

IN THE MADISON COUNTY SUPERIOR COURT
STATE OF INDIANA

Douglas Spitzer
HADRISON COUNTY SUPERIOR COURT
MADISON INDIANA

2016 MAR 18 PM 2:48

FILED

PAUL AARON GUTHRIE)
Plaintiff,)
vs.)
THE STATE OF INDIANA and)
THE MADISON COUNTY COURTS,)
Defendants.)

CAUSE NO: 48C03-1603-MI-000207

MOTION TO QUASH SUMMONS FOR JURY TRIAL

Comes now the Pro Se natural born Citizen plaintiff, Paul Guthrie, to state and allege the following:

FACTUAL ALLEGATIONS COUNTS 1, 2, and 3

- 1) The issuing of a SUMMONS FOR JURY DUTY sent to Mr. Guthrie by the Madison County Circuit Courts [CJ 9929 SUMMONS FOR JURY DUTY group 48C0304052016] is an unconstitutional act due to Mr. Obama not being a bona fide, legitimate Article II “natural born Citizen” President.
- 2) Mr. Obama’s illegal and unlawful occupation of the Office of President as a natural born SUBJECT of immigration and naturalization defines the Madison County Courts to be a Monarchic and Religious Venue, not a secular state venue, and causes the Madison County judges to be fraudulent actors who are acting under a false color of law.
- 3) Due to the fact that Mr. Obama is not a genuine Article II “natural born Citizen”, the issuing of a SUMMONS FOR JURY DUTY creates a catch-22 situation for the Courts

which automatically disqualifies a potential juror from being able to serve on any jury trial.

PROOF OF THE FACTUAL ALLEGATIONS

In order to prove the factual allegations in Count 1) above, it is required to show that Mr. Obama is not a genuine Article II “natural born Citizen” under U.S. law, which necessitates the discovery of the objective and scientific definition and meaning of Article II, Section 1, Clause 5 “natural born Citizen”. It is very easy to prove the objective and scientific definition and meaning by the simple application of the rules governing the science of jurisprudence, and by the application of the rules governing scientific Theory. The proof takes the form of a mathematical construct and logical proof by elimination and contradiction. We are given that Obama is not the offspring of a U.S. citizen father from a State of the Union, because it has been public knowledge for almost 8 years that Obama’s father was never a U.S. citizen, and never intended to be one. Now I will prove that this fact, that Obama’s father was never a U.S. citizen, disqualifies Barack Hussein Obama II as a lawful or legitimate President, and defines his occupation of the Office to be an unconstitutional act which cannot convey any legitimacy to the Courts as courts of competent jurisdiction which are under the federal and State constitutions, and thus causes the Courts to be acting in a fraudulent manner, and to be misrepresenting themselves as legitimate courts with legitimate judges of a Constitutional Republic which are under the rule of law, which is false under Obama, or under any non-natural born Citizen fake President, and the judges are, in fact, acting under a false color of law by attempting to issue a SUMMONS FOR JURY DUTY, which is an unconstitutional act.

LOGICAL LEGAL PROOF OF COUNT 1

BEGINNING OF PROOF

1) In mathematics, we begin a proof by making an assumption, and then we attempt to prove the assumption to be incorrect by logical contradiction. For our assumption, let us assume that the Article II “natural born Citizen” is defined as ‘a natural person who is born on the soil jurisdiction of the United States to two parents who are both U.S. citizens’. We will call this assumption a Theory definition, and give it a name, the ‘Unity Theory’ definition, because it takes the Positive Law plenary authority of the government to determine who is a natural born SUBJECT at birth, via birth on the soil or to a citizen mother, in order to grant them citizenship by legislation, and combines that power and authority, which goes by soil birth or birth to a citizen mother alone, with the Natural Law authority and jurisdiction of the citizen father who just uses sex to create natural members of the society at birth by his sex act, and then just uses his own testimony alone to legitimate his offspring as his, and thus as U.S. citizens at birth. This fact, that only the offspring of U.S citizen fathers from a State of the Union are born under the jurisdiction of the citizen father to secure the right of citizenship, and are not born under the jurisdiction of the federal government for their right of citizenship to be secured, is verified by Title 8 codes, specifically 8 USC § 1409, and by the Supreme Court in the case *Nguyen v. INS* 533 U.S. 53 (2001) which examined and explained this code, with further explanation

in the Court's supplemental ruling after the majority opinion was given. Thus, as a matter of the science of jurisprudence, the Unity Theory definition is a unity of both Positive Law and Natural Law.

