to qualify for office *before* assuming the duties of that office.

But do our courts abide by the People's wishes in this matter, no, not our courts, and most certainly not according to the will of the People. Instead, the courts cooked up their own version of how things are to work. After several suits were brought against persons impersonating public officials who had failed to qualify for office by taking the required oaths and/or anti-bribery statement, and said persons could potentially serve many years in prison, the courts cooked up the "de facto officer doctrine" in order to protect these public pretenders. Now understand this, there is no constitutional provision or language that allows for this doctrine, there is not so much as a hint of language alluding to such a thing anywhere in that document, but, the courts still determined that, even though someone did not meet the constitutionally mandated requisites of public office, or that they failed to actually get re-elected or re-appointed to that office, and if that person was previously known to have occupied that office, or to have acted under a

particular authority in the past, then, they were in fact, still qualified to occupy that office or act with that authority, despite their failure to qualify anew.

Now, let me see if I have gotten this concept straight and correct in my mind so I can paint you a scenario that would naturally result from such a doctrine. Say a new Sheriff is elected, and even though he lost the election, and his term is over, the old sheriff decides that he would still like to act as a Sheriff. So the old Sheriff goes out and still performs arrests, issues tickets, and locks people up in the county jail despite having not been re-elected, not having any of the required oaths or bond, nor does he have any real and lawful authority of any kind. Under the de facto officer doctrine, which the courts have declared by nothing more than judicial fiat, the old Sheriff would be protected from any type of suit and personal liability, even though he was no longer the actual Sheriff. The courts unlawfully distorted and corrupted the People's wishes as written within the respective Constitutions by simply declaring that this totally falsified and corrupt doctrine will and does protect him.

This is yet another example of just exactly how the courts and the licensed liars have usurped and corrupted the American judicial system and process. It would seem to me that when someone has failed to qualify for a position that required specific qualifications of that person *before* they could take the job, then, those things are to be done or that person is to take a hike and look for another job. Perhaps this is how we should be treating these judicial activist judges that cannot read and understand the basic principles and ideas written into our Constitutions. It is time to turn off the oven and stick a fork in their ass because they are DONE!

Now, let's go back to Article 2 Sec. 1 of the Texas Constitution and read where it very clearly states that "… ***no person***, ***or*** ***collection of persons***, ***being of one of these departments***, ***shall exercise any power*** ***properly attached to either of the others***, ***except in the instances herein expressly permitted***."

We have now clearly established that liars ARE "persons" who are licensed by the Texas Supreme Court to serve as members (bar card carrying liars/judicial officers) in a "collection of persons" (STATE BAR) as actual card-carrying members of that governmental office and agency which functions within the JUDICIAL DEPARTMENT.

So, how does a member (*the bar card carrying liars/judicial officers*) of one governmental agency (the STATE BAR), that exists within one specific department of Texas government (JUDICIAL), and without abdicating their position in that department (JUDICIAL) by surrendering their BAR CARD and Texas Supreme Court issued LICENSE, lawfully become a member (*Legislator of either house, a Representative, Governor, Lt. Governor, Attorney General*) in either of the other departments of government (LEGISLATIVE or EXECUTIVE), and proceed to exercise the power attached to an office (*Legislator of either house, a Representative, Governor, Lt. Governor, Attorney General*) within one of these other departments (LEGISLATIVE or EXECUTIVE) and that LIAR NOT be in violation of Texas Constitution Article 2 Sec. 1 Division of Powers? In short, they can't, it is constitutionally impossible. The whole process is absolutely forbidden under the Texas Constitution, therefore, it is unlawful, it is illegal, and it is all entirely criminal. I have actually heard some slick-talking liars declare that this doesn't matter because the liar in question is not exercising the power of either department simultaneously with the other. Not only is this argument stupid, it is irrelevant.

Article 2 Sec. 1 very clearly sets the requirement to that of nothing more than BEING A CURRENT MEMBER (PERSON) of ONE DEPARTMENT and FORBIDDING THE EXERCISE OF ANY POWER THAT RIGHTFULLY BELONGS TO ANY OTHER DEPARTMENT BY THAT SAME PERSON.

