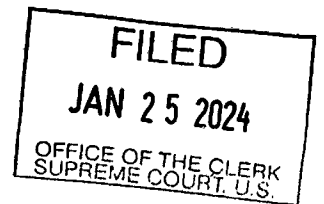


23 - 7611

IN THE
SUPREME COURT OF THE UNITED STATES



Children of the Kingdom & KOYOE Society,
Petitioners,

vs.

Central Appraisal District of Taylor County
Respondent.

Case Numbers: No. 23-0709 Texas Supreme Court
11-22-00198-CV, Eleventh District Court of Appeals, Eastland, Texas
No. 12,555-D 350th Judicial District, Taylor County, Texas

THE TEXAS SUPREME COURT

PETITION FOR WRIT OF CERTIORARI

Carlton Lyons
Mark Almeida
Steve Van Horne,
ministersoflight@aol.com
2700 FM 603
Eula, Texas 79510
(325) 673-0980
*Pro Per, Sur Juris Petitioners (Trust Instrument &
Ministerial Member and Advocate under Trust)*

(Review In Court of Equity Requested)

A. QUESTIONS PRESENTED FOR REVIEW

1. Does the Central Appraisal District of Taylor County have standing to sue Petitioners?
2. Do the Petitioners have a natural, indefeasible, and inalienable right to serve to the Universal Sovereign according to the dictates of their own consciences?
3. Do the Petitioners have the right to create their own peaceful government without the political civil society of any main stream secular government including that of Texas?
4. Did the Central Appraisal District of Taylor County err in its assumption that it has authority to tax Petitioners?
5. If the Petitioners have not avail themselves to the privileges, benefits, or entitlements of the state are they bound to its judgments, having no meaningful relations or conducting any activities which would invoke the state?
5. If the Petitioners did not get an opportunity to be heard and assert their right at the trial, was Due Process of Law afforded to them?

B. LIST OF PARTIES

The following constitutes a list of all parties to the trial court's final judgment and the names and addresses of all trial, appellate, and state Supreme Court counsel:

Petitioners: Children of the Kingdom & KOYOE Society;
Carlton Lyons; Mark Almeida; Steve Van Horne

Petitioners' trial,
Appellate, and
Supreme Court
Advocate: Steve Van Horne
2700 FM 603
Eula, Texas
ministersoflight@aol.com
325 692 2481

Petitioners'
Advocate: Steve Van Horne - *also on petition for review*
3242 Beltway S
Abilene, Texas
ahfl3242@aol.com
325 692 2481

Respondent: Central Appraisal District of Taylor County

Respondent's trial,
Appellate and
Supreme Court
counsel: Nicholas E. Goettsche
State Bar No. 24086725
nicholas.goettsche@mvalaw.com
John O'Connell
State Bar No. 24056057
john.oconnell@mvalaw.com
McCreary, Veselka, Bragg & Allen, P.C.
700 Jeffrey Way, Suite 100
Round Rock, Texas 78665
Telephone: (512) 323-3200
Facsimile: (512) 323-3294

Respondent's
appellate counsel: Nicholas E. Goettsche
State Bar No. 24086725
nicholas.goettsche@mvalaw.com
John O'Connell
State Bar No. 24056057
john.oconnell@mvalaw.com
McCreary, Veseika, Bragg & Allen, P.C.
700 Jeffrey Way, Suite 100
Round Rock, Texas 78665
Telephone: (512) 323-3200
Facsimile: (512) 323-3294

All Parties are listed on cover page

C. TABLE OF CONTENTS & CITED AUTHORITIES

1. TABLE OF CONTENTS

A. QUESTIONS PRESENTED FOR REVIEW.....	Page 2
B. LIST OF PARTIES.....	Page 3
C. TABLE OF CONTENTS & CITED AUTHORITIES.....	Page 4
1. Table of Contents.....	Page 4
2. Cited Authorities.....	Page 7
D. CITATION TO OPINION BELOW.....	Page 9
E. BASIS FOR JURISDICTION.....	Page 9
F. CONSTITUTIONAL PROVISIONS AND LEGAL PRINCIPLES INVOLVED	Page 10
G. STATEMENT OF THE CASE.....	Page 11
1. PETITIONERS RESPECTFULLY REQUEST THAT A WRIT OF CERTIORARI BE ISSUED TO REVIEW THE JUDGMENTS BELOW.....	Page 11
2. FACTUAL BACKGROUND.....	Page 12
3. ARGUMENT.....	Page 13
I. Petitioners are set up under a Holy Religious Societal Trust, whose faith demands their exercise of the natural law of their Creator	Page 13
II. Central Appraisal District Of Taylor County Is Without Standing To Sue Petitioners.....	Page 17
III. Petitioner Has A Natural And Indefeasible Right To Serve Creator According To Their Collective Consciousness.....	Page 22
IV. Petitioners Have The Right To Create Their Own Peaceful Government Without Secular Political Civil Society.....	Page 22

V. Error In The Assumption That CADOTC Has Authority To Tax Petitioners.....	Page 24
VI. Petitioners Have No Meaningful Relations With The State Nor Do They Conduct Any Activities Which Would Invoke The State Benefits Or Privileges.....	Page 25
VII. Due Process Of Law Not Afforded To Petitioners.....	Page 25
H. REASONS FOR GRANTING THE WRIT.....	Page 29
I. CONCLUSION.....	Page 31

INDEX TO APPENDICES

APPENDIX: A

The Eleventh Court of Appeals, Eastland Texas Judgment Affirming the 350th District court's order and judgment on August 03, 2023.
Cause No. 11-22-00198-CV

APPENDIX: B

The 350th District Court. order and judgment entered on June 10, 2022.
Cause No. 12555-D

APPENDIX: C

The Supreme Court of Texas denied Petitioners' Petition for Review on Petition of Writ of Certiorari on January 05, 2024,
Cause No. 23-0709

APPENDIX: D

Copy of the Notice of Trial from Central Appraisal District of Taylor County

APPENDIX: E

Tab 1 Affidavit from Trustee delivered to the court on June 13, 2023
Tab 2 confirmation of court delivery

APPENDIX: F

The Appellee's Brief, acknowledging Petitioners as unincorporated religious societies under first paragraph of "*Statement of Facts*" in the CADOTC's Appellee's Brief "*Statement of Facts*" paragraph.

