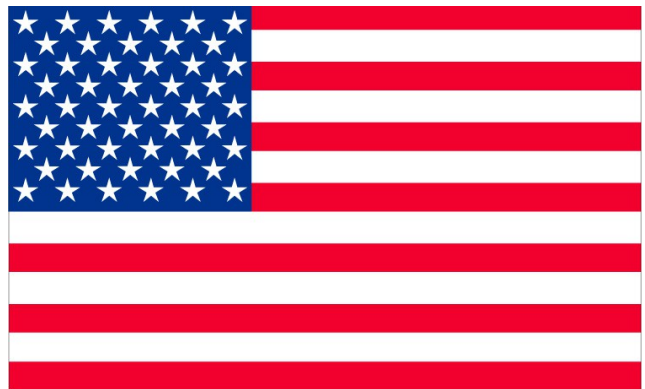


CONSTITUTIONAL RIGHTS HANDBOOK



**Published by:
The Secretary Of Department Affairs,
Florida U.S.A.**

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SEE THE WEBSITE:

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For further information referred to in this document, complaint forms,
and an online complaint-filing system.

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18 U.S.C. § 241. Conspiracy against rights

If two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State, Territory, Commonwealth, Possession, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or

If two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured—

They shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, they shall be fined under this title or imprisoned for any term of years or for life, or both, or may be sentenced to death.

18 U.S.C. § 242. Deprivation of rights under color of law

Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such person being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined under this title or imprisoned not more than one year, or both; and if bodily injury results from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title, or imprisoned for any term of years or for life, or both, or may be sentenced to death.

YOU DON'T HAVE TO PUT UP WITH THIS BULLSHIT AT ALL, AND PERHAPS THE SICKEST THING ABOUT IT, IS THAT YOU NEVER DID HAVE TO!

I) Constitutional Law:

As you sit in the lobby of your local municipal or petty court, if you are offended by the fact that you are there to subsidize the existence of a class of otherwise unemployable, horrific people with no concern for your existence, basically lazy worthless thieves, the various operators, the clerks behind the bulletproof glass, (why bulletproof glass anyway, should a legitimately acting government officer need to protect themselves against attack by the public for carrying out their official duties?) The police, judges, and various operators at the periphery. Try to gain some insight into their personalities. What kind of people would carry out and engage in such conduct toward their fellow Citizen?

Would you?

If the answer is no, then the law is on your side. More important, it is the **Supreme Law** of this land. The **Constitutional Law**. Constitutional Law means:

- 1) The Constitution of the United States of America,
- 2) The Constitutions of each of the Several States, (Each US State has its own Constitution, being Sovereign entities themselves, separate and in addition to their inclusion in the Federal Union).
- 3) The interpretation of those Constitutions as passed in to law by Legislative bodies like the US Congress, or State Legislature.
- 4) The interpretation of the State and Federal Constitution as challenged or otherwise judged in court.
- 5) Constitutional Principles as enforced by various agencies,
- 6) The Law acceded to as custom by the People,

That have existed for more than two hundred years in this Country, and as under the Crown back to and including the Magna Carta. (Almost 600 Years). To simply say that "The Constitution" protects your Liberty is not enough. The **Constitutional Law** of this nation protects your Liberty. That's Right. Liberty, It's not just a good Idea, **IT'S THE LAW!**

Your Liberty is so strongly protected, that Federal Law provides that those who deprive others of their Constitutional Rights may be put to death, incarcerated for life, or periods of up to 10 years for non-capital violations, or face civil penalties, for non criminal offenses.

The specific laws that protect you this way are: Title 18, Sections 241-245 of the United States Code, (usually abbreviated as 18 U.S.C §§ 241-245), and Title 42, Section 1983 of the U.S. Code. (42 U.S.C. § 1983). Massive amounts of Civil Rights Law can be found on the Internet simply by searching for these statutes.

II) Police Misconduct.

Police misconduct is any conduct that YOU consider "mis." YOU dictate EVERY aspect of their behavior to them. Period. (See FRS 447.209). If you consider their conduct as "mis" then it is misconduct. The Department Of Justice Has published a paper on Police

Misconduct located here:

<http://www.justice.gov/crt/cor/Pubs/polmis.txt>

They encourage reproduction of that document. It is reproduced on [FireACop.com](#). In addition the website has pre-printed forms you can download, instructions on how to file various complaints, and, we offer services for to assist persons interested in filing administrative or judicial complaints against police officers or any officer for profit. All the further material necessary for a person to bring lawsuits and complaints against any state official is on the website. Please take advantage of pre-printed forms, and our complaint database. Likewise, the statutes and Constitutional law mentioned here will be published there so that you can read it directly.

Jail inmate was "citizen" within meaning of provision of this section making it felony to conspire to interfere with citizen in free exercise or enjoyment of any constitutional or federal right despite fact that he was a convicted felon. [U. S. v. King, C.A.5 \(Ga.\) 1979, 587 F.2d 209](#)

An office is a public employment, and in the performance of its functions the citizen selected to represent the sovereign is in the exercise of both a private right or privilege and public duty, and a conspiracy to hinder, oppress, and injure him in the discharge of such functions cannot be regarded as directed solely against the official in his representative character, but must be considered as also against the citizen exercising or enjoying the right or privilege of accepting public employment and engaging in the administration of its functions. [U.S. v. Patrick, C.C.M.D.Tenn.1893, 54 F. 338.](#)

It is not necessary to find that the conspiracy charged was formed against a particular individual, but it is sufficient if it appear that he was included in a class actually conspired against. [U.S. v. Butler, C.C.S.C.1877, 25 F.Cas. 213](#)

This section prohibiting conspiracy to injure, oppress, threaten or intimidate any citizen in free exercise or enjoyment of any right or privilege secured to him by Constitution or laws of United States extends to conspiracies with respect to rights and privileges protected by Fourteenth Amendment and extends to conspiracies, otherwise in scope of this section, participated in by officials alone or in collaboration with private persons. [U. S. v. Price, U.S.Miss.1966, 86 S.Ct. 1152, 383 U.S. 787, 16 L.Ed.2d 267.](#)

The mere acquiescence or silence or failure of an officer to perform a duty does not make him a participant in a conspiracy, unless he acts or fails to act with knowledge of purpose of conspiracy and with view of protecting and aiding it. [Luteran v. U.S., C.C.A.8 \(Mo.\) 1937, 93 F.2d 395](#)