It can be reasonably presumed by the evidence that sometime prior to 1939 the liars (lawyers) within Texas managed to act in concert and collusion to plan for and gain absolute majority control of that session of the Texas legislature. It can be presumed at this point that their purpose was to ensure the passage of this Act while working to hide its true intent and purpose, which is to grant these liars an unconstitutional, and therefore totally illegal, advantage and authority to operate simultaneously within any and all departments of government in direct violation of constitutional prohibitions forbidding it. We can presume it because I have actual documentary proof from the legislative records that this is precisely what occurred. An illegal quorum was called, clearly disqualified, and, therefore, ineligible members cast "Yea" votes to pass an unconstitutional Bill creating a forbidden monopoly, by an unconstitutional vote, by an unlawful and illegal majority of a political body, which had no lawful and legal quorum in order to cast that vote.

Which brings us back full circle to the issue of an occupation of common right vs. a licensed privilege to "PRACTICE LAW", which mirrors the issues of the right to travel vs. the privilege to operate a motor vehicle. One exists as a matter of right and it belongs to all of the People in general, to be exercised or ignored on an individual basis, while the other involves a government granted privilege to engage in a regulable activity over which we the People gave them authority.

AS PER THE UNITED STATES SUPREME COURT:

Litigants can be assisted by unlicensed laymen during judicial proceedings.

Conley v. Gibson, 355 U.S. 41 at 48 (1957)

Schware v. Board of Examiners, 353 U.S. 238, 239. … "The practice of law (medicine etc.) is not within the States grace to regulate."

"**The practice of law (medicine etc.) is an occupation of common right as per Sims v. Ahrens, 271 S.W. 720 (1925)**. No State in the Union of the United States of America licenses lawyers, only the State Bar, which issues a private corporation type of "Union Card"/certificate for payment of dues/fees. (See also Ex Parte v. Garland, 4 Wall 333, 370 (1866), which authorizes only the practice of law in the courts as an officer of the court and a member of the judicial branch of government, to represent wards of the court such as infants and persons of unsound mind and as a public defender in criminal cases.) ...**Cannot license an occupation of common right ...Redfield v. Fisher, 292 P. 813, 817-819**

"Occupations of common right ARE NOT taxable. The practice of medicine and law are occupations of common right. **An income tax is neither a property tax, nor a tax on occupations of common right, but is an excise tax.** ...'Gross income tax unconstitutional." (See

also Schware v. Board of Examiners, 353 US 238, 239. ...**That an attorney cannot represent any private citizen nor any business as the State cannot license the practice of law. ..."That an attorney can only be allowed to practice law in the courts to represent "wards" of the court such as infants and persons of unsound mind as per Corpus Juris Secundum, Vol. 7, Sect. 4.")**

The definition of an excise tax is found in the supreme Court case of Flint v. Stone Tracy, 220 US 107: .."Excises are taxes laid upon the manufacture, sale or consumption of commodities within the country, **upon licenses to pursue certain occupations and upon corporate privileges**; the requirement to pay such taxes involves the exercise of **privilege and if business is not done in the manner described, no tax is payable, and it is this privilege which is the subject of the tax and not the mere buying, selling, or handling of goods; See** 53 ALR3d 1163 for the validity and construction of statutes or rules conditioning right to practice law upon residence or citizenship. (Occupations of natural/common right are **NOT a subject of an excise/income tax..84 C.J.S. art. 122)**

Attorney at law versus Counselor at law. It is absolutely amazing what has been uncovered over the years.

First there were barristers (Counselors-at-law in America) and attorneys-at-law. In some of the states initially they were kept separate, but then they started using attorneys and Counselor s-at-law together in one person and he would adjust to the particular issue. They were admitted [licensed] to practice in the courts by the judges or justices of that particular court, with the judges being public officers in that time frame.

Attorney at law:

1. Represents only - stands in your place or stead in business or legal issues.
2. **No attorneys allowed in a criminal tria**l, except to make bail.
3. Has Attorney fees - costs money and can use Attorney Lien.
4. Officer of the court
5. Can not challenge the court without exposure to sanctions such as judge being a public officer, etc.
6. Takes over the case and you are at his mercy on how the case is run.
7. He will raise no issue that he deems the judge will be unhappy with usually.
8. Co-counsel is the scam they attempt to use to validate the lack of Assistance of Counsel. You can not counsel yourself.

Counselor at law:

1. **Assists only and is to protect and defend his client, can not represent**.

2. Counselors at law are used in criminal trials - access to such Counselor is an absolute part of a Trial by Jury from the first part of arraignment on. Such Counselor:

a. Can ask questions on your behalf, and

b. Can instruct the client as to what questions to ask, and

c. If the client instructs the Counselor at law to challenge the judge or court, he can do it without being sanctioned personally or professionally (done correctly of course).

