

The 1879 California Constitution is Null and Void

This article is being written by Douglas William-Hysell of the California Republic in order to alert the people to the fraud being perpetrated by the STATE OF CALIFORNIA Corporation; a franchise of the UNITED STATES CORPORATION located in the district of Colombia. In 1871 The UNITED STATES CORPORATION was created in the District of Colombia and in 1878 it was reorganized. In 1879 the STATE OF CALIFORNIA franchise (think corporate franchise) was created through the 1879 STATE OF CALIFORNIA Constitution.

The offices created by the 1849 California Republic were abandoned at this time for the offices created by the STATE OF CALIFORNIA INC. This left the original Republic unoccupied and created corporate offices outside of the original 1849 California Republic. This was an Ultra Vires Act: acting in excess of delegated constitutional power and authority.

On November 8th, 1960 the 1879 STATE OF CALIFORNIA INC. Constitution/Charter was repealed by both the ballot & statute. For which the evidence can be reviewed here https://linktr.ee/8nov1960?lt_uutm_source=lt_share_link#322797390

This was certified by the Secretary Of State at that time.

The repealing of the 1879 STATE OF CALIFORNIA Constitution has been withheld from the public/people of California State and the STATE OF CALIFORNIA corporation has carried on as if this repeal had never happened. As you can see from the documents contained in the above link.

The 1849 California Constitution set up a Republic and a Republican form of Government. It was a public trust by contract, whereas the 1879 STATE OF CALIFORNIA Constitution, is a corporate franchise-for-profit and NOT for the people.

So let's take a look at the Public Record, the 1849 California Constitution. This was a public trust by contract, set up by "we the people of California, grateful to Almighty God for our freedom". Just as the Declaration of Independence: "all men are created equal and endowed by their Creator with certain inalienable rights". Our Public Records, and the founding documents, constitute the founding principles of this Nation; that we are all equal and endowed by our Creator with in-a-liable rights. Our rights come from God not a foreign corporation posing as government.

"As in our intercourse with our-fellow men certain principles of morality are assumed to exist, without which society would be impossible, so certain inherent rights lie at the foundation of all action, and upon recognition of them alone can free institutions be maintained. These inherent rights have never been more happily expressed than in The Declaration Of Independence, that evangel of liberty to the People: "We hold these truths to be self-evident"- that is, so plain that their truth is recognized upon their mere statement - 'that all men are endowed ' - not by edict of emperors, or decrees of

parliament or Acts of congress, but-‘by their Creator with certain inalienable rights’-That is rights which cannot be bartered away or given away or taken away, except for punishment of crime –‘and that among these are life, liberty and the pursuit of happiness, and to secure these’- not grant them, but secure them-‘governments are instituted among men, deriving their just powers from the consent of the governed’ Among the inalienable rights proclaimed in the Great Document, it is the right of men to pursue their happiness by which is meant any lawful vocation or business’. **(Butcher’s Slaughter-House & Livestock Landing Co. V Crescent City Livestock & Slaughter Co. (1884) 111U.S.746L.Ed.585,4S.Ct6652,660-661)**

That came from the United States Supreme Court and I believe they put it quite well. The Public Record in both the Declaration of Independence and the 1849 California Constitution state: “That governments are instituted among men to secure these rights”.

The 1879 Constitution was repealed in 1960 and the knowledge of this has been on the public record. It was affirmed as recently as February 2, 1998:

Applicable Venue and Jurisdiction previously determined and established February 2, 1998 in Los Angeles Superior Court, in Case BC 175 367, \$190,000, 000 – Judgment, Concurrent with and equivalent to the **district court** as created in the Constitution of the State of California of 1849, and the seventeenth judicial district, see **Statute 1872, chapter 114 p. 116**. The **effective date** of the **1879 California** constitution is **repealed November 8, 1960**, by Ballot Pamphlet Number 12:

https://linktr.ee/8nov1960?lt_utm_source=lt_share_link#322797390

Repealing the “effective Date” of the source of authority for the purported “codes” voids their application and enforcement; they have been voided since the 1960’s according to public record! Additionally this was adjudicated in the above referenced court case. Attached affidavit from said case here:

ORIGINAL FILED JULY 29, 1997, LOS ANGELES SUPERIOR COURT

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Stephen Mitchell, Lisa Jan Precious, Kathleen Carey
In propria persona [NOT PRO SE]

court In the superior [1] for Los Angeles county, California

FOOTNOTE 1: Concurrent with and equivalent to the district court as created in the Constitution of the State of California of 1849, and the seventeenth judicial district, see Stats 1872, ch. CXIV, p. 116

Stephen Mitchell; Lisa Jan Precious; Kathleen Carey
Plaintiffs/Demandants,

vs.

