



TANAWAH M. DOWNING

CIVIL RIGHTS LITIGATOR & ADVOCATE

Subject: Notice of Constitutional Non-Conformance and Action Item request

Honorable Commissioner or Councilman,

I'm writing to you today to inform you of a situation that is of the utmost urgency and asking that you immediately take action to investigate the non-conformance of Constitutional obligations that I have outlined below. Be advised that this dispute has been submitted to the United States Supreme Court and Article III has been invoked by a United States Citizen demanding that the Court fulfill the obligation of Original Jurisdiction, as codified within the United States Constitution. As a Constitutional obligation, when Article III is invoked, because a State is named a Party, the obligation is not discretionary and non-delegatable and must be performed. Failure to do so would be a breach of Constitutional obligation resulting in a public wronging. Unfortunately, the Clerk of Court is obstructing the administration of Justice by refusing to docket the case, which is of course a crime and intentional refusal to enforce the body of laws governing this nation, by an agent obligated to do so as a result of the Oath or Affirmation taken upon entry into their Office. The intent of this letter is to bring to your attention crimes being committed by agents of the State, whom you pay. It is unlawful to pay someone to commit a crime and as a result, continuing to pay these public officials to abridge, their Constitutional obligations after having been provided with this notice, can result in criminal sanctions being brought against the members of this legislative body.

As an Advocate for the People, I hereby submit this Action Item request to you to immediately take action to address these direct, willful deprivation of rights secured by and enumerated in, the Constitution for the United States of America, by states subjected to the jurisdiction thereof.

Let me be clear, I am not trying to change the laws, rather I am pointing out what the laws state and that the ways in which they are being enforced directly contradict with what is specified. Therefore, I am not trying to change the laws, I am asking that we enforce them. If the laws state that something will be done, in a certain way, then we must follow that way. Laws do not change arbitrarily, that is tyranny. Constitutionalism demands that the laws evolve only through suffrage therefore, it is up to the People to decide whether or not the Constitution applies to them and not a judge or a State. If in the opinion of the People of the United States, any of the provisions or guarantees of the United States Constitution be in any particular way wrong, then let it be corrected by an amendment in the way in which the Constitution so designates. Until, if and when that time comes, every single United States Citizen is entitled to every single right secured by and enumerated in the

United States Constitution, regardless of where they choose to reside within the jurisdictional United States of America.

NOTICE OF CONSTITUTIONAL NON- CONFORMANCE

The Constitution for the United States of America provides the overarching requirements that every state must follow. States cannot enact their own alternative legislation, substitute it for the guarantees of the Constitution and then go out and enforce that as though it is constitutional, that would obviously be an unconstitutional act.

Clause 1 of Amendment 5 to the Constitution for the United States of America states, “No person shall be held to answer for a capital or otherwise infamous crime unless on a presentment or indictment by a grand jury”. That is clear, no person can be arrested and held to answer for a capital or infamous crime without an indictment by a grand jury. Title 18 USC §4083 defines an “infamous crime” as, “any crime punishable by more than one year imprisonment in a penitentiary”. However, your state has enacted its own alternative legislation that permits prosecuting attorneys or police officers to charge by way of “information” and not by indictment, as required by law. That is unconstitutional.

An “emolument violation” is when you pay someone to break the law. You can never pay someone to commit a crime, nor can you receive federal funding, and pay someone to violate federal law. There are two areas of the Constitution that reinforces this. The first is Article 1. Section 10., where it states, “No state shall create any law that shall impair the obligations of contracts”. Police officers, prosecuting attorneys, judges, are all under a contract, that is a contract to perform, based upon the Oath or Affirmation that they took to support and defend the Constitution for the United States of America. The terms or obligations of the contract can be found within the contract itself, which is the Constitution. When a state creates a law that directs its agents to disobey the Constitution, that would obviously be a violation of Article 1. Section 10. Bare in mind that every State constitution has placed itself in subjection to the Constitution for the United States of America, therefore, the Constitution for the United States of America enjoys a position of legal superiority over any conflicting provision with State constitutions or laws and every agent of the State is bound to adherence with the Supreme Law of the Land in such instances.

The second place that reinforces this issue is the 14th amendment, where it states, “No state shall create or enforce any law which shall abridge the privileges or immunities of United States citizens”. The privileges and immunities of United States citizens are at a minimum, those enumerated within the Bill of Rights, the first 10 amendments, they cannot be impaired. This was affirmed by the United States Supreme Court in 2019, unanimous decision, *Timbs v. Indiana*. These limits of power placed upon the state by the constitution in order to protect the liberty of the people by providing a check on States exercise of State prosecutorial power and as a result, there are thousands of people currently imprisoned within your state, illegally and unconstitutionally.

