

<<Plaintiff Name>>
c/o non-domestic
<<Address>>
<<City>>, <<State>> <<ZIP>>
Phone: <<Phone>>

by Priority Mail

7 March A.D. 2005

United States District Court
Eastern District of <<State>>, Southern Division
c/o Clerk's office
<<Address>>
<<City>>, <<State>> <<Zip>>
Phone: <<Phone>>

Re: Documents for Filing
Case #<<Case No.>>

Dear Clerk of Court:

Enclosed please find two (2) copies of the following enclosures:

1. JUDICIAL NOTICE OF PLAINTIFF'S GOD-GIVEN RIGHT TO FREE EXERCISE AND PLAINTIFF'S INTENT TO RELY UPON AND ASSERT MOSAIC LAW
2. Certificate of Service

Please be so kind as to file the original in the above case and deliver the copy labeled "JUDGE'S COPY" to Judge <<Judge Name>>.

Very respectfully,

<<Plaintiff Name>>
/Enclosures

cc: Attorney for Defendants, <<Attorney Name>> by First-Class Mail

In the UNITED STATES DISTRICT COURT,
for the EASTERN DISTRICT of <<State>>, SOUTHERN DIVISION

<p><<Plaintiff Name>>, a natural, white woman, Plaintiff, v. <<Defendant Name>> Defendants.</p>	<p>Case No: <<Case No.>> <i>de jure</i> U.S. District Court Judge: <<Judge Name>> <i>de jure</i> U.S. Magistrate Judge: <<Magistrate Name>></p>
--	---

<<Plaintiff Name>>, Plaintiff, *In propria persona*
c/o non-domestic
<<Address>>
<<City>>, <<State>> <<Zip>>
Phone: <<Phone>>

<<Attorney Name>>
Attorney for Defendants <<Defendant Name>>
<<Address>>
<<City>>, <<State>> <<Zip>>
Phone: <<Phone>>; Fax: <<Phone>>; <<Email>>

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**JUDICIAL NOTICE OF PLAINTIFF'S GOD-GIVEN RIGHT TO FREE
EXERCISE AND PLAINTIFF'S INTENT TO RELY UPON AND ASSERT
MOSAIC LAW**

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1 **I. INTRODUCTION**

2 COMES NOW, the above-named Plaintiff, <<Plaintiff Name>>, under the authority
3 of FRCivP 44.1,^{1/} 28 USC §1652,^{2/} the Michigan Constitution at Article I, §§1,^{3/} 2,^{4/}
4 4,^{5/} and 23,^{6/} the Nevada Constitution at Article 1, §§2,^{7/} 4,^{8/} and 20,^{9/} and of the

¹ **FRCivP 44.1.** Determination of Foreign Law. A party who intends to raise an issue concerning the law of a foreign country shall give notice by pleadings or other reasonable written notice. The court, in determining foreign law, may consider any relevant material or source, including testimony, whether or not submitted by a party or admissible under the Federal Rules of Evidence. The court's determination shall be treated as a ruling on a question of law.

² **28 USC § 1652.** State laws as rules of decision.

³ **Michigan Constitution, Article I, §1. Political power.** All political power is inherent in the people. Government is instituted for their equal benefit, security and protection

⁴ **Michigan Constitution, Article I, §2. Equal protection; discrimination.** No person shall be denied the equal protection of the laws; nor shall any person be denied the enjoyment of his civil or political rights or be discriminated against in the exercise thereof because of religion, race, color or national origin. The legislature shall implement this section by appropriate legislation.

⁵ **Michigan Constitution, Article I, §4. Freedom of worship and religious belief; appropriations.** Every person shall be at liberty to worship God according to the dictates of his own conscience. No person shall be compelled to attend, or, against his consent, to contribute to the erection or support of any place of religious worship, or to pay tithes, taxes or other rates for the support of any minister of the gospel or teacher of religion... The civil and political rights, privileges and capacities of no person shall be diminished or enlarged on account of his religious belief.

⁶ **Michigan Constitution, Article I, §23. Enumeration of rights not to deny others.** The enumeration in this constitution of certain rights shall not be construed to deny or disparage others retained by the people.

⁷ **Nevada Constitution, Article 1, §2. Purpose of government; paramount allegiance to United States.** All political power is inherent in the people[.] Government is instituted for the protection, security and benefit of the people; and they have the right to alter or reform the same whenever the public good may require it.

⁸ **Nevada Constitution, Article 1, §4. Liberty of conscience.** The free exercise and enjoyment of religious profession and worship without discrimination or preference shall forever be allowed in this State, and no person shall be rendered incompetent to be a witness on account of his opinions on matters of his religious belief, but the liberty of conscience [conscience] hereby secured, shall not be so construed, as to excuse acts of licentiousness or justify practices inconsistent with the peace, or safety of this State.

1 Second Section of the Irrevocable Ordinance to the Nevada Constitution,^{\10/} and the
2 First,^{\11/} Fifth,^{\12/} Ninth,^{\13/} and Tenth^{\14/} Articles of Amendment to the United States
3 Constitution, in her own person (*in propria persona*), of her own right (*sui juris*), to
4 demand that this Court take immediate observation of JUDICIAL NOTICE OF
5 PLAINTIFF'S GOD-GIVEN RIGHT TO FREE EXERCISE AND PLAINTIFF'S
6 INTENT TO RELY UPON AND ASSERT MOSAIC LAW (hereinafter “**Notice**”).
7 Plaintiff presents the following in support of her Notice:

⁹ **Nevada Constitution, Article 1, §20. Rights retained by people.** This enumeration of rights shall not be construed to impair or deny others retained by the people.

¹⁰ **ORDINANCE.** Slavery prohibited; freedom of religious worship; disclaimer of public lands. [Effective until the date Congress consents to amendment or a legal determination is made that such consent is not necessary.] In obedience to the requirements of an act of the Congress of the United States, approved March twenty-first, A.D. eighteen hundred and sixty-four, to enable the people of Nevada to form a constitution and state government, this convention, elected and convened in obedience to said enabling act, do ordain as follows, and this ordinance shall be irrevocable, without the consent of the United States and the people of the State of Nevada:

Second. *That perfect toleration of religious sentiment shall be secured, and no inhabitant of said state shall ever be molested, in person or property, on account of his or her mode of religious worship.*

¹¹ **United States Constitution, First Article of 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.

¹² **United States Constitution, Fifth Article of Amendment.** No person ... nor shall any person ... be *deprived of life, liberty, or property, without due process of law*; nor shall private property be taken for public use, without just compensation.

¹³ **United States Constitution, Ninth Article of Amendment.** The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

¹⁴ **United States Constitution, Tenth Article of Amendment.** The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

1 The “foreign law” being introduced to this Court is founded in Mosaic Law,^{15/} and it
2 is the law from which Plaintiff derives her deeply held spiritual beliefs and training to
3 govern and guide her moral, religious and secular life.

4 The purposes of this document are to fully advise the Court as to the strictures of
5 Plaintiff’s faith with respect to (1) the taking and swearing of oaths, (2) this Court’s
6 ceremonial rising custom, (3) Plaintiff’s intent on relying upon the tenets of Mosaic Law,
7 and (4) the basis for Plaintiff’s expectations of this Court’s obligation to respect her God-
8 given right to Free Exercise.

9 This Court will deny to Plaintiff her God-given right to Free Exercise if it forces her
10 to place a false god before her Creator absent any showing of any *compelling state*
11 *interest*. She cannot in good conscience “ceremonially” rise upon entrance or exit of nor
12 bow down or worship any worldly entity. Additionally, she has religious scruples against
13 the taking and swearing of oaths, including affirmations. This Court’s refusal to even
14 attempt a colloquy to hear her Free Exercise concerns (if the Court intends any adverse
15 action against her for the silent exercise of her beliefs) would constitute a denial of her
16 right to Free Exercise. This Court must demonstrate a compelling state interest arising to
17 the level of a clear and present danger, and must use the least restrictive means test in
18 making any decision adverse to Plaintiff before it may infringe upon her God-given right

¹⁵ *The Law of Moses Given to Israel*. The Mosaic Law consists of 365 negative commands and 248 positive for a total of 613 commands. These may also be divided into three parts or sections—the *moral* (Exodus 20:1-17), the *social* (Exodus 21:1–23:13), and the *ceremonial* (Exodus 25-31: Leviticus). As such, it covers every possible area of the life of Israel. It should be stressed that the moral principles embodied in the Mosaic Law given at Sinai were merely the codified expression of the eternal moral law of God as it

1 to Free Exercise. Plaintiff provides this Notice so as to mitigate any misunderstanding
2 and avoid any future difficulties, which are likely to arise absent this Notice.

3 This Court might perceive her silent conduct as dishonor and/or disrespect for the
4 judiciary or for the judge. However, this is not the case. It is merely her sincerely held
5 religious beliefs that guide her actions (or inaction, as the case may be). Her actions are
6 faith-based and are not for any improper purpose or intended to cause disruption.

7 Plaintiff files this Notice to show that her deeply held tenets fall within the ambit of
8 the Free Exercise Clause, and this Court should evaluate whether the unwritten
9 ceremonial rising custom or requirement to swear an oath “imposes any burden on the
10 free exercise of Plaintiff’s religion,”^{16/} and whether the judiciary presents an “interest of
11 sufficient magnitude to override the interest claiming protection.”^{17/}

12 **II. RELEVANT FACTS**

13 Plaintiff finds no published Federal or Local Rule, Federal or State law, ordinance, or
14 binding court order requiring Plaintiff to rise upon entrance or exit of any worldly entity
15 into or out of a courtroom. Therefore, it is possible that this Court’s *unwritten*
16 ceremonial rising protocol may not adequately accommodate Plaintiff’s faith.

17 **III. FAITH-BASED SUPPORT FOR PLAINTIFF’S DECLARATION OF**
18 **INTENT TO RELY ON MOSAIC LAW**

19 References to the male gender are for simplification only and apply to both males and
20 females.

was given to Israel to govern her life as a nation in order to experience God’s blessing
under the Abrahamic covenant.

¹⁶ Sherbert v. Verner, 374 U.S. 398, 403, 10 L. Ed. 2d 965, 83 S. Ct. 1790 (1963)

¹⁷ Wisconsin v. Yoder, 406 U.S. 205, 215, 32 L. Ed. 2d 15, 92 S. Ct. 1526 (1972).

1 A. GOD-GIVEN RIGHT TO FREE EXERCISE & COURT'S DUTY TO RESPECT
2 PLAINTIFF'S FAITH

3 1. Plaintiff is an inhabitant of and domiciled in Nevada.

4 2. Plaintiff's substantive rights come from God; they are secured by the
5 constitutions of this state and the national constitution.

6 3. Plaintiff is a Christian and her religious beliefs are sincerely and deeply held.

7 4. Plaintiff is a minister with the First Christian Fellowship of Eternal Sovereignty,
8 which is based in Henderson, Nevada.

9 5. Decisional law is viewed to give effect to the exercise of Sovereign rights—not
10 in derogation thereof. The fiction of law known as the State has no authority to interfere
11 with the most sacred covenant between a person and his or her relationship with God.

12 6. Mosaic Law far predates current statutory law, which is presumed to be given
13 effect by legal fictions. The Fundamental Law must be observed and enforced by all of
14 the courts of this land, as commanded by the one supreme Court of the United States.^{18/}

15 7. Plaintiff has a substantive right to the Law that was handed down to her Fathers
16 by her Creator.

17 8. Under the Nevada Constitution, the State has a duty to the people not to impose
18 an undue burden on Plaintiff's faith.

19 The free exercise and enjoyment of religious profession and worship without
20 discrimination or preference ***shall forever be allowed in this State***, and ***no***
21 ***person shall be rendered incompetent to be a witness on account of his***
22 ***opinions on matters of his religious belief***, but the liberty of conscience
23 [conscience] hereby secured, shall not be so construed, as to excuse acts of

¹⁸ Sherbert v. Verner, supra; Wisconsin v. Yoder, supra.

1 licentiousness or justify practices inconsistent with the peace, or safety of this
2 State.^{\19/}

3 9. Furthermore, Nevada contains an irrevocable ordinance that protects and
4 secures Plaintiff's God-given right to Free Exercise.

5 *That perfect toleration of religious sentiment shall be secured*, and no
6 inhabitant of said state shall ever be molested, in person or property, on account
7 of his or her mode of religious worship.^{\20/}

8 10. The State may not abridge the religious practices of any individual without a
9 demonstration that some compelling State interest outweighs the interest of the individual
10 in her religious tenets. Accordingly, extensive protection to one's religious liberty must
11 be afforded. It was the opinion of the attorney general of Nevada that:

12 There is no question but that the framers of the Nevada Constitution recognized
13 the import of the 1st Amendment to the U.S. Constitution and in the
14 Constitution provided that the free exercise and enjoyment of religious
15 profession and worship, without discrimination or preference, *shall forever be*
16 *allowed in [Nevada]*; thus the Nevada Constitution, aside from the 14th
17 Amendment to the U.S. Constitution, prohibits the Legislature from making any
18 law respecting the establishment of religion or the free exercise thereof.^{\21/}

19 11. Under the Michigan Constitution, the State may not impose an undue burden on
20 Plaintiff's faith.

