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6 Previous document: <http://www.lawyerdude.netfirms.com/8618.pdf> <http://www.lawyerdude.netfirms.com/8618.html>
7 <http://www.lawyerdude.netfirms.com/8618.doc> and <http://www.lawyerdude.netfirms.com/8618.wpd>
8 Motion to Quash: <http://www.lawyerdude.netfirms.com/8332.pdf>
9 Perjurious Complaint: <http://www.lawyerdude.netfirms.com/8535.pdf>
10 Transcript of Previous court session. March 5: <http://www.lawyerdude.netfirms.com/8489.html>
11 Transcript of February 5 court session: <http://www.lawyerdude.netfirms.com/8372.html>

9 **Court of the 6th Judicial District Court of Kansas**
10 **Judge Richard Smith**

11 318 Chestnut, Mound City, Kansas 66056913-795-2660 Fax: 913-795-2004
12 Ann Ware, Clerk; Lori Simmons, Deputy Clerk; Christina Chapman, Perjurious Notary Public.
<http://www.kscourts.org/dstcts/6dstct.htm>

13 Clerks Ann Ware and Lori
14 Simmons, having
15 unlawfully usurped the
16 prosecutorial function
17 that is solely the
18 province of the elected
19 prosecutor, dba under
20 false color of law and
21 corrupt legal fiction as
"The People of
Kansas"

Plaintiffs

v

Richard Wilson, one of the
actual People of
Kansas.
Defendant

Case Number 06jTR 947
Document #9034 Version 1.004

Demand to Vacate 1 Feb trial date and for Order Shortening Time.

Application for Order to Show Cause.

**Application for Writ of Mandate to compel Court Reporter
Nicole Bruner knole22@hotmail.com 913 294 3644 to
deliver the e-transcript for which I personally handed
her \$235.**

Demand for recordation by a stenographic court reporter.
Demand for prompt e-transcript of every hearing by email to my
email address shown above.

Proof of Service.

Date: Wednesday 30 January, 2008
Time: 9 a.m.
Place: 318 Chestnut, Mound City, Kansas

22 **The Miranda Issue: You could not make a rule to deny me an e-transcript if you wanted to.** "Where
23 rights secured by the Constitution are involved, there can be no rule making or legislation which would
24 abrogate them." - Miranda v Arizona 1966 <http://www.lawyerdude.netfirms.com/miranda.html>

Application for Order to Show Cause or Alternative Writ; Demand for Order Shortening Time.

25 At the venue designated in the caption or at such other venue as the court shall designate, I will
26 demand the relief set forth in the caption. I demand that the trial date be vacated until all the pre-trial
27 issues are resolved. I file this on short notice due to Judge Smith's unconstitutionally premature trial date.

Signed _____ Richard Wilson. Monday, January 28, 2008

Contents of this Demand to Quash/ Dismiss:

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Washington Constitution. Clauses cited herein: -7-

Treaties cited herein: -7-

Illinois, California, and other Foreign Constitutions rightfully cited herein: ... -7-

Table of Statutes cited herein: -7-

Other Cases cited herein: -7-

Argument/ Points and Authorities. -7-

Preliminary Issue: You can't send me to trial until you finish the pre-trial issues and give me a chance to seek a Writ at the Supreme Court. - Fred Shuttlesworth v Birmingham 1969 -7-

Mere Rules are not binding upon the People! Example: Pro Hac Vice rules. -7-

I have a right to an e-transcript as part of my Due Process and because it is so easy. -8-

The U.S. Supreme Court has ruled that a transcript is a fundamental right. Griffin. MLB. -8-

There is no valid reason to deny me an e-transcript. -8-

The Miranda Issue: You could not make a rule to deny me an e-transcript if you wanted to. -9-

The absence of a local court rule is inadequate basis for denial; indeed I can look to California

1 rules. -9-

2 **California, gave us rule 4f4. The logic of the rule applies as well here. -9-**

3 **Under U.S. Constitution IV, 2, I am entitled to Washington, Illinois, and California**

4 **rights -9-**

5 **In my case my lawyer does not know what was said in court; I need an transcript to tell**

6 **him; he needs an e-transcript to permit him to cut and paste into a brief. . . . -10-**

7 **Fountains of Liberty: Magna Charta, 1948 Universal Declaration of Human rights.**

8 **. -10-**

9 **I am a beneficiary of the rights declared by the California constitution. -11-**

10 **Independent State Grounds. -11-**

11 **Pleadings of Pro Se Litigants must be given some leeway -11-**

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13 **Appendix: Kansas Bill of Rights -12-**

14 **Appendix: Washington Constitution. Selected Provisions. -13-**

15 **Appendix: Brief Biography of Attorney Douglas Palaschak -14-**

16 **Topical Index -15-**

Notice of Concurrent and Upcoming Motions and Demands

1. I will be filing a motion to suppress all evidence in this case.
2. Regarding the Pretextual Stop using the instrument of a vague and overbroad statute, I will be challenging the statute should that issue arise. All traffic laws are merely recommendatory. Otherwise the statutes would be oppressive. I will be moving in that regard.
3. I will be demanding a written ruling on each of my several previously submitted written motions.
4. I have previously demanded that the prosecution be quashed pending a written complaint.
5. I will demand that you rule on my previous contempt motion. I have previously demanded that a penalty of imprisonment for 1 hour for Contempt of Court be imposed against the Prosecutor _____ with the illegible name and Notary Public Christina Chapman .
6. I will demand that you rule on my previous written demand for \$500 from prosecutor for causing me the expense of challenging his defective complaints.

