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Your right to use foreign state law: <http://www.lawyerdude.netfirms.com/8423.html>

From: Lawyerdude1989@yahoo.com 541 476 8954 Fax: 805 830 5156.

To: Larry Lacey.

There is much more to be said on this topic. What further questions do you have?

Answer to Larry Lacey's question. "How much freedom can I get away with?"

How to thwart Municipal Attempts to Regulate Constitutionally Protected Association/ Speech/ Sex

Focus: 5th & G street, Grants Pass, Oregon.

By: Attorney Douglas Palaschak

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List of Clauses from the Oregon Constitution cited herein:

Oregon Bill of Rights, **Section 9**. Unreasonable searches or seizures. No law shall violate the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable search, or seizure; and no warrant shall issue but upon probable cause, supported by oath, or affirmation, and particularly describing the place to be searched, and the person or thing to be seized. -5-

Preamble to the Oregon constitution: We the people of the State of Oregon to the end that Justice be established, order maintained, and **liberty perpetuated**, do ordain this Constitution. -5-

List of Clauses from the U.S. Constitution cited herein:

4th amendment -5-

Article IV. Clause2: "The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States. Amendment 9: The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people." -8-

First Amendment: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances." -8-

Privileges and Immunities Clause: "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." - 14th amendment. -8-

Supremacy Clause of the U.S. Constitution: "This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby. ." - The Supremacy Clause. I discuss this in more detail at <http://www.lawyerdude.netfirms.com/7375.html> -8-

List of U.S. Supreme Court Opinions cited herein:

Dow Chemical v US (1986) 476 US 235, 90 L Ed 3d 235, 106 S Ct 1825. Business man at his place of business is protected same as ordinary person. -5-

Norton v Shelby County (1886) 118 U.S. 425. <http://www.lawyerdude.netfirms.com/norton.html> "An unconstitutional act is not a law; it confers no rights; it imposes no duties; it affords no protection; it creates no office; it is, in legal contemplation, as inoperative as though it had never been passed." -6-

Payton v New York (1980) 445 US 573, 63 L Ed 2d 639, 100 S Ct 1371 Office protected same as house. -5-

List of California state cases cited herein:

Overbreadth case. Ordinance prohibiting Sleeping in car: <http://www.lawyerdude.8m.com/5124.html> -6-

People v Attorney Stephen Ross Harden drugs seized from a lawyer's office were suppressed1. -5-

List of California Statutes cited herein:

California penal code section 422.6: "422.6 (a) No person, whether or not acting under color of law, shall by force or threat of force, willfully injure, intimidate, interfere with, oppress, or threaten any other person in the free exercise or enjoyment of any right or privilege secured to him or her by the Constitution or laws of this state or by the Constitution or laws of the United States . . ." . . . -8-

Ancient and Fundamental Sources of Law cited herein:

Magna Carta, clause 45: "The King will not appoint any judges, constables, sheriffs or bailiffs, except such as **know the law of the land and are willing to keep it well.**" -6-

Learned Treatises of Law cited herein:

History of American Law by Stanford Professor Lawrence Friedman. -6-

How to win you Malum Prohibitum case before trial by Attorney Douglas Palaschak. Available by mail order online here: <http://www.lawyerdude.netfirms.com/7697.html> -6-

Lawyerdude's law: Our fat governments by stealthy encroachment incessantly strive to take our liberties and sell them back to us as licenses and permits. -3-

List of Winning Demurrers: <http://lawyerdude.8k.com/5736.html> -6-

List: most liberating opinions of U.S. Supreme Court: <http://www.lawyerdude.netfirms.com/weinreb.html> -4-

Overbreadth Theory: <http://www.lawyerdude.8m.com/5409.html> This essay lists 20 leading law school cases where statutes have been declared void due to their overbreadth. -6-

The internet changes everything because it accelerates the rate of learning in the area of law. -4-

Void for Vagueness: <http://www.lawyerdude.netfirms.com/vague2.html> There are 20 law school cases listed in this essay. Statutes are routinely declared void for vagueness. When they interfere with a constitutionally protected right then they are void from the inception. You need not wait for a declaration from a court. -6-

Your Right to Utilize Foreign State Law <http://www.lawyerdude.netfirms.com/8423.html> By Attorney Douglas Palaschak. -8-

Your Right to Privacy and Association

I begin with the main slogan of my quest:

Lawyerdude's law: Our fat governments by stealthy encroachment incessantly strive to take our liberties and sell them back to us as licenses and permits.