The fact that members of a conspiracy to offer violence to prisoners under arrest are in charge of them as deputy marshals or guard does not lessen their guilt. [U.S. v. Logan, C.C.N.D.Tex.1891, 45 F. 872](#)

Statute prohibiting conspiracy to interfere with right secured by Constitution or laws of United States creates no substantive rights, but prohibits interference with rights established by Constitution or laws and by decisions interpreting them. [U.S. v. Kozminski, U.S.Mich.1988, 108 S.Ct. 2751, 487 U.S. 931, 101 L.Ed.2d 788](#)

This section prohibiting conspiracy to injure, oppress, threaten or intimidate any person in free exercise or enjoyment of any right or privilege secured to him by Constitution or laws of United States embraces all of rights and privileges secured to citizens by all of Constitution and all of laws of United States and was not intended to be confined to rights that are conferred by or flow from federal government as distinguished from those secured or confirmed or guaranteed by Constitution. [U. S. v. Price, U.S.Miss.1966, 86 S.Ct. 1152, 383 U.S. 787, 16 L.Ed.2d 267](#)

Arrestees or detainees enjoyed constitutional right to be protected against assaults perpetrated by arresting or detaining officers that was sufficiently definite under decisions or other rules of law to support civil rights prosecution of housing authority officers. [U.S. v. Reese, C.A.9 \(Cal.\) 1993, 2 F.3d 87](#)

Statute prohibiting conspiracy to injure, oppress, threaten or intimidate any inhabitant of a state in free exercise or enjoyment of right or privilege secured under Constitution or laws of United States applied to alleged Fourteenth Amendment violations by city transit police officers. [U.S. v. McDermott, C.A.2 \(N.Y.\) 1990, 918 F.2d 319](#)

Sweep of this section is not confined to rights expressly defined in the Constitution, but includes those rights judicially determined to be fundamental and embraced by implication within the equal protection clause of Amendment XIV, U.S. Constitution. [U. S. v. Anderson, C.A.4 \(W.Va.\) 1973, 481 F.2d 685](#)

A willful effort to deprive a Citizen accused of crime of his constitutional right to a trial, or to intimidate him in its exercise, if mounted under color of state law, violates section 242 of this title; a conspiracy to effect such ends, whether directed against citizens or mere inhabitants of the United States, is likewise punishable. [U. S. v. O'Dell, C.A.6 \(Tenn.\) 1972, 462 F.2d 224](#)

The right of a citizen of the United States, in the custody of a United States marshal under a lawful commitment, to answer for an offense against the United States, to be protected against lawless violence, was a right "secured to him by the constitution or laws of the United States," within the meaning of former § 51 of this title [now this section]. [Logan v. U.S., U.S.Tex.1892, 12 S.Ct. 617](#)

If predominant purpose of conspiracy is to impede or prevent exercise of right of interstate travel, or to oppress person because of his exercise of that right, then whether or not motivated by racial discrimination conspiracy becomes proper object of this section, pertaining to conspiracy against rights of citizens. [U. S. v. Guest, U.S.Ga.1966, 86 S.Ct. 1170](#)

Specific intent required to violate this section is purpose of conspirators to commit acts which deprive citizen of interests in fact protected by clearly defined constitutional rights; if that purpose is present, there is no "good faith" defense because of lack of awareness of conspirators at time they commit proscribed acts that they are violating constitutional rights. [U. S. v. Ehrlichman, C.A.D.C.1976,](#)

Police officer's unlawful stopping and detaining of female drivers on deserted stretch of highway, in early morning hours, amounted to "constitutionally significant" conduct within statute imposing criminal sanctions for violations of civil rights. [U.S. v. Langer, C.A.2 \(N.Y.\)](#)

The right to be secure in one's person and to be immune from illegal arrest and battery, and the right not to be deprived of life or liberty without due process of law, and to enjoy equal protection of the laws, are "rights secured or protected by the Constitution" within former § 52 of this title punishing deprivation thereof because of color, etc. [Screws v. U. S., C.C.A.5 \(Ga.\) 1944](#)

Suspected criminality or accomplished incarceration furnish no license for destruction of guaranteed constitutional rights. [Miller v. U. S., C.A.5 \(La.\) 1968](#)

Criminal liability for violation of civil rights may be predicated upon mere failure to act to protect arrestee or detainee from harm at hands of other law enforcement officers. [U.S. v. Reese, C.A.9 \(Cal.\) 1993](#)

This section which imposes criminal sanctions on "whoever, under color of any law, statute, ordinance, regulation, or custom," deprives any "inhabitant" of his or her civil rights applies to action of federal officer taken under color of federal law. [U. S. v. Otherson, C.A.9 \(Cal.\) 1980](#)

County corrections supervisor's conviction for being accessory after the fact to conspiracy to deprive inmate of his right to be free from cruel and unusual punishment and for substantive crime of depriving inmate of his right to be free from cruel and unusual punishment was collaterally estopped from disputing his § 1983 liability for conspiracy to violate inmate's Eighth Amendment rights. [Pizzuto v. County of Nassau, E.D.N.Y.2003, 239 F.Supp.2d 301.](#)

This section was enacted pursuant to Amendment XIV of the U.S. Constitution, and relates to deprivations by state, acting through state officials, and not to acts of private individuals, but it does not follow that private individuals cannot be guilty as principals if they aid and abet state officers in such violations. [U. S. v. Lynch, N.D.Ga.1950, 94 F.Supp. 1011.](#)

State judge may be found criminally liable for violation of civil rights even though the judge may be immune from damages under section 1983 of Title 42. [Dennis v. Sparks, U.S.Tex.1980, 101 S.Ct. 183.](#)

Proof that defendant actually knew that it was a constitutional right that he was violating or was conspiring against is not essential to conviction of violation of this section and section 241 of this title. [U. S. v. O'Dell, C.A.6 \(Tenn.\) 1972](#)

To establish violation of this section proof of specific intent on part of police officers to deprive persons of federal rights, rather than to engage in conduct having effect of such deprivation, was unnecessary. [U. S. v. McClean, C.A.2 \(N.Y.\) 1976](#)