21 *Every person has a right to worship Almighty God according to the dictates of*
22 *his own conscience*; and no person can of right be compelled to attend, erect, or
23 support, against his will, any place of religious worship, or pay any tithes, taxes
24 or other rates, for the support of any minister of the gospel or teacher of
25 religion.^{\22/}

26 12. The Declaration of Rights of the Michigan Constitution protects a person from a
27 deprivation of rights solely on account of his religious beliefs:

¹⁹ Nevada Constitution, Article 1, § 4. Liberty of conscience.

²⁰ Nevada Constitution, Second Section of Irrevocable Ordinance.

²¹ Nevada AGO 320 (3/3/1954).

²² Michigan Constitution (1835), Article I, § 4. Religious worship.

1 The civil and *religious rights*, privileges and capacities *of no individual shall*
2 *be diminished* or enlarged *on account of his opinions or belief concerning*
3 *matters of religion.*^{23/}

4 13. This Court has no say in determining whether Plaintiff's deeply held spiritual
5 beliefs and training are a "meritorious" exercise of her faith, nor may this Court weigh
6 the verities of Plaintiff's beliefs. This Court may not even weigh the theological merits
7 of her religious beliefs. This Court may only ascertain whether Plaintiff's beliefs are
8 religiously motivated and whether they are sincerely held.

9 *The door of the Free Exercise Clause stands tightly closed against any*
10 *governmental regulation of religious beliefs as such,* Cantwell v. Connecticut,
11 310 U.S. 296, 303 (1940). *Government may neither compel affirmation of a*
12 *repugnant belief,* Torcaso v. Watkins, 367 U.S. 488 (1961); *nor penalize or*
13 *discriminate against individuals or groups because they hold religious views*
14 *abhorrent to the authorities,* Fowler v. Rhode Island, 345 U.S. 67 (1953); nor
15 employ the taxing power to inhibit the dissemination of particular religious
16 views, Murdock v. Pennsylvania, 319 U.S. 105 (1943); Follett v. McCormick,
17 321 U.S. 573 (1944); cf. Grosjean v. American Press Co., 297 U.S. 233. On the
18 other hand, the Court has rejected challenges under the Free Exercise Clause to
19 governmental regulation of certain *overt acts* prompted by religious beliefs or
20 principles, for "even when the action is in accord with one's religious
21 convictions, [it] is not totally free from legislative restrictions." Braunfeld v.
22 Brown, 366 U.S. 599 (1961), 603. *The conduct or actions so regulated have*
23 *invariably posed some substantial threat to public safety, peace or order.* See,
24 e. g., Reynolds v. United States, 98 U.S. 145 (1878); Jacobson v.
25 Massachusetts, 197 U.S. 11 (1905); Prince v. Massachusetts, 321 U.S. 158
26 (1944); Cleveland v. United States, 329 U.S. 14 (1946).^{24/}

27 14. The Holy Scripture is the Law given by God; all men are powerless to change it.

28 *The apostasy at Peor. Where true wisdom lies.*

29 4:1 "And now, O Israel, give heed to the statutes and the ordinances which I
30 teach you, and do them; that you may live, and go in and take possession of the
31 land which the LORD, the God of your fathers, gives you.

32 4:2 *You shall not add to the word which I command you, nor take from it;* that

²³ Michigan Constitution (1835), Article I, § 6. Rights of conscience.

²⁴ Sherbert v. Verner, *supra*.

1 you may keep the commandments of the LORD your God which I command
2 you.^{\25/}

3 15. One must not substitute the law of other nations for the Law found in the Holy
4 Scripture, for this would be an abomination to the Lord.

5 *Prophets.*
6 18:9 "When you come into the land which the LORD your God gives you, ***you***
7 ***shall not learn to follow the abominable practices of those nations.***
8 18:10 There shall not be found among you any one who burns his son or his
9 daughter as an offering, any one who practices divination, a soothsayer, or an
10 augur, or a sorcerer,
11 18:11 or a charmer, or a medium, or a wizard, or a necromancer.
12 18:12 ***For whoever does these things is an abomination to the LORD;*** and
13 because of these abominable practices the LORD your God is driving them out
14 before you.
15 18:13 You shall be blameless before the LORD your God.
16 18:14 For these nations, which you are about to dispossess, give heed to
17 soothsayers and to diviners; but as for you, ***the LORD your God has not***
18 ***allowed you so to do.***^{\26/}

19 16. There are obviously various forms of *human* laws—those prescribed by man
20 through human government and those by custom.^{\27/} While human government is an
21 institution ordained by God’s will or law, some of the laws of man are direct expressions
22 of the will of God, but still constitute laws by which men are often bound by the
23 governmental system in which they live.

24 17. Where such laws *conflict with* God's laws, Plaintiff is obligated to obey God
25 instead.

26 4:19⁽⁷⁾ But Peter and John answered and said unto them, Whether it be right in
27 the sight of God to hearken unto you more than unto God, judge ye.

28 ⁽⁷⁾ We must obey men to whom we are subject, ***but especially and before all***
29 ***things we must obey God.***

²⁵ Deuteronomy 4:1-2.

²⁶ Deuteronomy 18:9-14.

²⁷ Acts 19:38.

1 4:20 For we cannot but speak the thing which we have seen and heard.^{128/}

2 18. On October 4, 1982, the Senate and House of Representatives of the United
3 States of America in Congress assembled resolved the following:

4 That the President is authorized and requested to designate 1983 as a national
5 "Year of the Bible" in recognition of both the formative influence the Bible has
6 been for our Nation, and our *national need to study and apply the teachings of*
7 *the Holy Scriptures.*^{129/}

8 19. This Court has a duty to Plaintiff to enforce the Bible as Law in this Court.

9 17:14 "When you come to the land which the LORD your God gives you, and
10 you possess it and dwell in it, and then say, 'I will set a king over me, like all the
11 nations that are round about me';

12 17:15 *you may indeed set as king over you him whom the LORD your God*
13 *will choose. One from among your brethren you shall set as king over you;*
14 *you may not put a foreigner over you, who is not your brother.*

15 17:16 Only he must not multiply horses for himself, or cause the people to
16 return to Egypt in order to multiply horses, since the LORD has said to you,
17 'You shall never return that way again.'

18 17:17 And he shall not multiply wives for himself, lest his heart turn away; nor
19 shall he greatly multiply for himself silver and gold.

20 17:18 *"And when he sits on the throne of his kingdom, he shall write for*
21 *himself in a book a copy of this law, from that which is in the charge of the*
22 *Levitical priests;*

23 17:19 and it shall be with him, and he shall read in it all the days of his life, that
24 he may learn to fear the LORD his God, *by keeping all the words of this law*
25 *and these statutes, and doing them;*

26 17:20 that his heart may not be lifted up above his brethren, and *that he may*
27 *not turn aside from the commandment, either to the right hand or to the left;*
28 *so that he may continue long in his kingdom,* he and his children, in Israel.^{130/}

29 20. This Court's duty to Plaintiff is reiterated in Joshua.

30 1:6 Be strong and of good courage; for you shall cause this people to inherit the
31 land which I swore to their fathers to give them.

32 1:7 *Only be strong and very courageous, being careful to do according to all*
33 *the law which Moses my servant commanded you; turn not from it to the right*
34 *hand or to the left,* that you may have good success wherever you go.

²⁸ Acts 4:19-20.

²⁹ Public Law 97-280 (96 Stat. 1211).

³⁰ Deuteronomy 17:14-20.

1 1:8 This book of the law shall not depart out of your mouth, but you shall
2 meditate on it day and night, **that you may be careful to do according to all**
3 **that is written in it**; for then you shall make your way prosperous, and then you
4 shall have good success.

5 1:9 **Have I not commanded you? Be strong and of good courage**; be not
6 frightened, neither be dismayed; for the LORD your God is with you wherever
7 you go.^{\31/}

8 B. OF THE TAKING AND SWEARING OF OATHS

9 21. It is Plaintiff's religious belief that she cannot swear at all nor make an
10 affirmation. To do the former violates the greatest commandment there is, and to do the
11 latter would be to deny His very existence. Both would jeopardize Plaintiff's way to
12 everlasting life.

13 22. Plaintiff believes that the term "affirm" is simply another form of oath
14 proscribed by her religious beliefs.

15 23. Swearing an oath may be a religious act in some jurisdictions:

16 **OATH.**^{\32/} A declaration made according to law, before a competent tribunal or
17 officer, to tell the truth; or it is the act of one who, when lawfully required to
18 tell the truth, **takes God to witness** that what he says is true. **It is a religious act**
19 by which **the party invokes God** not only to witness the truth and sincerity of
20 his promise, but also to avenge his imposture or violated faith, or in other words
21 to punish his perjury if he shall be guilty of it. 10 Toull. n. 343 a 348; Puff.
22 book, 4, c. 2, s. 4; Grot. book 2, c. 13, s. 1; Ruth Inst. book 1, ch. 14, s. 1; 1
23 Stark. Ev. 80; Merl. Repert. Convention; Dalloz, Dict. Serment: Dur. n. 592,
24 593; 3 Bouv. Inst. n. 3180.

25 2. It is proper to distinguish two things in oaths; 1. The invocation by which the
26 God of truth, who knows all things, is taken to witness. 2. The imprecation by
27 which he is asked as a just and all-powerful being, to punish perjury.

28 3. The commencement of an oath is made by the party taking hold of the book,
29 after being required by the officer to do so, and ends generally with the words,
30 "so help you God," and kissing the book, when the form used is that of swearing
31 on the Evangelists. 9 Car. & P. 137.

32 4. Oaths are taken in various forms; the most usual is upon the Gospel by taking

³¹ Joshua 1:6-9.

³² *Bouvier's Law Dictionary*, "OATH." Revised Sixth Edition, 1856.

1 the book in the hand; the words commonly used are, "You do swear that, " &c.
2 "so help you God," and then kissing the book. *The origin of this oath may be*
3 *traced to the Roman law*, Nov. 8, tit. 3; Nov. 74, cap. 5; Nov. 124, cap. 1; and
4 the kissing the book is said to be an imitation of the priest's kissing the ritual as
5 a sign of reverence, before he reads it to the people. Rees, Cycl. h. v.

6 5. Another form is by the witness or party promising holding up his right hand
7 while the officer repeats to him, "You do swear by Almighty God, the searcher
8 of hearts, that," &c., "And this as you shall answer to God at the great day."

9 6. In another form of attestation commonly called an *affirmation*, (q. v.) the
10 officer repeats, "You do solemnly, sincerely, and truly declare and affirm, that,"
11 &c.

12 7. *The oath, however, may be varied in any other form, in order to conform to*
13 *the religious opinions of the person who takes it.* 16 Pick. 154, 156, 157; 6
14 Mass. 262; 2 Gallis. 346; Ry. & Mo. N. P. Cas. 77; 2 Hawks, 458.

15 **AFFIRMATION**,^{33/} practice. A solemn declaration and asseveration, which a
16 witness makes before an officer, competent to administer an oath in a like case,
17 to tell the truth, *as if he had been sworn.*

18 2. In the United States, generally, all witnesses who declare themselves
19 conscientiously scrupulous against taking a corporal oath, are permitted to make
20 a solemn affirmation, and this in all cases, as well criminal as civil.

21 3. In England, laws have been enacted which partially relieve persons who,
22 have conscientious scruples against taking an oath, and authorize them to make
23 affirmation. In France, the laws which allow freedom of religious opinion, have
24 received the liberal construction that all persons are to be sworn or affirmed
25 according to the dictates of their consciences; and a quaker's affirmation has
26 been received and *held of the same effect as an oath.* Merl. Quest. de Droit,
27 mot Serment, 1.

28 4. The form is to this effect: "You, A B, do solemnly, sincerely, and truly
29 declare and affirm," &c. For the violation of the truth in such case, the witness
30 is subject to the punishment of perjury " *as if he had been sworn.*

31 5. Affirmation also means confirming; as, an affirmative statute.

32 **TO SWEAR**.^{34/} *To take an oath*, judicially administered. Vide *Affirmation*;
33 *Oath.*

34 24. It is Plaintiff's belief that both "swearing" and "affirming" *result in an oath*,
35 and Plaintiff takes religious issue with both.

36 25. Plaintiff believes that she should not swear at all—that her yea should be yea
37 and nay, nay:

³³ *Bouvier's Law Dictionary*, "AFFIRMATION." Revised Sixth Edition, 1856.