Brief Overview/ Statement of the Case

I was attending a meeting pertaining to the recall of my candidate on the county board. Without probable cause Officer Paul Filla signaled me to stop. Filla intended to intimidate me for my having attended the political meeting. Filla gave me a ticket for driving without a license.

Transcript of two E-mails that demonstrate the impasse regarding the e-transcript.

1 Lawyerdude says: I copied these emails from my computer verbatim except that superfluous and
2 irrelevant parts of the header have been deleted.

3 2007 9 21 Fri, 21 Sep 2007 13:28:22 -0700 (PDT) Subject: 913 302 8693. I talked to your court
4 reporter. E transcript. She will investigate the rule. "Richard Wilson" Richard, I talked to
5 your **court reporter Nicole Bruner 913 294 3644** at 3:10 central time. She will
6 investigate the rule on which she relies. I informed her that I am preparing a motion
7 and/or application for writ as a remedy for your right to an e transcript. I was careful to
8 avoid antagonism. I framed it as though it were a problem that she and I are jointly
9 solving.

10 She said that there is a policy that all documents to lawyers must come off the official court
11 server. She uses her own computer to transcribe transcripts. I told her that the easy remedy is to
12 paste the text of the transcript into an email to herself. Then send the email to her official court
13 server. Then she can forward the email from her official server to you. Easy.

14 Then I asked her if there is a written copy of the rule. She knew of none. As I have heard many
15 times over the years "I was told by the other woman in the office that this is how we do it".
16 I informed her of California's rule 4f4. I told her that she could Google for 4f4 and Lawyerdude to
17 find the page where I quote rule 4f4 and discuss it. She did not tell me her email address. I
18 gave her my 888 476 8954 number. She will inquire further and get back to me.

19 2007 9 21 6 pm Central time Fri, 21 Sep 2007 17:09:39 -0700 (PDT) via
20 <wilsonbrandx@yahoo.com> From: Nicole Bruner <knole22@hotmail.com> Mr. Wilson, I
21 have recently been contacted by an Attorney Douglas, inquiring about e-transcripts in
22 your case. As related to you before, it is against district policy to send e-transcripts. I
23 have confirmed this policy with the Clerk of the District Court, who informs me that it is
24 per Office of Judicial Administration information. I would like to note that I contacted
25 Topeka, who informed me that e-transcripts are not addressed in the written rules of the
26 entire state, however it is a policy that is retained district to district. As I informed you
27 before, our district, unfortunately, is not one of those districts. And, I do not want to take
28 exceptions to this rule, because I would like to retain the professional integrity of my work.
I apologize if this has caused you any inconvenience, but I hope you can appreciate
where I am coming from. If Attorney Douglas would like one mailed to him in California, I
would be more than glad to provide that service to him. Sincerely, Nicole Bruner
Miami County District Court (913) 294-3644

Declaration of Richard Wilson

I declare the following under penalty of perjury: I have several pre-trial issues to resolve. I have
employed Attorney Douglas Palaschak. I am unable to efficiently tell him what happened at court because
Court Reporter Nicole Bruner refuses to provide me with an e-transcript. I paid her \$235 cash money.

1 She gave me a paper transcript; I demanded an e-transcript.

2 The issues for which I need a transcript are material.

3 The prosecution did not rebut any of my motions. Judge Smith did the research for the
4 prosecution. He presented his brief for the first time at the time of the hearing on my motion. That
5 treachery prevented me from opposing his brief. I was unable to cite the case to my lawyer. There is so
6 much wrong with this case that I must take one issue at a time.

7 Thereafter Judge Smith jammed me up and scheduled a trial without my consultation and before
8 the pre-trial issues had been resolved.

9 Thereafter I applied for a writ to the Supreme Court. Judge Smith did not participate; he filed no
10 brief.

11 My lawyer advised me to return to trial court and pursue my remedy at the trial court. He
12 reasoned that there were many interwoven issues before the Kansas Supreme Court. We will upgrade
13 and isolate the issues. We seek a writ on a single issue.

14 Rather than deal with the issues, Judge Smith jammed me up again by scheduling a trial
15 prematurely.

16 Today my lawyer continues to be in the dark because Court Reporter Nicole Bruner has
17 unilaterally elected by formulate court policy.

18 Signed _____ Richard Wilson. Monday, January 28, 2008

19 Declaration of Expert Traffic Attorney Douglas Palaschak

20 I declare the following under penalty of perjury:

21 My biography is appended to this document. I am an expert in the systemic oppression by traffic
22 court judges throughout the country.