APPENDIX: G

Set up of societies under Holy Trust documents

APPENDIX: H

Appeals Court's Opinion

APPENDIX: I

Ecclesiastical documents: Covenant with the Most High, and declaration of Sovereign governance under the Creator

2. CITED AUTHORITIES

Abington School Dist. v. Schempp, <u>374 U. S. 203</u> , <u>374 U. S. 230</u> (1963)	Page 16
Brown v. Levee Com'rs, 50 Miss. 468.....	Page 25, 27
Burdick v. People, 36 N.E. 948, 949, 149 Ill. 600 (1894).....	Page 27
Burger King Corp. v. Rudzewicz, 471 U.S. 462, 471-72, 105 S.Ct. 2174, 85 L.Ed.2d 528 (1985).....	Page 25
Cruden v. Neale (May Term, 1796.).....	Page 14
Dartmouth College v. Woodward, 4 Wheat. 518.....	Page 28
Davidson v. New Orleans.....	Page 27
Dupuy v. Tedora, 204 La. 560, 15 So.2d 886, 890 (1943).....	Page 27
Ekern v. McGovern, 154 Wis. 157, 142 N.W. 595, 620 (1913)	Page 26
Engel v. Vitale, 370 U.S. at <u>370 U. S. 428</u> n. 10.....	Page 18
Ervine's Appeal, 16 Penn. St. 256.....	Page 27
Everson v. Board of Education, 330 U.S. 18 (1947).....	Page 24
Ex Parte Rhodes, 79 So. 462 (Ala. 1918) page 70.....	Page 27
French v. Barber Asphalt, 181 U.S. 324, 330 (1900).	Page 25
Hale v. Henkel, 201 U.S. 43, 74 (1905)	Page 27
Hanson v. Denckla, 357 U.S. 235, 253 (1958)).....	Page 25
Hoke v. Henderson, 4 Dev. 1.)	Page 27
Kedroff v. Saint Nicholas Cathedral of Russian Orthodox Church in North America, <u>344 U. S. 94</u> , 116 (1952).	Page 17
Int'l Shoe Co. v. Washington, 326 U.S. 310, 319, 66 S.Ct. 154, 90 L.Ed. 95 (1945)..	Page 25
Luther v. Borden, 48 U.S. 1, 12 L.Ed 581 (1849) at 116.....	Page 23
Mattox v. United States, <u>156 U.S. 237</u> (1895).....	Page 16
McNally v. U.S., 483 U.S. 350, 371-372 (1987).....	Page 23
Montgomery v. State 45 So. 879 55 Fla. 97.....	Page 11, 23, 28
Murray's Lessee v. Hoboken Imp. Co., 18 How. (59 U.S.) 272, 276 (1855)	Page 26
National Auto Corp. v. Barford, 289 Pa. 307, 311.....	Page 27
Rabin v. Dep't of State, No. 95-4310, 1997 U.S. Dist. LEXIS 15718.....	Page 11
Reetz v. Michigan, 188 U.S. 505, 508.....	Page 27
Rohn v. Harris, 130 Ill. 525.....	Page 27
Sherar vs. Cullen, 481 F. 946.....	Page 29
Solesbee v. Balcom, 339 U.S. 9 (1950).....	Page 26
Stuart v. Palmer, 74 N.Y. 183.	Page 28

Taylor v. Porter, 4 Hill, 140.	Page 27
The State Of Missouri, Respondent, v. J. A. Cummings, Appellant. Supreme Court of Missouri 1865.....	Page 23
Trustees of New Life in Christ Church V. Fredericksburg, Justice Gorsuch, dissenting from the denial of Certiorari	Page 15
U.S. v Holzer, 816 F.2d. 304, 307.....	Page 23
Vaughn v. State, 3 Tenn.Crim.App. 54, 456 S.W.2d 879, 883.	Page 26
Walz v. Tax Comm'n of City of New York, <u>397 U.S. 664</u> (1970).....	Page 14,18
World-Wide Volkswagen Corp. v. Woodson, 444 U.S. 286, 294, 100 S.Ct. 559, 62 L.Ed.2d 490 (1980).....	Page 25

Texas Constitution

Article I, Sec. 6	Page 10,22
Article I, Sec. 6 a.....	Page 22
Article VIII, Sec. 1(a), (b).....	Page 20
Article VIII, Sec. 1(b)	Page 21
Article VIII, Sec. 11.....	Page 21
Article VIII, Sec. 15.....	Page 21
Article VIII, Sec. 18	

U.S. Constitution

Article III.....	Page 10
Article VI.....	Page 10

Statutes

Texas Civil Practice and Remedies Code Sec. 110.003, (b) and (c).....	Page 15
28 U.S. Code § 1604.....	Page 24
28 U.S. Code § 2101(c).	Page 10

Other Authorities

12 C.J., Constitutional Law, § 957, p. 1193, notes 76, 77.....	Page 28
16 C.J.S., Constitutional Law, Sect.202, p.987.....	Page 14,15,26
63C Am.Jur.2d, Public Officers and Employees, §247.....	Page 23
Black's Law Dictionary, 6th Edition, page 500.....	Page 26
Black's Law Dictionary, 9th Edition.....	Page 16
Generally C. Antieau, A. Downey, & E. Roberts, Freedom from Federal Establishment (1964).....	Page 18
Memorial and Remonstrance Against Religious Assessments, in Selected Writings of James Madison.....	Page 16,23,27,30,31
Samuel Adams, The Rights of the Colonists, The Report of the Committee of Correspondence to the Boston Town Meeting, Nov. 20, 1772.....	Page 15
The unanimous Declaration of the thirteen united States of America In Congress, July 4, 1776.....	Page 24