1 XV. Of the Swearing of Oaths^{35/}

2 Concerning the swearing of oaths we believe and confess that *the Lord Christ*
3 *has set aside and forbidden the same to His disciples, that they should not*
4 *swear at all*, but that yea should be yea, and nay, nay; *from which we*
5 *understand that all oaths, high and low, are forbidden*, and that *instead of*
6 *them we are to confirm all our promises and obligations, yea, all our*
7 *declarations and testimonies of any matter, only with our word yea, in that*
8 *which is yea, and with nay, in that which is nay*; yet, that we must always, in
9 all matters, and with everyone, adhere to, keep, follow, and fulfill the same, *as*
10 *though we had confirmed it with a solemn oath. And if we do this, we trust*
11 *that no one, not even the Magistracy itself, will have just reason to lay a*
12 *greater burden on our mind and conscience.*^{36/}

13 1:17 ⁽⁹⁾ When I therefore was thus minded, did I use lightness?^{37/} or the things
14 that I purpose, do I purpose according to the ^(p) flesh, that with me there should
15 be ^(q) yea yea, and nay nay?^{38/}

16 ⁽⁹⁾ He dismisses their slander and false report by denying it, and first of all in
17 that different ones went about to persuade the Corinthians, that in the preaching
18 of the Gospel, Paul agreed not to himself: for this was the matter and the case.

19 ^(p) As men do who will rashly promise anything, and change their purpose
20 constantly.

21 ^(q) That I should say and not say a thing?

22 5:12 ⁽⁷⁾ But above all things, my brethren, *swear not, neither by heaven, neither*
23 *by the earth, neither by any other oath*: but let ^(f) your yea be yea; and [your]
24 nay, nay; *lest ye fall into condemnation.*^{39/}

25 ⁽⁷⁾ *Because even the best men sometimes through impatience slip and speak*
26 *oaths sometimes lesser, sometimes greater, the apostle warns us to detest such*
27 *wickedness, and to accustom our tongues to simple and true talk.*

28 ^(f) That you have to say or affirm, speak or affirm it simply, and *without an oath*
29 and that you will deny, deny it simply and flatly.

30 5:33 ⁽⁸⁾ Again, ye have heard that it hath been said by them of old time, *Thou*
31 *shalt not foreswear thyself, but shalt perform unto the Lord thine oaths*:

32 ⁽⁸⁾ The meaning of the third commandment against the perverse opinion and
33 judgment of the scribes, who excused by oaths or indirect forms of swearing.

34 5:34 *But I say unto you, swear not at all, neither by heaven, for it is the*
35 *throne of God*;

36 5:35 Nor yet by the earth, for it is his footstool; neither by Jerusalem; for it is
37 the city of the great King.

34 *Bouvier's Law Dictionary*, "TO SWEAR." Revised Sixth Edition, 1856.

35 *The Dordrecht Confession of Faith*, Adopted April 21, 1632, by a Dutch Mennonite
Conference held at Dordrecht, Holland, Translated by J. C. Wenger.

36 See 2 Corinthians 1:17; James 5:12; Matthew 5:33-37.

37 Translated from Greek: Ejlafriva, el-af-ree'-ah, (1) lightness (a) used of levity and
fickleness of mind.

38 2 Corinthians 1:17.

39 James 5:12.

1 5:36 Neither shalt thou swear by thine head, because thou canst not make one
2 hair white or black.

3 5:37 ***But let your communication be,*** ^(t) *Yea, yea; Nay, nay:* for *whatsoever is*
4 *more than these cometh of* ^(u) *evil.* ^{\40/}

5 ^(t) *Whatever you affirm, affirm it alone, and whatever you deny, deny it alone*
6 *without any more words.*

7 ^(u) From an evil conscience, or from the devil.

8 26. Federal appellate courts have already addressed that Courts may not evaluate
9 religious truth. What matters is *not* the Court's opinion of whether a person's belief is
10 *proper* or *accurately interpreted*; rather, the Courts may only consider whether the belief
11 is of a religious nature and whether it is sincerely held. These factors in and of
12 themselves are sufficient to implicate Free Exercise concerns:

13 In Ferguson v. Commissioner, 921 F.2d 588 (5th Cir. 1991), we held that the tax
14 court violated the Free Exercise Clause ... by requiring a witness to take an oath
15 or affirmation, where the witness felt that ***an affirmation had a religious***
16 ***nature inconsistent with her own faith.*** We emphasized that ***'the protection of***
17 ***the free exercise clause extends to all sincere religious beliefs; courts may not***
18 ***evaluate religious truth.'*** That is, the plaintiff's *sincere belief* that an
19 affirmation has a religious nature *is sufficient to implicate free exercise*
20 *concerns.* ^{\41/}

21 27. Plaintiff's Law states in Romans 9:1, "I say^{\42/} the truth in Christ, I lie not, my
22 conscience also bearing me witness in the Holy Ghost." Plaintiff is bound by her faith to
23 be truthful at *all* times—not just while in court giving oral testimony. It is a sin for
24 Plaintiff to bear false witness at any time.

25 28. Plaintiff understands that if she were to testify falsely she would not be immune

⁴⁰ Matthew 5:33-37.

⁴¹ Society of Separatists, Inc. v. Herman, 939 F.2d 1207 (5th Cir. 1991).

⁴² (1) The third part of this epistle, which goes to the twelfth chapter, in which Paul ascends to the higher causes of faith: and first of all, because he purposed to speak much of the casting off of the Jews, he uses a declaration, saying by a double or triple oath, and by witnessing of his great desire towards their salvation, his singular love towards them, and in addition granting to them all their privileges.

1 from a suit for criminal prosecution.

2 29. In Gordon v. Idaho,^{\43/} the trial court dismissed with prejudice a Plaintiff's
3 action due to his refusal to swear or take an oath because he had religious scruples
4 against doing so. The dismissal was reversed because the Court abused its discretion
5 when it violated Gordon's First Amendment rights. The current issue is no different. It
6 would be a gross abuse of discretion if this Court were to make a decision adverse to
7 Plaintiff simply because of Plaintiff's sincerely held religious beliefs. As Circuit Judge
8 Pregerson stated in his opinion in Gordon:

9 The "government must shoulder a heavy burden to defend a regulation affecting
10 religious actions..." And we emphasized that it is "the 'least restrictive means'
11 inquiry which is the critical aspect of the free exercise analysis."

12 30. The Federal Rules of Evidence, which contain a provision parallel to Fed. R.
13 Civ. P. 43(d),^{\44/} are also instructive on the need of the courts to protect minority religious
14 views about oaths and affirmations. Fed. R. Evid. 603^{\45/} states that every witness:

15 ...shall be required to declare that he will testify truthfully, by oath or
16 affirmation *administered in a form calculated to awaken his conscience and*
17 *impress his mind with his duty to do so.*

18 31. The advisory committee notes to Rule 603 illustrate that an affirmation need
19 take no particular form or specific verbal formula:

20 The rule is *designed to afford the flexibility required* in dealing with religious
21 adults, atheists, conscientious objectors, mental defectives, and children.
22 Affirmation is simply a solemn undertaking to tell the truth; no special verbal
23 formula is required.^{\46/}

24 C. ON THE CEREMONIAL RISING AND ADDRESSING CUSTOMS

⁴³ Gordon v. Idaho, 778 F.2d 1397 (9th Cir. 1985).

⁴⁴ Fed. R. Civ. P. 43. Taking of testimony. (d) Affirmation in Lieu of Oath.

⁴⁵ Fed. R. Evid. 603. Oath or Affirmation.

⁴⁶ Fed. R. Evid. 603 advisory committee note.

1 32. Time has obscured the reason for which people originally rose when the judge
2 entered the courtroom. The people did not rise for the judge. They rose for the Law—
3 the Holy Scripture—that the judge brought into the room with him.^{47/} Unfortunately, the
4 time has long passed when a judge carried the Bible in and out of Court and men rose for
5 the Law (not the man who carried it in hand). These days, good men are being removed
6 from the bench for asserting that the Ten Commandments are, in fact, the highest Law
7 and that all other valid laws spring forth from that very source.^{48/}

8 33. Why exactly the rising custom “mutated” from its origins into the judge failing
9 to bring the Holy Scripture into the courtroom and then foisted upon the people as a self-
10 proclaimed duty of the people to observe, Plaintiff does not know and will not conjecture.
11 However, one can certainly see the intent of why people *used to* rise when the judge
12 entered or exited. Plaintiff has no objection to rising for a judge who enters or exits with
13 the Holy Scripture in hand, for it is for Plaintiff’s God that she performs such an act—not
14 for the person who carries it.

15 34. Plaintiff’s God is the sovereign over all of creation. Plaintiff is one of the
16 People and so a servant of God, who is the Creator of all things and sovereign over all of
17 Creation.

18 35. No judge, magistrate, or any other person on this Earth is the God of Plaintiff.
19 Judges are not lords over the Plaintiff or the people; they are public servants to the
20 People, meaning they *serve* the citizens—not *rule* the citizens. This is a fact of our

⁴⁷ References herein to the male gender with respect to judges are for simplification only and apply to both males and females.

⁴⁸ See Glassroth v. Moore, 229 F.Supp. 2d 1290 (M.D. Ala. 2002).

1 justice system in this country, and it is the will of the people.

2 36. Should there ever be a conflict between His Law and man's law, Plaintiff must
3 observe His Law without question or reservation.

4 37. As God's servant, Plaintiff is bound by her faith to keep The LORD's
5 Commandments.^{\49/}

6 *Jesus Promises the Holy Spirit*

7 14:15 ⁽⁶⁾*If ye love me, keep my commandments.*

8 ⁽⁶⁾ He loves Christ rightly who obeys his commandment: and because
9 obedience to Christ is accompanied with an infinite type and amount of
10 miseries, although he is absent in body, yet he comforts his own with the
11 present power of the Holy Spirit, whom the world despises, because it does
12 not know him.

13 14:21 He that hath my commandments, and keepeth them, he it is that loveth
14 me: and he that loveth me shall be loved of my Father, and I will love him, and
15 will^(k) manifest myself to him.^{\50/}

16 ^(k) I will show myself to him, and be known by him, as if he saw me with his
17 eyes: but this showing of himself is not bodily, but spiritual, yet so plain
18 that no other showing could be more evident.

19 38. From Chapter 20 of the Second Book of Moses, called Exodus, which begins
20 with the story of the departure of the children of Israel from Egypt, all things being
21 prepared for the solemn promulgation of the divine law, we have, the Ten
22 Commandments, as God himself spoke them upon mount Sinai,^{\51/} B.C. 1491. Moses, in
23 this book, begins, like Cæsar, to write his own Commentaries; nay, a greater, a far
24 greater, than Cæsar is here. But henceforward the penman is himself the hero, and gives
25 us the history of those things of which he was himself an eye- and ear-witness, *et quorum*
26 *pars magna fuit*—and in which he bore a conspicuous part.

⁴⁹ John 14:15, "If you love me, keep my commandments."

⁵⁰ John 14:15,21.

1 39. The Second Book of Moses gives (1) the accomplishment of the promises made
2 before to Abraham,^{\52/} and then (2) the establishment of the ordinances that were
3 afterwards observed by Israel.^{\53/}

4 40. The First Commandment requires Plaintiff not to worship any false gods.^{\54/}
5 This means that Plaintiff cannot worship anything or anyone but God alone. To do
6 otherwise would constitute sin because it would denounce Him, thereby subjecting
7 Plaintiff to His revenge and jeopardizing Plaintiff's way to everlasting life:

8 20:3 ***Thou shalt have no other gods^(b) before me.***

9 ^(b) To whose eyes all things are open.

10 20:5 ***Thou shalt not^(c) bow down thyself to them,*** nor serve them: for I the
11 LORD thy God [am] a ^(d) jealous God, visiting the iniquity of the fathers upon
12 the children unto the third and fourth [generation] of them that hate me;

13 ^(c) By this outward gesture, ***all forms of service and worship to idols is***
14 ***forbidden.***

15 ^(d) And will have revenge on those who condemn my honour.

16 20:6 And shewing mercy unto thousands to them that love me, and keep my
17 commandments.^{\55/}

18 41. Moses called all Israel, proclaimed the following law concerning *idolatry*, and
19 warned us to take heed and observe it:

20 5:7 "***Thou shalt have none other^[c] gods before me.***"^{\56/}

21 ^[c] ***God binds us to serve him only without superstition and idolatry.***

22 4:23 ***Take heed unto yourselves, lest ye forget the covenant of the LORD your***
23 ***God, which he made with you,*** and make you a graven image, or the likeness of
24 any thing, which ***the LORD thy God hath forbidden thee.***

⁵¹ Exodus 20:1-17.

⁵² Exodus 20:1-19.

⁵³ Exodus 20:20-40.

⁵⁴ 1 Corinthians 10:7, 10:14; Ephesians 5:3; Phil 3:19; Colossians 3:5; 1 Timothy 6:17;
Hebrews 13:15; 1 John 5:21.

⁵⁵ Exodus 20:3,5-6.

⁵⁶ Deuteronomy 5:7.