In order for a person to be guilty of crime of willful deprivation of constitutional rights while acting under color of law, defendant's action must be done under color of law and, where use of force is involved, force used must be unreasonable and unnecessary. [U. S. v. Stokes, C.A.5 \(Ga.\) 1975](#)

Prosecution for deprivation of civil rights does not depend upon death or serious physical injury to victim; penalty is subject to enhancement if death results, but that does not concern guilt or innocence of the crime. [U.S. v. Calhoun, C.A.4 \(W.Va.\) 1984.](#)

Mistake of law will not generally excuse commission of offense; thus, defendant's error as to his authority to engage in particular activity, if based upon mistaken view of legal requirements or ignorance thereof, is mistake of law, and fact that he relied upon erroneous advice of another is not, typically, an exculpatory circumstance; he will still be deemed to have acted with culpable state of mind. [U. S. v. Barker, C.A.D.C.1976, 546 F.2d 940](#)

Prosecution for conspiracy against citizen's rights in violation of election laws was not subject to dismissal under doctrine of de minimis. [Fields v. U.S., C.A.4 \(Va.\) 1955, 228 F.2d 544](#)

This section prohibiting conspiracy against rights of citizens does not require that any overt act at all be shown. [U. S. v. Morado, C.A.5 \(Tex.\) 1972, 454 F.2d 167](#)

III) Suing Police Officers, Judges, Court Clerks, and Other Government Employees and Contractors.

The goal of this document is to assist Citizens in putting a stop to unconstitutional practices by the state through its various individual operators. State officers violate Citizen's Constitutional Rights every day. Every Citizen who has had government action taken against them has had their Constitutional Rights violated. There is not a single police officer who does not violate Citizens Constitutional Rights everyday, and who does not do so in almost all their conduct.

Note: When taking legal action against the state for its actions, the law of individual responsibility applies. To sue the state as a party in court means literally to sue yourself as much as anybody else, and so it may not make much sense to do so in redressing Constitutional Grievances. In fact the 11th Amendment of the US Constitution has been very repeatedly upheld to act as a bar to naming the state as a party in Federal Court. (It has been challenged lots of times, and the courts haven't budged in centuries.) As a legal question however, one has to ask, does the state's appearance in Federal District Court as a Party Plaintiff act as a waiver of it's 11th Amendment Immunity, or otherwise as consent to appear as a Party Defendant?

So, as a practical matter, the procedure is to sue the individual police officer, judge, court clerk, psychologist, social worker, DHSMV worker, elected official, or whoever the individual is that did the act, as opposed to the state as a governmental or political body. In that suit one can seek criminal charges, monetary relief, or other relief.

If you are after money, be prepared for a long haul, and a lot of work, not to mention needing a legitimate claim for damages. Money is generally paid where real property or physical damage is suffered. (There is of course no excuse for any harm caused to an individual by actions of a state official, but those involved are typically deliberately indifferent because if nothing else the state has an insurance policy to cover them.)

As for being able to claim damages on basis of “Emotional Harm”, or “Emotional Distress”, One may be able to complain on these grounds. Male equivalents to these may include “Provocation”, “Insult”, “Snub”, “Harassment”, “Punking You Off”, “Mocking” or “Dissing” You. In other words if causing someone “Emotional Harm” (whatever that is, or however that is done), is considered a good enough reason to sue someone, (it is), then for some police or other state officer acting in such a manner as would provoke any “reasonable man” to a justified act of violence against them, but that when done during their official employ would cause you felony charges exclusively due to that employ, for correctively disciplining the conduct of an errant public servant, then you have grounds to sue. It's just that Men are more likely to want to beat someone's ass, as opposed crapping their pants or whatever, so the concept of "emotional distress" being applied to Men makes not much sense. In legal terms, "Adequate Provocation" is the male equivalent. It should be noted that none of the the sort of conduct mentioned above is part of “official duties” of any public servant, and so when they act like an ass to you, they are literally “off the clock.”

The nickel-and-dime usurpations put down daily by these creeps is disgusting, and in the end its how such things get carried out. Unfortunately, a nickel here, ten cents there, pretty soon you're talking big money.

However, you can get a refund.

In order to do that, you do not have to sponsor a ballot initiative and collect thousands of signatures. In America we have 3 Branches of government. When people collect signatures for a ballot initiative, they are acting as the legislative branch, to amend, pass, or repeal a law. In the Judicial branch, Court, the way that one “Petitions Their Government for a redress of grievances,” is to sue.

It is important to make the distinction at this point between lawsuits for money and lawsuits for other kind of relief. This document concerns the latter. The Federal Court Rules (Federal Rules of Civil Procedure) provide that declaratory judgment actions may be moved up the calendar. (F.R.C.P. Rule 57). This means that a suit brought for the sake of “settling the question” can be heard quickly. Likewise is true in state courts. Again the reason is that when suits are brought for money a whole lot of litigation needs to be done to make sure everybody gets their filthy little piece. When a question is brought purely as a matter of law, making the case can be very straightforward. In other words when seeking only **non-monetary** relief, you can get quick results.

Non-monetary relief includes but is not limited to:

1) Injunctive Relief and Declaratory Relief:

a) Injunctions typically will compel a person under threat of criminal charges or contempt of court to do a particular act or likewise cease and desist some act.

b) Declaratory relief can be thought of as the Court “Declaring” something, like for instance that a particular statute, policy or custom is unconstitutional. Any person can challenge any state or federal law in federal court, pursuant to 42 U.S.C § 1983. The cost for this is starts

at just \$350.00 (the current filing fee). When you file your complaint, the Cover Sheet that the clerk hands you to file with your complaint will have a check box indicating the type of complaint being filed. Check the box for: Cause of Action #950, "Constitutionality of State Statutes." If you do not have any money, you can file your complaint for free, because this is America and that's particularly how we roll. It is called filing a complaint "In Forma Pauperis." (Latin for "Broke").