DAVID MISCAVIGE, a person, in the capacity as Chairman of the Board of the Religious Technology Center and Inspector General of the Church of Scientology
MIKE RINDER, a person, in the capacity as head of the Office of Special Affairs International
JOHN/JANE DOE #1, a person, in the capacity as head of the L. Ron Hubbard Library
JOHN/JANE DOE, #2-99
Defendants/Respondents,

Case No. BC175367
Affidavit of Truth in Support of
Verified Complaint for Libel

The 1879 quasi-constitution has no lawful effect due to the following:

1. It is a fact that the "citizens of California" were expressly authorized to vote for the adoption of the Constitution for the State of California of 1849.
2. It is a fact that "citizens of California" were never authorized to vote for the "adoption" of the 1879 quasi/constitution. Only "citizens of the United States" were authorized to vote for the 1879 quasi/constitution. The express statement of "citizen of California" was purposefully removed by "revision" in the creating of the quasi/constitution of 1879.
3. This revision hereinabove shown where "citizen of California" was removed, is especially notable when it is taken into consideration that another section from the 1849 Constitution, specifically Article XI, Section 2, remained unchanged when placed in the 1879 quasi/constitution at Article XX, Section 2, and specifically acknowledged the "citizen of this state". It is clear that the "citizen of this state", i.e., the "citizen of California", is acknowledged in, but not authorized to vote for the adoption of, the quasi/constitution of 1879.
4. It is indisputable that in the time frame of the 1870's, that it is defined in decisional law that a "citizen of the United States" as created under the Fourteenth Amendment to the federal constitution was specifically nothing more than one of the "freed slaves" (or their offspring) after the Civil War. See Cory v. Carter, 48 Ind. 327, 349 [1874] and Van Valkenburg v. Brown, 43 Cal. 43, 47 [1872].

5. It is clearly documented that the effective date of the quasi/constitution was repealed November 8, 1960.

6. Virtually the entire quasi/constitution of 1879 was repealed and replaced from 1949 through 1976 without any lawful authority. The Plaintiff can find no source of any lawful authority to "repeal", whether it be in the quasi/constitution of 1879 or the organic Constitution for the State of California of 1849.

7. There is a fundamental, indisputable difference between the act of "amending" and the act of "repealing".

7a. Amend. To Improve. To change for the better by removing defects or faults. To change, correct, revise. Black's Law Dictionary, 6th Edition.

7b. Repeal. The abrogation or annulling of a previously existing law To revoke, abolish, annul, to rescind, or abrogate by authority. Black's Law Dictionary, 6th Edition.

8. The following is a listing of the great majority of repealing that took place which was beyond any authority to "amend" or "revise" if the quasi/constitution of 1879 was actually lawfully in effect.

9. In addition the fact presented hereinabove concerning the specific and limited authorization to vote for the adoption of the quasi/constitution of 1879, the fact of the "repealing" is hereby submitted as evidence that the quasi/constitution of 1879 was not, is not, and cannot have any lawful effect as the valid "Constitution for the State of California".