2) In science, what we scientists think we know is governed by a scientific Theory. By the rules governing scientific theories, if even one fact of Nature can be shown to exist which a particular Theory cannot explain, and/or which contradicts the Theory, then that Theory is seen to be incomplete and invalid, and must be thrown out and a new Theory formulated. I will now apply this process to show the Court that the Article II "natural born Citizen" CANNOT be defined as 'one who is born on the soil to two parents who are both citizens'. One need only examine the situation in the federal territories and possessions. Those U.S. citizens who are native indigenous to the federal territories and possessions, such as Guam and Puerto Rico, for example, are U.S. citizens under the 14th Amendment, or under other authorities granted to Congress which govern the federal territories and possessions. Thus an offspring born to those parents in those federal territories is 'one who is born on U.S. soil jurisdiction to two parents who are both U.S. citizens', but the citizens of the federal territories and possessions cannot even field any candidates in a Presidential election and do not even have any electoral votes to contribute to a Presidential election. Thus we have encountered a logical contradiction to our Unity Theory definition which this Theory cannot explain, so this Theory is proven wrong, and it is impossible for natural

born Citizen status to be defined as ‘one who is born on U.S. soil to two parents who are both U.S. citizens’.

END OF PROOF

3) Now let us examine the next Theory definition. The rest of society, i.e., the judges, courts, attorneys, Congress, news media, State Boards of Elections, the State governments, the Department of Justice, and all State and federal government employees, etc., essentially everyone in the society who supports Obama in Office, and who is not the plaintiff Paul Guthrie, all allege and assert that the definition and meaning of Article II “natural born Citizen” is that it means, and is defined as, ‘one who is the offspring of a non-U.S. citizen father and is born on the soil jurisdiction of the U.S. or is born to a citizen mother’. This covers Mr. Obama’s situation. Let us call this theory the ‘Positive Law Theory’ definition of natural born Citizen status, because it only uses the Positive Law plenary authority of government to secure the right of citizenship for natural born SUBJECTS of U.S. law at birth, and is removed from, and ignores, the Natural Law jurisdiction of the citizen father. Now let us prove that this Positive Law Theory definition fails.

BEGINNING OF PROOF

As a simple matter of the science of jurisprudence governing Equity law and contracts, a contract can only secure rights, privileges, and benefits for those who are a party to, or a subject of, the contract. The foreign non-citizen father from a foreign country, and his country, are not even a party

to the contract called the U.S. Constitution, or a subject of, or subject to, the contract called the Constitution, so it is logically and legally a contradiction and absurdity of law to think or allege that the Constitution's Article II "natural born Citizen" clause can secure a right to be citizen or President for the offspring of non-citizen fathers, because those offspring are only covered under the authority granted to Congress under immigration and naturalization, not under Article II. The fact that the Constitution is a contract under Equity Law, which is Positive Law, is confirmed by the federal courts:

In Europe, the executive is synonymous with the sovereign power of a state... where it is too commonly acquired by force or fraud, or both.... In America, however the case is widely different. *Our government is founded upon compact. Sovereignty was, and is, in the people.*

[*Glass v. The Sloop Betsy*, 3 U.S. Dall 6] [*Emphasis added*]

Thus we have now also eliminated the Positive Law Theory definition which is held by the majority of the society.

END OF PROOF

4) Now what is left? By logical deduction and the process of elimination in Points 2) and 3) above, and by the fact that the U.S. Constitution is an agreement only between the States and their citizens, in order to secure rights for the States and their citizens, then the only males left who have not been eliminated, who can possibly be the source of natural born

Citizens, is the male U.S. citizen who is a citizen of a State of the Union.

Thus by the application of the scientific method, we have arrived at the only possible definition and meaning theory, 'The Natural Law Theory of the Father', which defines natural born Citizen status as 'the legitimate offspring of a U.S. citizen father from a State of the Union'.

Thus we have now proven that Obama is not a lawful or legitimate President because he is not a "natural born Citizen", as an objective scientific matter. And we have proven that the Constitutional Republic of the United States has actually been overthrown in a coup d'état, and thus the Courts are no longer courts of competent jurisdiction under any Constitution or rule of law, and Obama's installation and maintenance in the Office of President is an unconstitutional act. The plaintiff Guthrie wishes to remind the Court that:

An unconstitutional act is not law; it confers no rights; it imposes no duties; affords no protection; it creates no office; it is in legal contemplation, as inoperative as though it had never been passed.

[*Norton vs. Shelby County*, 118 U.S. 425, p. 442.]

Thus Obama's unconstitutional occupation of the Office of President is an unconstitutional act and it cannot convey the right of office to the Madison County judges. Therefore, the issuing of a SUMMONS FOR JURY DUTY by the Madison County Courts is also an unconstitutional act under Obama, or under any non-natural born Citizen fake President.