2) Extraordinary Writs: Mandamus, Prohibition, Habeas Corpus, Certiorari;

A "Writ" may issue when there is no other plain, speedy, or adequate remedy available. It can be thought of as a type of "emergency" action, as opposed to an ordinary one.

a) Mandamus:

A writ of "mandate" to *compel* a particular individual, board or body to perform a particular act.

b) Prohibition:

A similar writ as mandamus to *prevent* a particular individual, board or body from committing a particular act.

c) Habeas Corpus:

"Get out of jail free..." so to speak. A "Habeas" action can be used when a person is illegally held, but can also be used in other cases where a person's Liberty is restricted. (Typically by a criminal charge, or sentence).

d) Certiorari:

A writ that "certifies" a lower Court's ruling. This is the type of case most often brought to the U.S. Supreme Court. When a judgment or ruling is rendered in a lower Court, (like a criminal conviction), and a person appeals, the U.S. Supreme Court becomes the Forum of Last Resort. To challenge a lower Court's ruling, you ask the Court to "certify" that the lower Court's ruling is correct, or otherwise explain why it is wrong. If the Supreme Court finds the lower Court's ruling as being wrong, your challenge was successful.

3) Equitable Relief:

"Getting Even..." Equitable Relief is where you can get creative. For example, if a "police" officer takes your driver's license, getting a Court order to make them stand in line at the DHSMV office to get a replacement instead of you, would be an example of "Equitable Relief." There is a form for that on the website.

IV) TAKING THE LAW TO COURT

1) Filing the Complaint:

So, to challenge a law in court, one can file a complaint in Federal Court and ask the court to declare that a particular statute, policy or custom is unconstitutional, and get an order from the court telling the other party to cut it out, or else.

Likewise state laws can be challenged in state court thanks to (in fact in very great thanks to) the Uniform Declaratory Judgments Act. (In Law, a Uniform Code is a body of law adopted across two or more states or legal entities.) The Uniform Declaratory Judgments Act is adopted in every state in the US. This means that you can walk in to the Palm Beach County Circuit Court, file a claim that says: "Florida Statute section number XXX.XXX is unconstitutional because...", lay out all the reasons it is, and depending on the type of claim presented, either you will have to prove your case, or, you simply challenge the state on the law in question, and then they have to prove you wrong. And that as they say, is where it gets interesting.

Thanks again to the Founders of this nation, you can file a fairly simple complaint, in State or Federal Court, and almost always be in the position of calling the state out, and making them prove the necessity of the law. The key concept here is "Fundamental Rights"

In those cases where the burden is on you to prove unconstitutionality, the key concept is "arbitrary and capricious."

2) Standards of Review:

The first instance mentioned above, where the state must prove the Constitutionality of the Law, is referred to as the "Strict Scrutiny" test. When fundamental Rights are repugned, the state must show that both a "compelling objective" must exist, and that there is a lack of a "less restrictive alternative". (BOTH these elements must be true).

The second case mentioned above, where the burden is upon you to prove the Law wrong, is referred to as the rational basis test. The idea being that passing laws and such is part of what the state is there to do, and if Fundamental Rights are not repugned, then the Plaintiff must show the equivalent of that the law is worthless, does nothing, or worse.

There is a third standard of review "Middle Review" where the court sees fit to apply whatever aspects of the other two need be, when the distinction is not clear.

Disturbingly, "engaging in commerce" is not considered a Fundamental Right, and as such, laws affecting commerce are subject to the looser standard. However, claims brought in Court challenging laws, conduct, policy or customs that affect Fundamental Rights put you in the challengers role, and the state, (or state official) in the defender's role. When people talk about the "American Way", this is one of the things they are talking about.

3) Procedure:

So, the procedure becomes one of:

- i)** filing a complaint in state or federal court, **Demand a Jury.**
- ii)** serving copies of the complaint to the other party,
- iii)** wait for their response, then,
- iv)** reply to that.

After filing the original complaint, you can Use "**Motions**" to make requests of the Court, (you can move that the other party be subject to a "mental exam" for instance, or that they have their property seized, or that they be prohibited from making any further contact with

you, or some other party, that they be prohibited from entering a particular area, or that they be suspended or removed from duty, to list some examples). Use **Requests for Production of Evidence** to obtain evidence, (like public and private records), **Motions To Compel** if they don't provide the evidence you requested, and **Depositions** to interrogate the adverse parties.

During the course of the case, you may or may not get any court dates, or even a trial. You may or may not get any or all of what you seek. You may win the case with a slam-dunk: The judge knows your right, the state knows they're corrupt, (they knew it all along, kind of like children who stir up trouble just to get attention, and need to be yelled at, and so they just go away and suck their thumb for a while until they come up with some other shit they want to pull). In that case at least, the order can come from the bench, and there is no need for a trial. If the matter does go to trial it is important to demand a Jury. Juries can be assembled in declaratory judgment actions and it is a great way to get your community involved.

A brief digression at this point for the haters:

If you are a "psychology mentality personality type", or a "socialist" (the two may be related), or even worse, you are a "communist", or otherwise gain filthy lucre from contracts and associations with state organizations, you are probably against people challenging the state in Court like this on some kind of personal or economic grounds. (i.e. you make money off these state operations by impounding cars, or providing "social" or services to the court, and earn your living this way), for you, it is pointed out that there are plenty of shithole countries that do not allow Citizens to challenge the state in Court. You are free to go there. As for the particular objections that people clog the courts with these claims, simply, we pay for this service. If need be they can open more courts to hear Civil Rights claims against state officers. The state can divert funds from the taser budget. (Thousand bucks apiece.) Perhaps the worst snivelers are the psychology mentality types. It turns out that their shop manual lists suing people as a "disorder". (Kind of like voting, right?) Beware of these people.

OK, so how do you end tyranny in America?

Fill out a form.

But, if you are going to take the time to do your paperwork, you might as well get something for it. Why not ask to get individual cops and any public servants fired? And while you're at it, also seeing to it that they refund all their earnings to the state, forfeit all pension and benefits, and be prohibited from ANY kind of future employment or association with the state. As in, their whole career was a waste of tax dollars, they owe it all back. Or otherwise you can seek the end to whatever hassle you are having to deal with today.

Here are some guidelines to apply when formulating a Constitutional claim:

1) Are you pissed about something the state is doing?

In order to prevail in a claim one must have **Standing**. The minimum requirement of **Standing** is that one be an "aggrieved party".

2) Can you identify the specific person or persons responsible?