23 Traffic court in some jurisdictions continue to be run by fake judges whose only qualification is that
24 he/ she be "over age 18 and speak some English."

25 The leading methods of oppression are:

26 1 Denial of a transcript or an e-transcript. That's #1 on my list.

27 2 Denial of appointed counsel or appointment of a public defenders; PD's are notoriously ineffective.

28 3 Denial of jury trial.

4 Denial of access to a law library.

5 Demand of unconstitutional fees for a jury trial or even a bench trial.

6 Jamming you up timewise by sending you to trial before you are ready. That's #7 on my list.

7 Failure to advice you of your right to demur.

See my list of **Leading Modern Day Instruments of Oppression** at

<http://www.lawyerdude.8k.com/5724.html>

Court Transcriber Judy Jeck provided an e-transcript. Nicole Bruner can do it too.

Court reporters throughout the country routinely provide e-transcripts once they are informed that

1 they can provide an e-transcript with only a few keystrokes.

2 I copied the two emails above verbatim except for superfluous and/or irrelevant data in the
3 header.

4 Monday, January 28, 2008

5 Signed by R Wilson for Palaschak with Palaschak's specific permission: _____

6 **Table of Authorities and Fountains of Liberty cited herein:**

7 **U.S. Constitutional Clauses Cited herein:**

8 Article IV, Section 2.: The citizens of each state shall be entitled to all privileges and immunities of citizens
9 in the several states. -9-

10 No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the
11 United States; nor shall any state deprive any person of life, liberty, or property, without due process of
12 law; nor deny to any person within its jurisdiction the equal protection of the laws. - Privilege and
13 Immunities Clause of the 14th amendment. -9-

14 **U.S. Supreme Court cases cited herein:**

15 **Haines v Kerner** (1972) 404 U.S. 519 (1972) <http://www.lawyerdude.netfirms.com/haines.html> Pleadings of
16 Pro Se litigants are entitled to some leeway. **Haines v Kerner** (1972) 404 U.S. 519 (1972)
17 <http://www.lawyerdude.netfirms.com/haines.html> This ruling is consistent with statutes in nearly all
18 jurisdictions. The law is not a trap for the unwary. For every wrong there is a remedy. -11-

19 **Miranda v Arizona** (1966) 384 U.S. 436, 86 S. Ct. 1602, 16 L. Ed. 2d 694, 10 ALR 3rd 974 and 59 other
20 ALR treatises. www.lawyerdude.netfirms.com/miranda.html **The Miranda Issue: You could not make a**
21 **rule to deny me an e-transcript if you wanted to.** Court Reporter Bruner cited the absence of a rule.
22 She tangentially alluded to some other rule. Local and state rulemaking may not impede fundamental
23 rights: **"Where rights secured by the Constitution are involved, there can be no rule making or**
24 **legislation which would abrogate them."** -9-

25 **MLB v SLJ , individually and as next friend of the minor children, S. L.** (1996) 519 US 102; 117 S Ct
26 555; 136 L Ed2d 473 <http://www.circuitlawyer.8m.com/mlb.html> where an indigent mom wanted a
27 transcript to appeal the taking of her child. -8-

28 **Shuttlesworth v Birmingham** (1969) 22 L Ed 2d 162, 394 U.S. 147 at page 152, 89 S Ct 935
29 <http://www.lawyerdude.8m.com/5091.html> "And our decisions have made clear that a person faced with
30 such an unconstitutional licensing law may ignore it and engage with impunity in the exercise of the right
31 of free expression for which the law purports to require a license. [citations omitted] The Constitution can
32 hardly be thought to deny to one subjected to the restraints of such an ordinance the right to attack its
33 constitutionality, because he has not yielded to its demands." -7-

34 **U.S. v Gonzalez-Lopez.** on June 26, 2006, the U.S. Supreme Court struck down a local rule as it denied
35 a defendant his right to counsel of his choice. You can read the entire opinion at
36 <http://www.lawyerdude.netfirms.com/8345.html> -8-

37 **California Rules of Court cited herein:**

38 California Rules of Court, rule 4f4 (4)(f)(4): "On request, and unless the superior court orders otherwise,
39 the reporter must provide any party with a copy of the reporter's transcript in computer-readable format."
40 An e-transcript is my right.
41 -9-

The Kansas Constitution. Clauses cited herein:

Kansas Bill of Rights. Entire Kansas bill of rights is appended hereto. -12-

§ 1. Equal rights. All men are possessed of equal and inalienable natural rights, among which are life, liberty, and the pursuit of happiness. - Kansas constitution. -11-

§ 20. Powers retained by people. This enumeration of rights shall not be construed to impair or deny others retained by the people; and all powers not herein delegated remain with the people. -11-

Kansas Statutes cited herein:

Washington Constitution. Clauses cited herein:

Washington Constitution. The Washington Bill of Rights is appended to this motion. -13-

Treaties cited herein:

Treaty. 1948 Universal Declaration of Human Rights“Article 20(2) No one may be compelled to belong to an association.” <http://www.lawyerdude.netfirms.com/8213.html> This treaty, the 1st amendment, the 6th, and the 14th amendments preclude the regulation of the practice of law by non-government lawyers. -10-