In order to prove the factual allegation in Count 2), we need to show that Obama's illegal occupation as a non-natural born Citizen defines him to be a de facto King under U.S.

law, not a de jure President, which will prove that the current U.S. government at the federal and State levels are actually defined by Obama and Congress and the rest of society to be a monarchic and religious form of government, not a Constitutional Republic as guaranteed to the States by Article 4 § 4.

LOGICAL LEGAL PROOF OF COUNT 2

1) A king is a person who is an offspring granted a legal right privilege at the time of birth, which is called a Title of Nobility, a Positive Law declaration which creates a 'legal right' to be the head political leader of the country that is bestowed upon the offspring at the time of birth, which will one day permit the offspring to be the head political leader of the country.

2) Obama is no different from a king, because he and the rest of society claim that the right to be the head political leader of the country is a legal right privilege of Positive Law which is bestowed upon natural born SUBJECTS at the time of their birth via granted citizenship. This practice of bestowing natural born SUBJECT offspring with the right to be the head political leader of the country at birth is a violation of the Title of Nobility prohibitions of Article I, Section 9, Clause 8, and in Article I, Section 10, Clause 1. Thus Obama is actually a de facto king, not a de jure President.

3) Now we have proven that the United State Constitutional Republic has been overthrown, and a monarchic dictatorship erected in its place. Now I will prove that Obama's illegal and unlawful occupation of the Office of

President defines the government to be a Religion, and the Courts to be a Religious Venue, in violation of Article II, Section 1, Clause 5, and in violation of the 1st Amendment's Establishment Clause which prohibits Congress from making or passing laws which establish Religion.

BEGINNING OF PROOF

4) The only two sources of authority for a king to be king are called, 'The Divine Right of Kings', and 'Might Makes Right'.

5) The 'Divine Right of Kings' is a religious concept, devoid of any natural objective standard of rights existent in Nature as the source of authority to prove that a king has an objective right to be the head political leader of the country.

6) The concept of 'Might Makes Right' is the 'Law of the Jungle', which only applies to lower animals, being misapplied to mankind in order to force a religious form of government as defined in Point 5) above. Thus we see that when you remove the 'Might Makes Right' aspect as not being a legitimate rule of law which applies to reasoning humans, then what is left as the source of authority for Obama to be the head political leader of the country is only religious opinion, as defined in Point 5) above. So it is obvious that a monarchic form of government, which is what we have now under Obama or under any non-natural born Citizen fake President, is automatically a forced religious form of government.

7) By the Congress declaring that Obama is a "natural born Citizen" when he is obviously not one, and upon that declaration installing and

maintaining him in power against Article II, Section 1, Clause 5, Congress has, in effect, 'made a law', or made it 'the law' that Obama is a natural born Citizen and thus a President. That is, Congress has declared with their Positive Law plenary authority, that "natural born Citizen" is defined according to their arbitrary and subjective unfettered discretion via Positive Law, rather than it being defined already under Natural Law with the natural law right declared in the Constitution as natural born Citizen status in order to secure the natural principle that "all men are created equal". That self-evident declaration from the Declaration of Independence is supposed to mean, in general, that any male or female has the right to be the head political leader of the country, not just Royalty, and any male or female citizen can secure the natural right to pass on that right to an offspring, rather than it being just reserved for Royalty, the king or queen. And thus by their actions, over almost 8 years, Congress has redefined natural born Citizen status and thus 'made a new law' to redefine natural born Citizen status away from its original meaning, and therefore Congress has violated the First Amendment's Establishment Clause by having 'made a law' to establish a religious government which all are forced to worship for their political rights. Now all are forced to worship man as the source of our political rights, and forced to view man as the source who gets to define Nature with Positive Law, which is physically impossible, instead of the Creator of Nature, commonly called God, defining things for us, which we just discover to be the natural order

rules. Instead of worshiping God or Nature (Natural Law) as the source of our natural political rights, Congress dictates that we must worship them and Obama as God, as the source of natural political rights.

8) Thus the Madison County Courts and judges are now objectively and scientifically, as matter of the science of jurisprudence, a Religious Venue under a Religious Government which is a Monarchy Government. By the Court's denial of these facts, the judges put themselves out as fraudulent government agents of the wrong jurisdiction who are acting under the false color of law.

END OF PROOF

Now I will show the Court that due to the proven facts above, the Court is in a catch-22, as it does not matter whether the Court grants the plaintiff Guthrie's MOTION TO QUASH SUMMONS FOR JURY DUTY or denies it; as either way, the Court will automatically disqualify Guthrie from having to serve on a jury; and that just by issuing a SUMMONS FOR JURY DUTY under Obama or under any non-natural born Citizen fake President, the Court automatically must disqualify every cognizant natural born Citizen potential juror.