Scriptural Authorities

1 Corinthians 6:19.....	Page 20
2 Corinthians 6:14-18.....	Page 18
Deuteronomy 28:9.....	Page 19,20
Ephesians 4:5.....	Page 19
Exodus 3:7-11.....	Page 19
Exodus 12:49.....	Page 18
Exodus 19:5.....	Page 18
Exodus 23:32.....	Page 20
Exodus 34:12.....	Page 20
Ezekiel 18:4.....	Page 20
Ezra 6:21.....	Page 18
Genesis 6:9-22.....	Page 18
Genesis 12:1-9.....	Page 18
Genesis 17:9.....	Page 18
Hebrews 11:7.....	Page 19
Hebrews 11:8.....	Page 19
Isaiah 52:11.....	Page 18
Jeremiah 51:6.....	Page 18
John 8:39.....	Page 19
Judges 2:2.....	Page 20
Leviticus 11:44-45.....	Page 20
Leviticus	Page 20
Luke 4:8.....	Page 18
Matthew 4:4.....	Page 18
Matthew 4:19.....	Page 18
Matthew 6:24.....	Page 18
Revelation 18:3-4	Page 18
Romans 4:16-18.....	Page 18

The Petitioners, Children of the Kingdom & KOYOE Society, are free unincorporated religious societies and requests that the Court issue its Writ of Certiorari review of the denied Petition of Writ of Certiorari from the Supreme Court of Texas entered in this case on January 05, 2024, the Eleventh Court of Appeals, Eastland Texas judgment and order on August 3, 2023, and the judgment and order entered by the 350th District Court in Taylor County, Texas entered on June 10, 2022, in a **COURT OF EQUITY**. And upon review dismiss the case for want of standing of Plaintiff and want of jurisdiction for the district court.

D. CITATION TO OPINION BELOW

Children of the Kingdom, et al., Appellants v. Central Appraisal District of Taylor County, *Appellee*; Cause Numbers: No. 23-0709 Texas Supreme Court, Cause No. 11-22-00198-CV Court of Appeals, and Cause No. 12555-D 350th District Court.

On August 3, 2023, the Eleventh Court of Appeals, Eastland Texas Affirmed the 350th District court's order and judgment (Appendix: A) entered by the 350th District Court in Taylor County Texas on June 10, 2022 to seize and sell Petitioners' private property for recovery of taxes alleged to be owed by Petitioners (Appendix: B).

On January 05, 2024, the Supreme Court of Texas denied Petitioners' Petition for Review on Petition of Writ of Certiorari (Appendix: C).

E. BASIS FOR JURISDICTION

The date on which the Texas Supreme Court denied Petitioners' Petition for Review on a Petition of Writ of Certiorari was January 05, 2024. A copy of that decision appears in Appendix: C. The date on which the Eleventh Court of Appeals, Eastland Texas Affirmed the District court's order and judgment was August 3, 2023. A copy of that decision appears in

Appendix: A. The date on which the District Court entered a judgment to seize and sell Petitioners' private property for recovery of taxes alleged to be owed was June 10, 2022. A copy of that decision appears in (Appendix: B).

The jurisdiction of the Court is invoked under 28 U.S. Code § 2101(c).

F. CONSTITUTIONAL PROVISIONS AND LEGAL PRINCIPLES INVOLVED

The U.S. Constitution Article III provides that the judicial power shall extend to all cases, and the U.S. Constitution Article VI states that the Constitution is the Supreme Law of the Land and judges are bound thereby.

The United States Constitution's First Amendment guarantees the right of the people to be free in the exercise of their religious beliefs and dictates of conscience. The founders understood this right to be natural and inalienable, meaning that the authority over religious worship and matters of conscience was not granted and could not be granted to government authorities outside of sponsorship. This is echoed in the writings of the founders, the US Constitution's establishment clause, Article 1, Sec. 6 of The Texas Constitution, and others.

The 5th Amendment of the U.S. Constitution provides for due process of law, which is process in accordance with the United States Constitution and the Common Law. And the 14th Amendment of the U.S. Constitution applies these protections to the States, stating:

"...nor shall any State deprive any person of life, liberty, or property, without due process of law."

G. STATEMENT OF THE CASE

The Petitioner asks the Court to take judicial notice of the fact that they are free unincorporated, unsponsored religious entities under the trusteeship of a general religious society and are with advocate who is a member of the general society. Our Advocate is not a practicing attorney in the sense of the BAR, is not schooled in the law and legal procedures of the courts, and is not licensed to practice law. Therefore, Petitioners appearance before this court is essentially pro se. The court noted that pro se plaintiffs should be afforded "special solicitude." Rabin v. Dep't of State, No. 95-4310, 1997 U.S. Dist. LEXIS 15718.

Further Petitioners believes that this court has a responsibility and duty to protect any and all of Petitioners constitutional and statutory rights. See Montgomery v. State

1. PETITIONERS RESPECTFULLY REQUEST THAT A WRIT OF CERTIORARI BE ISSUED TO REVIEW THE JUDGMENTS BELOW

Petitioners, Children of the Kingdom & KOYOE Society, hereby petitions for a writ of certiorari to review the denial of Petitioners, writ of certiorari by the Texas Supreme Court, the affirmed order and judgment of the 11th Court of Appeals, Eastland, Texas, and the order and judgments of the 350 Judicial District Court, Taylor County.

Within the mentioned courts, there was no fair support for Petitioners' retention of their natural, inalienable, indefeasible, and constitutionally protected right to remain without government interference in regards to Petitioners' natural right to choose not to have their property taxed being non-state sponsored, unincorporated religious societies under the trusteeship of a general religious society. There was also defective exercise of due process provisions afforded to the Petitioners.

2. FACTUAL BACKGROUND

The Central Appraisal District of Taylor County sued the Petitioners for unpaid taxes. Due to the nature of Petitioners' societal setup, the appraisal district had problems process serving. Petitioner received a "Notice of Trial" from CADOTC's counsel on June 09, 2022, at an alternate address a day before the trial (See Appendix: D). One of the Petitioners' trustees mailed an affidavit to the trial court and CADOTC's counsel the same day notifying the court that they received the 'Notice of Trial' on June 09, 2022 and that it was too short a time to appear before the court. This affidavit was delivered to the court on June 13, 2023 (See Appendix: E; Appendix Tab 1 from Appellee's brief; Tab 2 is confirmation of court delivery). However, the court claims they did not receive it. The trustees were never served, trial was held without a jury or the Petitioners, and a judgment was entered against the Petitioners to seize and sell their property for the recovery of unpaid property taxes.