Case in point: All cities require a permit to "occupy."

I supplement with a 2nd theory:

The internet changes everything because it accelerates the rate of learning in the area of law.

People like Larry Lacey can now benefit from centuries of legal opinions available quickly on the internet.

Here are some factors that define this battle and mitigate in your favor:

1. You, Larry, are breaking new ground. In recent history there has been no sexual entertainment in Grants Pass. You have the advantage in that they have no precedent. They would like to have some precedent. They would base their argument on precedent. They would like to say "That's what we have always done." They can't do that now.
2. Your age in historical time is such that you enjoy the benefit of cheap plentiful legal advice.
3. You are in a sexually/ morally/ intellectually liberal state, the state of Oregon.
4. You live at the center of gravity of the anti-government movement - the Medford/ Merlin area.
5. Your state Supreme Court ruled in 2006 in a major case in favor of sexual entertainment.
6. Oregon has no sales tax. Therefore governments are not as rich. Therefore governments at all levels are not as parasitic/ dominant/ overpowering as they are in richer states.
7. Ulys Stapleton has been spanked before; he should be very afraid of the law now.
8. We can depend on a liberal STATE supreme court.

The state creates the illusion of legitimacy by regulating sex by regulating alcohol sales.

Once you eliminate their pretext by disengaging from the sales of alcohol then you eliminate this inroad. Incidentally there is nothing to legally prevent persons from bringing their own alcohol to a private gathering. However, I would not encourage this. If you had house guests they generally would not bring their own alcohol although I know that some people do. I don't want to dwell on this non-issue unless you feel that it is an issue.

The ancient concepts of police and sheriff must yield to the primacy of the individual and freedom.

The concept of "police" originated in cities. The original idea was to question everyone. All foreigners were suspect. Our current elevated level of freedom is incompatible with the original concept of police. By comparison the concept of "sheriff" is a feudal concept. Although we think of the Magna Charta as a fountain of liberty, it is the product of feudalism. Feudalism is a natural state. Oppression is natural. Civilized people rise above their natural instincts. We constantly evolve into better people. Our laws constantly get better. The police and sheriff must constantly lose power. Their ancient, crude, oppressive, feudal, and medieval methods must yield to the rights of the individual. If you study the opinions of the Supreme Court you will see that the trend is inescapable. We find a better way, a better expression of the common law. For examples of improvement in the law you can simply read any of the cases on the following list: List of the most liberating opinions of the Supreme Court:

<http://www.lawyerdude.net/firms.com/weinreb.html> .

Money is generally a red herring; money is not the issue.

The \$15 admission/ donation/ whatever is not an issue. It is a red herring, a non-issue, a distracter. The law protects your activities whether you make money from them or not. One of the sole exceptions is prostitution/ pandering.

It is important to keep the police out.

The big lie: Police want you to think that you need them. You don't need police. I have lived where there are police. I have lived where there are not police. It is better without police.

The big lie: The police will tell you that they have a right to enter any business when it is open to the public. They lie. Resist. You need a good secure front door. It should permit you to control who enters. Make the police get a warrant. If you permit them to roam around then they can more easily write an affidavit for a search warrant.

I am reminded of the time that two uniformed cops came into The Jet Strip. They spent a half hour there pretending to be on duty. I called the police station the next day. Nothing happened. Most club owners would prefer to pay bribes to the police or at least offer them free drinks. That is a mistake. You should keep the police out.

The primacy of liberty; our state constitution.

What you are attempting to do is exercise your liberty. Liberty is mentioned in our state constitution.

Preamble to the Oregon constitution: We the people of the State of Oregon to the end that Justice be established, order maintained, and **liberty perpetuated**, do ordain this Constitution.

So we see that liberty is fundamental. The police forget that.

Oregon Constitution, Article 1, Section 9.

Oregon Bill of Rights, Section 9. Unreasonable searches or seizures. No law shall violate the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable search, or seizure; and no warrant shall issue but upon probable cause, supported by oath, or affirmation, and particularly describing the place to be searched, and the person or thing to be seized.