4. Officer of the court.

5. Does not charge, works on gratuity. Can not sue for Attorney fees.

6. Is learned in the law.

7. It is a position of Honor to be a Counselor at Law.

8. It is a position ***above*** that of an Attorney at law (but so is a pile of cow shit).

Federal Rules of Civil Procedures, Rule 17, 28 USCA "Next Friend"

"A next friend is a person who represents someone who is unable to tend to his or her own interest."

Haines v. Kerner, 404 U.S. 519 (1972)

"Members of groups who are competent non-lawyers can assist other members of the group achieve the goals of the group in court without being charged with "unauthorized practice of law."

Picking v. Pennsylvania Railway, 151 F.2d. 240, Third Circuit Court of Appeals

The "CERTIFICATE" from the State Supreme Court:

ONLY authorizes liars to practice Law "IN COURTS" As a member of the STATE JUDICIAL BRANCH OF GOVERNMENT.

The liars can ONLY represent WARDS OF THE COURT, INFANTS, PERSONS OF UNSOUND MIND (SEE CORPUS JURIS SECUNDUM, VOLUME 7, SECTION 4.)

The "*CERTIFICATE*" IS NOT A LICENSE to practice Law AS AN OCCUPATION, nor to DO BUSINESS AS A LAW FIRM!!!

The "*STATE BAR*" CARD IS NOT A LICENSE!!! It is a "*UNION DUES CARD*" claiming and showing membership in a particular public office, that of an "Officer of the court."

Maybe this will help some of you to understand how liars and judges have usurped, distorted, and corrupted the entire American judicial system and process. The vast majority of them are

nothing less than common thieves and morally bankrupt elitist. Trust one at your peril, believe one to your own detriment, and bring the KY Jelly if you have to deal with one and do not know how to control them both in and out of court. At this point I address Judge Bill Scott and state that if anything has been "debunked" thus far, it is you assertion that you are capable and able to read and understand the laws associated with the duties of your office. If I might make a suggestion, try actually listening to some of the arguments and facts presented by the People that appear in your court instead of simply presuming that you already know everything by benefit of judicial omnipotence, which I find is normally more akin to total incompetence. Try reading the actual laws for yourself with the intent of understanding them and how they apply to the protection of the People's rights rather than simply how they allow you to expedite the conviction rate of your court so that your superiors laud you with acclaim, your job remains secure, and your paycheck steady. Try putting the People's perspective and rights ahead of the results desired by government, which is really nothing more than increased revenue generation. I am willing to bet that you are incapable of doing any of these things simply because it would require that you take a stand for what is moral and just, and such a stand would eventually deprive you of your cushy paycheck and view of life from your judicial ivory tower. Maybe, just maybe, you might get introduced and welcomed into the real world you helped create.

My statements herein might lead most of you to believe that I have a special dislike or hatred of lawyers, but that is not actually true. I simply hold a firm belief that there is absolutely nothing wrong or broken with lawyers that a tall tree and a short rope cannot repair, and that Shakespeare had it right.

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rodney says:

January 20, 2011 at 8:35 pm

I am almost led to believe that this guy is saying this tongue in cheek to get the attention. The government code says its unauthorized practice of law and it doesnt really matter who agrees with it…it is the law. It has been passed by the legislature and upheld by the courts. It is the law. If anyone is unhappy with it, have the legislature change it.

In Texas you cannot represent someone else in court unless you are a lawyer. It really doesnt matter how much shit someone puts in their response…at the end of their ranting and raving and two thousand page diatribe the law is still the law.

I guess you will have to decide who to believe…someone who is a judge like Judge Scott… lawyers like me…or some guy who knows absolutely nothing about the law; how to interpret it; case law; etc.

He is wrong, wrong, wrong…and no matter how many words he uses or how many cases he cites…he is wrong, wrong, wrong..and I can't decide if its funny or sad…either way its wrong.

Eddie Craig Responds:

Actually Rodney, the fact that you are a lawyer, especially if you are a city attorney or defense attorney, only makes you that less credible in the eyes of most people that have any experience at that level.

It is obvious that you have not actually READ the law that you assert "is the law". As I stated previously, there is NO punitive offense listed in Chapter 81 of the TxGvC is there? If I am wrong like you say, and there is one, then please, point it out to us!