1 4:24 For the LORD your God is a consuming fire, even a jealous God.^{\57/}
2 42. This was only one of the many laws of the covenant between God and Israel.
3 The correspondence thenceforward between God and Israel, by the mediation and
4 ministry of Moses, was Israel's humble petition. It was God's gracious grant that it
5 should be so and, hence, Moses infers the obligation they were under to obedience:

6 5:32 ***Ye shall observe to do therefore as the LORD your God hath commanded***
7 ***you:*** ye shall not turn aside to the right hand or to the left.
8 5:33 ***Ye shall walk in all the ways which the LORD your God hath***
9 ***commanded you,*** that ye may live, and that it may be well with you, and that ye
10 may prolong your days in the land which ye shall possess.^{\58/}

11 43. Plaintiff's duty to God is to worship Him; that is, to give to Him—not men—the
12 glory due to His name, the inward worship of her affections, the outward worship of
13 solemn address and attendance. When idolatry creeps into the churches of God, it is by
14 the preaching of the gospel, attended by the power of the Holy Spirit, that men are turned
15 from idols to serve the living God, as the Creator of the heaven, the earth, the sea, and the
16 fountains of waters. To worship any God besides He who created the world is idolatry.
17 This is spoken of as the sum and substance of the everlasting gospel: *Worship God.*

18 14:7 Saying with a loud voice, Fear God, and give glory to him; for the hour of
19 his judgment is come: and worship him that made heaven, and earth, and the
20 sea, and the fountains of waters.^{\59/}

21 44. The first commandment concerns the object of our worship—Jehovah, and Him
22 only^{\60/}: ***Thou shalt have no other gods before me.*** The Egyptians, and other
23 neighboring nations, had many gods, the creatures of their own fancy, *strange gods, new*

⁵⁷ Deuteronomy 4:23-24.

⁵⁸ Deuteronomy 5:32-33.

⁵⁹ Revelation 14:7.

⁶⁰ Exodus 20:3.

1 | *gods*; this law was prefixed because of that transgression, and, Jehovah being the God of
2 | Israel, they must entirely cleave to him, and not be for any other, either of their own
3 | invention or borrowed from their neighbors. This was the *sin* they were *most in danger*
4 | *of* now that the world was so overspread with polytheism, which yet could not be rooted
5 | out effectually but by the gospel of Christ.

6 | 45. ***The sin against this commandment, which we are most in danger of, is giving***
7 | ***the glory and honor to any creature, which things are due to God only.*** Pride makes a
8 | god of self, covetousness makes a god of money, sensuality makes a god of the belly;
9 | whatever is esteemed or loved, feared or served, delighted in or depended on, more than
10 | God, that (whatever it is) we do in effect make a god of. This prohibition includes a
11 | precept, which is the foundation of the whole law, that we take the Lord for our God,
12 | acknowledge that He is God, accept Him for ours, adore Him with admiration and
13 | humble reverence, and set our affections *entirely upon Him*.

14 | 46. In the last words of verse 3, “*before me*,” two things are intimated. First, we
15 | cannot have any other God, but He will certainly know it. There is none besides Him but
16 | what is before Him. Idolaters covet secrecy; but *shall not God search this out?* Second,
17 | it is very provoking to Him; it is a sin that dares Him to His face, which He cannot and
18 | which He will not overlook.

19 | 44:20 If we have forgotten the name of our God, or stretched out our hands to a
20 | strange god;

21 | 44:21 Shall not God search this out? for he knoweth the secrets of the heart.^{\61/}

22 | 47. There are three reasons to enforce this prohibition.^{\62/} The first is God's

⁶¹ See Psalms 44:20,21.

1 jealousy in the matters of his worship: “*I am the Lord Jehovah, and thy God, am a*
2 *jealous God, especially in things of this nature.*” This intimates the care He has of His
3 own institutions, His hatred of idolatry and all false worship, His displeasure against
4 idolaters, and that He resents every thing in His worship that looks like or leads to
5 idolatry. Jealousy is quicksighted. Idolatry, being *spiritual adultery*, as it is very often
6 represented in Scripture, the displeasure of God against it is fitly called *jealousy*. If God
7 is jealous herein, we should be so, afraid of offering any worship to God otherwise than
8 as He has appointed in His word.

9 48. The second reason to enforce this prohibition is the punishment of idolaters.
10 God looks upon them as haters of Him, though they perhaps pretend love to Him. He
11 will *visit their iniquity*; that is, He will very *severely punish it*, not only as a breach of His
12 law, but as an affront to His majesty, a violation of the covenant, and a blow at the root of
13 all religion. He will *visit it upon the children*, that is, this being a sin for which churches
14 shall be unchurched^{63/} and a bill of divorce given them; the children shall be cast out of
15 covenant and communion together with the parents, as with the parents the children were
16 at first taken in. Or, He will bring such judgments upon a people as shall be the total ruin
17 of families. If idolaters live to be old, so as to see their children of the third or fourth
18 generation, it shall be the vexation of their eyes, and the breaking of their hearts, to see
19 them fall by the sword, carried captive, and enslaved. Nor is it an unrighteous thing with
20 God (if the parents died in their iniquity, and the children tread in their steps, and keep up
21 false worships, because they received them by tradition from their fathers), when the

⁶² Exodus 20:5-6.

1 measure is full, and God comes by His judgments to reckon with them to bring into the
2 account the idolatries of which their fathers were guilty. Though He bear long with an
3 idolatrous people, He will not bear always, but by the fourth generation at furthest, He
4 will begin to visit. Children are dear to their parents; therefore, to deter men from
5 idolatry, and to show how much God is displeased with it, not only a brand of infamy is
6 by it entailed upon families, but the judgments of God may for it be executed upon the
7 poor children when the parents are dead and gone.

8 49. The third reason to enforce this prohibition is the favor God would show to his
9 faithful worshippers: *Keeping mercy for thousands* of persons, thousands of generations
10 *of those that love me, and keep my commandments*. This intimates that the second
11 commandment, though, in the letter of it, is only a prohibition of false worships, yet
12 includes a precept of worshipping God in all those ordinances that he has instituted. As
13 the first commandment requires the inward worship of love, desire, joy, hope, and
14 admiration, so the second requires the outward worship of prayer and praise, and solemn
15 attendance on God's word.

16 50. *First*, those that truly love God will make it their constant care and endeavor to
17 keep His commandments, particularly those that relate to His worship. Those that love
18 God, and keep those commandments, shall receive grace to keep His other
19 commandments. Gospel worship will have a good influence upon all manner of gospel
20 obedience. *Secondly*, God has mercy in store for such. Even they need mercy, and
21 cannot plead merit; and mercy they shall find with God, merciful protection in their

⁶³ Unchurched. To expel from a church or from church membership; excommunicate.

1 obedience and a merciful recompense of it. *Thirdly*, this mercy shall extend to thousands,
2 much further than the wrath threatened to those that hate Him, for that reaches but to the
3 third or fourth generation. The streams of mercy run now as full, as free, and as fresh, as
4 ever.

5 51. We also have before us *the Gospel according to St. Matthew*. The penman was
6 by birth a Jew, by calling a publican (collector of taxes), till Christ commanded his
7 attendance, and then he left *the receipt of custom*, to follow Him, and was one of those
8 that accompanied Him *all the time that the Lord Jesus went in and out, beginning from*
9 *the baptism of John unto the day that He was taken up*. He was, therefore, a competent
10 witness of what he has recorded.

11 52. Chapter 22 of the Book of Matthew is a continuation of Christ's discourses in
12 the temple two or three days before He died. His discourses, then, are largely recorded as
13 being of special weight and consequence. In this chapter, we have disputes with the
14 Pharisees, Sadducees, and scribes, who opposed Christ on four issues: (1) concerning
15 paying tribute to Cæsar,^{64/} (2) concerning the resurrection of the dead, and the future
16 state,^{65/} (3) concerning the great commandment of the law,^{66/} and (4) concerning the
17 relation of the Messiah to David.^{67/} The following is a discourse, which Christ had with
18 a Pharisee-lawyer, about the great commandment of the Law:

19 *The Greatest Commandment*

20 22:34 Hearing that Jesus had silenced the Sadducees, the Pharisees got together.

21 22:35 One of them, an expert in the law, tested him with this question:

⁶⁴ Matthew 22:15-22.

⁶⁵ Matthew 22:23-33.

⁶⁶ Matthew 22:34-40.

⁶⁷ Matthew 22:37-39.

1 22:36 "Teacher, which is the *greatest commandment in the Law?*"
2 22:37 Jesus replied: " *Love the Lord your God with all your heart and with all*
3 *your soul and with all your mind.*^[2]
4 ^[2] Deuteronomy, 6:5
5 22:38 *This is the first and greatest commandment.*
6 22:39 And the second is like it: *Love your neighbor as yourself.*^[3]
7 ^[3] Leviticus, 19:18
8 22:40 *All the Law and the Prophets hang on these two commandments.*"

9 53. Christ recommends to us those as the great commandments, not which are so
10 *exclusive* of others, but which are therefore great because *inclusive* of others. Observe
11 which these great commandments are.^{\68/} They are not the judicial laws, as those could
12 not be the greatest now that the people of the Jews, to whom they pertained, were so
13 little. They are not the ceremonial laws, as those could not be the greatest, now that they
14 were waxen old, and were ready to vanish away. They also are not any particular moral
15 precept, but the love of God and our neighbor, which are the spring and foundation of all
16 the rest, which (these being supposed) will follow of course.

17 54. All the law is fulfilled in one word—that is, *love*.^{\69/} The *love of God* is the
18 first and great commandment of all, and the summary of all the commands of the first
19 table.^{\70/}

20 55. We are directed to love God as ours; Thou shalt love the Lord thy God as thine.
21 The first commandment is, *Thou shalt have no other God*; which implies that we must
22 have Him for our God, and that will engage our love to Him. Those that made the sun

⁶⁸ Matthew 22:41-46.
⁶⁹ Romans 13:10.
⁷⁰ The “first table” is also known as the first four commandments.

1 and moon their gods, loved them.^{71/} To love God as ours is to love Him because He is
2 ours, our Creator, Owner, and Ruler, and to conduct ourselves to Him as ours, with
3 obedience to Him and dependence on Him. We must love God as reconciled to us and
4 made ours by covenant; that is the foundation of this—Thy God.

5 56. Our love of God must be a sincere love, and not in word and tongue only, as
6 theirs is who say they love Him, but their hearts are not with Him. **This is the first and**
7 **great commandment; for obedience to this, is the spring of obedience to all the rest;**
8 and is *then* only acceptable when it flows from love.

9 57. An act of adoration and worship is reserved for God alone—not for men,
10 women, or things. Plaintiff believes that she should not glory in men. The apostle
11 finds an exhortation against over-valuing their teachers on what he had just said, and on
12 the consideration that they had an equal interest in all their ministers. Therefore, *let no*
13 *man glory in men.*^{72/} The ministry is a very useful and gracious institution, and faithful
14 ministers are a great blessing to any people; yet, the folly and weakness of people may do
15 much mischief by what is in itself a blessing. They may fall into factions, side with
16 particular ministers, and set them at their head, glory in their leaders, and be carried by
17 them they know not whither.

18 58. Both at Jerusalem and everywhere else where the ministers of Christ came, they
19 preached the gospel only to the Jews or those Greeks that were circumcised and
20 proselyted to the Jews' religion. But now, "Lo, we turn to the Gentiles," and to them, the
21 door of faith is opened.

⁷¹ Jeremiah 8:2; Judges 18:24.

1 59. The apostle Peter is the man that is first employed to admit uncircumcised
2 Gentiles into the Christian church; and Cornelius, a Roman centurion or colonel, is the
3 first that with his family and friends is so admitted. Cornelius was directed by a vision to
4 send for Peter, and he did send for him accordingly. Peter was directed by a vision to go
5 to Cornelius, though he was a Gentile, without making any scruple of it, and did go
6 accordingly. Peter meets with Cornelius in the house of Cornelius in Caesarea, where
7 Peter was expected (and expected by many), shortly before Peter preached the sermon in
8 the house of Cornelius to he and his friends. The happy interview between Peter and
9 Cornelius at Cesarea then occurs:

10 10:24 And the day after, they entered into Cæsarea. Now Cornelius waited for
11 [Peter and his entourage from Joppa], and had called together his kinsmen, and
12 special friends.

13 10:25 ^[3]And as Peter was coming in, Cornelius met him, and ***fell down at his***
14 ***feet, and worshipped him.***

15 10:26 But Peter took him up, saying, ***Stand up: for even I myself am a man.***^{73/}

16 ^[3] Religious ***adoration of worship is proper only to God:*** but civil worship
17 is given to the ministers of the word, although not without danger.

18 60. This is the first interview between Peter and Cornelius, in which there is a
19 profound and indeed *undue respect and honor which Cornelius paid to Peter:*^{74/} *He met*
20 *him as he was coming in,* and instead of taking him in his arms and embracing him as a
21 friend, which would have been very acceptable to Peter, ***he fell down at his feet, and***
22 ***worshipped him.*** Some think he worshipped him as a prince and a great man, according
23 to the usage of the eastern countries. Others think of him as an incarnate deity, or ***as if***
24 ***he took him to be the Messiah himself.***

⁷² 1 Corinthians 3:21.

⁷³ Acts 10:24-26.

⁷⁴ Matthew 22:41-46.