Article I,

Section 1-2 repealed November 5, 1974

Section 3 repealed November 7, 1972

Section 4-7 repealed November 5, 1974

Section 8 - repealed November 8, 1966

Section 9-24 repealed November 5, 1974

Section 26a - repealed November 8, 1949

Article II, repealed November 7, 1972

Article III, repealed November 7, 1972

Article IV, Section 1 repealed November 8, 1966

Section 1b-5 repealed November 8, 1966

Section 7-21 repealed November 8, 1966

Section 22a repealed November 8, 1966

Section 23a repealed November 8, 1966

Section 25a repealed November 8, 1966

Section 25 1/2 repealed November 8, 1966

Section 25.7 repealed November 8, 1966

Section 28 repealed June 8, 1976

Section 31d-38 repealed November 8, 1966

Article V repealed November 8, 1966

Article VI repealed November 8, 1966

Article VII repealed November 8, 1966

Article VIII repealed November 8, 1966

Article IX, Section 4 repealed November 4, 1963

Section 4 repealed November 4, 1963
 Section 10-13 repealed November 5, 1974
 Section 15 repealed November 5, 1974
 Article X, repealed November 7, 1972
 Article XI, repealed June 2, 1970
 Article XII, repealed November 5, 1974
 Article XIII, repealed November 5, 1974
 Article XIV, repealed June 8, 1976
 Article XV, repealed June 8, 1976
 Article XV, Section 2-9, repealed November 6, 1962
 Section 12, repealed November 6, 1962
 Section 15-21, repealed November 6, 1962
 Article XVII repealed June 8, 1976
 Article XVIII repealed November 3, 1970
 Article XIX repealed November 4, 1952
 Article XX, Section 1 repealed November 7, 1972
 Section 2 repealed November 3, 1970
 Section 3.5 repealed November 3, 1970
 Section 4 repealed November 3, 1970
 Section 5 repealed June 8, 1976
 Section 9 repealed November 3, 1970
 Section 10, 11 repealed June 8, 1976
 Section 12 - 14 repealed November 3, 1970
 Section 15 repealed June 8, 1976
 Section 16 repealed November 7, 1972
 Section 17-17 1/2 repealed November 3, 1970
 Section 19 - 21 repealed June 8, 1976
 Article XXI, repealed November 7, 1972
 (note that an "new Article III, section 2, acknowledged the existence of the 1849 Constitution as the authority for the statement of the boundaries of California.)
 Article XXII,
 Section 3, repealed November 8, 1960
 Section 4, repealed November 8, 1949
 Section 5, repealed November 8, 1949
 Section 7, repealed November 8, 1949
 Section 8, repealed November 8, 1949
 Section 9, repealed November 8, 1949
 Section 10-12, repealed November 8, 1960
 Article XXII (totally) repealed June 6, 1972
 Article XXIII, repealed June 8, 1976
 Article XXIV, repealed June 8, 1976
 Article XXV, repealed November 8, 1949
 Article XXVII, repealed November 3, 1970
 Article XXVIII, repealed November 5, 1974

10. Based on the foregoing, the Plaintiff demands and requires:

10a. This Court shall take judicial notice 'of the fact that the Constitution for the State of California of 1849 is currently valid and in effect.

IOb. This Court shall take judicial notice of the fact that the quasi/constitution of 1879 amounts to nothing more than an "extension of the code" and any lawful effect that it may or may not have does not supersede the Constitution for the State of California of 1849.

We, Stephen Mitchell, Lisa Jan Precious, and Kathleen Carey, hereby swear under penalty of perjury, under the law of the Land in California, one of the United States of America, that paragraphs numbered 1 through 10 hereinabove are true and correct and so done in good faith to the best of our knowledge and belief.

Subscribed and sworn this twenty-ninth day of the seventh month, in the year A.D. nineteen hundred ninety-seven.

[L.S.] (SIGNATURE: STEPHEN MITCHELL) seal
Stephen Mitchell

[L.S.] (SIGNATURE: LISA PRECIOUS) seal
Lisa Jan Precious

[L.S.] (SIGNATURE: KATHLEEN CAREY) seal
Kathleen Carey

This affidavit comes from the above mentioned Court case in Los Angeles Superior Court filed on the above stated dates in which a \$190,000,000 judgement was issued based upon those facts.

The result of said repeal of the 1879 STATE OF CALIFORNIA constitution is that everything created by the 1879 STATE OF CALIFORNIA is null and void. This includes ALL private corporate policies called statutes and codes and including all corporate agencies such as sheriffs' departments, corporate counties, (COUNTIES of), and everything else with an EIN [IRS employer I D] & DUNS number [Dun & Bradstreet type of organization- corporation]. This also includes the BAR association and the court system as operating today.

