

A Belligerent Claimant

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I have a friend who was recently charged with numerous misdemeanors. He was charged because he had the audacity to confront County Government and government officials with doing their jobs and answering some basic questions¹. In the world of legal issues, there is this rule called *tacit admission*. Which government uses against 'we the people' on a regular basis. The rule works as follows:

Government, or more likely one of its agents, accuses us of a wrong doing, perhaps speeding or driving without a valid drivers license. If we do not contest or dispute this accusation, in writing, signed under penalty of perjury, and file it with the court clerk under our case number, then the accusation against us stands by virtue of our silence...
TACIT ADMISSION.

In my friends many written communications (sent certified mail, return receipt requested), with government officials, they were given 30 days with which to respond to the questions and legal determinations that were asserted. A *legal determination asserted* would be no different than a policeman writing you a ticket for speeding. The officer has *asserted a legal determination* that you were speeding. It is no different. You can make legal determinations and assert them, same as they do.

And if government officials do not contest nor dispute the legal determinations you've asserted, then under the rule of *Tacit Admission*, the asserted legal determination is accepted as fact. This is how it would work if government and its courts did not operate criminally. In my friends case, they excluded all such cases of *Tacit Admission*, the court excluded his *affidavit of facts* on the matter which had been signed under penalty of perjury and filed with the court clerk on his case. Then the court, item by item, excluded the foundations of his defense.

the question here proposed is 'what to do if faced with a similar experience?' Fortunately we occasionally have a judge that is on our side. We don't always see them as such, but, at times, they are truly trying to help us. Such is the case of Federal Judge James Alger Fee. In U.S. vs. JOHNSON (76 Fed, Supp. 538), Federal District Court Judge James Alger Fee ruled that...

"The privilege against self-incrimination is neither accorded to the passive resistant, not to the person who is ignorant of his rights, nor to one who is indifferent thereto. It is a FIGHTING clause. It's benefits can be retained only by sustained COMBAT. It cannot be claimed by attorney or solicitor. It is valid only when insisted upon by a BELLIGERENT claimant in person." *McAlister vs. Henkle*, 201 U.S. 90, 26 S.Ct. 385, 50 L. Ed. 671;

¹ read about it at... <http://mhkeehn.tripod.com/AffidavitOfFacts.pdf>

Commonwealth vs. Shaw, 4 Cush. 594, 50 Am. Dec. 813; Orum vs. State, 38 Ohio App. 171, 175 N.E. 876.

In this ruling the judge has just instructed you how to proceed. He has said that rights are not accorded the *passive resistant*. Rights are not available to the individual who is ignorant of his rights. Nor are rights available to a person who is indifferent, or in other words, a person who simply doesn't care. And further, judge Fee has clearly informed you that your attorney can not claim your rights for you. Which is another way of saying that your attorney can not truly represent you. Judge Fee tells you that *rights* are only available to a *belligerent claimant in person*. He further stated that to claim your rights in a court of this country, you must be willing to engage in *sustained combat*.

There you have it. You are charged with *negligent homicide* for shooting a crazed drug addict who entered your home and nearly hacked the arm off your wife with a machete and was going after your child with the same machete when you shot and killed him. And in a pre-trial motion hearing the judge rules that you can not mention the machete nor the injury to your wife. That you can not mention the fact that this crazed individual drove his car into the front room of your home. Nor can you mention that he set fire to your house. While this might seem a reach to you, if the *crazed drug addict* is actually a government agent acting to take your money, then this is the type of logic you can expect. It is the type of logic that was applied to my friend in the structuring of his defense. Anything that makes your case, anything that enhances your defense, anything that works against the government case against you, WILL NOT BE ALLOWED if at all possible.

While the judge may rule that these matters are not allowed, the fact is that you and your family have paid for time in court. You would proceed as though the motions that limit your defense were never heard or approved. And when you are ruled *in contempt* you still don't give up. Even if the judge puts you in jail for contempt, you don't give up... remember, *sustained combat*. You've paid the price to be here, its your defense, not the courts. You become that *Belligerent Claimant in person* that Judge James Alger Fee told you to become in order to secure *your rights*. Not the courts rights, not the prosecutions rights... *your rights*.

It's your life. You can lay down and play dead, be passive, ignorant or indifferent and go to jail or pay the fine, or you can stand up like an adult and make your case.