1 61. *His worshipping a man was indeed culpable*; but, considering his present
2 ignorance, it was excusable. It was an evidence of something in him that was very
3 commendable—and that was a great veneration for divine and heavenly things: no
4 wonder if, until he was better informed, he took him to be the Messiah, and, therefore,
5 worshipped him, whom he was ordered to send for by an angel from heaven. *But the*
6 *worshipping of his pretended successor*, who is not only a man, but *a sinful man*, the man
7 of sin himself, *is altogether inexcusable*, and such an absurdity as would be incredible if
8 we were not told before that *all the world would worship the beast*.^{\75/}

9 62. We also have *Peter's modest and indeed just and pious refusal of this honor*
10 that was done him.^{\76/} *He took him up into his arms*, with his own hands (though time
11 was when he little thought he should ever either receive so much respect from or show so
12 much affection to an uncircumcised Gentile), *saying, "Stand up, I myself also am a man,*
13 *and therefore not to be worshipped thus."* The good angels of the churches, like the good
14 angels of heaven, *cannot bear to have the least of that honor shown to them which is due*
15 *to God only*. *See thou do it not*, sayeth the angel to John,^{\77/} and in like manner, the
16 apostle to Cornelius. How careful was Paul *that no man should think of him above what*
17 *he saw in him*.^{\78/} Christ's faithful servants could better bear to be vilified than to be
18 **deified**. Peter did not entertain a surmise that his great *respect* for him, though *excessive*,
19 might contribute to the success of his preaching, and, therefore, if he will be deceived let
20 him be deceived; no, *let him know that Peter is a man*, that the treasure is in earthen

⁷⁵ Revelation 13:4.

⁷⁶ Acts 10:26.

⁷⁷ Revelation 19:10,22:9.

1 vessels, that he may value the treasure for its own sake.

2 63. In Chapter 13 of the Revelation of St. John the Divine, there is a further
3 discovery and description of the church's enemies: not other enemies than are mentioned
4 before, but described after another manner, that the methods of their enmity may more
5 fully appear. They are represented as two beasts; in the first half,^{\79/} there is an account
6 of the First Beast, and in the second half, an account of the Second Beast.^{\80/}

7 64. The form and shape of this second beast is as follows—he had two horns like a
8 lamb, but a mouth that spoke like the dragon. This must be some great impostor who,
9 under pretence of religion, shall deceive the souls of men. The pope shows the horns of a
10 lamb and pretends to be the vicar of Christ upon earth. But his speech betrays him, for he
11 gives forth those *false doctrines* and *cruel decrees*, which show him to belong to the
12 dragon and not to the Lamb.

13 13:11 And I beheld another beast coming up out of the earth; and he had two
14 horns like a lamb, and he spake as a dragon.^{\81/}

15 65. The power that he exercises is *All the power of the former beast*. He promotes
16 the same interest and pursues the same design in substance, which is *to draw men off*
17 *from worshipping the true God to worshipping those who by nature are no gods, and*
18 *subject the souls and consciences of men to the will and authority of men, in opposition*
19 *to the will of God.*

20 13:12 And he exerciseth all the power of the first beast before him, and *causeth*
21 *the earth and them which dwell therein to worship the first beast, whose deadly*

⁷⁸ 2 Corinthians 12:6.

⁷⁹ Revelation 13:1-10.

⁸⁰ Revelation 13:11-18.

⁸¹ Revelation 13:11.

1 wound was healed.^{\82/}

2 66. This design is promoted by the popery as well as by *paganism*, and by the *crafty*
3 *arts of popery* as well as by the secular arm, both serving the interests of the devil though
4 in a different manner.

5 67. In Chapter 19, there is (1) a further account of the triumphant song of angels
6 and saints for the fall of Babylon,^{\83/} (2) the marriage between Christ and the church
7 proclaimed and perfected,^{\84/} and (3) another warlike expedition of the glorious head and
8 husband of the church, with the success of it.^{\85/} The marriage-feast, which, though not
9 particularly described,^{\86/} yet is declared to be such as would make all those happy who
10 were called to it, so called as to accept the invitation, a feast made up of the promises of
11 the gospel, *the true sayings of God*.^{\87/}

12 68. The apostle fell down at the feet of the angel to worship him, supposing him to
13 be more than a creature, or having his thoughts at the present overpowered by the
14 vehemency of his affections:

15 19:9 And he saith unto me, Write, Blessed are they which are called unto the
16 marriage supper of the Lamb. And he saith unto me, These are the true sayings
17 of God.^{\88/}

18 69. These promises, opened, applied, sealed, and earnested by *the Spirit of God*, in
19 holy eucharistical ordinances, are the marriage-feast; and the whole collective body of all
20 those who partake of this feast is the bride, *the Lamb's wife*; they eat into one body, and

⁸² Revelation 13:12.

⁸³ Revelation 19:1-4.

⁸⁴ Revelation 19:5-10.

⁸⁵ Revelation 19:10-21.

⁸⁶ As in Matthew 22:4.

⁸⁷ Revelation 19:9.

1 drink into one Spirit, and are not mere spectators or guests, but coalesce into the
2 espoused party, the mystical body of Christ.

3 70. In the following verse, there is a description of the transport of joy, which the
4 apostle felt in himself at this vision. He offered honor to the angel.

5 19:10 And *I fell at his feet to worship him*. And he said unto me, *See thou do*
6 *it not: I am thy fellow-servant*, and of thy brethren that have the testimony of
7 Jesus: *worship God*: for the testimony of Jesus is the spirit of prophecy.^{89/}

8 71. Observe first the honor he offered to the angel: *He fell at his feet, to worship*
9 *him*. This prostration was a part of external worship; it was a posture of proper adoration.

10 72. Observe also how the angel refused the adoration, and this was with some
11 resentment, but also for good reason. *See thou do it not*; have a care what thou doest,
12 thou art doing a wrong thing. The angel gave a very good reason for his refusal: *I am*
13 *thy fellow-servant, and of thy brethren which have the testimony of Jesus*—I am a
14 creature, thine equal in office, though not in nature. I, as an angel and messenger of God,
15 have the testimony of Jesus, a charge to be a witness for him and to testify concerning
16 him, and thou, as an apostle, having *the Spirit of prophecy*, hast the same testimony to
17 give in; and *therefore, we are in this brethren and fellow-servants.*”

18 73. The angel directs him to the true and only object of religious worship; namely,
19 God. *Worship God and Him alone*. This fully condemns both the practice of the papists
20 in worshipping the elements of bread and wine, saints, angels, and the practice of those
21 Socinians and Arians who do not believe that Christ is truly and by nature God, yet pay
22 Him religious worship. This shows what wretched fig-leaves all their evasions and

⁸⁸ Revelation 19:9.

1 excuses are which they offer in their own vindication. They stand hereby *convicted of*
2 *idolatry* by a messenger from heaven.

3 74. Therefore, Plaintiff is forbidden by her religious beliefs from worshiping idols
4 of any pagan, civil religion, as though such persons in power were “superior beings,” and
5 then placing these persons before Plaintiff’s God. Plaintiff believes that she should not
6 kneel before, prostrate themselves, bow down to, or stand for any worldly entity, as this
7 would be a direct violation of the First Commandment.

8 75. This type of hypocrisy and idolatry severely infringes upon Plaintiff’s Free
9 Exercise of religion. Satan hesitates not in tempting those to disobey God’s Word, and
10 Plaintiff will not willfully succumb to such temptation.

11 76. Plaintiff firmly believes that some of the “traditions” and so-called “etiquette”
12 often displayed in courtrooms today—such as the ceremonial rising and the addressing
13 custom (calling ordinary men “Your Honor”)—constitute a form of improper worship
14 and idolatry, even though others might only intend them as a sign of respect or acceptable
15 decorum. Plaintiff sincerely believes that such rising and addressing “etiquette” is
16 reserved for God alone. God punishes those who idol worship, and Plaintiff cannot be
17 forced to idol worship.

18 **“worship”**^{90/}

19 1. chiefly Brit: a person of importance—used as a title for various officials (as
20 magistrates and some mayors) 2: *reverence offered a divine being* or
21 supernatural power; also: an act of expressing such reverence 3: a form of
22 religious practice with its creed and ritual 4: *extravagant respect or admiration*
23 for or devotion to an object of esteem <~ the dollar>.”

⁸⁹ Revelation 19:10.

⁹⁰ Websters Ninth New Collegiate Dictionary, 1983, ISBN 0-87779-510-X,
“WORSHIP.”

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“honor”^{91/}

- 1. **High respect**, as that shown *for special merit*; esteem: the honor shown to a Nobel laureate.
- 2.
 - 1. Good name; reputation.
 - 2. A source or cause of credit: was an honor to the profession.
 - 3.
 - 1. **Glory or recognition; distinction.**
 - 2. **A mark, token, or gesture of respect or distinction:** the place of honor at the table.
 - 3. A military decoration.
 - 4. A title conferred for achievement.
 - 4. **High rank.**
 - 5. omitted
 - 6. **Great privilege:** I have the honor to present the governor.
 - 7. **Honor Used with His, Her, or Your** as a title and **form of address for certain officials, such as judges** and mayors: Her Honor the Mayor.
 - 8.-12. omitted.

77. Plaintiff’s religious beliefs do not condone showing disrespect to anyone, including her neighbors.

19:19 Honour thy father and thy mother: and, Thou shalt love thy neighbour as thyself.^{92/}

78. Plaintiff is required to put off all malice, to put on brotherly love, and be ill-affected to none. If our brother has done us an injury, we must not return it upon him, for that is avenging. We must not upon every occasion upbraid him with it, for that is bearing a grudge. But we must both forgive it and forget it, for thus we are forgiven of God. We often wrong ourselves, but we soon forgive ourselves those wrongs, and they do not at all lessen our love to ourselves. In like manner, we should love our neighbor. Plaintiff’s Savior has made this the second great commandment of the law:

⁹¹ The American Heritage® Dictionary of the English Language, Fourth Edition, “HONOR.”

⁹² Matthew 19:19.

1 19:18 Thou shalt not avenge, nor bear any grudge against the children of thy
2 people, but thou shalt love thy neighbour as thyself: I am the LORD.^{193/}

3 79. Plaintiff's religious tenets preclude her from rising for a person entering or
4 exiting a room and from referring to a man as "Your Honor." Plaintiff believes that the
5 Court's attempts to impose this so-called "protocol" or etiquette are not for the purpose
6 of showing respect; rather, she believes they are for the purpose of improper idol
7 worshipping.

8 80. Plaintiff believes that these are covert and invidious acts by the State to
9 establish a pagan, civil religion. Such forms of worship are reserved for God *alone*.

10 81. Plaintiff will not worship any worldly entity who might presume to hold the
11 "power of God" simply because that worldly entity sits in temporal judgment over
12 Plaintiff or the instant case. This is not out of disrespect for any person, this Court, or the
13 judiciary, but strictly a matter of Plaintiff's faith. Plaintiff will not place any false gods
14 before her Creator, as God punishes those who worship false idols. Plaintiff will not
15 knowingly and willfully jeopardize her way to Everlasting Life.

16 82. Plaintiff believes that public servants are not "superior beings," worthy of or
17 entitled to worship that is reserved only for God. Plaintiff will not be coerced to place
18 them *before* her Creator to worship man instead of God. This would constitute hypocrisy
19 and sinful idolatry, which infringes upon Plaintiff's God-given right to the peaceful and
20 silent Free Exercise of her faith, compromises Plaintiff's obligation to hold the first and
21 greatest commandment of the Law, and is violative of this state's and the national

⁹³ Leviticus 19:18.

1 constitution.

2 83. Plaintiff believes that if she breaks one Commandment, then she breaks them
3 all. Satan hesitates not in tempting us to disobey God's Word, and Plaintiff would
4 spiritually suffer for willfully disobeying God's Word and committing such spiritual
5 adultery.

6 84. Plaintiff cannot be coerced to sin and worship another person in order to gain
7 access to the Courts simply because of her faith. Her faith poses no danger to any other
8 person, and there is no compelling state interest that would justify the infringement of
9 Plaintiff's faith. Plaintiff's sincerely held religious beliefs may be unpopular or
10 uncommon, but Plaintiff's conduct in accordance with those beliefs is non-disruptive and
11 in no way contemptuous.

12 85. Plaintiff has never prevented any proceeding from occurring by failing to rise
13 any more than a handicapped person in a wheelchair would enjoin a proceeding from a
14 failure to rise. This Court has the responsibility and duty to be perfectly tolerant of
15 Plaintiff's faith and otherwise non-disruptive conduct, regardless of its own feelings
16 about the merits of Plaintiff's beliefs.

17 86. Absent any compelling state interest, this Court would abuse its discretion were
18 it to deny Plaintiff access to the Courts or to punish Plaintiff with contempt of court for
19 failing to rise and for refusing to refer to any man as "Your Honor."

20 87. In Community For Creative Non-Violence v. Hess,^{94/} several members of the

⁹⁴ Community For Creative Non-Violence v. Hess, 240 U.S. App. D.C. 321; 745 F.2d 697 (1984).