Currently, there are more than 700,000 people across the United States who are imprisoned on direct, facial Constitutional violations, because their judgements derive from direct breaches in Constitutional obligations by numerous states that are acting in direct, willful defiance of the procedures and processes codified within the United States Constitution for the adjudication of crimes. Unfortunately, any judgement rendered as a result of a breach of Constitutional obligation is unconstitutional because such judgements are tainted by the illegality of the way in which they were obtained. No judgement can be Constitutional if they derive from an unconstitutional act.

There are numerous states that outright do not conduct a Grand Jury proceeding at all, including the State of Washington. These states are choosing to charge persons for infamous crimes by information and not by

indictment, as Constitutionally required, however, according to Title 18 USC §555, “Information can only be used for other than infamous crimes.” As a result, millions of United States Citizens have been deprived of Due Process and are now unlawfully imprisoned because the states failed to adhere to the procedures and processes required for the adjudication of crimes, resulting in judgements that are void and completely without force or effect under Civil Rule 60.

This systemic failure of the Justice System to adhere to the agreed upon code of conduct established by the majority goes far beyond those states that are acting in direct, willful defiance of the Constitution because every other state permits the Prosecuting Attorney or law enforcement to charge by Indictment or Information, by their discretion. Unfortunately, states do not have the power to substitute their own alternative legislation for the provisions and guarantees of the United States Constitution and if they do, then the “Judges in every state are bound thereby anything in the Constitution.” According to the Rules of Civil Procedure, “Rules must not conflict with statutes, nor impair the rights of the party’s involved in the dispute, thus a court has no power to create a rule which would constitute a waiver of a Constitutional right.” Or as stated by the United States Supreme Court in the case *Miranda v. Arizona*, “Where rights secured by the Constitution are involved, there can be no legislation created nor rule made which would abrogate them.” Furthermore, sedition is defined as, “The speaking or writing of words, such as law established, to cause disaffection to the Constitution in order to procure its alteration in any way other than lawful manner.” Our Constitution is a rigid Constitution that can only be altered in accordance with the Special Amending Procedures found within Article V. Any attempt to alter it in any other manner, such as by legislation enacted by a State, would be an act of sedition by a body of men attempting to procure its alteration in any way other than lawful manner. There is only one way to change the Constitution and that is through an authentic act of the People and until that happens, the Constitution is wholly with force and effect on all persons individually and collectively.

These States that permit their prosecuting attorneys or police officers to charge by way of information or indictment by their discretion is also acting in an unconstitutional manner, because no State can create a law that allows their public officials to decide who has a Constitutional right and who does not. That would be a violation of Article IV, through the 14th Amendments “Equal Protection Clause.” Discretion unfortunately can never be used with regard to one’s Constitutional obligations, obligations must always be performed, otherwise those Agents are “abusing their discretion” to break the law and again, according to Blackstone, “Every public official who abuses any discretionary authority with which they are invested in law, commits the crimes of extortion, official oppression and perjury”.

I have in my possession over 500,000 criminal affidavits from actual victims, in every state, who have been charged by way of information and not by indictment, as Constitutionally required. These affidavits identify two particular crimes committed by government officials, who this legislative body pay for the work that they perform.

The first crime is Title 18 USC §242, “Deprivation of Rights under Color of Law”. This statute states, “Any person who, under color of any statute, ordinance, custom or regulation, deprive any person, of any right guaranteed by the United States Constitution”, commit that crime. The statute provides the enforcement function against government agents, depriving any person of rights guaranteed by the Constitution of the United States of America and it applies to police officers, judges, prosecutors, or any agent of government invested with law. When a prosecuting attorney chooses to rely upon a state statute to deprive a person of a right secured by and a new in the Constitution for the United States of America, that prosecuting attorney has committed the crime of deprivation of rights under color of law (Title 18 USC §242).

The second crime is Title 18 USC §241, “Conspiracy to Deprive of Rights”. That statute states, “When two or more persons conspire with the purpose of depriving any person of any right guaranteed by the Constitution for the United States of America”, commits that crime. When state judges choose to hold a person over for trial without the proper charging instrument, they have entered into a Conspiracy to Deprive of Rights (Title 18 USC §241).

When a Prosecuting Attorney chooses to rely upon an inferior state statute to deprive a person of a right secured by and enumerated in the Constitution for the United States of America, they commit the crime of Deprivation of Rights under Color of Law (Title 18 USC §242) and when a state judge chooses to hold a person over for trial without having the proper charging instrument, as Constitutionally required, that judge has entered into a Conspiracy to Deprive of Rights (Title 18 USC §241) by and between themselves and the prosecuting attorney and when that judge then orders law enforcement to perform an arrest on an individual without the correct charging instrument, as Constitutionally required, those performing the arrest are complicit in the criminal conspiracy and the crime of kidnapping has occurred. According to law, if the crime of Deprivation of Rights under Color of Law occurs in conjunction with a kidnapping, the penalty is death, as prescribed by law. This is a very serious matter that happens in every single state across the nation, every single day effecting millions of United States Citizens and it is imperative that the Legislative Branch immediately take action to correct the criminal acts of those enforcing and administering the laws of our nation without lawful authority.