I have yet to meet an attorney that has actually READ the entire enactment of a particular law, or traced the individual provisions of that law to find out what other law its provisions or conditions might invoke. And I have never met one yet that has been able to prove me wrong in the things I discuss by USING THE LAW ITSELF! Only a lawyer would attempt to argue that white is black and black is white, and you guys do it all the time. You never actually offer PROOF that one is the other, you just assert that is what it is because you say that it is when you can't win the argument any other way.

Personally, I disagree with the usage of "case law" at all because the original reason it exists has been so thoroughly distorted and abused by lazy judges and even lazier liars. Even so, for a lawyer to make the statement that "case law" doesn't matter is like saying air has nothing to do with the necessity of breathing. Can't you get disbarred for single-handedly destroying that long-standing judicial illusion? Usually you guys will rely on case law before you will rely on the words of the actual law itself, no matter how clear and plain its language. This is true even when that "case law" is so far gone from the language of the constitutional clause AND/OR the actual law that it is almost laughable. Good decision, bad decision, on-point, off-point, it really doesn't seem to matter to you guys, just so long as it can be made to support the particular point of view that you want the judge or your client to buy into at that moment. But NOW you decide that "case law" is suddenly meritless when someone like me uses it to substantiate and support their own position? Give me a break.

Let's conduct a little test on my assertion about the factual nature of the law. Please, if you can, prove to everyone reading this post that I am wrong when I state that the language of the law itself is very clear that anytime you are issued a citation by a law enforcement officer pursuant either TxCCrP Art. 14.06(b) or (c), or pursuant TxTrC Sec. 543.001-.010, you are actually placed in a custodial arrest, you are arrested without warrant, you are denied your rights, you are illegally jailed, and then you are lied to by the officer, the lawyer and the judge about whether or not you actually were arrested at all.

After you prove me wrong there, if you can or did (which I doubt), then please prove me wrong when I assert that the magistrate and the prosecutor are both criminals that abuse the

power of the courts when they fail or refuse to do their ministerial duties as provided by law and instead do something entirely outside of what is prescribed by law.

Put your money where your lawyer mouth is and prove that I am wrong in either of these assertions. Just because you and any number of judges and other lawyers, great or small, scream in unison at the top of your lungs that something "is the law" doesn't make it so. The fact that you people perform selective reading to get the interpretation you desire instead of what is actually written changes nothing about the reality of what the law states in its language. Ample proof that neither judges nor lawyers can be trusted to do what is constitutional, lawful, moral and ethical can be found in the very recent SCOTUS case found here: http://www.thestreet.com/story/10977351/us-supreme-court-issues-landmark-decision-constitution-is-void.html

As far as the tongue in cheek statement goes, not a chance, nor do I need or desire "attention." I stand by what I say because I work hard to research it and study it from every angle and argument, and then I research it some more to verify the information again. And I will revisit it ever after to see if anything has changed. I have never met a lawyer that could say they do that. I do this before I ever present it as a factual assertion to anyone, though I do engage in discussions about my ideas. I do not take either discussion or application of the law lightly, unlike lawyers that think they know what it is even when they have never actually read it.

Go ahead, enlighten us, what kind of attorney are you, civil, criminal, contract, municipal, county attorney, district attorney? It doesn't really matter, most of those that talk like you do all suffer from the same medical condition, *cranium hemorrhoidum cavitus* (head-up-your-ass syndrome). Almost all liars simply skim over one specific section of a law and think they know it in its entirety, which is neither true nor possible. The majority of lawyers I have ever met are closed minded to any ideas that are not presented to them by either their peers or their superiors, which just goes to show you the bottom of the barrel standards we are dealing with here. Liars are simply trained that way, kind of like how a new owner improperly toilet trains a new puppy when it is first brought home, through repetition. Puppy/Lawyer either pees/chews/barks, owner/judge applies negative enforcement punishments, puppy/lawyer learns to fear retribution for certain acts, rinse and repeat *ad infinitum*.

If you are actually correct, and I am actually wrong, then, please, answer us this - who actually provided the very type of legal assistance that you claim is now, and always has been, the sole domain of licensed liars before there actually were licensed professional liars? Would the job have been an occupation of common right at that time or was it required to be licensed from the very beginning? Which came first, the liar or the license? Since many of our original SCotUS judges and several lawyer Presidents never went to law school, yet still practiced as attorney/lawyers, I believe that we can safely stand on the solid ground of these facts and assert that you have absolutely no clue or understanding of that which you attempt in vain to argue in

your favor. In short, you're an idiot, and I love idiots, they're so much fun, no wonder every village wants one!