1 CCNV group, who are committed to non-violence, engaged in many court-watching
2 activities. They refused to rise upon the opening and closing of court and were
3 subsequently jailed for contempt. The appellate court thus held:

4 It is clear enough, however, that *none of the involved judges was then aware*
5 *that the religious scruples of those so treated were at odds with rising.* After a
6 remand of this case on an earlier appeal, *the judges through affidavits and a*
7 *status report, informed the District Court that they would not have acted as*
8 *they did had they known the reason for the refusals to rise.* The judges
9 suggested, *as a means of avoiding future confrontations,* that CCNV members
10 attending court and claiming a *First Amendment right to remain seated* during
11 the rising ritual *notify the judges to that effect through court personnel prior to*
12 *opening of the session.* Though expressly reserving the right to confirm an
13 attendee's *sincerity,* the judges indicated that once they are satisfied that *non-*
14 *rising is religiously motivated,* they will accommodate the attendee's beliefs,
15 presumably by allowing him to remain seated throughout opening and closing
16 ceremonies.

17 However, the difference between Community For Creative Non-Violence v. Hess and the
18 instant matter is that this Court has *advance notice* that Plaintiff's non-rising is
19 religiously motivated.

20 88. This Court has an affirmative duty to Plaintiff, at the very least, to inquire
21 whether Plaintiff's beliefs are sincere, and this Notice should suffice for that purpose.
22 Plaintiff's Right to Free Exercise may not be infringed absent any compelling state
23 interest arising to the level of a clear and present danger and without using the least
24 restrictive means test. Absent proper application of the law, this Court will infringe upon
25 Plaintiff's God-given Right secured under both the First Article of Amendment to the
26 United States Constitution and the parallel provision in this state's constitution. For
27 Plaintiff to peacefully and silently heed her deeply held religious beliefs should not be
28 considered by this Court as contemptuous. Plaintiff should not be impeded from
29 exercising her religious beliefs unless this Court can demonstrate that Plaintiff's conduct

1 is disruptive or contemptuous. Any threat of contempt or jail for Plaintiff's mere failing
2 to rise for another man upon the command of another man would improperly infringe
3 upon Plaintiff's religious beliefs. That this Court now has knowledge of Plaintiff's
4 religious beliefs, any such sanction will have been willfully imposed upon Plaintiff and
5 may be considered a neglect to prevent a deprivation of Plaintiff's God-given right.

6 89. Just as Gordon did *not* refuse to swear an oath because of disrespect for the
7 judiciary, Plaintiff does not refuse to rise out of disrespect for the judiciary. Plaintiff
8 provides this Notice so that the Court can fully understand that Plaintiff's inaction is not
9 only religiously motivated, but that her beliefs are sincere. Her inaction (of failing to
10 rise) should not be misconstrued as demonstrative proof of disrespect for or contempt of
11 any person or thing, including the judiciary.

12 90. Plaintiff will, however, be pleased to rise for any judge or jury foreman who
13 enters or exits a courtroom, *if and only if*, that person carries the Law in the form of the
14 Holy Scripture in hand. Plaintiff would be pleased to loan to the Court her Bible for this
15 purpose if so requested in sufficient advance of any appearance date.

16 **IV. NOTICE OF COURT'S OBLIGATION TO SECURE A PERFECT**
17 **TOLERATION OF PLAINTIFF'S RELIGIOUS FREEDOM**

18 91. Plaintiff has a substantive Right to Free Exercise that cannot be whittled away
19 by arbitrary, unwritten "protocols" that violate Plaintiff's deeply held religious beliefs.
20 The Court denies to Plaintiff her religious freedom if it coerces her to violate her
21 religious beliefs as a prerequisite to gaining access to the courts.

22 92. It is well established that the courts may not inquire into the worthiness of
23 Plaintiff's religious beliefs to ascertain whether they merit protection under the national

1 constitution or any state's constitution.^{\95/}

2 93. This Court need only consider whether (1) Plaintiff's beliefs are "religiously
3 motivated" in their "own scheme of things" and (2) Plaintiff's beliefs are sincere
4 (exemption under Universal Military Training and Service Act of conscientious objectors
5 not belonging to orthodox religious sect).^{\96/} This Court must also be careful to
6 determine whether religious faith and practices are inseparable and interdependent.^{\97/}
7 Any infringement upon Plaintiff's right secured under the First Article of Amendment
8 may be deemed as a neglect to prevent a deprivation of that right under 42 U.S.C. §1986.

9 94. Nevada's Constitution explicitly proclaims that "perfect toleration of religious
10 sentiment shall be secured, and no inhabitant of said state shall ever be molested, in
11 person or property, on account of his or her mode of religious worship." This ordinance
12 is irrevocable without the consent of both the United States and the people of the State of
13 Nevada.

14 **V. NOTICE OF COURT'S OBLIGATION TO DEMONSTRATE A**
15 **COMPELLING STATE GOVERNMENTAL INTEREST ARISING TO THE**
16 **LEVEL OF A CLEAR AND PRESENT DANGER**

17 95. Article I, §§2 and 4 of the Michigan Constitution forbid the Court from
18 prohibiting any Free Exercise of Plaintiff's religion, unless the Court can find a
19 "compelling state interest" that outweighs Plaintiff's right and that the conduct imposed
20 is only after the Court has used the "least restrictive means" possible to compel the
21 conduct. The Court may not force Plaintiff to worship the idols of the pagan, civil

⁹⁵ United States v. Ballard, 322 U.S. 78, 86-88, 88 L. Ed. 1148, 64 S. Ct. 882 (1944).

⁹⁶ United States v. Seeger, 380 U.S. 163, 185, 13 L. Ed. 2d 733, 85 S. Ct. 850 (1965).

⁹⁷ Wisconsin v. Yoder, *supra*.

1 religion, that is being imposed by invidious and covert acts^{\98/} in derogation of Plaintiff's
2 substantive Right to Free Exercise.

3 96. Plaintiff fails to see what clear and present danger she presents to the Court by
4 her refusal to worship any man. This is simply a matter of a conflict of beliefs—the
5 belief of the “judge” that he may be omnipotent in “his” domain *versus* Plaintiff's
6 religious beliefs that are in no manner contemptuous of this Court or its proceedings:

7 A claim asserting the protection of the free exercise of religion clauses of the
8 United States and Michigan Constitutions as against some form of government
9 regulation must be analyzed by the use of what is essentially a ***balancing test***:
10 first, it must be shown that the conduct for which constitutional protection is
11 claimed is ***based in religious belief***, and then it must be determined ***whether the***
12 ***state regulation imposes any burden on the free exercise of the claimants'***
13 ***religion; to overcome a claim of protection*** under the free exercise clauses, ***the***
14 ***state must prove that its regulation is justified by a compelling state interest,***
15 ***i.e., one of sufficient magnitude to override the interest for which protection is***
16 ***claimed*** under the free exercise clauses.^{\99/}

17 97. Several courts have applied this test in the context of the state's interest in
18 achieving the efficient and orderly administration of courthouse justice. In Smilow v.
19 United States,^{\100/} the Second Circuit upheld a contempt judgment based on a witness'
20 willful refusal to obey a court order to answer questions posed by a grand jury. The
21 recalcitrant witness asserted that his free exercise rights entitled him to refuse to testify
22 since the act of testifying would contravene a Jewish tenet forbidding him from being an
23 “informer.” The Court of Appeals rejected the argument, however, holding that the
24 witness' ***first amendment claim was outweighed by the compelling state interest*** in

⁹⁸ See Bowen v. Roy, 476 U.S. 693 (1986).

⁹⁹ People v Swartzentruber, 170 Mich App 682, 429 NW2d 225 (1988), app. Den. 432 Mich 873 (1989).

¹⁰⁰ Smilow v. United States, 465 F.2d 802 (2nd Cir.), vacated and remanded on other grounds, 409 U.S. 944 (1972).

1 having the grand jury hear all the relevant evidence pertaining to a crime, *and the*
2 *narrowly drawn means that were used to achieve that goal.* *Id.* at 804-05.

3 98. In Africa v. Anderson,^{101/} the plaintiff claimed she was deprived of her
4 religious freedom by a state criminal judge's ruling that a court-appointed counsel must
5 represent her. She insisted that the tenets of her religion prohibited representation by
6 counsel. The judge refused her plea for non-representation since he was unable to
7 establish that her decision was competent and fully informed. *Id.* at 226. *In rejecting the*
8 *free exercise claim, the federal court, evaluating the constitutionality of the state judge's*
9 *ruling, reasoned that the state has a compelling interest in ensuring that an accused's*
10 *constitutional right to a fair trial will be protected.* *Id.* at 229. Therefore, the state judge
11 was entitled to conclude that allowing "Ms. Africa to proceed without benefit of counsel
12 posed such a *significant risk of producing an unfair or inaccurate result that her*
13 *religious convictions had to yield in the face of that danger.*" *Id.* at 230.

14 99. In the instant case, Plaintiff sees no such compelling state interest similar to
15 those in Smilow or Africa, such that this Court can overcome Plaintiff's protection of her
16 right to Free Exercise secured by the aforementioned state and national constitutions.
17 Plaintiff sees only a self-appointed ruling class' self-serving vanity and self-ascribed
18 importance that governs this matter, both of which are insufficient to support a finding of
19 either a compelling state interest or a clear and present danger.

20 100. In Michigan, the standard is a bit more stringent, but nonetheless based upon the

¹⁰¹ Africa v. Anderson, 542 F.Supp. 224 (E.D. Pa. 1982).

1 applicable history of the Free Exercise clause in the federal and state constitutions.^{102/}

2 Thus, we begin our analysis by considering the historical underpinnings of the
3 First Amendment. This Court has long held that the constitution must be
4 interpreted in light of the *original intent and understanding of its drafters*.
5 *fn10 The framers' intent must be understood in conjunction with the intentions
6 and understanding of the constitution held by its ratifiers:

7 The intent of the framers, however, must be used as part of the primary rule of
8 "common understanding" described by Justice Cooley:

9 "*A constitution is made for the people and by the people*. The interpretation
10 that should be given it is that which reasonable minds, the great mass of the
11 people themselves, would give it." *fn11

12 A necessary corollary of these principles is that the constitution can only
13 properly be understood by studying its *common meaning* as well as "the
14 circumstances surrounding the adoption of a constitutional provision and the
15 purpose sought to be accomplished" *fn12

16 These rules of constitutional construction are indispensable because "the literal
17 construction of the words, without regard to their obvious purpose of protection,
18 is to make the constitutional safeguard no more than a shabby hoax, a barrier of
19 words, easily destroyed by other words. . . . A constitutional limitation must be
20 construed to effectuate, not to abolish, the protection sought by it to be
21 afforded." Lockwood v. Comm'r of Revenue, 357 Mich 517, 556-557; 98
22 NW2d 753 (1959). *fn13 Hence, a thorough examination of the historical
23 origins of the Free Exercise Clause is essential to the proper Disposition of the
24 case at issue, and more important, to the preservation of religious freedom.
25 *fn14

26 This American experiment *fn15 includes an *unprecedented protection of*
27 *religious liberty from tyrannical government action*. Springing forth from this
28 nation's founding principle that *government is "instituted for protection of the*
29 *rights of mankind,"* *fn16 the *Free Exercise of Religion Clause ensured*
30 *protection from government interference as the first freedom in the Bill of*
31 *Rights.* *fn17

32 The prominence of religious liberty's protection in the Bill of Rights is no
33 historical anomaly, but the consequence of America's vigorous clashes
34 regarding religious freedom. The First Amendment's *protection of religious*

¹⁰² People v. DeJonge, 442 Mich. 266, 501 N.W.2d 127 (1993), was the standard of Free Exercise in a criminal venue prior to the federal Religious Freedom Restoration Act of 1993 ("RFRA 93"). Michigan "adopted" the least restrictive means test after Congress re-established this test following the decision Employment Div, Dep't of Human Resources v Smith, 494 U.S. 872, 881; 110 S Ct 1595; 108 L Ed 2d 876 (1990). However, the RFRA 93 has been found to be inapplicable to the states of the Union, requiring Plaintiff to fall back to pre-RFRA 93 decisional law.

1 liberty was born from the fires of persecution, forged by the minds of the
2 Founding Fathers, and tempered in the struggle for freedom in America. *fn18

3 ***As our history forcefully attests, the Founding Fathers envisioned the***
4 ***protection of the free exercise of religion as an affirmative duty of the***
5 ***government mandated by the inherent nature of religious liberty, not one of***
6 ***mere “toleration” by government.*** *fn19 Most significant in this history was
7 the dramatic confrontation regarding the proposed renewal of Virginia's tax levy
8 for the support of the established church. *fn20 This embroilment bore James
9 Madison's Memorial and Remonstrance Against Religious Assessments, *fn21
10 delivered in the Virginia House of Burgess in opposition to the levy, as well as
11 Thomas Jefferson's Virginia Bill of Religious Liberty, enacted in the levy's
12 stead. *fn22 Madison's Memorial and Remonstrance Against Religious
13 Assessments explained as "a fundamental and undeniable truth" *fn23 that
14 *religious liberty is a deeply private, fundamental, and inalienable right by*
15 *which a citizen's religious beliefs and practices are shielded from the hostile*
16 *intolerance of society,* *fn24 while Jefferson's Virginia Bill for Religious
17 Liberty protected the right of the free exercise of religion, as well as barred state
18 established churches. The Founders understood that this ***zealous protection of***
19 ***religious liberty was essential to the "preservation of a free government."***
20 *fn25

21 ***The Founding Fathers then reserved special protection for religious liberty as***
22 ***a fundamental freedom in the First Amendment of the constitution.*** This
23 fortification of the right to the free exercise of religion was heralded as one of
24 the Bill of Rights' most important achievements. Indeed, Jefferson proclaimed
25 that "***no provision in our constitution ought to be dearer to man than that***
26 ***which protects the rights of conscience against the enterprises of the civil***
27 ***authority.***" *fn26^{\103/}

28 101. Government was instituted for the benefit of the people, and the government has
29 the affirmative duty to protect and secure a perfect toleration of Plaintiff's right to the
30 Free Exercise of her religious beliefs.