When the police tell you that they have a right to enter any "business" they are wrong.

Section 9 and the 4th amendment protect people - not places. You are protected wherever you expect privacy.

I learned in my LSD case that people in offices and other spaces enjoy the same privacy rights as people in bedrooms. A warrant is required to enter private office/ building/ room. Police may not enter the front door for any other purpose. **Payton v New York** (1980) 445 US 573, 63 L Ed 2d 639, 100 S Ct 1371. Warrantless nonconsensual entry into suspect's home even to make a routine felony arrest violates 4th amendment. In **People v Attorney Stephen Ross Harden** drugs seized from a lawyer's office were suppressed.

"The businessman, like the occupant of a residence has a constitutional right to go about his business free from unreasonable official entries upon his private commercial property." - The U.S. Supreme Court in **Dow Chemical v US** (1986) 476 US 235, 90 L Ed 3d 235, 106 S Ct 1825.

The police are expected to know the law. The Magna Carta commands:

"The King will not appoint any judges, constables, sheriffs or bailiffs, except such as **know the law of the land and are willing to keep it well.**" - Magna Carta, clause 45

Offices are protected:

"An occupant of an interior office not open to the general public has a right to be free from warrantless arrest therein absent consent or exigent circumstances." - **People v Lee** (1986) 186 CA3d 743, 746.

The Oregon Bill of Rights applies in Grants Pass. Any municipal code to the contrary is void ab initio. It is void from the inception. Municipalities are notorious for passing void laws. In the first place, municipalities generally are forbidden to legislate in the arena of criminal law. Even if they are permitted to legislate, they often overstep their bounds. A statute that "oversteps" is an overbroad statute. In the arena of speech/ entertainment/ speech/ association such laws are presumed invalid absent compelling state interest. Therefore such a statute would be unconstitutional. It is unconstitutional NOW ; you need not wait for approval from a judge. Here is what the U.S. Supreme Court says about unconstitutional statutes/ ordinances.

"An unconstitutional act is not a law; it confers no rights; it imposes no duties; it affords no protection; it creates no office; it is, in legal contemplation, as inoperative as though it had never been passed." - the U.S. Supreme Court in **Norton v Shelby County** (1886) 118 U.S. 425.
<http://www.lawyerdude.netfirms.com/norton.html>

Police and police-state goons like Ulys Stapleton will say that it is not right to permit any person to declare a local ordinance unconstitutional but Ulys is wrong. We much each think for ourselves. Each of us is entitled to the protection of the constitution. In the realm of free speech/ association/ entertainment we enjoy a presumption that an ordinance in derogation of our associational rights must be invalid. The statute is presumed invalid. It is a legal nullity. We may disregard the unconstitutional ordinance with impunity. We need not wait for a judge. We decide for ourselves. In some cases there will be a cop with a gun expressing his own legal opinion. In that case we yield to the gun and then later sue for redress.

How the common law gets honed and formed through the courts: Demurrer, Overbreadth theory, and Vagueness theory.

I am discussing the concept of liberation by litigation. A treatise cited by the Supreme Court in this arena is *History of American Law* by Stanford Professor Lawrence Friedman. The third edition is available online in paperback cheap. The subject of Constitutional Law is the study of ignoring and fixing bad statutes/ ordinances. Municipalities are notorious for writing oppressive and unconstitutional laws. You may choose to be the aggressor. This is better than waiting to be the defendant. You can attack the bad statute through litigation. If you are a defendant you should litigate the legal issues before trial and not after trial. This is the premise of my book entitle: *How to win you Malum Prohibitum case before trial*. You can focus on the legal issues and ignore the facts by use of the ancient and venerable demurrer: List of Winning Demurrers: <http://lawyerdude.8k.com/5736.html> . The easiest theory is Overbreadth Theory: <http://www.lawyerdude.8m.com/5409.html> . A similar concept is "Void for Vagueness" at the following hyperlink: <http://www.lawyerdude.netfirms.com/vague2.html> . I only began using this concept in 1999. I demurred to a ticket for sleeping in my car. I challenged the statute. Although the court did not declare it overbroad, the prosecutor dismissed the case rather than answer my demurrer. Here is that story: Overbreadth case. Ordinance prohibiting Sleeping in car: <http://www.lawyerdude.8m.com/5124.html>

When in Doubt Form your own Religion

I told Dick Drost to start his own religion. There is a Mexican named Jesus Christ. He claims to be God. Learn from the experience of the Church of Scientology. I hate them. Nonetheless they ultimately prevailed in their struggle. The IRS now calls them a church. Their story is on the net. Google for scientology wiki. This will give you the Wikipedia story and many related stories.