Lawyers are VERY good at making assertions, twisting facts, ignoring other relevant facts, misreading, misstating, and generally misrepresenting every single thing they can if it will supply them with some kind of advantage, benefit, or opportunity. What makes you any different? On the flip-side, I have no such motivation in making the assertions that I do about what the law actually contains in its language. If someone asks me and I know something about that particular law or constitutional provision, I answer them if I already have actual knowledge of that section, or, I go look it up and read it thoroughly so as to understand and answer. I do not have anything to gain financially or personally, and, therefore, I have no reason to misrepresent anything or mislead anybody.

That simply is not true for you as a lawyer however. It is you and your "self-prostituting profession" that has something personal to gain in trying to prove me, and others like me, wrong about anything and everything. Especially when what we present to the general public tends to discredit everything that liars and judges have foisted upon the eyes and ears of the People for decades to try and convince them that the emperor really is wearing new cloths!

While your statement that "In Texas you cannot represent someone else in court unless you are a lawyer" is true in practice, it is not true for the reasons that you imply. You imply that it is "the law" that makes this so, I state that it is not. I assert that it is nothing more than simple petty jealousy, pride, and greed, promulgated entirely by the authoritarian use of coercion and force, not any actual law. All-in-all it works rather well, this lie. The judges and other liars, by using their judicial office and power, make false claims about the necessity of protecting the public and move against anyone that would dare become knowledgeable, learned, and insightful in the law, but who attempts to avoid being under the thumb of the liars corrupt control system, i.e. the STATE BAR. Is there anyone in America that does NOT know that it is from the liars and judges that we have the greatest need of protection? In short, this control system gives judges, and all of you other liars, complete and total control over the profession. If you refuse to become a part of the boys club, pay your union dues, do what you're told instead of what's right, change your underwear on their schedule, part your hair just so, and kiss the right ass at the right time, you're done! Therefore, I offer the argument that your statement is true for no other reason than the aforementioned motivation of greed and power, not because it is written into any law.

PLEASE! IF I AM WRONG THEN SHOW ME THE ACTUAL LEGISLATIVELY ENACTED LAW THAT MAKES IT A CRIME TO ACT AS SOMEONE'S LEGAL COUNSEL, EVEN FOR FINANCIAL GAIN, IN A CRIMINAL OR CIVIL CASE WHEN THAT CASE DOES NOT INVOLVE A PERSONAL INJURY SUIT FOR DAMAGES, EXCLUSIVE RIGHT TO BROKER LEGAL SERVICES, TRANSFER OF REAL PROPERTY, OR RELEASE OR TRANSFER OF A LIEN, PURSUANT PENAL CODE SEC. 38.123 OR CLAIMING TO BE A LAWYER PURSUANT PENAL CODE SEC. 38.122!

I don't want some judge's or other liar's **opinion** on the subject, I want you to produce the actual LAW! Please keep in mind that Texas Supreme Court rules regarding the "practice of law" are not LAW, they are ONLY RULES! And as RULES they are not binding on the PUBLIC, they can and do apply ONLY to the courts, the court's personnel, and to licensed practicing liars. They simply DO NOT apply at all to the PEOPLE individually or the general public collectively!

So, try using the actual LAW to PROVE me wrong instead of just proclaiming it as if your assertion is both fact and gospel, if you can that is.

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david says:

January 21, 2011 at 9:03 am

Got to admit it. If I ever pulled him over, I wouldn't write him a ticket for anything by verbosity. (Probably wouldn't stick, but none the less deserved!)

On a side note – Can you imagine being this idiot's English teacher?

Alright says:

January 21, 2011 at 10:05 am

Eddie is a tool. He's probably works 3rd shift in a mailroom making min wage and looks down on everyone because he is a member of MENSA.

A review of his manifesto suggests that he has a screw or two loose.

Karl says:

January 21, 2011 at 10:32 am

Can he not make a statement without writing a book. Words do not a lawyer make.

Tooth ache says:

January 21, 2011 at 12:07 pm

Also….haven't you seen the news where folks are getting arrested for impersonating attorneys and representing people? That should tell you right there….you CAN NOT represent someone in court if you are not a licensed attorney (I could not represent my friend, brother, sister, child, parent, etc….but they could represent themselves pro se). Don't believe everything you see and hear….know the law.