The law of individual responsibility applies. This brings to the fore some legal history. This legal precept was perhaps most notably to date applied at Nueremberg in 1945-46 during the trial of NSDAP officials as war criminals. For that trial our own Justice Robert H. Jackson from the US Supreme Court appeared as prosecutor for the American sector, and stated, regarding "The Law of Individual Responsibility":

Of course, the idea that a state, any more than a corporation commits crimes, is a fiction. Crimes always are committed only by persons. While it is quite proper to employ the fiction of responsibility of a state or corporation for the purpose of imposing a collective liability, it is quite intolerable to let such a legalism become the basis of personal immunity. The Charter recognizes that one who has committed criminal acts may not take refuge in superior orders nor in the doctrine that his crimes were acts of states.

For those convicted, the sentences handed down included life in prison or death by hanging. (Very un-ceremoniously in some nondescript building in bombed out Berlin). Four judges were empaneled, one each for the American, English, French and Russian sectors. As in any multi-judge panel, like state or Federal Courts Supreme, when decisions are handed down there will be a *majority* opinion (the effective decision or ruling) or each judge not in the majority may file a *concurring* opinion (they agree with the majority but wish to add distinction to it, or clarify, etc), or, a *dissenting* opinion, (They do not agree with the majority and explain why). In the case of the trial at Nueremberg, all three western allies were the majority opinion. The Russians proffered the dissenting opinion. Their dissent was that the sentences handed down were not punitive enough.

3) Can you identify the specific wrong that needs correcting?

This is very very important, and takes some knowledge of Constitutional Law to put into legal-ese. However, the good news is that if you feel that you have been wronged by the state, you probably have been. That is the place to start. Identify all the aspects of the circumstances and how they are wrong. Focus very firmly on Fundamental Rights.

V) Fundamental Rights:

Fundamental Rights include but are not limited to:

A) The Rights to Privacy and to Be Let Alone:

Privacy usually implies "in ones home" as there is supposedly "no reasonable expectation of privacy" while in public. "The Right to Be Let Alone" is among other things the in-public analog of the "Right to Privacy." This means that no state official has any place bothering you in the first place. If they make any contact with you at all, or bother you for even a moment, you can think of this as them having "failed to fuck the fuck off in the first place", (and as Men understand, this is clearly a grievous offense).

Every natural person has the right to be let alone and free from governmental intrusion into the person's private life except as otherwise provided herein. This section shall not be construed to limit the public's right of access to public records and meetings as provided by law. [Florida Constitution Article I, Sec. 23](#)

B) Due Process:

Constitutional Law guarantees a person "Due Process". State employees rarely honor this. "Due Process" falls into two categories:

- a) Procedural Due Process: Notice, Opportunity to Defend.
- b) Substantive Due Process: laws must be of such substance as they can reasonably be expected to be obeyed.

C) The Right to Freedom from harassment:

All persons have a Right to be free from harassment by their government. (Much less by anybody else). However, much of the conduct engaged in by police officers (and other government operators) on a daily basis falls under the legal definition of harassment, but for whatever twisted reasons the Courts have "decided" that the state "may" harass you as such. Its not that they have decided that the conduct is not harassment when engaged in by police or the state, but that the state supposedly has the "right" to do so. Well, you decide this.

D) Freedom of Speech:

Loss of First Amendment freedoms for even minimum periods of time is "irreparable injury" supporting preliminary injunction. [Springfield v. San Diego Unified Port Dist., S.D.Cal.1996, 950 F.Supp. 1482.](#)

Constitutional rights to assemble peaceably and to petition for redress of grievances are intimately connected both in origin and in purpose with other rights of free speech and free press under this amendment, and all these rights, though not identical, are inseparable. [United Mine Workers of America, Dist. 12 v. Illinois State Bar Ass'n, U.S.Ill.1967, 88 S.Ct. 353](#)

A broadly defined freedom of the press assures maintenance of American political system and an open society. [Time, Inc. v. Hill, U.S.N.Y.1967, 87 S.Ct. 534,](#)

The purpose of the Bill of Rights was to withdraw certain subjects from the vicissitudes of the political controversy, to place them beyond the reach of majorities and officials and to establish them as legal principles to be applied by the courts. [West Virginia State Board of Education v. Barnette, U.S.W.Va.1943, 63 S.Ct. 1178](#)

The constitutional protections for speech and press were fashioned to assure unfettered interchange of ideas for bringing about political and social changes desired by the people. [New York Times Co. v. Sullivan, U.S.Ala.1964, 84 S.Ct. 710](#)

It is purpose of this amendment to preserve uninhibited market place of ideas in which truth will ultimately prevail, rather than to countenance monopolization of market, whether it be by government itself or private licensee. [Red Lion Broadcasting Co. v. F. C. C., U.S.Dist.Col.1969, 89 S.Ct. 1794](#)

Principal function of free speech under our system of government is to invite dispute; it may indeed best serve its high purpose when it induces condition of unrest, creates dissatisfaction with conditions as they are, or even stirs people to anger. [Texas v. Johnson, U.S.Tex.1989, 109 S.Ct. 2533,](#)

Constitutional right of free expression is intended to remove governmental restraints from arena of public discussion, putting decision as to what views shall be voiced largely into hands of each of us in belief that no other approach would comport with premise of individual dignity and choice upon which our political system rests. [Simon & Schuster, Inc. v. Members of New York State Crime Victims Bd., U.S.N.Y.1991](#)

At the heart of this amendment is the ineluctable relationship between free flow of information and a self-governing people; embodied in our democracy is firm conviction that wisdom and justice are most likely to prevail

in public decision-making if all ideas, discoveries, and points of view are before citizenry for its consideration, and, accordingly, courts must remain profoundly skeptical of government claims that state action affecting expression can survive constitutional objections. [Thomas v. Board of Ed., Granville Central School Dist., C.A.2 \(N.Y.\) 1979](#)

E) Right to Keep and Bear Arms:

There have been recent US Supreme Court decisions regarding the 2nd Amendment of the US Constitution, and it is of the utmost importance that Every Citizen understand this law and where it is going. Guns and other arms are necessary to protect Public Safety. For example, police officers commit acts of violence against the public all the time. That is a danger to public safety. (It may not get shown on television, but the stacks at the Law Library are filled with such cases). It is likewise important to understand that most if not all states have provisions in their State Constitutions that are similar to the 2nd Amendment of the US Constitution. This adds a second layer of protection to your Right to Keep and Bear Arms. This is important because if the US Supreme Court chooses to "interpret" the 2nd Amendment in such a way as to limit or restrict that Right, state law can be used to strengthen it.