Examples of Similar Experiences of humans/ businesses hosting recreational sex.

Example 1 : Naked City, Roselawn, Indiana.

I can tell you from personal experience that we charged admission at Naked City, at Roselawn, Indiana. There Dick Drost owned 400 acres - over half a section of mostly wooded land. Patrons masturbated anywhere. They had sexual intercourse anywhere. It was a pervert's paradise. Today the place still operates. There is a 2nd resort across the highway and down a half mile.

The point of this example is to demonstrate that people are entitled to privacy in their sexual affairs even if the sexual activity is amongst other people. Ten people are entitled to the same privacy as a married couple in their bedroom. The number of people and the location of the activity is irrelevant. The expectation of privacy is the issue. The Oregon constitution guarantees your right of privacy even in the City of Grants Pass and even if you sell juice - and even if you earn money hosting/ entertaining people.

The local police used a church bus and raided Naked City on the day that we were having our annual "Naked Olympics." They used a church bus to carry some of the nudists to jail.

On behalf of Dick Drost I sued the various police agents in Indiana. In 1987 or 88 I argued to Federal Judge Allen Sharp that he should think of Dick's woods as a 400 acre bedroom. The people in the woods there are entitled to the same protection from police as people in their bedroom. I was right. The judge ruled against me and denied my application for a temporary restraining order. My main witness failed to appear. The main witness was Dick Drost, the resort owner. Although I bought plane tickets for Dick and his 2 nurses, he refused to get on the plane and fly to Indiana for the hearing. Dick Drost chose to stop the litigation there. He is a quadriplegic who cannot even feed himself. He is deathly afraid of going to jail. The case is published in the law books even though it did not go to appeal.

Example 3: Naked City, Hemet, California.

In 1986 Dick Drost opened a 2nd resort. This resort was at the top of a mountain near Hemet, California. I met Ron Jeremy and some other porn stars there. I knew Ron from having previously met him at The Comedy Store. I starred in some porn movies there at Naked City. HomeGrown Video #105 from 1987 stars me and a fresh faced Mennonite girl. Annie Sprinkle also filmed me. We enjoyed sex around the pool and all around the premises. They charged admission. They had a stage inside the club house. Girls danced on stage while some patrons masturbated.

Example 4: Swinger Parties in Marina Del Ray and Los Angeles.

I saw 2 sheriff deputies walk through a swing party once.

Specific Questions pertaining to "commercial" sex.

Police use the word "commercial" to justify their illegal invasion of your right to privacy. Everything is commercial! People are commerce. Everything is commerce. You don't give up your rights when you engage in commerce. You need not give up one right to exercise another right. - *Simmons v U.S.* (1968) <http://www.lawyerdude.netfirms.com/simmons.html>

- 1. Is it legal to host/ conduct/ operate/ a meeting/ lecture/ mass/ speech/sexual intercourse/ orgy association/ behind locked doors/ a hedge/ and be paid for it?**

Short answer: Yes: The Holiday Inn does it all the time !! Many pornographic movies today are filmed in hotel rooms in Las

Vegas and Los Angeles. Your legal rights to privacy and free association are powerful.

2. Do I enjoy a special protection because my activity is protected by the 1st amendment?

Yes. You have more protection than the guy at WalMart selling merchandise. You are engaging in a constitutionally protected right of association/ speech/ press/ and advocacy. In California it is a statutory crime to interfere with the enjoyment of a constitutionally protected right. I publish this statute at <http://www.lawyerdude.netfirms.com/8431.html> The statute says in part:

“[California penal code section] 422.6. (a) No person, whether or not acting under color of law, shall by force or threat of force, willfully injure, intimidate, interfere with, oppress, or threaten any other person in the free exercise or enjoyment of any right or privilege secured to him or her by the Constitution or laws of this state or by the Constitution or laws of the United States . . .”