Joey G. Dauben | Publisher says:

January 21, 2011 at 12:14 pm

But I could, and can, and legally can, represent my self *pro se* in any court in any part of this country, yet that is okay.

But I still have yet to see anyone refute what Eddie Craig is saying. It's easier to attack someone directly — regardless if you're a lawyer or whatever — than to actually dissect what he is posting and refuting it.

How is it that someone can basically "hire themselves" and be *pro se* and yet they can't hire, say, Eddie Craig to come and defend you in a traffic ticket?

If, toothache, we solely went on evidence that a law has been broken every time someone got arrested, then we would have to use your reasoning ability (lack thereof) and your illogical conclusions (no offense personally) that simply because someone is arrested for something, that means a law has been broken.

So when I was arrested, thrown in jail for 12 days in the fall of 2009, it was because I refused to disclose the source of where I received a mug shot of an arrested cop (it was an anonymous e-mail.) And then I published it. And then I wrote editorials and articles after being threatened. I spent 12 days in jail for it.

I walked out a free man.

So if we are to use your line of reasoning — or lack thereof — to say that, "see, that person was arrested, there **must have been** a law broken! — then we should assume everyone ever put in handcuffs and taken to jail is guilty of breaking some law.

When the opposite is true.

Tooth ache says:

January 21, 2011 at 12:24 pm

In that particular case….a law was broken and no, you can't hire an everyday Joe to represent you in court, but you can represent yourself. Next time you receive a traffic citation or anything else…when you go to court….see if that judge will let you bring Eddie (or anyone else) in to represent you. You will get the same story.

Eddie Craig Responds:

Eddie Craig says:

January 21, 2011 at 2:54 pm

Just for Tooth ache –

I have intentionally kept this short and used little words just for you so that you have a better chance to comprehend (ooops, sorry for the big word), I mean UNDERSTAND what I have tried to show you.

If you had bothered to actually read what I wrote then you would understand that your statement does NOT hold water.

There is NO law that prevents someone from representing you in court. There is ONLY the opinion of the judge and the tyrannical threat of force and jail, even though there is no LAW to base that threat or use of force upon. It is nothing more than an illegal and unconstitutional effort to maintain a monopoly, and, therefore, an absolute legal advantage over the rest of the People.

If there is no law granting or denying a particular public authority to do some thing or to perform some act then there is no authority for a public servant to enforce anything regarding that act.

Please, try not to be stupid with your rebuttals. I am not talking about the authority to buy office supplies or construct building facilities here. I am talking about judges and prosecutors enforcing a non-existent law.

If a law states that an offense is committed only when conditions A **and** B (elements of the crime) have been met, then one can only be lawfully charged with that crime when BOTH conditions exist. One CANNOT be charged and convicted, legally speaking, when BOTH conditions have NOT been met. If either one fails, the entire charge fails.

This is EXACTLY the situation with the UNAUTHORIZED PRACTICE OF LAW, it sets very specific conditions that constitute the parameters of the offense, and if they are not ALL met then the charge falls flat on its face in its entirety. Pretty much like your rebuttal arguments.

I "write a book" because it is the only way to make the facts surrounding the issue being discussed clear to all. I do not hide anything, I lay it all out there for all to see. And as Joey

pointed out, I have yet to see a single one of you refute my assertion on a point-by-point basis. Instead you seem to prefer to live by the axiom “open mouth, insert foot.”

Willful ignorance is the greatest and most malevolent form of stupidity. And it is that stupidity that constitutes one of the greatest threats to the rule of law and our freedom as a People. Please, stop being so stupid.

Justice says:

January 21, 2011 at 3:32 pm

Eddie, what you have done is find a legal loophole and you are trying to manipulate it to fit into your argument.

Section 83.001(a) of the Texas Government Code prohibits a “person, other than a person described in Subsection (b), may not charge or receive, either directly or indirectly, any compensation for all or any part of the preparation of a legal instrument affecting title to real property, including a deed, deed of trust, mortgage, and transfer or release of lien. Subsection (b) exempts licensed attorneys, real estate brokers or salesmen and mineral property lease transactions.

Section 38.122 of the Texas Penal Code prohibits a person from holding himself out to be a lawyer unless licensed to practice law if it is done with an intent to obtain an economic benefit.