On appeal, Petitioner challenged:

1. *Whether Plaintiff has standing to pursue a claim in state District Court which hangs on constitutionally recognized and protected provisions.*
2. *Whether a trial court has jurisdiction to (a) hear claims based on speculative allegations which hangs on constitutionally recognized and protected provisions and freedom of religious expression.
(b) Issue an order to seize and sell Respondents' private property.*
3. *Whether Plaintiff has pleaded a violation of any law that gives them authority to collect taxes from Respondents.*
4. *Whether Plaintiff has overcome Respondents' qualified immunity claims.*

Due to the fact that the Petitioners could not make the trial there is no record of any testimony from them. Therefore, the court of appeal did not consider any pertinent areas of their argument on appeal such as the fact that Petitioners are set up under a religious trust, not the state, and on August 03, 2023 the court of appeals affirmed the district court's judgment. The Petitioners then appealed to the Texas Supreme Court which denied Petitioners' Petition for Review. This is unfortunate, as the courts' position so far only subject Petitioner to the interference of government into matters of religious practice, faith, and conscience. The Petitioners now appeal this court

3. ARGUMENT

I. Petitioners are set up under a Holy Religious Societal Trust, whose faith demands their exercise of the natural law of their Creator

The CADOTC presented the Petitioners to the trial court as corporations. However, the Petitioners are unincorporated religious societies under trusteeship. This fact is undisputed among the parties¹. These societies are set up under a pure private trust referred to as: "Holy Trust", "The Kingdom of יהוה on Earth" and are registered therein (See Appendix: G). Petitioners have retained all natural, common, and unalienable right according to natural law, and are not members of the political society of the state by supreme command of Universal Sovereign.

Petitioners believe that filling out an application for property tax exemption would create meaningful contact and ties with the state, which is prohibited for them. The various constitutions, including that of Texas, require religions that are not state sponsored to be exempt from state interference in worship, faith, belief, and conscience. This is a common law right.

This nation was founded on the premise that there is a separation of church (religion) and

1. See pg. 1, first paragraph of the "*Statement of Facts*" in the CADOTC's Appellee's Brief (Appendix: F)

state. Religion is made up the people in their collective body (members) just as state is made up of people in their collective body (members). Religion's rights are private rights and the state's rights are public rights. Religion is led by higher powers which are followed by belief and conscience. The state is led by the devices of men within their governmental laws (constitutions and legal statutes).

The state sponsors most religions, which are incorporated by choice or by implication, such as those seeking certain state privileges or benefits which make them a part of the political society of the state. The privilege could be applying for federal exemption status that allows their members to write off donations to a church. Such privileges bring the religion under state sponsorship by implication. The privilege could be applying for state property tax exemption which brings them under state jurisdiction, as the state becomes the qualifier of their religious exemption, as it determines whether they meet state compliance to qualify as a church.

However, religion is inherently exempt. Its exercise is permitted to exist without sponsorship and without govt. interference. See *Waltz v. Tax Comm'n of City of New York*, 397 U.S. 664 (1970)., being sacred and free from its inception as a natural right prescribed by natural law – the law of the Universal Sovereign, and is recognized as such by the founding fathers of this nation.

"Personal liberty, or the Right to enjoyment of life and liberty, is one of the fundamental or natural Rights, which has been protected by its inclusion as a guarantee in the various constitutions, which is not derived from, or dependent on, the U.S. Constitution, which may not be submitted to a vote and may not depend on the outcome of an election. It is one of the most sacred and valuable Rights, as sacred as the Right to private property ... and is regarded as inalienable." 16 C.J.S., Constitutional Law, Sect.202, p.987

Notice that the Right to private property is a most sacred right, it is also regarded as inalienable (cannot be taken away). This has never changed and cannot change. However, as one enters society they often give this up some rights by consent and others through ignorance.

That the majority shall prevail is a rule posterior to the formation of government, and results from it. It is not a rule binding upon mankind in their natural state. There, every man is independent of all laws, except those prescribed by nature (Laws of God). He is not bound by any institutions formed by his fellowmen without his consent. Cruden v. Neale (May Term, 1796.) Emphasis added.

Unfortunately today 99% of religions apply for religious exemption from federal and/or state governments, which by implication, brings them into a meaningful relationship or contact with the state and by implication under government laws and regulations for religion under the state. Thus the state is the ultimate qualifier of what the religions can and cannot ultimately do in regards to following the instructions of the Creator.

Texas Civil Practice and Remedies Code Sec. 110.003, (b) and (c) clearly give the state's interest precedence over the commands of the Creator. Fortunately, a natural right "is not derived from, or dependent on, the U.S. Constitution, which may not be submitted to a vote (which the Texas Civil Practice and Remedies Code came into existence by vote) and may not depend on the outcome of an election. 16 C.J.S., Constitutional Law, Sect.202, p.987.

Founding father Samuel Adams had this to say about the natural rights which civil government was instituted by the fathers to protect.

*"In short, it is the greatest absurdity to suppose it in the power of one, or any number of men, at the entering into society, to renounce their essential natural rights, or the means of preserving those rights; when the grand end of civil government, from the very nature of its institution, is for the support, protection, and defence of those very rights; the principal of which, as is before observed, are Life, Liberty, and Property. If men, through fear, fraud, or mistake, should in terms renounce or give up any essential natural right, the eternal law of reason and the grand end of society would absolutely vacate such renunciation. The right to freedom being the gift of God Almighty, it is not in the power of man to alienate this gift and voluntarily become a slave. Samuel Adams, *The Rights of the Colonists, The Report of the Committee of Correspondence to the Boston Town Meeting*, Nov. 20, 1772.*

In *Trustees of New Life in Christ Church V. Fredericksburg*, Justice Gorsuch, dissenting from the denial of Certiorari, held that:

"The Framers of our Constitution were acutely aware how governments in Europe had sought to control and manipulate religious practices and churches. They resolved that America would be different. In this country, we would not subscribe to the "arrogant pretension" that secular officials may serve as "competent Judge[s] of Religious truth."