31 102. The decision in People v. DeJonge, *supra*, required that the state show a
32 “compelling interest” that arises to the level of a clear and present danger. The “clear
33 and present danger” test is an historic and important part of free speech jurisprudence.^{\104/}

¹⁰³ People v. DeJonge, *supra*.

¹⁰⁴ See Schenck v. United States, 249 U.S. 47; 39 S Ct 247; 63 L Ed 470 (1919); Abrams v. United States, 250 U.S. 616; 40 S Ct 17; 63 L Ed 1173 (1919); Gitlow v. New York,

1 *The free exercise of religion is protected unless it endangers the public's*
2 *peace and safety. . . . This formulation was a precursor to the compelling-*
3 *interest test and implies that the free exercise of religion was understood to*
4 *include an exemption from generally applicable laws. [McConnell, *Should**
5 *Congress pass legislation restoring the broader interpretation of free exercise*
6 *of religion?*, 15 Harv J of L & Pub Pol 181, 185-186 (1992).]^{105/}

7 **VI. NOTICE OF COURT'S OBLIGATION TO USE THE LEAST**
8 **RESTRICTIVE MEANS TEST**

9 103. It is well settled that although one's first amendment freedom to *believe* in
10 religion of choice is absolute, the freedom to *exercise* that religion is not.^{106/} When the
11 freedom to act in accordance with one's religious convictions conflicts with *some*
12 *important state interest*, a court must determine (a) whether the *state's proffered purpose*
13 *is sufficiently compelling*, and (b) whether the manner chosen to achieve that goal is the
14 *least restrictive means for doing so.*^{107/}

15 104. The Gordon court held that the least restrictive means test must even be used in
16 situations where individuals have religious scruples regarding the taking of an oath or
17 affirmation.

18 In this case, the district court ordered Gordon to take an oath or to make an
19 alternative affirmative before giving his deposition. The court's order specified
20 the precise language that such an oath or alternative affirmation was to take,
21 despite Gordon's religious objection to taking an oath or using the word
22 "affirmation." *The court abused its discretion in insisting that Gordon use*
23 *either the word "swear" or "affirm" in light of Gordon's sincere religious*
24 *objections.*

268 U.S. 652; 45 S Ct 625; 69 L Ed 1138 (1925); Dennis v. United States, 341 U.S. 494;
71 S Ct 857; 95 L Ed 1137 (1951).

¹⁰⁵ People v. DeJonge, *supra*.

¹⁰⁶ Cantwell v. Connecticut, 310 U.S. 296 (1940); Reynolds v. United States, 98 U.S. 145
(1878); Childs v. Duckworth, 705 F.2d 915 (7th Cir. 1983).

¹⁰⁷ United States v. Lee, 455 U.S. 252, 257-58 (1982); Wisconsin v. Yoder, *supra*;
Gillette v. United States, 401 U.S. 437, 461-62 (1971); Braunfeld v. Brown, 366 U.S.
599, 603 (1961); Prince v. Massachusetts, *supra*; Cantwell v. Connecticut, *supra*.

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JUDICIAL NOTICE OF PLAINTIFF'S GOD-GIVEN RIGHT TO FREE EXERCISE
AND PLAINTIFF'S INTENT TO RELY UPON AND ASSERT MOSAIC LAW

1 The First Amendment's guarantee of the free exercise of religion requires that
2 our procedural rules be interpreted flexibly to protect sincerely-held religious
3 beliefs and practices. In Callahan v. Woods, 736 F.2d 1269, 1273 (9th Cir.
4 1984)th ., we set forth factors that courts must consider in determining whether a
5 neutrally based statute violates the First Amendment guarantee of the free
6 exercise of religion. We stated that *the "government must shoulder a heavy*
7 *burden to defend a regulation affecting religious actions."* Id. at 1272. And
8 we emphasized that it is *"the 'least restrictive means' inquiry which is the*
9 *critical aspect of the free exercise analysis."* Id. *The specific verbal formula*
10 *offered by the district court was not the least restrictive means* of assuring that
11 Gordon testify truthfully as his deposition.

12 Courts that have considered issues involving oaths and affirmations have
13 interpreted procedural rules flexibly to accommodate religious objections. In
14 Moore v. United States, 348 U.S. 966, 75 S. Ct. 530, 99 L. Ed. 753 (1955) (*per*
15 *curiam*), for example, the Supreme Court ruled that the trial court erred by
16 refusing to allow a witness to testify because of his refusal to use the word
17 "solemnly" in his affirmation. The Court held that there "is no requirement that
18 the word 'solemnly' be used in the affirmation." Id. at 966. The Fourth Circuit
19 has also noted that *"all that the common law requires [of a criminal defendant*
20 *testifying at trial on his own behalf] is a form of statement which impresses*
21 *upon the mind and conscience of a witness the necessity for telling the truth."*
22 United States v. Looper, 419 F.2d 1405, 1407 (4th Cir. 1969)th .. See also
23 Baynes v. Ossakow, 336 F.Supp. 386, 388 (E.D.N.Y. 1972) (plaintiff's hand-
24 written "affirmation" made expressly under penalty of perjury deemed a
25 sufficient affidavit for purposes of defeating summary judgment motion).

26 Fed. R. Civ. P. 30(c) requires that deponents be placed under oath, and Fed. R.
27 Civ. P. 43(d) allows the substitution of a "solemn affirmation" in lieu of an
28 oath. *We have found no authority insisting on the use of the word "affirm" in*
29 *such alternative affirmations.*

30 The Federal Rules of Evidence, which contain a provision parallel to Fed. R.
31 Civ. P. 43(d), are also *instructive on the need of the courts to protect minority*
32 *religious views about oaths and affirmations.* Fed. R. Evid. 603 states that every
33 witness "shall be required to declare that he will testify truthfully, by oath or
34 affirmation administered *in a form calculated to awaken his conscience and*
35 *impress his mind with his duty to do so."* The advisory committee notes to
36 Rule 603 illustrate that an affirmation need take no particular form: "The rule is
37 designed to afford the flexibility required in dealing with religious adults,
38 atheists, conscientious objectors, mental defectives, and children. Affirmation is
39 simply a solemn undertaking to tell the truth; *no special verbal formula is*
40 *required."* Fed. R. Evid. 603 advisory committee note.

41 *This reasoning should also apply to affirmations at depositions* under the
42 Federal Rules of Civil Procedure. We therefore conclude that any statement
43 indicating that the deponent is impressed with the duty to tell the truth and

1 understands that he or she can be prosecuted for perjury for failure to do so
2 satisfies the requirement for an oath or affirmation under Fed. R. Civ. P. 30(c)
3 and 43(d). Deponents, furthermore, *need not raise their hand* when they state
4 the words necessary to satisfy Fed. R. Civ. P. 30(c) and 43(d) if to do so
5 impinges on sincerely-held religious beliefs. This flexible approach is consistent
6 with the constitutional obligation to protect the free exercise of religious beliefs
7 by using the least restrictive means to further compelling state interests that
8 impinge on such free exercise. See Callahan, 736 F.2d at 1273.

9 ***Gordon has demonstrated that raising his right hand and swearing an oath or***
10 ***making an affirmation violates his sincerely-held religious beliefs.*** The district
11 court, therefore, should have explored the ***least restrictive means*** of assuring
12 that Gordon would testify truthfully at his deposition. At oral argument before
13 our court, Gordon said that before his deposition is taken he is willing to state:
14 “I understand that I must tell the truth. I agree to testify under penalty of
15 perjury. I understand that if I testify falsely I may be subject to criminal
16 prosecution.” *fn3 This statement, we believe, would satisfy Fed. R. Civ. P.
17 30(c) and 43(d). ***By failing to explore less restrictive means of assuring***
18 ***truthful deposition testimony, the district court abused its discretion*** when it
19 dismissed Gordon's federal civil rights action. The court, therefore, erred in
20 dismissing the action with prejudice for failure to comply with the discovery
21 order directing Gordon to take an oath or make an affirmation.^{\108/}

22 105. Governmental imposition of such an oath requirement puts the same kind of
23 burden upon the Free Exercise of religion as would a requirement for a Sabbatarian to
24 work on Saturday when he conscientiously opposes Saturday work.

25 ***It is too late in the day to doubt that the liberties of religion and expression***
26 ***may be infringed by the denial of or placing of conditions upon a benefit or***
27 ***privilege.***^{*fn6} American Communications Assn. v. Douds, 339 U.S. 382 (1950),
28 390; Wieman v. Updegraff, 344 U.S. 183 (1952), 191-192; Hannegan v.
29 Esquire, Inc., 327 U.S. 146 (1946), 155-156^{109/}

30 ^{*fn6} See for examples of conditions and qualifications upon governmental
31 privileges and benefits which have been invalidated because of their tendency to
32 inhibit constitutionally protected activity, Steinberg v. United States, 143 Ct. Cl. 1,
33 163 F.Supp. 590; Syrek v. California Unemployment Ins. Board, 54 Cal. 2d 519,
34 354 P. 2d 625; Fino v. Maryland Employment Security Board, 218 Md. 504, 147
35 A. 2d 738; Chicago Housing Authority v. Blackman, 4 Ill. 2d 319, 122 N. E. 2d
36 522; Housing Authority of Los Angeles v. Cordova, 130 Cal. App. 2d 883, 279 P.
37 2d 215; Lawson v. Housing Authority of Milwaukee, 270 Wis. 269, 70 N. W. 2d
38 605; Danskin v. San Diego Unified School District, 28 Cal. 2d 536, 171 P. 2d
39 885; American Civil Liberties Union v. Board of Education, 55 Cal. 2d 167, 359

108 Gordon v. Idaho, *supra*.

109 Sherbert v. Verner, *supra*.

1 P. 2d 45; cf. City of Baltimore v. A. S. Abell Co., 218 Md. 273, 145 A. 2d 111.
2 See also Willcox, *Invasions of the First Amendment Through Conditioned Public*
3 *Spending*, 41 Cornell L. Q. 12 (1955); Emerson, *Toward a General Theory of the*
4 *First Amendment*, 72 Yale L. J. 877, 942-943 (1963); 36 N.Y.U. L.Rev. 1052
5 (1961); 9 Kan. L. Rev. 346 (1961); Note, *Unconstitutional Conditions*, 73 Harv.
6 L. Rev. 1595, 1599-1602 (1960).

7 106. A compulsion by the government, the state, or this Court for Plaintiff to perform
8 what Plaintiff believes to be a religious act contrary to her faith will result in an abuse of
9 discretion and a deprivation of Plaintiff's right to Free Exercise if that person or entity
10 does not first satisfy the least restrictive means inquiry after a compelling state interest
11 has been clearly demonstrated. Such compulsion may even result in religious
12 discrimination:

13 For "if the purpose or effect of a law is to impede the observance of one or all
14 religions or is to discriminate invidiously between religions, that law is
15 constitutionally invalid even though the burden may be characterized as being
16 only indirect." Braunfeld v. Brown, *supra*, at 607.^{110/}

17 We must next consider whether some *compelling state interest* enforced in the
18 eligibility provisions of the South Carolina statute justifies the substantial
19 infringement of appellant's First Amendment right. *It is basic that no showing*
20 *merely of a rational relationship to some colorable state interest would*
21 *suffice; in this highly sensitive constitutional area, "only the gravest abuses,*
22 *endangering paramount interests, give occasion for permissible limitation,"*
23 Thomas v. Collins, 323 U.S. 516 (1945), 530.^{111/}

24 107. The least restrictive means test as set forth in Sherbert v. Verner, *supra*, and
25 Wisconsin v. Yoder, *supra*, must be the rule of law when furthering a demonstrated
26 compelling state interest.

27 VII. THE NEED FOR A JUST KRITARCHY

28 108. The term 'kritarchy', compounded from the Greek words 'kritès' (judge) or
29 'krito' (to judge) and 'archè' (principle, cause), appears to be coined in 1844 by the

¹¹⁰ Sherbert v. Verner, *supra*.

¹¹¹ Sherbert v. Verner, *supra*.