LOGICAL LEGAL PROOF OF COUNT 3

1) If the Court grants the MOTION TO QUASH SUMMONS FOR JURY DUTY, for the reasons stated above in this Motion, then the Courts will disqualify both themselves as legitimate courts and judges, and will also disqualify plaintiff Guthrie from serving on a jury.

2) If the Court denies the MOTION TO QUASH SUMMONS FOR JURY DUTY, in order to maintain an illusion of legitimacy that they have jurisdiction as a court of competent jurisdiction, then in effect, the Court defames plaintiff Guthrie by determining that Guthrie is wrong and is the one who is functionally insane, mentally deficient, and mentally incompetent, incapable of determining the true nature of reality, rather than the rest of society. And thus the Court will be declaring that everyone else is rational and sane and mentally fit to serve on a jury, but not Guthrie, who is seen by the Court to not be mentally competent to be a finder of, or a determiner of, fact and law, because the Court will have determined that Guthrie is such an imbecile that he cannot even determine his own status as a citizen, whether or not he is a natural born SUBJECT, synonymous with 'naturalized citizen' [See *U.S. v. Wong Kim Ark* 169 U.S. 649 (1898)], or a natural born Citizen. Let alone being capable of determining whether or not Obama is a lawful of legitimate President, and thus whether or not the Courts and Government are even valid.

Furthermore, the Supreme Court has already determined that the right to be a naturalized citizen natural born SUBJECT at birth, and the right to be a "natural born Citizen", are legal opposites and are mutually exclusive rights. You can be only one or the other at birth, not both. [See *Minor v. Happersett* 88 U.S. 162 (1875)] The fact that a naturalized citizen natural born SUBJECT has all of the rights of a natural born Citizen EXCEPT the right to be President or Vice President is simply confirmed by reading the

definition of 'naturalized citizen' in the *Bouvier's Law Dictionary*
Adapted to the Constitution and Laws of the States of the Union, 6th rev.
ed. 1856, which can be read online for free at the Constitution Society site
<http://www.constitution.org/bouv/bouvier.htm>. Just keep in mind, that
according to the proof in LOGICAL LEGAL PROOF OF COUNT 2)
section above, the offspring of non-citizen fathers, or of fathers from the
federal territories and possessions, are automatically born as political
aliens with respect to the offspring of a U.S. citizen father from a State of
the Union, because those foreign fathers, or foreign non-citizen fathers,
are not a party to the contract called the U.S. Constitution, which is why
their offspring must be born as SUBJECTS of Equity Law in the first
place, to be adopted and granted citizenship at birth as a legal right. Thus
by denying the facts and law and proof given in this Motion, and by
denying the Motion, then the Court will have predetermined that Guthrie
is mentally incompetent to serve on a jury and so must be dismissed from
jury duty. Either way, whether the Court grants or denies, the Court must
disqualify and dismiss natural born Citizen Plaintiff Guthrie from serving
on a jury.


3) As a result of the above two Points in this section, the civil process is
seen to be broken before it even begins, and it is revealed that under
Obama or under any non-natural born Citizen fake President, the Courts
do not have proper jurisdiction to hear cases, and lack an enforceable civil
process with which to compel any potential juror to serve on a jury. Thus

the rights of an accused who is a cognizant natural born Citizen defendant are denied, because the accused cannot obtain an enforceable civil process to create a jury of cognizant natural born Citizen jurors. Thus the cognizant natural born Citizen defendant is denied a jury of his peers, because the peers of a cognizant natural born Citizen defendant is a jury full of cognizant natural born Citizen jurors. By not disclosing the fact to potential jurors that Obama is not a natural born Citizen, the Court is seen to be stacking the jury box with mentally incompetent functionally insane monarchists and religious opinion persons, and thus the Court is creating a functionally-insane religious tribunal as a jury, not creating a proper secular jury consisting of secularists, a jury composed of those who are cognizant natural born Citizens who know what a natural born Citizen is and how it is defined under U.S. law. Thus any defendant in a case under Obama or under any non-natural born Citizen fake President cannot get a fair trial by an impartial jury of his peers.

CONCLUSION

Whereas Guthrie has proven all factual allegations objectively and conclusively as a matter of science, and as a matter of the science of jurisprudence, not 'opinion' or 'point of view', Guthrie begs the judge to make a ruling up or down on his Motion, and thereby vest the Court with the authority to issue an order excusing Guthrie from Jury Duty at this time.

Respectfully Submitted,



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