F) Personal Space:

Police officers have an annoying habit of coming up to you and getting in your face, and typically yelling and screaming like punks. It happens all the time. If a police officer enters your personal space you must file a complaint against them on the website. We will assist you in obtaining a restraining order. You are not required to warn a person in advance not to approach you, much less enter your personal space and annoy, alarm, harass or threaten you.

G) Free Expression:

Free expression is protected by the First Amendment. It does not cover acts of violence against another regardless of how much you would like to express yourself by beating someone's ass. Likewise, "art" installations on **public** property seem not to be covered either. So, a picture of your local Sheriff wearing a dress may be free expression, but apparently the state can prevent you from hanging it in the Courthouse lobby. Things like music, television, and other media that may not be part of the "press" per se, are covered under this provision.

H) Criticism of Government:

Criticism of government is likewise protected by the First Amendment, and is perhaps one of our strongest protections. If you have been threatened or harassed (or worse) by any police officer or government agent for criticizing government you must file a complaint on the website.

There is a profound national commitment to the principle that debate on public issue should be uninhibited, robust, and wide-open, and that (such debate) may well include vehement, caustic, and sometimes unpleasantly sharp attacks on government and public officials. [NY Times V Sullivan, 84 S. Ct., at 721.](#)

Criticism of government is at the very center of the constitutionally protected area of free discussion. Criticism of those responsible for government operations must be free, lest criticism of government itself be penalized. [Rosenblatt v. Bayer US. S. Ct 1966](#)

[First Amendment protects even profanity-laden speech directed at police officers. *Payne v. Pauley*, C.A.7 \(Ill.\) 2003, 337 F.3d 767.](#)

I) Protection for your personal Property:

If you have had your car impounded and held for the payment of a fee, (typically an ever increasing fee), then you have a claim. Simple as that. There are a series of forms on the website to help you deal with this. Likewise if you have had other property seized.

Otherwise nominally private activity of defendant in depriving plaintiff of his motor vehicle under impoundment procedures authorized by municipal ordinances and [F.R.S. § 85.031\(3\)](#) became state action as a result of defendant's relationship with, and participation in, conduct of sheriff and deputy in respect to impoundment. [Hann v. Carson, M.D.Fla.1978, 462 F.Supp. 854.](#)

Ordinance allowing towing or impounding for violation of "any traffic law" was overbroad, since there is a strong private interest in use of a vehicle, since the risk of an erroneous deprivation of said interest through the procedures used was substantial, and since there would be no great fiscal or administrative burden in making the ordinance more specific with respect to exactly which ordinances present proscriptions whose violation will subject a car to the risk of towing; furthermore, the ordinance was unconstitutional in practice, since notice is not sent promptly and storage fees are assessed prior to sending notice. [Gillam v. Landrieu, E.D.La.1978, 455 F.Supp. 1030.](#)

Procedure wherein prisoner was given notice of pending disposition of his impounded automobile by way of certified mail, return receipt requested, to prisoner at his home address when state knew that prisoner was in jail denied prisoner due process. [Seals v. Nicholl, N.D.Ill.1973, 378 F.Supp. 172.](#)

Impoundment statute which authorized impoundment of vessel was constitutionally defective in that there was no provision for meaningful hearing even after seizure. [Nolt v. Isadore, D.C.Alaska 1984, 590 F.Supp. 518.](#)

Impoundment and warrantless inventory search of defendant's automobile were unreasonable where defendant was not advised that impoundment need not occur if reasonable alternative was provided and where defendant's suggested alternatives to impoundment were not even considered. [Judge v. State, App. 2 Dist., 419 So.2d 1171 \(1982\).](#)

Patrolman's failure to tell defendant that his car was going to be towed away and failure to give defendant reasonable opportunity to provide alternative to impoundment rendered inventory search of defendant's car illegal and evidence gathered therefrom inadmissible. [Moore v. State, App. 5 Dist., 417 So.2d 1131 \(1982\).](#)

Where police officers, although informing arrestee that his truck was going to be impounded, did not inform arrestee that impoundment would not occur if arrestee could provide reasonable alternative to impoundment, contents seized during inventory search would be suppressed. [State v. Miller, App. 2 Dist., 404 So.2d 159 \(1981\).](#)

Even if defendant were lawfully in officers' custody when they learned where his car was parked, they had no legal basis to search his car without a warrant or his consent. [Cuva v. State, App. 5 Dist., 687 So.2d 274 \(1997\).](#)

Police officer illegally seized items in plain view inside passenger compartment of vehicle when, after encountering motorist parked on right-of-way and ordering motorist to exit vehicle and walk to police car, officer then approached motorist's now vacant vehicle and looked inside; assuming arguendo that officer, for his own safety, could order motorist who had not committed any violation of the law to exit vehicle in order to check on motorist's well being, officer then had no justification for then inspecting motorist's vacant vehicle, and officer had no probable cause to make any arrest until items were observed inside vehicle. [Jenkins v. State, App. 5 Dist., 567 So.2d 528 \(1990\).](#)

Patrolman's failure to tell defendant that his car was going to be towed away and failure to give defendant reasonable opportunity to provide alternative to impoundment rendered inventory search of defendant's car illegal and evidence gathered therefrom inadmissible. [Moore v. State, App. 5 Dist., 417 So.2d 1131 \(1982\).](#)

Detaining a driver and his vehicle for inordinate amount of time is unreasonable seizure. [Gluesenkamp v. State, 391 So.2d 192 \(1980\).](#)

Removal of vehicle identification number (VIN) sticker from defendant's car by private citizen, who was acting solely at direction of police officer, was an illegal seizure in violation of defendant's Fourth Amendment rights. [Glasser v. State, App. 4 Dist., 737 So.2d 597 \(1999\)](#)

There was no basis for impounding vehicle which defendant was driving, even though he could not produce vehicle registration or proof of ownership, where he did give the officers the name of the owner. [Montalvo v. State, App. 2 Dist., 520 So.2d 292 \(1987\)](#)

J) Freedom of Thought:

We reach a different plane of social and moral values when we pass to the privileges and immunities that have been taken over from the earlier articles of the federal bill of rights and brought within the Fourteenth Amendment by a process of absorption. These, in their origin, were effective against the federal government alone. If the Fourteenth Amendment has absorbed them, the process of absorption has had its source in the belief that neither liberty nor Justice would exist if they were sacrificed. *Twining v. New Jersey* 211 U. S. 99. This is true, for illustration, of freedom of thought, and speech. Of that freedom one may say that it is the matrix, the indispensable condition, of nearly every other form of freedom. With rare aberrations, a pervasive recognition of that truth can be traced in our history, political and legal. So it has come about that the domain of liberty, withdrawn by the Fourteenth Amendment from encroachment by the states, has been enlarged by latter-day judgments to include liberty of the mind as well as liberty of action. [Palko v. Connecticut, 302 U.S. 319 \(1937\).](#)

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance. [UN Universal Declaration On Human Rights Article 18.](#)

This is where the "psychology mentality" is so nauseating. Those type claim that people have "disorders" based on the content of their thought or the nature of their personality. When listening to these people, instead of being sucked in by their manipulative conduct, (note that they practice their behaviors constantly in order to appear as acting natural), take a step back consciously and analyze what they say in terms of Constitutional Law. Hopefully then you will see the sickness at hand. Remember, that these people a make a practice and profession of (not to mention a preoccupation with) engaging conduct that is against both "universally" recognized principles, and the law of this land. While studying human thought and behavior are certainly Constitutionally protected, as well as opinions about such things, when state action is taken on grounds of a persons supposed "thought content," or personality "disorder," then that action becomes immediately questionable under Constitutional Law, if not prohibited.

This is directed particularly to anyone who has had to seek court-ordered counseling, therapy, "treatment", or who has had to deal with a psychologist, psychiatrist, social-worker, case-worker, or otherwise from the state. If this has happened to you, there is a form on the website that you can fill out to solve the problem. Likewise if you have been ordered to deal with such persons, understand in advance that these people will act perfectly friendly, polite and amicable to your face, then write a report about how you have all manner of things

"wrong with you". (Because you're *you*, presumably, and of course why you need to take part in some state-mandated "treatment" program or another, that ultimately subsidizes them. This behavior is known as "social parasitism"). It is a good idea to simply not talk to these people at all, or at minimum record the sessions, or have a witness during any state ordered "treatment".

H) And More! The 9th Amendment...

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

Just 'cuz it ain't in there doesn't mean you don't got it...

In other words the 9th Amendment leaves room for constructing (interpreting) laws, but whether or not the courts will interpret it as an extension clause is questionable. However, it is important to never believe any government official who tries to con you into believing the government creates or grants Rights. Rights exist regardless of anything else. What governments do is restrict or protect them, and all too often violate them.

VI) Police authority:

No police officer has any authority that you did not give them. (See FRS 447.209) To use Boca Raton as an example, (your municipality may vary), the "Sororital Order of Police, Lodge 35" is a private organization, (a labor bargaining unit), which has a contract with the municipal corporation of Boca Raton to provide services as a police department. The contract has several fatal flaws, and such needs to be re-written at least, if not rescinded. Whether the "police" have any authority at all while operating under an unconstitutional contract may be in question. The current contract which expires **30 September 2013**, has for example the following provisions:

- 1) No tobacco policy. Drug use will get you counseling and treatment, but tobacco use gets you fired, or just not hired in the first place. It's a legal product (Whatever good bad or otherwise it may do) and there must be at least some tobacco users who wish to get that job. (Not to stick up for wannabe cops of course, but invidious discrimination is about the worst kind.)
- 2) This unit gets liability protection, but if your company cleans the toilets at city hall you have to provide your own slip-and-fall insurance. Same with any service contractor. Unequal protection of law here. Ouch. Either everyone gets the same deal or no one gets it. No exclusive franchises.
- 3) Per Florida Statutes Chapter 447, the public employer "Unilaterally" decides the purposes of its departments. You are the public employer. Do not ever tolerate a police officer attempting to suggest they have the authority to act as they wish. They are your subordinates, and must be conformed by you to act as such.

ACTION ITEM: The Boca Raton "police" contract is up for renewal SOON! Now is an opportunity to "get involved." We have a form on the Website for that. By simply filling out a

form, you can see to it that their new contract will contain appropriate compliance provisions that YOU set. Even if you do not live in Boca Raton, please "get involved" After all, you may find yourself in Boca Raton one day. Then what?

If a cop tries to tell you that they do what they want, or cop that attitude with you, you must report them. The website has a form for that. Remember when dealing with a police officer always make note of their name at least, and their badge number. Before answering any questions or listening to anything they say. To be sure to commit it to memory repeat it to yourself at least three times. You will need this information when filing a complaint.

An officers identity can be obtained from various public records, but this slows the process down considerably. It can take weeks. But, if an officers identity is known, a complaint can be filed with the department, before the officer finishes harassing you. If you are being harassed by a police officer, call 911, and claim that the officer is harassing you and/or threatening you, or if nothing else is just acting like a dick, and needs to be fired, and be sure to give the officers name and badge number to the dispatcher. (You can use that language if you want and if the 911 dispatcher harasses you for using it, file a complaint on FireACop.com, along with the complaint against the "officer" harassing you.

VII) What Kind Of Assistance is Available:

There are several different services on the website available to help:

Free complaints. Fill out a form, provide the facts, persons involved, the problem caused, and what sort of corrective action is needed. A printed copy of the complaint will be generated. You can download it, sign it, send it in, or just lodge it in our database for future information.

Paid services: If you believe a complaint is such that it needs to be followed through upon, then assistance with paperwork and follow up is available. Prices start as little as \$10.00. This is for processes not involving lawsuits. (For as little as \$10.00 an administrative complaint can be lodged with whatever department, and seen to it that it is placed in the officers department file.)

Pro-Se legal assistance. If you want to pursue declaratory judgment actions, injunctions, writs, or other such claims, assistance is available for those representing themselves. Free forms to start the process are on the website. **Note:** If you are seeking monetary damages contact a good Civil Rights lawyer, or learn to do it on your own. The process is sufficiently complex that it should be undertaken by a competent lawyer, or a sufficiently motivated individual. However, If you are seeking Injunctions, Writs, Declaratory Judgments, and Non-Monetary Punitive Damages, (i.e. Equitable Relief), then the website has resources to help.