Illinois, California, and other Foreign Constitutions rightfully cited herein:

California constitution: Section 1. All people are by nature free and independent and have inalienable rights. Among these are enjoying and defending life and liberty, acquiring, possessing, and protecting property, and pursuing and obtaining safety, happiness, and privacy. http://www.leginfo.ca.gov/const/article_1 <http://www.leginfo.ca.gov/const-toc.html> -11-

Illinois Constitution. Section 1. Inherent and Inalienable Rights: All men are by nature free and independent and have certain inherent and inalienable rights among which are life, liberty and the pursuit of happiness. To secure these rights and the protection of property, governments are instituted among men, deriving their just powers from the consent of the governed. -10-

Illinois Constitution: Section 2. Due Process and Equal Protection. No person shall be deprived of life, liberty or property without due process of law nor be denied the equal protection of the laws. -11-

Treatises cited herein:

Leading Modern Day Instruments of Oppression at <http://www.lawyerdude.8k.com/5724.html> -5-

Table of Statutes cited herein:

Other Cases cited herein:

Argument/ Points and Authorities.

Preliminary Issue: You can't send me to trial until you finish the pre-trial issues and give me a chance to seek a Writ at the Supreme Court. - Fred Shuttlesworth v Birmingham 1969

“And our decisions have made clear that a person faced with such an unconstitutional licensing law may ignore it and engage with impunity in the exercise of the right of free expression for which the law purports to require a license. [citations omitted] The Constitution can hardly be thought to deny to one subjected to the restraints of such an ordinance the right to attack its constitutionality, because he has not yielded to its demands.” - U.S. Supreme Court in **Shuttlesworth v Birmingham** (1969) 22 L Ed 2d 162, 394 U.S. 147 at page 152, 89 S Ct 935 <http://www.lawyerdude.8m.com/5091.html>

1 **Mere Rules are not binding upon the People! Example: Pro Hac Vice rules.**

2 In *U.S. v Gonzalez-Lopez*. on June 26, 2006, the U.S. Supreme Court struck down a local rule
3 as it denied a defendant his right to counsel of his choice. You can read the entire opinion at
4 <http://www.lawyerdude.netfirms.com/8345.html>

5 Neither local rule nor the malicious decisions of a local judge may impede the exercise of my
6 constitutional rights.

7 **I have a right to an e-transcript as part of my Due Process and because it is so easy.**

8 Due Process is an constantly expanding right; as technology permits a better transcript I am
9 entitled to a better transcript as a matter of Due Process.

10 The court reporter prints the paper transcript from an e-transcript on her computer.

11 With a few keystrokes she can send the e-transcript to anybody with email.

12 Because the e-transcript can be delivered with such ease I am entitled to one as a matter of Due
13 Process and Equal Protection.

14 The alternative would be for me to employ a typist to read the paper transcript and copy it into my
15 computer. I could also purchase Optical Character Recognition Software and then spend time correcting
16 the mistakes for which this software is notorious.

17 **The U.S. Supreme Court has ruled that a transcript is a fundamental right. Griffin. MLB.**

18 The U.S. Supreme Court ruled in 1956 in *Griffin et. al. v Illinois* 100 L Ed 891, 351 US 12, 79 S
19 Ct 585, 55 ALR2d 1055 <http://www.circuitlawyer.8m.com/griffin.html> that an indigent is entitled to a free
20 transcript on appeal. The right extends even to some civil cases. See **MLB v SLJ , individually and as**
21 **next friend of the minor children, S. L.** (1996) 519 US 102; 117 S Ct 555; 136 L Ed2d 473

22 <http://www.circuitlawyer.8m.com/mlb.html> In this case the U.S. Supreme Court ordered that the court
23 provides provide a free transcript to an indigent mom was wanted to appeal the taking of her child. The
24 question of the right of a paying litigant was not the issue there. Do you think that the Supreme Court will
25 deny my right to an e-transcript after I have already paid for a paper transcript? The e-transcript is already
26 prepared and waiting on the computer!

27 Indigent's right to appointed counsel on first appeal of right in *Griffin*, above, is based on the
28 Equal Protection clause of the U. S. Constitution.

29 A wealthier person could pay somebody to re-type from the paper transcript. Griffin therefore, by
30 extension and adjustment of the ever changing standards of due process, requires an e-transcript today.
31 Why are we even arguing about this; the e-transcript is already written by every court reporter. When a
32 court reporter denies an e-transcript it is merely from spite or from some misguided belief that the
33 transcript is her franchise and concession. In this very case another court transcriber, Judy Jeck, gladly
34 provided an e-transcript.

35 **There is no valid reason to deny me an e-transcript.**

36 The transcript is not the property of the court reporter. The court reporter has neither a franchise

1 nor a concession. Her post exists because of the importance of the prompt delivery of the record of the
2 proceedings.

3 We see a corollary in the publication of Supreme Court Opinions. Around 1993 a law book
4 publisher litigated to the death with West Publishing over their right to maintain a monopoly over rights to
5 publish court opinions. Although the upstart was effectively killed he did - in a nutshell - prove that we
6 have a right to e-dissemination of court opinions.