Section 38.123 of the Texas Penal Code prohibits a person from taking certain actions with respect to personal injury claims if done with an intent to obtain an economic benefit.

So, while the Texas Government code prohibits UPL, there is no Penal code corresponding to it except in certain circumstances. This still doesn’t mean that anyone can practice UPL, or that any judge should allow it in his/her courtroom. You’re just splitting hairs here.

Eddie Craig Responds:

To Justice -

You cite this as a legal loophole and that I am "splitting hairs", then you so kindly supply yet another section of code that proves MY point and refutes yours. Thank you kindly. My assertion has nothing at all to do with splitting hairs, and it is NOT formed on a legal "loophole". I have asserted nothing more than the factual idea that any lawful occupation is simply an occupation of common right, or are you by any chance inferring that the "PRACTICE OF LAW" is not actually a lawful occupation and therefore it requires a license in order to do it? I highly recommend that you look up the legal definition of "license" if that IS what you are asserting.

If you don't mind I would like to show everyone your cited code section in its proper completeness. Here is Section 83.001 in its entirety:

GOVERNMENT CODE
TITLE 2. JUDICIAL BRANCH
SUBTITLE G. ATTORNEYS
CHAPTER 83. CERTAIN UNAUTHORIZED PRACTICE OF LAW

Sec. 83.001. PROHIBITED ACTS.

(a) A person, other than a person described in Subsection (b), may not charge or receive, either directly or indirectly, any compensation for all or any part of the preparation of a legal instrument affecting title to real property, including a deed, deed of trust, note, mortgage, and transfer or release of lien.

(b) This section does not apply to:

(1) an attorney licensed in this state;

(2) a licensed real estate broker or salesperson performing the acts of a real estate broker pursuant to Chapter 1101, Occupations Code; or

(3) a person performing acts relating to a transaction for the lease, sale, or transfer of any mineral or mining interest in real property.

(c) This section does not prevent a person from seeking reimbursement for costs incurred by the person to retain a licensed attorney to prepare an instrument.

I simply must thank you for again proving my point so precisely. You once again absolutely fail to read and COMPREHEND that which is written in plain English. Sec. 83.001(a) forbids the preparation of legal documents for compensation in only two specific instances, 1) affecting the title to real property and 2) the release or transfer of a lien. It does absolutely nothing else regarding the practice of law for any other purpose. Every citation of law that has been produced here has remained consistent with MY assertions, and yet your failsafe argument is that I have only found a "legal loophole"?

Why is it so hard for you to accept and understand that the law MUST be written this way or it could and would be challenged on constitutional grounds as denying the People access to an occupation of common right in lieu of an unconstitutional monopoly? I have worked with armor plating on aircraft that is less dense than your self-serving assertions on this issue.

You are STILL batting a .1000 in your failure to rebut my assertion on a point-by-point basis. You have yet to produce any law whatsoever that denies the right of a private Citizen to act as legal Counselor for another in a criminal proceeding, or for that matter, even in every type of civil proceeding.

Let it be known that I have no desire whatsoever to be a lawyer, mainly for two reasons:

1) I promised my mother that I would not grow up to be a crook; and
2) I prefer to use my brain for a purpose beyond keeping my head from collapsing inward due to the vacuum that would otherwise exist in a total void such as is found in most liar's heads.

When you can't make your argument with facts and law many of you resort to belittlement, insults and name calling. Therefore, in order to make you all more comfortable with the response, I have sought to return the favor. Now you also resort to contrived arguments that try to represent one set of facts as proving something completely different than what they actually do. This is yet another typical liar ploy, deny and distract.

As I said before, the occupation of legal Counselor is an occupation of common right, and there is no law in Texas prohibiting it, nor making anything a punishment for engaging in it. The illusion to the contrary is maintained solely by unlawful threats and abuses of power and authority by those that stand to benefit the most from keeping the charade going, and we all know who that is.

Wake up! Everything that you are defending as "law" is all a lie based on nothing more than "conventional wisdom", which is to say, ignorance of the actual truth. Just like the old wife's tale that espouses the idea that moss only grows on the north side of trees or that snakes won't crawl over a loop of rope laid on the ground, its simply not true. Your conventional wisdom is wrong.

Justice says:

January 21, 2011 at 7:54 pm

If by “an occupation of common right,” you mean an occupation you perform PRO BONO, you may have a case, Eddie. Otherwise, Texas penal code spells it out quite clearly. I have included the full section below. Pay special attention to section 5. There is also a very cler punishment laid out, contrary to your arguments. See 5(d).