Understanding that you will consult your attorney upon receipt of this notice and that attorney will most likely point you to a case from 1884 called *Hurtado v. California* from the United States Supreme Court, I would be remiss if I didn't remind you that the Constitution for the United States of America is the foundation and not a judge made ruling. The Supreme Court has no constituted authority to alter, amend, or destroy any of the provisions or guarantees of the Constitution, because that must be done by an explicit and authentic act of the people, in accordance with the Special Amending Procedure of Article V. Furthermore, judges cannot legislate, we know that because Clause I. Article 1. of the Constitution states, “All legislative power is invested in a congress of United States, consisting of a Senate and a House of Representatives”. Do not make the foolish mistake of relying upon a judge made ruling or inferior state statute, as though it is “law” in deciding how you will proceed in this matter. The Constitution for United States America is the object of which your Fidelity bound, by the Oath or Affirmation you took upon entering into your office. I understand that this is a tough decision that you will have to make, but the difficulty of the decision does not remove your obligation to have to make it. You must decide whether to follow a judge made ruling, or the Constitution for the United States of America, the object of which your Fidelity is bound. I pray that you'll make the right decision.

The last point that I would like to make, is the United States Circuit Court has identified a two-part test used to determine if an “abuse of discretion” by a public official has occurred. The second part of that test states, “Any erroneous view of the law is an automatic abuse of discretion”. An erroneous view of the law would be that in your legal contemplation, in considering this matter, that the lowest form of law, a judge made ruling, is in your opinion superior to the clear limits of power contained within the Constitution for the United States of America. That would be an obvious erroneous view of the law. Therefore, if you continue to pay these public officials to commit these crimes, after having been served this notice publicly on the record, an automatic abuse of discretion will have occurred and according to Blackstone, “any public official who abuses any discretionary authority with which they invest in law, are guilty of the crimes of perjury, extortion, and official oppression”. You are now obligated by law to report these crimes to the proper authorities and failure to do so, willfully or negligently, will result in your complicity in the criminal conspiracy, as well as other crimes such as misprison of felony and official misconduct.

In light of the evidence raised, as well as the supporting evidence that I can provide, upon request for the deprivation of Constitutional rights for millions of United States Citizens, I again implore you and appeal to your honorable nature to immediately initiate a public investigation of these criminal acts to ensure that those tasked with administering and enforcing those laws of this nation are doing it in compliance with the authority with which they are invested by law and when it is determined that there was an abuse of delegated authority, that any and all liberties be immediately restored to all effected party's without delay or obstruction. Any person who pays any public official to act unlawfully, are subject to criminal sanctions, which carry a possible punishment of death, as prescribed by law. I would advise this commission to immediately cease any further payment, benefits, or programs which permit any public official to act contrary to the Supreme Law of the Land.

While it is not the duty of a servant to question the motives of his superior, if he has reason to believe that his acts are unjust, he should obey his conscience and refuse to comply. Ultimately, the servant of a tyrant cannot take refuge in the excuse that he was just "following orders". Therefore, in the wise words of President Abraham Lincoln, "I do suppose that it will be much safer for all, both in private and public station to abide by and conform to, all those acts which stand un-repealed, than to violate any of them trusting to find impunity in their absolute immunity." Absolute immunity only covers civil liability and not criminal liability, so any deprivation of Constitutional rights under the authority of an inferior law or ruling is a crime that no public official can avoid liability for violating and the punishment, as required by law, is one which none of them want to be enforced.

I am available for discussion, should this governmental body desire my professional guidance in further understanding or addressing this matter, as I am currently actively engaged in bringing this matter to the attention of the public and preparing to present this debate to the United States Supreme Court. Your timely response to this matter is in the best interests of your constituents and this nation.

Respectfully and Peacefully a
Servant of Justice,

Tanawah M. Downing, Advocate, Sui Juris
Chief Legal Strategist
The We Shall be Free Tour

(202) 941-2828 cell

t Downing@justicewithoutlimits.org
www.tanawah.com



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Introducing the We Shall be Free Tour: Embrace Equality and Empowerment.

Justice is not just a product; it's a movement. With a focus on equality, this exceptional series of events empowers individuals to stand up for what is right. By promoting fairness and inclusivity, the We Shall be Free Tour fosters a society where everyone's voice is heard and respected.

Many along the way are able to experience the greatness of the Tour as it breaks down barriers and continues to pave the way for a better world. The Tour notified media of its intent to hold 37 press conferences at 37 state capitals and numerous major cities over its length, leading up to the presentation of oral arguments to the United States Supreme Court for what will be the most significant civil rights decision in American history, effecting every single Citizen of the United States of America. Join the movement and be a catalyst for change. Together, let's create a world where freedom truly knows no bounds.

If you are interested in joining or learning more about the tour, please contact:

Tanawah M. Downing, Advocate, Sui Juris

Chief Legal Strategist

We Shall be Free Tour

(202) 941-2828 cell

tdowning@justicewithoutlimits.org

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