Furthermore, before you go running off to your nearest California Bar Member for advice, you should take notice so you can use due care; The California Bar Association was created through Article VI Section 9 of the 1879 California Constitution:

"The State Bar is a Constitutional entity placed within the Judicial Article of the California Constitution and thus acknowledged as an integral part of the Judicial function." (In re Rose 93 Cal.Rptr.2d 298 (at 303 HN 123), 22 Cal.4th 430 (Cal 2000)

So, this is self-evident fact that since the 1879 California Constitution was repealed and the California Bar Association was created by Article VI Section 9, the California Bar Association was repealed. This means it has no legitimate standing in law or at law. To claim to be a Bar member is fraud and violates actual law.

"In view of the decision that the creation of Public Corporation by special acts is prohibited by State Constitution, State Bar Corporation as public corporation has

no validity and designation of State Bar as a public corporation has no legal efficacy.” (Cited from 7 Corpus Juris Secundum Sec. 9). See Also: (Bridegroom V State Bar, 550 P.2d 1089, 27 Ariz.App. 47)

California “one of these Union States” entered the Union through an “Admissions Act” this is very significant; only two states were admitted this way, the lone star states of Texas and California (that is why we have a star on our state flag). This means we were already a free standing nation/state from the beginning. Due to the gold rush we had the population and were already organized (via our 1849 Constitution) as a country. We joined the union of states as our own separate nation. This is why we do not need to create a California Republic, we just need to fill the vacant offices that were vacated when the 1879 ‘corporate’ constitution usurped our country and state. [As men and women, sovereign people, you can live in the Republic and leave the corporate slave state and be free].

All of the other states were “enabled” through an Enabling Act by Congress. They weren’t free standing countries and needed approval of congress. That is why states like Michigan and Alaska that weren’t Republics have recently stood up their republics via the assembly process and other states need to do the same. We don’t. Like Texas we just need to populate our offices and make the people aware of the illusion created by the 1879 corporate constitution- a fraud and criminal enterprise that was repealed in 1960.

California, a Nation/State, stylized as a Republic in form; guaranteed by the United States constitution. All Laws of the Republic state, conform, sustain, and contain an **enabling act specific to venue on the Republic** in the following manner: in Statutes and Amendments to the Code, the chaptered statutes were captioned by: "**The People of California, represented in Senate and Assembly, do enact ...**". Then, in 1911 something major changed. Since 1911, in Statutes and Amendments to the Code each chaptered statute has been captioned: "**The people of the State of California do enact as follows: ...**" It appears a reasonable inference, from the written record of the acts of the Legislature, that after 1911 the **Legislature no longer "Represent"** the People of California; they **claim to be** "the **people of the State** of California". It *may* be **the General Laws** are enacted by the formula, "**The People of California, represented in Senate and Assembly, do enact ...**" and that **Code Sections** are enacted by the formula, "**The people of the State of California do enact ...**" these two **enacting clauses** identify **two venues** with specific and distinct societies and specific and distinct classifications of rights...i.e., **inalienable that cannot be infringed by contract** and the civil, unalienable rights which can, by choice, be contracted away (not without full disclosure, meeting of the minds etc.)

The 1849 California **Article VI** - Judicial Department, **Section 18**: The style of all process shall be "**The People of the State of California**" all the prosecutions shall be conducted in the name and by the authority of the same. The above highlighted section 1 of the 1849 legislative section, indicates how all legislation is to be enacted, by the

proper enacting clause. This enacting clause was changed as shown above and the proof contained in public records as referenced.

This means that they are not general laws applying to the people of California; they are private corporate policy because The People of the STATE OF CALIFORNIA are corporate. STATE OF CALIFORNIA, EIN#94-6207465, DUNS#003989434 is a private-for-profit corporation as are each County as in COUNTY OF SAN LUIS OBISPO, EIN#95-6000939 and D-U-N-S #05-922-7611. These entities can pass no laws that apply to the people or the people's private property.