So it would appear that actions based upon religious truth or conscience, are not matters for secular governments. One of the Authorities which Gorsuch cited was “*Memorial and Remonstrance Against Religious Assessments, in Selected Writings of James Madison*“. That Authority also states that:

It is the duty of every man to render to the Creator such homage and such only as he believes to be acceptable to him. This duty is precedent, both in order of time and in degree of obligation, to the claims of Civil Society (At 1).

And...

“...much more must every man who becomes a member of any particular Civil Society, do it with a saving of his allegiance to the Universal Sovereign. We maintain therefore that in matters of Religion, no man’s right is abridged (reduced) by the institution of Civil Society and that Religion is wholly (100%) exempt from its cognizance. Emphasis added. Ibid.

Among Black’s Law Dictionary 9th ed.’s definition of “cognizance” are:

- 1. A court’s right and power to try and to determine cases; Jurisdiction.*
- 2. The taking of judicial or authoritative notice.*
- 3. Acknowledgment or admission of an alleged fact; esp. (hist.), acknowledgment of a fine.*

The United States Supreme Court has consistently held that:

The Constitution should be interpreted in the light of the law as it existed at the time it was adopted, not as reaching out for new guaranties of the rights of the citizen, but as securing to every individual such as he already possessed as a British subject -- such as his ancestors had inherited and defended since the days of Magna Charta. Mattox v. United States, 156 U.S. 237 (1895)

The Court has also held that what is permissible and impermissible in regard to religion is what reflects the understanding of the Founding Fathers:

I believe that the line we must draw between the permissible and the impermissible is one which accords with history and faithfully reflects the understanding of the Founding Fathers. It is a line which the Court has consistently sought to mark in its decisions expounding the religious guarantees of the First Amendment. Abington School Dist. v. Schempp, 374 U. S. 203, 374 U. S. 230 (1963).

Madison goes on to state in “*Memorial and Remonstrance Against Religious Assessments...*” that:

Because if Religion be exempt from the authority of the Society at large, still less can it be subject to that of the Legislative Body. The latter are but the creatures and vicegerents of the former. Their jurisdiction is both derivative and limited: it is limited with regard to the co-ordinate departments, more necessarily is it limited with regard to the constituents. Ibid at (2).

As it is plain to see, religion has always been recognized as exempt and only comes under legislative enacted statutes upon consent and as far as property goes, rendering it to the benefit of the society.

Justice Gorsuch goes on to state in his dissent that:

Religious persons retains the right to decide for themselves, matters of government, faith, and doctrine: free from state interference.

In doing so, Justice Gorsuch cited *Kedroff v. Saint Nicholas Cathedral of Russian Orthodox Church in North America*, 344 U. S. 94, 116 (1952). That court stated:

Should the state assert power to change the statute requiring conformity to ancient faith and doctrine to one establishing a different doctrine, the invalidity would be unmistakable.

The opinion radiates, however, a spirit of freedom for religious organizations, an independence from secular control or manipulation, in short, power to decide for themselves, free from state interference, matters of church government as well as those of faith and doctrine.

Therefore, the US Supreme Court is 100 percent in line with Madison, who is termed “the father of the Constitution”.

II. Central Appraisal District Of Taylor County Is Without Standing To Sue Petitioners

In the final sentence of page 3 of the Appeals Court’s Opinion, the Court stated:

“We note at the outset that Appellants’ argument does not pertain to standing, which implicates a plaintiff’s ability to initiate a suit.” (See Appendix: H)

Contrary to the foregoing citations, the Petitioners assert that their argument does pertain to standing, as the Respondent/Plaintiff’s ability to initiate a suit rest in the ability or right to make a legal claim or seek judicial enforcement of a duty or right.

If Justice Gorsuch, the Supreme Court, and James Madison are correct in their statements:

- *This (religious) duty is precedent, both in order of time and in degree of obligation, to the claims of Civil Society.*
- *In matters of Religion, no man’s right is abridged (reduced) by the institution of Civil Society and that Religion is wholly (100%) exempt from its cognizance (Jurisdiction).*
- *Religious persons retains the right to decide for themselves, matters of government, faith, and doctrine: free from state interference.*

The Appraisal District could not possibly have standing to bring a suit against Petitioners. There is already a natural and endowed exemption for religion so there is no need to apply for that which is already required, unless that religion decides to become a sponsored member of the political society.

It is sufficient to note that, for the men who wrote the Religion Clauses of the First Amendment, the "establishment" of a religion connoted sponsorship, financial support, and active involvement of the sovereign in religious activity. In England, and in some Colonies at the time of the separation in 1776, the Church of England was sponsored and supported by the Crown as a state, or established, church; in other countries, "establishment" meant sponsorship by the sovereign of the Lutheran or Catholic Church. See Engel v. Vitale, 370 U.S. at 370 U.S. 428 n. 10. See generally C. Antieau, A. Downey, & E. Roberts, Freedom from Federal Establishment (1964); Walz v. Tax Comm'n of City of New York, 397 U.S. 664 (1970).

Petitioners' ancient faith and doctrine are very clear by scriptural references that they **MUST** keep the covenant with their Heavenly Father². That Covenant *requires conformity* to His will found in His every word (command)³ to Petitioners, which is ancient, as a prerequisite to Him establishing one to Himself. Petitioners' ancient faith and doctrine commands them to live peacefully with, but to function separately from secularism⁴.

2. **YOU MUST KEEP MY COVENANT**— you and your descendants in the generations after you." **Genesis 17:9**