7 **The Miranda Issue: You could not make a rule to deny me an e-transcript if you wanted to.**

8 Court Reporter Bruner cited the absence of a rule. She tangentially alluded to some other rule.
9 Local and state rulemaking may not impede fundamental rights:

10 "Where rights secured by the Constitution are involved, there can be no
11 rule making or legislation which would abrogate them." - Miranda v
12 Arizona (1966) 384 U.S. 436, 86 S. Ct. 1602, 16 L. Ed. 2d 694, 10 ALR
13 3rd 974 and 59 other ALR treatises.

14 www.lawyerdude.netfirms.com/miranda.html

15 **The absence of a local court rule is inadequate basis for denial; indeed I can look to
16 California rules.**

17 **California, gave us rule 4f4. The logic of the rule applies as well here.**

18 The rule is published at <http://www.lawyerdude.netfirms.com/4f4.html> Your right to an e-transcript
19 Cal. Rules of Court, rule 4f4 (4)(f)(4): "On request, and unless the superior court orders otherwise, the
20 reporter must provide any party with a copy of the reporter's transcript in computer-readable format."

21 An e-transcript is my right.

22 **Under U.S. Constitution IV, 2, I am entitled to Washington, Illinois, and California rights.**

23 Under the constitutional concept of "dual federalism" we are all beneficiaries of at least two
24 constitutions, to wit: state and federal.

25 The federal constitution and the common law invest us with additional rights as follows:

26 All people in all states, including Kansas, are entitled to the rights of Californians, except the right
27 to vote in California state and local elections, which, of course, is reserved to California citizens. That is
28 why I cite California law herein.

U.S. Constitution: Article IV, Section 2.: The citizens of each state shall
be entitled to all privileges and immunities of citizens in the several
states.

A denial of an e-transcript would violate the Privileges and Immunities Clause of the 14th
amendment which states:

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

1 deny to any person within its jurisdiction the equal protection of the laws. -
2 Privilege and Immunities Clause of the 14th amendment.

3 **In my case my lawyer does not know what was said in court; I need a transcript to tell**
4 **him; he needs an e-transcript to permit him to cut and paste into a brief.**

5 As stated in the declarations above, Judge Smith briefed and argued the case for the prosecution
6 who did nothing. Maybe the prosecutor was not in court that day. Attorney Palaschak wants to know; the
7 e-transcript will permit me to send the transcript to him quickly. Also he and I will be able to cut and paste
8 from an e-transcript.

9 Attorney Palaschak will be able to better argue my case with a transcript at hand. Palaschak will
10 argue that Judge Smith was impartial. Smith argued for a party that failed to appear in the case; he failed
11 to file a valid complaint.

12 Attorney Palaschak will be able to better argue that Judge Smith denied me an opportunity to
13 rebut his brief; he announced his brief when he announced his opinion. I should have been given
14 surrebuttal opportunity.

15 Attorney Palaschak will be better able to argue (with a transcript at hand) that Judge Smith failed
16 to provide a text and hyperlink to the case that he surprised us with.

17 Attorney Palaschak will be better able to argue that the case cited by Judge Smith does not say
18 what Smith says that it says.

19 **Fountains of Liberty: Magna Charta, 1948 Universal Declaration of Human rights.**

20 We struggle to "find" the law. Example: A lawyer need not change his bar license upon entering a sister
21 state. Once he has passed his test he has proven himself. Compulsion to join the compulsory bar
22 violates the compulsory association clause of the 1948 Universal Declaration of Human rights

23 "Article 20(2) No one may be compelled to belong to an association." -

24 Treaty. 1948 Universal Declaration of Human Rights.

25 <http://www.lawyerdude.netfirms.com/8213.html>

26 Consider the portentous words of "our" Illinois constitution. By terms of the U.S. constitution, we
27 free people of every state are beneficiaries of the liberating clause of the constitutions of Illinois and
28 California as well as our own. We have 51 fountains of liberty from which to drink:

Illinois Constitution. Section 1. Inherent and Inalienable Rights: All men
are by nature free and independent and have certain inherent and
inalienable rights among which are life, liberty and the pursuit of
happiness. To secure these rights and the protection of property,
governments are instituted among men, deriving their just powers from
the consent of the governed. - Illinois Bill of Rights.

There are 50 state constitutions. It is interesting to compare them and investigate their derivation.
Consider the flowery language of the first paragraph of the California Constitution which is constantly

1 under attack by Republicans shaming Lincoln and attempting to curtail our rights by, for example, limiting
2 our own search prohibition so that it is no stronger than the 4th amendment. Here is that first flowery
3 meaningless clause:

4 California constitution: Section 1. All people are by nature free and
5 independent and have inalienable rights. Among these are enjoying and
6 defending life and liberty, acquiring, possessing, and protecting property,
7 and pursuing and obtaining safety, happiness, and privacy.