Also, you are protected by these 2 clauses:

Re: Abridgment: **First Amendment: “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.”** - 1st amendment.

And again regarding abridgment: The Privileges and Immunities Clause: **“No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”** - 14th amendment.

3. Do I in Oregon enjoy the protection of a California statute?

Yes! The U.S. Constitution guarantees uniform rights throughout the country.

Article IV. Clause 2: “The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States. Amendment 9: The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.” - The U.S. Constitution.

In Oregon you may assert that you are similarly protected even though our legislature has not taken the time to write a statute to that effect. The law is there whether or not people have taken time to “find” it. This is the common law. This “natural law”. When one state “finds” the law, citizens in other states are entitled to benefit from the work of a sister state. This area of the law is new and frankly, only mentioned by me. I discuss this more in my book and at *Your Right to Utilize Foreign State Law* <http://www.lawyerdude.netfirms.com/8423.html>

4. Are the courts obligated to enforce “the common law” ? Hell, yes. The state courts are obligated to follow the common law. The U.S. Constitution says:

"This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and **the Judges in every State shall** be bound thereby. . .” - The Supremacy Clause. I discuss this in more detail at <http://www.lawyerdude.netfirms.com/7375.html>

5. When California recognizes protects people engaging in constitutionally protected rights, does that confer any rights to me in Oregon? Answer: Yes. The federal constitution says that your rights are uniform from state to state. Therefore when one state sees the light then we all benefit even if we are out of state. I discuss this in detail the newer versions in my book.

6. What can I do to stay within the safe harbor provisions and still draw a crowd? Generally if you avoid prostitution and persons under age 18 you will be okay.

7. Can I do what I am doing and avoid being prosecuted?

Answer: Don't know. I don't know what you are doing. When I heard from Lori some months ago that you planned to offer non-nude entertainment at 5th and G I was disappointed. I don't know today what goes on there. Therefore I can't answer your question. I don't know what happens there.

8. Can I sell fruit juice and cola behind locked doors while strippers dance completely naked?

Answer: Hell yes!

9. Can the strippers engage in lewd activity including sexual intercourse with patrons?

Answer: Yes - if the patrons are not paying for sex - and if the stripper is not being paid for sex. A stripper can be paid for stripping and not paid for sex - just like a minor can be paid for stripping at a tavern while not drinking. The genius lies in the details. The safe harbor provision here would consist of falling into one of the known exceptions: the swing club or "lifestyle" club. These clubs generally charge high fees in exchange for a place to meet like-minded people. If a club owner were to pay a woman, a ringer, to attend the club it would be very difficult to obtain a conviction for pandering/ prostitution if it were done prudently. The problem arises when the ringer is a confidential government informant. All of this intrigue can be avoided by prudence and by knowing the people who are your patrons and associates. There is no shortage of sexy women wanting to enjoy sex in public with strangers.

Prologue

You operate like my brothers and my Dad. You don't write down a fucking word, but you are quick to criticize the person who misquotes your spoken words. I have written both the question and the answer.

The well-asked question is half answered. Your question was half asked.

I don't know what goes on inside your club.

One week ago you stopped your shiny red pickup truck at my porch and asked me to report back to you with the answer to your question. You said to look at the sign on the door of Club 71 and then report back to you if you were safe/ legal/ whatever. I read the sign. It said that your "Palace" club at 5th and G was not yet open but that you were accepting \$15 donations for admittance. You told me that you were refusing admittance to police. You also told me previously that police were there on opening night some weeks ago and that you did not comply with their police orders to close - or something to that effect.

You told me some weeks ago that a strong antagonist in the office of city government is Ulys Stapleton. You told me that Gerry Spence conquered Ulys and figuratively spanked his behind 20 years ago. You told me that this battle is described in a book called "Smoking Gun." Thereafter I ordered the book and read it. Yup; indeed Ulys attempted to cheat. Ulys got caught. He got rebuked. The book is about a murder trial arising from a dispute over a road that passed within 8 feet of the bedroom of the accused murderer.

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