- "One covenant shall apply to both the native and the foreigner who sojourns among you." **Exodus 12:49**
- "Now if **you will indeed obey My voice and keep My covenant**, you will be My treasured possession out of all the nations—for the whole earth is Mine." **Exodus 19:5**
- 3. 'You shall worship יהוה your Father, and Him [only] you shall serve.' **Luke 4:8**
- יהוה shall establish you as a holy people unto himself, as he has sworn unto you, **if you will keep the commandments of יהוה your Father, and walk in his ways.** **Deuteronomy 28:9**
- "**Man shall not live on bread alone, but on every word that comes from the mouth of יהוה.**" **Matthew 4:4**
- 4. "Do not be unequally yoked with unbelievers. For what partnership can righteousness have with wickedness? Or what fellowship does light have with darkness? What harmony is there between Messiah and Belial? Or what does a believer have in common with an unbeliever? What agreement can exist between the temple of יהוה and idols? For we are the temple of the living Father. As יהוה has said: "I will dwell with them and walk among them, and I will be their Father, and they will be My people." says the יהוה. **Therefore come out from among them and be separate.** Touch nothing that's a mixture of good and evil, and I will receive you." **2 Corinthians 6:14-18**
- "**Come out of her, my people, so that you will not share in her sins or contract any of her plagues.**" **Revelation 18:3-4**
- "**Depart, depart, go out from there! Touch no polluted thing; come out from it, purify yourselves, you who carry the vessels (body corporate) of the Supreme Creator.**" **Isaiah 52:11**
- "**Flee out of the midst of Babylon, and deliver every man his soul: be not cut off in her iniquity.**" **Jeremiah 51:6**
- "**all such as had separated themselves unto them from the filthiness of the people of the land, to seek the Father of Israel, did eat...**" **Ezra 6:21**

The heroes of their faith separated themselves from the known main stream or secular world of their time. By this ancient faith it is written that Noah was given instructions which caused him and those who believed him, to separate from the secular world which did not believe him, in his day⁵.

By this ancient faith it is written that, Abraham was given instructions to separate from the secular world in his day⁶. According to Petitioners' faith the promises of יהוה comes by having the faith of Abraham.

"Therefore, the promise comes by faith, so that it may rest on grace (inner spiritual gift from יהוה) and may be guaranteed to all Abraham's offspring—not only to those who are of the law, but also to those who are of the faith of Abraham. He is the father of us all." Romans 4:16-18

"If you were Abraham's children, you would do the works of Abraham." John 8:39

Therefore, it is Petitioners' belief that those who are of the same ancient faith of Abraham are also commanded to separate from secularism as he did.

By this same ancient faith it is written that, Mosheh (Moses) and the Children of Israyl⁷, Yahshua (Jesus) while he was on this planet⁸, and the Apostles after Yahshua transitioned⁹ all separated themselves from the main stream secular world in order to govern themselves according the commands of Universal Sovereign. The forefathers did not prohibit what they did.

The message to the Petitioners today is the same as it had been from ancient times; it is common in our faith which is one faith (See Ephesians 4:5).

It is also our faith that we cannot serve two opposing powers¹⁰. We believe that our body corporates (flesh and blood bodies) belong to our Heavenly Father and we have been entrusted with such vessels to carry out His mission while on this planet. Hence, our body corporates does

5 Genesis 6:9-22; Hebrews 11:7

6 Genesis 12:1-9; Hebrews 11:8

7. Exodus 3:7-11; 1 Samuel 12:6; Acts 7:33-34

8. Matthew 4:19

9. Acts 4:34-35

10. No one can serve two masters, Matthew 6:24

not belong to us¹¹, but are simply His instruments. Therefore, Petitioners cannot be fettered to the will and interests of state above the will and interests of Universal Sovereigns. It is Petitioners' believe that following their Heavenly Father's instructions has dedicated and separated¹² them unto Him as holy¹³.

Not only does this belief system demand separation from secularism, it also demands that Petitioners make no compacts with secular governments¹⁴. Therefore, if Religion is wholly (100%) exempt from civil societies' jurisdiction, Petitioners could not possibly have any duty to pay taxes to support a system they are commanded to have no compacts with.

If Justice Gorsuch (the Supreme Court) and Madison (the Father of The Constitution) are correct, when the Texas Constitution States: "[a]ll real property and tangible personal property in this State, **UNLESS EXEMPT AS REQUIRED** or permitted by this Constitution, whether owned by natural persons or corporations, other than municipal, shall be taxed in proportion to its value, which shall be ascertained **as may be provided by law** (emphasis added)." TEX. CONST. Article VIII, Sec. 1(a), (b). It was already obvious that **Religion is wholly (100%) exempt from the cognizance of Civil Society** and is required to be exempt.

When the Texas Constitution States: "...[a]ll lands and other property **NOT** rendered for

11. "all souls are mine; as the soul of the father, so also the soul of the son is mine." **Ezekiel 18:4.**

• **You are not your own.** 1 Corinthians 6:19.

12. I am יהוה your Father; consecrate yourselves, therefore, and **be holy, because I am holy...** For I am יהוה, who brought you up out of the land of Egypt **so that I would be your Father; therefore be holy, because I am holy.** In **Leviticus 11:44-45**

• "...I am יהוה your Father, **who has set you apart** from the peoples... You are to be holy to Me because I, יהוה, am holy, and I have **set you apart** from the nations to be My own. **Leviticus 20:24,26.**

13. יהוה shall establish you as **a holy people unto himself**, as he has sworn unto you, **if you will keep the commandments of יהוה your Father, and walk in his ways** **Deuteronomy 28:9.**

14. You shall make no covenant with them. **Exodus 23:32**

• Be careful not to make a agreements with the inhabitants of the land you are entering, lest they become a snare in your midst. **Exodus 34:12**

• you are not to make a covenant with the people of this land. **Judges 2:2**

taxation by the owner thereof shall be assessed (**IT DOES NOT SAY TAXED**) at its fair value by the proper officer". *Id.* Sec. 11 (emphasis added). It was already obvious that **Religion is wholly (100%) exempt from the cognizance of Civil Society** and can choose not to render their property for taxation.

When the Texas Constitution States: "*The Legislature shall provide for equalizing, as near as may be, the valuation of all property **subject to or rendered for taxation**, and may also provide for the classification of all lands with reference to their value in the several counties.* *Id.* § 18. It was already obvious that **Religion is wholly (100%) exempt from the cognizance of Civil Society** and is not subject to or rendered for taxation if they so choose.

Any dictionary, including law dictionaries, will define "*render*" as some form of surrendering, submission, or the presentation of something, to be controlled, for consideration, approval, or payment. Therefore, the Texas constitution (the people's contract with their servants) could not further authorize the Texas Legislature (their servants) to create laws for the collection of property taxes. *Id.* Sec. 15. on property already **REQUIRED** to be exempt, hence, not subject to its taxation, before the formation of this nation's state, being separate from it.