8 <http://www.leginfo.ca.gov/const-toc.html>

9 **I am a beneficiary of the rights declared by the California constitution.**

10 Rule 4f4 inures to my benefit.

11 **Independent State Grounds.**

12 This argument is based on independent state grounds. The Equal Protection clause of the
13 Kansas Constitution gives me a right to an e-transcript.

14 § 1. Equal rights. All men are possessed of equal and inalienable natural
15 rights, among which are life, liberty, and the pursuit of happiness. -

16 Kansas constitution.

17 The Due Process clause of the Kansas constitution would mandate that the court reporter make
18 those 6 extra keystroke required to send her e-transcript to me - but there is no such clause. However I
19 rely on the due process clauses of the other state constitutions as independent expressions of the rights
20 that are uniform throughout this country. The Kansas constitution gives me all the rights guaranteed by the
21 constitutions of every other state. We have some rights that our forefathers forgot to write into the
22 constitution:

23 § 20. Powers retained by people. This enumeration of rights shall not be
24 construed to impair or deny others retained by the people; and all powers
25 not herein delegated remain with the people.

26 I am entitled to the rights expressed by the constitutions of other states including the **Illinois**
27 **constitution** makes it sound as though we created the government to serve us, not to govern us:

28 Illinois Constitution: Section 2. Due Process and Equal Protection. No
person shall be deprived of life, liberty or property without due process of
law nor be denied the equal protection of the laws.

Pleadings of Pro Se Litigants must be given some leeway

Pleadings of Pro Se litigants are entitled to some leeway. *Haines v Kerner* (1972) 404 U.S. 519
(1972) <http://www.lawyerdude.netfirms.com/haines.html> This ruling is consistent with statutes in nearly all
jurisdictions. The law is not a trap for the unwary. For every wrong there is a remedy.

Signed _____ Richard Wilson. Monday, January 28, 2008

1 **Proof of Service**

2 I, Richard Wilson, served this document upon the clerk, who has usurped the power of the
3 prosecutor in this case. I served the clerk at the filing window by hand delivery in court on this day. I
4 inquired as to how I could serve the court reporter Nicole Bruner.

5 Signed _____ Tuesday 29 January, 2008.

6 **Proof of Service by email upon Court Reporter Nicole Bruner**

7 I served version 1.000 of this document upon Nicole Bruner at 9 pm Pacific time on Monday,
8 January 28, 2008 by emailing a link to it to her email address which is knole22@hotmail.com I did not
9 telephone her due to the lateness of the hour in Kansas. Her phone number is 913 294 3644.
10 Douglas Palaschak. Monday, January 28, 2008. 9:05 pm Pacific time.

11 Signed by R. Wilson with specific permission of Douglas Palaschak _____

12 **Appendix: Kansas Bill of Rights.**

13 The Kansas Bill of Rights is found at: <http://www.skyways.org/KSL/ref/constitution/rights.html>

14 § 1. Equal rights. All men are possessed of equal and inalienable natural rights, among which are life,
15 liberty, and the pursuit of happiness.

16 § 2. Political power; privileges. All political power is inherent in the people, and all free governments are
17 founded on their authority, and are instituted for their equal protection and benefit. No special privileges or
18 immunities shall ever be granted by the legislature, which may not be altered, revoked or repealed by the
19 same body; and this power shall be exercised by no other tribunal or agency.

20 § 3. Right of peaceable assembly; petition. The people have the right to assemble, in a peaceable
21 manner, to consult for their common good, to instruct their representatives, and to petition the
22 government, or any department thereof, for the redress of grievances.

23 § 4. Bear arms; armies. The people have the right to bear arms for their defense and security; but
24 standing armies, in time of peace, are dangerous to liberty, and shall not be tolerated, and the military
25 shall be in strict subordination to the civil power.

26 § 5. Trial by jury. The right of trial by jury shall be inviolate.

27 § 6. Slavery prohibited. There shall be no slavery in this state; and no involuntary servitude, except for the
28 punishment of crime, whereof the party shall have been duly convicted.

§ 7. Religious liberty. The right to worship God according to the dictates of conscience shall never be
infringed; nor shall any person be compelled to attend or support any form of worship; nor shall any control
of or interference with the rights of conscience be permitted, nor any preference be given by law to any
religious establishment or mode of worship. No religious test or property qualification shall be required for
any office of public trust, nor for any vote at any elections, nor shall any person be incompetent to testify
on account of religious belief.

§ 8. Habeas corpus. The right to the writ of habeas corpus shall not be suspended, unless the public
safety requires it in case of invasion or rebellion.

§ 9. Bail. All persons shall be bailable by sufficient sureties except for capital offenses, where proof is
evident or the presumption great. Excessive bail shall not be required, nor excessive fines imposed, nor
cruel or unusual punishment inflicted.

§ 10. Trial; defense of accused. In all prosecutions, the accused shall be allowed to appear and defend in
person, or by counsel; to demand the nature and cause of the accusation against him; to meet the witness
face to face, and to have compulsory process to compel the attendance of the witnesses in his behalf, and
a speedy public trial by an impartial jury of the county or district in which the offense is alleged to have
been committed. No person shall be a witness against himself, or be twice put in jeopardy for the same
offense.