1 English author Robert Southey. Southey^{112/} was an English poet and friend of
2 Wordsworth and Coleridge. In its construction the term resembles more familiar political
3 terms such as monarchy, oligarchy and hierarchy. 'Kritarchy' is mentioned in, among
4 others, Webster's Unabridged Dictionary, The Oxford English Dictionary and the
5 American Collegiate Dictionary. According to its etymological roots, a kritarchy is a
6 political system in which justice (more exactly the judgment that seeks to determine
7 justice) is the ruling principle or first cause.

8 109. A monarchy is a system in which one person is supposed to be the ruling
9 principle or first cause of every legal action, every other person being no more than an
10 obedient subject of the monarch. In an oligarchy, a few persons (the oligarchs), acting in
11 concert but without a fixed hierarchy among them, are thought to be the source of all
12 legal actions. In the modern system of sovereignty, for example, the members of
13 Congress constitute an oligarchy. All members have equal standing within the respective
14 houses of Congress. However, the results of their deliberations and decisions are
15 supposed to bind all people who, because of their citizenship or residence, are assumed to
16 be subject to the state's authority.

17 110. If 'monarchy' denotes rule by one person and 'oligarchy' rule by a few, it is
18 tempting to understand 'kritarchy' as referring to rule by judges. However, the use of the
19 word 'rule' should not mislead one into thinking that the rule of judges is similar to the
20 rule of monarchs and oligarchs, much less that it is a particular sort of oligarchy.
21 Monarchs and oligarchs aspire to political rule, i.e. the ability and power to enforce

¹¹² Southey, 1774-1843.

1 obedience to their commands, rules, decisions and choices on their subjects. In short,
2 monarchs and oligarchs rule by a mixture of direct command and legislation. Judges, on
3 the other hand, are *supposed not to legislate*, but rather to find ways and means to settle
4 conflicts and disputes in a lawful manner. They do not seek to enforce obedience to their
5 commands as such, but *respect for the law*, which is an order of things that is understood
6 to be objectively given and *not something that answers to whatever desires or ideals the*
7 *judges may have.*

8 111. Southey first used the term ‘kritarchy’ with reference to the rule of the judges
9 over Israel. He found that Samson, Jephthah, Gideon, and others were heroes of the
10 kritarchy. *It is important to note that these great judges held an unwavering reliance*
11 *upon the Scripture as law.* However, when men who sit in the position of judgment lose
12 sight of the rights of the people and attempt to enforce their own arbitrary whims or
13 customs, the term ‘kritarchy’ takes on a whole new meaning. *Only just men have the*
14 *ability to rule justly.*

15 The record in this case shows no attempt on the part of appellants to make
16 Snider’s trial a forum or a circus for the expression of their own political or
17 religious beliefs. *Never was their conduct anything but quiet and respectful.*
18 *Neither by word nor sign did they do anything "to obstruct the administration*
19 *of justice" -- except they would not stand.* When ordered to do so, their
20 response was a simple "I cannot, in good conscience, stand" or words of similar
21 content. *Nothing in the record reveals that these words were spoken*
22 *maliciously, antagonistically, belligerently or were, in the slightest degree,*
23 *disrespectful in tone or decibel volume or by reason of gesture or demeanor.*
24 This case thus presents the bald question whether a failure to stand
25 (accompanied only by such interruption of proceedings as are thought necessary
26 by the district judge to explain the consequences of contempt and cite the
27 alleged contemnor for his actions) is “misbehavior” within the meaning of 18
28 U.S.C. § 401.

29 * * *

30 We share the doubt expressed by the Ninth Circuit in Comstock v. United

1 States, 419 F.2d 1128 (1969), *that failure to rise per se, whether stemming*
2 *from religious belief, conscience or symbolic protest, can be punished as*
3 *"misbehavior" within the meaning of 18 U.S.C. § 401 without violating the*
4 *Constitution.* Where behavior in the courtroom reaches the level of speech or
5 expression, it is protected, absent "an *imminent threat* to the administration of
6 justice." *In re Little*, 404 U.S. 553, 555, 30 L. Ed. 2d 708, 92 S. Ct. 659 (1972);
7 see *In re McConnell*, 370 U.S. 230, 8 L. Ed. 2d 434, 82 S. Ct. 1288 (1962). If
8 Snider's *refusal to rise constitutes symbolic speech*, and if we should construe
9 the statute so as to embrace that refusal to rise within the meaning of
10 "misbehavior," a very serious constitutional question would be presented -- not
11 unlike that in *West Virginia State Board of Education v. Barnette*, 319 U.S. 624,
12 87 L. Ed. 1628, 63 S. Ct. 1178 (1942). It is not easy to distinguish *the rising*
13 *requirement* from the flag salute. Both *seem to require affirmation, if not of a*
14 *belief, at least of "an attitude of mind."* 319 U.S. at 633. As Mr. Justice
15 Jackson said in *Barnette*,

16 *If there is any fixed star in our constitutional constellation, it is that no*
17 *official, high or petty, can prescribe what shall be orthodox in politics,*
18 *nationalism, religion, or other matters of opinion or force citizens to*
19 *confess by word or act their faith therein.* If there are any circumstances
20 which permit an exception, they do not now occur to us.

21 319 U.S. at 642 (*emphasis added*).

22 * * *

23 We are thus led to the conclusion, and so hold, that the *mere failure to rise*
24 *upon command of the marshal in a United States courtroom is not*
25 *misbehavior within the meaning of 18 U.S.C. § 401 and does not constitute*
26 *criminal contempt of the court.* To so hold will not, we think, tend to diminish
27 respect for the judiciary and for the administration of justice. We do not
28 envision, as the result of our decision today, disorder flourishing in the
29 courtroom. Instead, we anticipate the *custom of rising upon the convening*
30 *and adjournment of court* will continue and become more significant because
31 *wholly voluntary.* There was a time when an unwary parishioner was tapped by
32 the warden to enforce *traditional religious observance*, including rising, the
33 bowing of knee and head. *The gestures of piety are still observed -- but*
34 *without coercion.*

35 We have no doubt that the judges of this circuit will continue to maintain order
36 in the courtroom and to conduct business expeditiously. We think they fully
37 share our belief that "*real respect of the citizenry for the judiciary is earned,*
38 *not commanded.*" *In re Chase*, 468 F.2d 128, 137 (7th Cir. 1972) (Stevens, J.,
39 dissenting).^{113/}

40 112. "The bills of rights in the American constitutions have not been drafted for the

1 introduction of new law, but to *secure old principles against abrogation or violation*;
2 they are conservatory, rather than reformatory.”^{114/} “The provision of the Michigan
3 Constitution which states that no person shall be denied the enjoyment of his civil or
4 political rights or be discriminated against in the exercise thereof because of religion,
5 race, color or national origin does not require implementing legislation in order to operate
6 as a limitation on the exercise of governmental power.”^{115/} And “[p]rocedural rules of
7 court are not exempt from the constitutional test as to equal protection of laws.”^{116/}

8 113. “Due process of law requires *notice and an opportunity to be heard* and
9 imports the right to a fair trial of the issues involved in the controversy and a
10 determination of disputed questions of fact on the basis of evidence.”^{117/} Any
11 infringement of Plaintiff’s beliefs that results in a deprivation of an opportunity to be
12 heard will result in a gross denial of due process of law. “The constitutional guaranty of
13 due process simply preserves to the people rights which had existed for centuries, and
14 which had been enjoyed according to the course of the common law, and means such an
15 exercise of governmental power as is sanctioned by settled maxims of law, under such
16 safeguards for the protection of individual rights as those maxims prescribed.”^{118/}

17 **VIII. JUDICIAL NOTICE**

¹¹³ United States of America v. Snider & Snider, 502 F.2d 645 (4th Cir. 1974).

¹¹⁴ Weimer v Bunbury, 30 Mich 201 (1874).

¹¹⁵ Detroit Branch, NAACP v Dearborn, 173 Mich App 602, 434 NW2d 444 (1988), app den 433 Mich 906, 447 NW2d 751 (1989) and (ovrld on other grounds as stated in Harville v State Plumbing & Heating, 218 Mich App 302, 553 NW2d 377 (1996), 71 CCH EDP P 44826).

¹¹⁶ Argenta v Shahan, 135 Mich App 477, 354 NW2d 796 (1984), revd on other grounds 424 Mich 83, 378 NW2d 470 (1985).

¹¹⁷ Napuche v Liquor Control Com., 336 Mich 398, 58 NW2d 118 (1953).

¹¹⁸ People v Dickerson, 164 Mich 148, 129 NW 199 (1910).

1 All officers of this Court are hereby placed on notice under authority of the
2 supremacy and equal protection clauses of the United States Constitution and the
3 common law authorities that non-attorney litigants are held to less stringent standards
4 than bar licensed attorneys;^{119/} court errs if court dismisses the pleadings of a non-
5 attorney litigant without instruction of how pleadings are deficient and how to repair
6 pleadings;^{120/} and all litigants have a constitutionally-secured right to have their claims
7 adjudicated according to the rule of precedent.^{121/} *Any and all emphasis* employed
8 herein may be construed to have been added.

9 **IX. CONCLUSION**

10 Plaintiff's religious beliefs are sincere, deeply held, and not part of some frivolous
11 custom or farcical gimmick under the guise of a religious practice or religious pretence.

12 Plaintiff is fully aware that the orderly administration of courts of justice requires the
13 maintenance of dignity and decorum. However Plaintiff's religious beliefs do not
14 interfere nor are they disruptive of the decorum and respect normally given to a Court
15 and its employees by persons with different religious beliefs.

16 Plaintiff sees no clear and present danger to the peace and safety of the public,
17 anticipates no compelling state interest that would permit any infringement upon
18 Plaintiff's right to Free Exercise, claims that the least restrictive means test should be
19 utilized if such a compelling state interest could possibly be shown, and demands a strict

¹¹⁹ Haines v. Kerner, 404 U.S. 519-421.

¹²⁰ Platsky v. C.I.A., 953 F.2d. 26 (2nd Cir. 1991).

¹²¹ Anastasoff v. United States, 233 F.3rd. 898 (8th Cir. 2000).

1 scrutiny of any presumption that the tenets of the Plaintiff's faith will result in any harm
2 to anyone.

3 The compulsion by the government, the State, or this Court to force Plaintiff to
4 perform what she believes to be a religious act, especially one contrary to her faith,
5 absent any compelling state interest and without having utilized the least restrictive
6 means test, would result in an abuse of discretion by this Court, a deprivation of
7 Plaintiff's God-given right to Free Exercise, which is a violation of the First Article of
8 Amendment to the United States Constitution, and may even result in religious
9 discrimination.

10 Plaintiff's exercise of her deeply held spiritual beliefs and training cannot be held to
11 be a contemptuous act. She simply must do what her faith requires. Because Plaintiff's
12 exercise of this religious freedom is often misunderstood and Courts might improperly
13 take offense where none is intended, Plaintiff attempts to mitigate any misunderstanding
14 by giving sufficient, advance notice to this Court so that it can adjust its conduct
15 accordingly to prevent any potential deprivation of Plaintiff's religious freedom, as might
16 have been the case if the persons in Community For Creative Non-Violence v. Hess had
17 notified the judges of their religious beliefs in advance.

18 Plaintiff cannot be compelled to raise her right hand or to take or swear an oath (or
19 affirmation) as a condition to providing oral testimony, and Plaintiff also cannot be
20 compelled to state any particular or specific verbal formula as a condition to providing
21 oral testimony, since the "least restrictive means" test must first be utilized to
22 accommodate Plaintiff's sincerely held religious beliefs. Plaintiff understands that

1 Plaintiff must tell the truth at all times and that willfully and falsely making oral
2 statements in court would not make Plaintiff immune from criminal prosecution for same.

3 Plaintiff cannot be forced to rise or sit down at any other person's command and be
4 forced to worship someone other than Plaintiff's God. Plaintiff also cannot be compelled
5 to address any particular person in any particular manner, especially when such form of
6 address does not show any disrespect.

7 The entire Court is now on notice of Plaintiff's religious beliefs, and all who purport
8 to deny same to Plaintiff while acting in their official or personal capacities are
9 responsible for their resulting conduct.

10 **X. SIGNATURE**

11 SUBSCRIBED and submitted this 7th day of March, in the Year of Our Lord and
12 Savior, Jesus the Christ, Two Thousand Five.

13 _____
14 <<Plaintiff Name>>

1 **CERTIFICATE OF SERVICE**

2 I, <<Plaintiff Name>>, hereby certify that I served the following documents on this 7th
3 day of March, in the Year of Our Lord and Savior, Jesus the Christ, Two Thousand Five:

- 4 • JUDICIAL NOTICE OF PLAINTIFF'S GOD-GIVEN RIGHT TO FREE
- 5 EXERCISE AND PLAINTIFF'S INTENT TO RELY UPON AND ASSERT
- 6 MOSAIC LAW
- 7 • Certificate of Service

8 by First-Class Mail to:

9 <<Attorney Name>>
 10 Attorney for Defendants <<Defendant Name>>
 11 <<Address>>
 12 <<City>>, <<State>> <<Zip>>
 13 Phone: <<Phone>>; Fax: <<Phone>>
 14 <<Email>>

15 _____
16 <<Plaintiff Name>>