This would also mean no Appraisal District was given authority by the people to collect taxes where exemption is required (TEX. CONST. art. VIII, Sec 1(b)), or not subject to, or not rendered for taxation, or where they have been permitted through their application processes, to not tax. Under such constitutional guidelines, statute could not have, and did not, confer such authority upon an appraisal district to collect taxes from one that **is wholly (100%) exempt from the cognizance of the Civil Society it is an agent of,** and who has not rendered their property for taxation.

III. Petitioner Has A Natural And Indefeasible Right To Serve Creator According To Their Collective Consciousness

The Texas Constitution Bill of Rights, in compliance with Supreme Court Justice Gorsuch and founding father James Madison, very clearly stated:

[A]ll men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences. No man shall be compelled to attend, erect or support any place of worship, or to maintain any ministry against his consent. No human authority ought, in any case whatever, to control or interfere with the rights of conscience in matters of religion, and no preference shall ever be given by law to any religious society or mode of worship. But it shall be the duty of the Legislature to pass such laws as may be necessary to protect equally every religious denomination in the peaceable enjoyment of its own mode of public worship. Article 1. Sec. 6. Freedom Of Worship.

Sec. 6 a. RELIGIOUS SERVICE PROTECTIONS. This state or a political subdivision of this state may not enact, adopt, or issue a statute, order, proclamation, decision, or rule that prohibits or limits religious services, including religious services conducted in churches, congregations, and places of worship, in this state by a religious organization established to support and serve the propagation of a sincerely held religious belief.

It is clear that the duty of the Legislature is to pass laws to protect those who choose to exercise their *natural and indefeasible right to worship their Heavenly Father according to the dictates of their own consciences, and insure that No human authority ought, in any case whatever, to control or interfere with their rights of conscience in matters of religion.* Our natural and indefeasible rights are dictated through matters of conscience to function separate from secular government, which no human authority should interfere with according to the Constitution (the people's contract with their servants).

IV. Petitioners Have The Right To Create Their Own Peaceful Government Without Secular Political Civil Society

All officers of Appraisal Districts are clearly human authorities. Therefore, there are limitations to how far secular government may reach into religious matters. If the founders of this nation, the various Constitutions, and US Supreme Court rulings on this subject are correct, Mode of worship, faith, doctrine, and matter of conscience are not matters to be decided by any judicial, legislative, or executive/administrative process of the state. These are matters left

entirely to the individual to decide¹⁵ what is best for the life, liberty, happiness, property, and protection, as a human being and not as a member of any political governmental society¹⁶.

The offices of public officials are held in Trust¹⁷ created by the Constitution (the people's contract with their servants - government), based upon the Declaration of Independence, and they are fiduciaries¹⁸ to every citizen, the beneficiary. Government's only duty is to make sure that the rights of the people are not encroached upon but are thoroughly protected¹⁹.

15. Because we hold it for a fundamental and undeniable truth, "that Religion or the duty which we owe to our Creator and the manner of discharging it, can be directed only by reason and conviction, not by force or violence." The Religion then of every man must be left to the conviction and conscience of every man; and it is the right of every man to exercise it as these may dictate. This right is in its nature an unalienable right. It is unalienable, because the opinions of men, depending only on the evidence contemplated by their own minds cannot follow the dictates of other men: It is unalienable also, because what is here a right towards men, is a duty towards the Creator. It is the duty of every man to render to the Creator such homage and such only as he believes to be acceptable to him. This duty is precedent, both in order of time and in degree of obligation, to the claims of Civil Society. Memorial and Remonstrance against Religious Assessments, James Madison, June 20, 1785

16. What is the Declaration of Right? It is a declaration of the principles upon which the government is founded, the objects it is intended to secure, and of those fundamental rights which belong to the citizen as a man, and not as a member of a political society. It is a limitation upon the powers granted by the Constitution.

"That we hold it to be self-evident, that all men are endowed by their Creator with certain inalienable rights, among which are life, liberty, the enjoyment of the fruits of their own labor, and the pursuit of happiness." What is meant by inalienable rights, if it be not that these rights belong to the citizen as a man because he is a man, and not as a member of civil society, a component portion of the State. The State Of Missouri, Respondent, v. J. A. Cummings, Appellant. Supreme Court of Missouri 1865.

- "The institution of American liberty, is based upon the principles, that the people are capable of self-government" Luther v. Borden, 48 U.S. 1, 12LED 581 (1849) at 116
- "That the sovereignty of the people is supreme, and may act in forming government without the assent of the existing government." Ibid at 118
- "the people are the sole judges of the form of government best calculated to promote their safety and happiness." Ibid at 119
- "as the sovereign power, they have a right to adopt such form of government" Ibid at 120

17. As expressed otherwise, the powers delegated to a public officer are held in trust for the people and are to be exercised in behalf of the government or of all citizens (public and private) who may need the intervention of the officer." 63C Am.Jur.2d, Public Officers and Employees, §247. Emphasis added.

18. "It has been said that the fiduciary responsibilities of a public officer cannot be less than those of a private individual." Ibid

- "A public official is a fiduciary toward the public, including, in the case of a judge, the litigants who appear before him (public and private), McNally v. U.S., 483 U.S. 350, 371-372 (1987), Quoting U.S. v Holzer, 816 F.2d. 304, 307:" Emphasis added

19. The Constitution of the United States, within its limited sphere is the supreme law of the land; and it is the duty of all officials, whether legislative, judicial, executive, administrative. or ministerial, to so perform every official act as not to violate the constitutional provisions.

The duty rests upon all courts, state and national, to guard, protect, and enforce every right granted or secured by the Constitution of the United States, whenever such rights are involved in any proceeding before the court and the right is duly and properly claimed or asserted. Montgomery V. State. 45 So. 879 55 Fla. 97

V. Error In The Assumption That CADOTC Has Authority To Tax Petitioners

According to the writings of founding fathers, the Declaration of Independence, the various Constitutions, and cited cases from the US Supreme Court, no one is part of any society without their consent²⁰. There can be no consent with secular government and Petitioners' society if they are to follow the ancient written commands of their faith, as they are commanded by that faith to function separately from secular society by the *Universal Sovereign*.