Cities and Counties are private municipalities; COUNTY OF SAN LUIS OBISPO is a private corporation/municipality and cannot assume legislative powers without the Governor's signature, or without going through the State Legislature.

The 9th Circuit clearly held that a municipality may not surrender its control of a municipal function to a private party: In *Schultz V Miline*, 849 F. Supp. 708 (N.D. Cal. 1994; [D]efendants fail to apprehend basic constitutional tenets restricting the extent to which state power may be delegated to private parties. See also page 6694, footnotes 1 & 5:

1. It appears to the court that the City may have improperly contracted away its legislative and governmental functions to the Board and Miline, both of whom are private parties.

The so-called statutes, regulations, policies, ordinances, rules etc., do not apply to the Men and Women, the living people of California. We elected our public servants to work for and serve THE PUBLIC, that is what constitutes a true government, public servants who answer to the people, not the other way around.

By becoming a corporation and utilizing negotiable instruments of a private corporation, these government corporations have laid down their sovereignty and become just another private corporation. They have no power or valid authority to claim to be our government. This is clearly stated in the Clearfield Doctrine:

"Governments descend to the level of a mere private corporation and take on the characteristics of a mere private citizen....where private corporate commercial paper [Federal Reserve Notes] and securities [checks] is concerned....For purpose of suit, such corporations and individuals are regarded as entities entirely separate from government." (Supreme Court Annotated Statute, *Clearfield Trust Co. V United States*, 318 U.S. 363 - 371 (1942).

In other words the Clearfield Doctrine states that when private commercial paper is used by the corporate government, then government loses its sovereignty status and becomes no different than a mere private corporation- think McDonalds.

As such, government then becomes bound by the rules and laws that govern private corporations. This means that if they intend to compel an individual Man or Woman to some specific performance, based upon its corporate statutes or corporation rules, then the government, like any private corporation, must be holder-in-due-course of a contract or other commercial agreement between it and the one upon whom demands for specific performance are made.

And further, the government must be willing to enter the contract or commercial agreement into evidence before trying to get the court to enforce its demands, called statutes. [Emphasis added].

The Clearfield case is especially important because it is a 1942 case that was decided after the UNITED STATES CORPORATION COMPANY filed its "CERTIFICATE OF INCORPORATION" in the State of Florida (July 15, 1925). The case was decided **after** the 'corporate government' agreed to use the currency of the private corporation, the FEDERAL RESERVE. The private currency, the Federal Reserve Note, is still in use today.

Corporations are not and cannot be sovereign. They are not real; they are a fiction and only exist on paper. Therefore, all laws created by these government corporations are private corporate regulations called public law, statutes, codes, and ordinances to conceal their true nature. Corporations can't contract with living souls- that is why they made each of us into legal fictions (i.e 'persons', corporations, dead entities) through our birth certificates so they could fraudulently contract with us and steal our life force energy-sweat equity. But this is a topic for another article.

Since these government bodies are not sovereign, they cannot promulgate or enforce CRIMINAL LAWS; they can only create and enforce CIVIL LAWS, which are duty bound to comply with the LAW OF CONTRACTS. The Law of Contracts requires signed written agreements and complete transparency, full disclosure between equal parties; i.e Man and Man or Corporation and Corporation.

Enforcement of these corporate statutes by local, state, and federal law enforcement officers are unlawful actions being committed against the Sovereign People. These corporations can be held liable for their actions by We the People. Government corporations are acting under color of law, which is not law. There must be a binding contract, with full disclosure, and our willing, knowing, agreement to specifically perform to their corporate by-laws. These corporations and their agents (sheriffs, police [policy enforcers] code enforcers etc.) have no valid authority over men and women. It is as if a McDonalds' employee is trying to force you to follow their corporate rules! See: [Bond V U.S., 134 S.Ct. 2077 (2014)].

“But, in fact and in law, such statutes are intended to be applied to those who are here as residents in this state under the Interstate Commerce Clause of the 14th amendment.” [United States V United Mine Workers of America, (1947) 67 S.Ct. 677, 686, 330 US 258].

“Statutes apply only to state created creatures known as corporations no matter whether {creatures of statute and offices of} state, local, or federal {government}.” [Colonial Pipeline Co. V Triagle, 421 US 100 (1975).