§ 11. Liberty of press and speech; libel. The liberty of the press shall be inviolate; and all persons may
freely speak, write or publish their sentiments on all subjects, being responsible for the abuse of such
rights; and in all civil or criminal actions for libel, the truth may be given in evidence to the jury, and if it
shall appear that the alleged libelous matter was published for justifiable ends, the accused party shall be
acquitted.

§ 12. No forfeiture of estate for crimes. No conviction within the state shall work a forfeiture of estate.

§ 13. Treason. Treason shall consist only in levying war against the state, adhering to its enemies, or
giving them aid and comfort. No person shall be convicted of treason unless on the evidence of two

1 witnesses to the overt act, or confession in open court.

2 § 14. Soldiers' quarters. No soldier shall, in time of peace, be quartered in any house without the consent
of the occupant, nor in time of war, except as prescribed by law.

3 § 15. Search and seizure. The right of the people to be secure in their persons and property against
unreasonable searches and seizures shall be inviolate; and no warrant shall issue but on probable cause,
4 supported by oath or affirmation, particularly describing the place to be searched and the persons or
property to be seized.

5 § 16. Imprisonment for debt. No person shall be imprisoned for debt, except in cases of fraud.

6 § 17. Property rights of citizens and aliens. No distinction shall ever be made between citizens of the state
of Kansas and the citizens of other states and territories of the United States in reference to the purchase,
enjoyment or descent of property. The rights of aliens in reference to the purchase, enjoyment or descent
of property may be regulated by law.

7 § 18. Justice without delay. All persons, for injuries suffered in person, reputation or property, shall have
remedy by due course of law, and justice administered without delay.

8 § 19. Emoluments or privileges prohibited. No hereditary emoluments, honors, or privileges shall ever be
granted or conferred by the state.

9 § 20. Powers retained by people. This enumeration of rights shall not be construed to impair or deny
others retained by the people; and all powers not herein delegated remain with the people.

10 **Appendix: Washington Constitution. Selected Provisions.**

11 The Washington constitution can be found at <http://www.courts.wa.gov/education/constitution/index.cfm>
12 Our Washington constitution reads in part as follows:

13 Article 1. Declaration of Rights:

14 §3 Personal rights: [Due Process] No person shall be deprived of life, liberty, or property, without due
process of law.

15 §4 Right of petition and assemblage. The right of petition and of the people peaceably to assemble for the
common good shall never be abridged.

16 §5 Freedom of speech. Every person may freely speak, write and publish on all subjects, being
responsible for the abuse of that right.

17 §8 Irrevocable privilege, franchise, or immunity prohibited. No law granting irrevocably any privilege,
franchise or immunity, shall be passed by the legislature.

18 §12 Special Privileges and immunities prohibited. No law shall be passed granting to any citizen, class of
citizens, or corporation other than municipal, privileges or immunities which upon the same terms shall not
equally belong to all citizens, or corporations. [Perspective: In California, the state bar staff (but not
19 members) are given immunity to defame, lie, and cheat.]

20 §13 Habeas Corpus. The privilege of the writ of habeas corpus shall not be suspended, unless in case of
rebellion or invasion the public safety requires it.

21 §14 Excessive bail, fines, and punishments. Excessive bail shall not be required, excessive fines
imposed, nor cruel punishment inflicted.

22 §15 Convictions, effect of. No conviction shall work corruption of blood, nor forfeiture of estate.

23 §19 Freedom of elections. All Elections shall be free and equal, and no power, civil or military, shall at any
time interfere to prevent the free exercise of the right of suffrage.

24 §20 Bail when authorized. All persons charged with crime shall be bailable by sufficient sureties, except
for capital offenses when the proof is evident, or the presumption great.

25 §21 Trial by jury The right of trial by jury shall remain inviolate, but the legislature may provide for a jury of
any number less than twelve in **courts not of record** [a court of no record is a court of no value], and for a
verdict by nine or more jurors in civil cases in any court of record, and for waiving of the jury in civil cases
where the consent of the parties interested is given thereto.

26 §22 Rights of the accused.

27 In criminal prosecutions the accused shall have the right to appear and defend in person, or by counsel, to
demand the nature and cause of the accusation against him, to have a copy thereof, to testify in his own
behalf, to meet the witnesses against him face to face, to have compulsory process to compel the
attendance of witnesses in his own behalf, to have a speedy public trial by an impartial jury of the county in
28

1 which the offense is charged to have been committed and the right to appeal in all cases: Provided, The
2 route traversed by any railway coach, train or public conveyance, and the water traversed by any boat
3 shall be criminal districts; and the jurisdiction of all public offenses committed on any such railway car,
4 coach, train, boat or other public conveyance, or at any station or depot upon such route, shall be in any
5 county through which the said car, coach, train, boat or other public conveyance may pass during the trip
6 or voyage, or in which the trip or voyage may begin or terminate. In no instance shall any accused person
7 before final judgment be compelled to advance money or fees to secure the rights herein guaranteed.