VIII) How You Can Participate:

1) **Provide us with a commercial e-mail account.** (Yahoo, GMail, Hotmail, AOL, etc.) We sell those addresses to marketing companies as highly qualified marketing leads. (This costs nothing to you, except a little time, but that information can be sold to marketers to

help raise funds. You will also receive news letters, updates, and information regarding your case at this address). This is for people who wish to receive advertising. In other words, you agree to receive "SPAM" (advertising e-mail), but set up a separate account to do it. (It is usually best to do this through a free system like Yahoo or GMail). The website has a sign-up page with a selection form that allows you to decide what types of local and national products that you would like to know about. You can receive specials from national and local companies selling food, clothing, automobiles, and other consumer products. For example, you can receive e-mails with coupons for local eateries. This helps support local merchants in your area, and pay for this publication. The system is geared toward local and national consumer products. (Not medications, personal aids, or investment scams. These are prohibited from our advertising system).

2) **Pay \$10.** This document costs about \$1 - \$2 in printing costs, and we print thousands. You can help by paying \$10.00 for this document on our website. A Pay-Pal button is available where you can pay by debit card, or online account if you have one.

3) **Use Our Services.** Simply use one or more of our inexpensive paid services to lodge a complaint, and follow up. For less than \$100.00 you can lodge a complaint, and a person will follow up with the officer and the department.

If you simply wish to complain, but take no action, that is free. (We encourage you to complain for any reason you feel just). We keep records of all complaints and follow up regularly. The complaints that are lodged are printed and mailed to the department. This is why it is important to record all acts of abuse by government. Until some kind of record is made of the wrong it is difficult to actually do anything specific about it. Once a record is made however, claims can be pursued.

IX) Reasons to File a Complaint:

Mandatory Complaints:

If any of the following have happened to you, you **MUST** file a complaint against the officer:

- 1) Was your license suspended for any reason not related to highway safety? (Not paying a ticket, failure to appear, child support or other issues).
- 2) Did any police officer harass, annoy, or threaten you in any way.
- 3) Did they search or impound your vehicle?
- 4) Were you sprayed with chemicals, or electrocuted with a taser? Or threatened of such?
- 5) Have you witnessed any "police" officers appearing on public or private property wearing masks over their faces?

If you have witnessed or been subject to any of these occurrences, you must contact us via the website. These are all violations of law.

If you are Male, and your license has been suspended for family issues, or you have any state child protective services interfering with your relationship with your children, you **MUST** lodge a complaint on the website. There are a number of problems with this situation that need to be taken care of like Men.

X) Case Law:

"Case Law" as it is sometimes referred, means typically decisions by or "Opinions" of Courts of Record regarding matters of law. Doing Legal Research can mean reading lots of Case Law. However, much of the information is available on computers. Lots of Case Law is now available on the internet as well, and there is even more available via paid search services. Likewise, printed volumes of Case Law can be found in State and County Law Libraries, (In the Delray and WPB Court Houses, for example), and University Law Libraries.

There are two main companies that provide electronic Case Law searching: Lexis-Nexis, and Westlaw. These companies also keep a wealth of personal information on you as well. Stuff you thought nobody else knew. Yes, they know it. (When employers do background checks, for instance, they may obtain information from these companies.) Using Case-Law is how arguments are made in Court, and generally speaking, the more you have at hand, the better off you are.

Starting around the early 1970's, electronic Case Law databases (like those from Lexis and Westlaw), started to emerge, and until recently that information was only available on an expensive subscription basis. Combined with word processing programs, a lawyer could pull case law out of a computer and paste it into his pleadings in a much more comprehensive and efficient fashion, than say, a Pro-Se litigant who had to use the law library and a typewriter or pen. This was an enormous time/cost advantage that led to both the state, and lawyers ultimately being able to produce more lawsuits at a lower cost than previously available. That has not changed, but now most of the same tools and information are available to the Public at large, and can (and should) be used to eliminate all unconstitutional conduct by each and every state officer, and likewise reduce the burden that those individuals place upon private-sector individuals, and the invasion of peoples existence that they engage in.

The statements in the preceding pages that cite a court case as: *Plaintff v. Defendant, etc*, are an example of Case Law. The following citation or "cite" of a famous U.S. Case, for example:

Marbury v. Madison, (1 Cranch) 137 (1803),

Corresponds to:

Parties, (Record) Page (Year).

A legal "Cite" will usually indicate the parties in the case, the court that decided the matter, which record is being quoted, the page number, and the year. Each state has at least one "official" record. There are also several records of the Federal system. Private publishing companies also publish records of official proceedings that can be cited. To cite a case, a relevant statement from the full opinion is quoted, and the names of the parties in the case,

and the Court that issued the opinion is used. Using a "precedent" to make your claim is the general idea. For example, you may want to try to convince a Jury in a Federal Court that your local traffic court, and police department should stop robbing you because the US Supreme Court has said over and over that they should.

XI) Doing Legal Research:

To use Lexis or Westlaw on computer, try the computers at a library under the Florida State University System. Your County/Municipal library may have it as well. Almost any decent library will have printed copies of Lexis and Westlaw products. Court Houses typically have a law library for legal research. It is a good idea to browse the stacks of a Law Library in addition to doing research on the computer. As an exercise, try going to the Law Library in the Court house, when you waiting for your case, or finished, and look up and read the following Case: *Bradwell v. Illinois* 83 U.S. 130 (1873). (United States Supreme Court.)

Here are some Recommended Legal Research Volumes:

- 1) Black's Law Dictionary -- A very simple and straightforward way to learn the law. Simply flip the pages and you can learn a wealth of legal concepts in one sitting. A great way to get started.
- 2) Words And Phrases 1658 to Date -- This is an encyclopedia set with thousands of pages of Court Opinions explaining just about every legal word and phrase imaginable, and as the name suggests, the opinions date back to the year 1658.

XII) Internet Legal Resources:

State Law - Florida Revised Statutes (FRS), can be viewed online at:

<http://www.leg.state.fl.us/statutes>

Florida State Legislature Website.

Federal Law - Unites States Code (U.S.C) can be viewed online at:

<http://Thomas.loc.gov>

Library of Congress.

Federal Court Rules, United States Code:

<http://www.law.cornell.edu/>

Cornell University. (They Do A Good Job. Please Donate).

Florida Court Rules:

<http://www.floridabar.org/>

See: Professional Practice -> Rules of Procedure

Practicing Good Citizenship Every Day...

<http://FireACop.com>