“A ‘Statute’ is not a Law,” [Flournoy V First nat. Bank of Shreveport, 197 La. 1067, 3 So.2d 244, 248];[A “Code” is not Law,” [In re Self V Rhay, 61 Wn.2d 261], in point of fact in Law.

All codes, rules, and regulations are for government authorities only, not human/Creators in accord with God’s Laws.

“All codes, rules, and regulations are unconstitutional and lacking due process of Law.” ...lacking due process of law, in that they are ‘void for ambiguity’ in their failure to specify the statutes’ applicability to ‘natural persons,’ otherwise depriving the same fair notice, as their construction by definition of terms apply identifies the applicability of such statutes to “artificial or fictional corporate entities or ‘persons’, creatures of statute, or those by contract employed as agents or representatives, departmental subdivisions, offices, officers, and property of the government, but not the ‘Natural Person’ or American citizen immune from such jurisdiction of legalism. [Rodriques V Ray Donovan, U.S. Department of Labor, 769 F.2d 1344, 1348 (1985)]

Every man is independent of all laws, except those prescribed by nature. He is not bound by any institutions formed by his fellow man **without his consent**. [Mugler V Kansas, 123 US 623, 659-60].

16 Am Jur 2d, Sec 177 late 2d, Sec 256:

The general misconception is that any statute passed by legislators bearing the appearance of law constitutes the law of the land. The U.S. Constitution is the supreme law of the land, and any statute, to be valid, must be in agreement. It is impossible for both the Constitution and a law violating it to be valid, one must prevail. This is succinctly stated as follows: The General rule is that an unconstitutional statute, though having the form and name of law is in reality no law, but is wholly void and ineffective for any purpose, since unconstitutionality dates from the time of its enactment and not merely from the date of the decision so branding it. An unconstitutional law, in legal contemplation, is as inoperative as if it had never been passed. Such a statute leaves the question that it purports to settle just as it would be had the statute not been enacted. Since an unconstitutional law is void, the general principles follow that it imposes no duties, confers no rights, creates no office, bestows no power or authority on anyone, affords no protection, and justifies no acts performed under it. A void act cannot be legally consistent with a valid law. An unconstitutional law cannot operate to supersede any existing valid law. Indeed, as far as a statute runs counter to the fundamental law of

the land, it is superseded thereby. **No one is bound to obey an unconstitutional law and no courts are bound to enforce it.**

In summary, what we have here is a system of constructive fraud that was set up through the reconstructive act where the states were reconstructed as corporate franchises of the UNITED STATES corporation through the organic act of 1871. They were further set up by the removal of our substance from the monetary system pursuant to HJR 192 public law 73-10 of 1933. Additional proof confirming this fraud happened in 1975 when 44 federal judges sued the congress and won.

The removal of substance (gold and silver) from our monetary system impaired the obligation of all contracts; contracts must have something of substance, given for something of substance, to form a legitimate contract.

When the 1879 STATE OF CALIFORNIA constitution was repealed, it voided the private administrative tribunals; what are falsely called courts. The people are entitled to a true court of record under Article III Section II of the federal constitution.

Furthermore, the corporate STATE OF CALIFORNIA still claims, for its authority to act, the 1879 state of California constitution as shown on their legislature web page. Our "government" is withholding exculpatory evidence that clearly shows that all statutes and codes are null and void. This means all officers of these so-called court systems (judges, attorneys, etc.) are committing felonies all day, every day in their private administrative tribunals.

Additionally every private business or so-called corporation is being required by the STATE OF CALIFORNIA to be registered to do business. This requirement is impossible since the STATE OF CALIFORNIA is not our government, and therefore does not exist as a place to register your business with. Again, its corporate charter was repealed November 8, 1960!

There are more effects from the repeal of this 1879 STATE OF CALIFORNIA constitution/corporate charter, but there are too many to list at this time. I will leave it to the readers of this article to decide whether or not they want to continue to give power to a corporate McDonalds' posing as their lawful government. In fact McDonalds' has more legitimate power and valid authority than THE STATE OF CALIFORNIA.