8 §22 Original text - Rights of accused persons. - In criminal prosecution, the accused shall have the right
9 to appear and defend in person, and by counsel, to demand the nature and cause of the accusation
10 against him, to have a copy thereof, to testify in his own behalf, to meet the witnesses against him face to
11 face, to have compulsory process to compel the attendance of witnesses in his own behalf, to have a
12 speedy public trial by an impartial jury of the county in which the offense is alleged to have been
13 committed, and the right to appeal in all cases; and, in no instance, shall any accused person before final
14 judgment be compelled to advance money or fees to secure the rights herein guaranteed.

15 §23 Bill of attainder. Ex post facto. No bill of attainder, ex post facto law, or law impairing the obligations
16 of contracts shall ever be passed.

17 §24 Right to bear arms. The right of the individual citizen to bear arms in defense of himself, or the state,
18 shall not be impaired, but nothing in this Section shall be construed as authorizing individuals or
19 corporations to organize, maintain or employ an armed body of men.

20 §25 Prosecution by information. Offenses heretofore required to be prosecuted by indictment may be
21 prosecuted by information, or by indictment, as shall be prescribed by law. [The legislature has usurped
22 our fundamental rights and eliminated this fundamental right.]

23 §26 Grand jury. No grand jury shall be drawn or summoned in any county, except the superior judge
24 thereof shall so order.

25 §29 Constitution mandatory. The provisions of this Constitution are mandatory, unless by express words
26 they are declared to be otherwise. [By comparison, traffic statutes are merely recommendatory.]

27 §30 Rights Reserved [Similar to the federal 9th amendment] The enumeration in this Constitution of
28 certain rights shall not be construed to deny other rights retained by the people.

§32 Fundamental principles. A frequent recurrence to fundamental principles is essential to the security of
individual right and the perpetuity of free government.

Appendix: Brief Biography of Attorney Douglas Palaschak

This page is <http://www.lawyerdude.net/firms.com/bio33.html>

I, Douglas Palaschak, declare the following under penalty of perjury: I have enjoyed a charmed
life. I grew up on the perfect farm. My brother Greg farms it now. I am an Engineering Graduate of the
University of Illinois, Urbana, the best engineering school in the world - home of the mythical Hal9000 of
2001, A Space Odyssey. There I was an honors student. I marched in "The Marching Illini", the world's
undisputed Premiere Marching Band. John Philip Sousa said that we were the best. I began my career
as a Registered Professional Engineer. I consulted for the U.S. Navy, Mobil, and Exxon. My expert
testimony resolved a personal injury case. My calculations proved that a steel hydraulic pressure
accumulator did not contain sufficient oxygen for combustion to have overloaded the failed bolts. This
proved that the cause of the explosion was a failed hydraulic safety valve.

I conceived and designed subsea machinery for the U.S. Navy. I performed the buckling analysis
for the riser tubes and contributed to the design of the giant seafloor template for a quarter mile tall oil rig
presently in service in the North Sea.

I have been a licensed lawyer for nearly a quarter century. I passed the California bar exam in
1983. I have my J.D. from Ventura College of Law. I publish approximately 1200 legal articles on the
internet. My areas of expertise are:

- Enhancement of Freedom through constructive rebellion and litigation;
- The abuse of Licensure <http://en.wikipedia.org/wiki/Licensure> by the state as an Instruments of
Oppression;
- Pre-Trial Criminal Defense of Malum prohibitum Crimes - the subject of my book;
- Internet-driven Improvements in the Efficiency of Litigation;
- Empowerment of Pro Se Litigants;
- Bankruptcy.

1 I wrote only one appeal in my career and it won. I was elated. Then the California Supreme Court
 2 overturned it on the basis of a weak brief written by an appointed lawyer. You can read that opinion here:
<http://www.lawyerdude.netfirms.com/7583.html> They did not even have the entire transcript. I learned
 3 from my experience. You can benefit from my experience.

4 My most recent book is on the subject of Pre-trial Criminal Litigation of Malum Prohibitum Crimes.
 5 It is available by mail order via the internet. <http://www.lawyerdude.netfirms.com/8457.html> My proudest
 6 accomplishment is having found a mistake in the sheet music for Debussy's *Clair De Lune*.
<http://roseck1.tripod.com/debussy-clair-de-lune.mid> Warner Brothers republished their Debussy book.
 7 Here is their letter in that matter: <http://lawyerdude.8m.com/Warnerletter.jpg> I have appeared on The
 8 Love Connection, Hard Copy, and Inside Edition.

9 My heroes are Williams Kunstler <http://www.lawyerdude.netfirms.com/kunstler.html> Stephen
 10 Yagman <http://www.circuitlawyer.8m.com/yagman.html>, and Melvin Belli. Kunstler was sentenced to 4
 11 years and 13 days in jail for his zealous advocacy. He won on appeal. Here is his biography:
<http://www.lawyerdude.netfirms.com/kunstler.html> Yagman was suspended for 2 years for having
 12 accused Judge Real of being a drunk. He won on appeal. <http://www.circuitlawyer.8m.com/yagman.html>
 13 Belli was whacked by the California bar for having done a TV spot for his favorite wine.

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