/ˈlaɪsəns/ license Show Spelled [lahy-suhns] Show IPA noun, verb,-censed, -cens·ing.
–noun
1.formal permission from a governmental or other constituted authority to do something, as to carry on some business or profession.

Section 38.122 of the Texas Penal Code prohibits a person from holding himself out to be a lawyer unless licensed to practice law if it is done with an intent to obtain an economic benefit.

§ 38.123. UNAUTHORIZED PRACTICE OF LAW. (a) A person commits an offense if, with intent to obtain an economic benefit for himself or herself, the person:
(1) contracts with any person to represent that person with regard to personal causes of action for property damages or personal injury;
(2) advises any person as to the person's rights and the advisability of making claims for personal injuries or property damages;
(3) advises any person as to whether or not to accept an offered sum of money in settlement of claims for personal injuries or property damages;
(4) enters into any contract with another person to represent that person in personal injury or property damage matters on a contingent fee basis with an attempted assignment of a portion of the person's cause of action; or
(5) enters into any contract with a third person which purports to grant the exclusive right to select and retain legal counsel to represent the individual in any legal proceeding.
(b) This section does not apply to a person currently licensed to practice law in this state, another state, or a foreign country and in good standing with the State Bar of Texas and the state bar or licensing authority of any and all other states and foreign countries where licensed.
(c) Except as provided by Subsection (d) of this section, an offense under Subsection (a) of this section is a Class A misdemeanor.
(d) An offense under Subsection (a) of this section is a felony of the third degree if it is shown on the trial of the offense that the defendant has previously been convicted under Subsection (a) of this section.

You may want to re-read my previous post. Nowhere in it did I insult you or resort to name-calling, and my argument is clearly made with laws and facts.

Eddie Craig Responds:

Justice --

Again you fail to read what is clearly stated. Section (5) makes it an offense for a person to enter into a contract with a third party for the purpose of granting exclusive rights to both select

and hire legal counsel, in other words, the exclusive right to broker legal services. It is specifically directed at receiving a personal financial benefit by contracting for the exclusive right to select and hire legal counsel on behalf of another. It has NOTHING to do with acting as legal counsel for someone directly in a criminal case, even if you are charging a fee for doing so.

Pro bono would also bely the idea of an "occupation" would it not? It can't really be called an occupation unless you can make a living at it.

Another point that you misrepresent deals with the defining of an offense. Throughout this post I have argued that there is no offense defined in Government Code Chapters 81, 82 and 83 for the UNAUTHORIZED PRACTICE OF LAW, or do you insist that there is one defined there? Please show us where.

I have also clearly stated that the ONLY place such an offense is defined is right there in Penal Code Sec. 38.123. I have also clearly stated the necessary conditions written into this section and how they apply to the commission of the offense. I have not at any time in this posting asserted that there is no penalty for engaging in the UNAUTHORIZED PRACTICE OF LAW. I have simply asserted that the penalty is limited in its application to certain specific actions only.

The remark on insults and name calling was not directed at you personally, but to those that represent the class of people I discussed. So my apologies if you feel that I was verbally accusing you specifically.

And for the record, I did read your previous post, and it was actually NOT on point because it was incorrect as it made several false representations regarding the statute you cited, just as you have Sec. 38.123 in this last post.

However, on the specific issue of the UNAUTHORIZED PRACTICE OF LAW, go back to the drawing board and try again.

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korgroth says:

January 21, 2011 at 9:00 pm

So for the most part of the post here the word is go along to get along?

every thing posted shows that there must be payment for service rendered.

Eddie Craig Responds:

Excellent point Korgroth --

Everyone has entrenched themselves on the issue of getting paid while failing to deal with the issue of assisting someone without charge.

I never stated that any of this applies only to someone that IS charging for acting as legal counsel because People are also being denied in having someone assist them at trial who is not charging them a cent. I simply stated that the issue of getting paid for legal services is only an issue under the circumstances and conditions codified within Penal Code Sec. 38.123.

Once again, the issue is not really about the money, at least not for the private Citizens, it is about the ability to control the legal industry as a whole. Non-attorneys cannot be controlled by the judge through fear of being professionally sanctioned, and thus the judge has less control and ability to intimidate such folks. They simply hate that lack of control.