Petitioners have a Covenant with Universal Sovereign. Their declaration which separates them, and the reason for their separation, are disclosed as requested by the founding fathers in the Declaration of Independence for those who choose to not to enter into society or leave their political society for another²¹. These documents establish Petitioners' society as a foreign state separate, not under the state of Texas Civil Society (See Appendix: I)²² in the same manner that one state in the Union is separate and sovereign in relation to another state in the Union. According to the founders this is a natural right.

The U.S. Supreme Court Justice Hugo Black famously stated that:

"The First Amendment has erected a wall between church and state. That wall must be kept high and impregnable." *Everson v. Board of Education*, 330 U.S. 18 (1947).

20. We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.--That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed.

21. When in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation. The unanimous Declaration of the thirteen united States of America In Congress, July 4, 1776

22. 8 U.S.C. §1101(a)(14): "Foreign State" TITLE 8, CHAPTER 12, SUBCHAPTER I § 1101§ 1101. Definitions(a) As used in this chapter—(14) The term "foreign state" includes outlying possessions of a foreign state, but self-governing dominions or territories under mandate or trusteeship shall be regarded as separate foreign states."

- 28 U.S. Code §1604. Immunity of a foreign state from jurisdiction. "Subject to existing international agreements to which the United States is a party at the time of enactment of this Act a foreign state shall be immune from the jurisdiction of the courts of the United States and of the States except as provided in sections 1605 to 1607 of this chapter."

If an unsponsored/unincorporated religious organization applies for property tax exemption status from the state (which hold state authority to determine whether they receive an exemption at its will), there would not be a high and impregnable wall kept. Petitioners' could not possible remain separate from that state, as it could only apply (ask permission) from those of whom it's subject to by a subordinate relationship, hence having meaningful contact and being a part of.

VI. Petitioners Have No Meaningful Relations With The State Nor Do They Conduct Any Activities Which Would Invoke The State Benefits Or Privileges.

The Petitioners are commanded^{*}to, and have not avail themselves to the privileges, benefits, or entitlements of the state, has no meaningful relations with it, and do not conduct any activities which would invoke the state's jurisdiction. However, the appraisal district wants to compel Petitioners to apply for property tax exemption against their will. Clearly if Petitioners acquiesces to the demands of the appraisal district, they will be forfeiting their personal liberty rights interests and invoking the privileges of the state. If Petitioners do not apply for an exemption from the state, the state (appraisal district) wishes to use the state's statutes to force Petitioners' free, self-governing society, under color of law, against their will to pay taxes, which will go to support public schools and other public programs which the Petitioners are not part of. These are significant contact with a state which Petitioners are commanded to function separate from and this is all done without due process law.

The Due Process Clause protects an individual's liberty interest in not being subject to the binding judgments of a forum with which he has established no meaningful contacts, ties, or relations. Burger King Corp. v. Rudzewicz, 471 U.S. 462, 471-72, 105 S.Ct. 2174, 85 L.Ed.2d 528 (1985); World-Wide Volkswagen Corp. v. Woodson, 444 U.S. 286, 294, 100 S.Ct. 559, 62 L.Ed.2d 490 (1980); Int'l Shoe Co. v. Washington, 326 U.S. 310, 319, 66 S.Ct. 154, 90 L.Ed. 95 (1945).

A defendant establishes minimum contacts with a forum when it "purposefully avails itself of the privilege of conducting activities within the forum state, thus invoking the benefits and protections of its laws." (Hanson v. Denckla, 357 U.S. 235, 253 (1958)).

VII. Due Process Of Law Not Afforded To Petitioners

The trial court ruled on behalf of the CADOTC to confiscate Petitioners' property and sell it without serving the trustees, without a jury, and without the presence or testimony of the Petitioners to defend their property. The Mississippi Supreme Court has held that:

"None of our liberties are to be taken away except in 'accordance with established principles; none can be forfeited except upon the finding of legal cause, after due hearing.'" Brown v. Levee Com'rs, 50 Miss. 468.

The Petitioners were not heard. This is undoubtable unfair for a state court to order property of a private, free, self-governing religious society to be sold, when according to the founding fathers, the court has no cognizance.

"Due process may be interpreted to mean fundamental fairness and substantial justice. Vaughn v. State, 3 Tenn.Crim.App. 54, 456 S.W.2d 879, 883." Black's Law Dictionary, 6th Edition, page 500.

"It is now the settled doctrine of this Court that the Due Process Clause embodies a system of rights based on moral principles so deeply embedded in the traditions and feelings of our people as to be deemed fundamental to a civilized society as conceived by our whole history. Solesbee v. Balcom, 339 U.S. 9 (1950)

Yet unfairness is exactly what Petitioners have been subjected to by the district court and the appraisal district. The appeals court could have taken judicial notice of this fact and remanded the case. However, The Court of Appeals likewise dismissed the case. Due process of law is to protect private and natural rights, such as those being exercised by Petitioners, and does not depend upon rules which are passed by vote, if they interfere with rights of personal liberties.

"Personal liberty, or the Right to enjoyment of life and liberty, is one of the fundamental or natural Rights, which has been protected by its inclusion as a guarantee in the various constitutions, which is not derived from, or dependent on, the U.S. Constitution, which may not be submitted to a vote and may not depend on the outcome of an election. It is one of the most sacred and valuable Rights, as sacred as the Right to private property ... and is regarded as inalienable." 16 C.J.S., Constitutional Law, Sect.202, p.987

Due process does not depend upon enacted rules for the court.

"Due process of law does not mean merely according to the will of the legislature, or the will of some judicial or quasi-judicial body upon whom it may confer authority. It means according to the law of the land, including the constitution with its guaranties and the legislative enactments and rules duly made by its authority, so far as they are consistent with constitutional limitations. It excludes all mere arbitrary dealings with persons or property. It excludes all interference not according to the established principles of justice, one of the most familiar of them being the right and opportunity for a hearing, to meet opposing evidence and oppose with evidence, according to the established principles of fair investigation to determine the justice of the case, before judgment affecting personal or property rights shall be pronounced." Ekern v. McGovern, 154 Wis. 157, 142 N.W. 595, 620 (1913), cases cited.

It is manifest that it was not left to the legislative power to enact any process which might be devised. The article is a restraint on the legislative, as well as on the executive and judicial, powers of the government, and cannot be so construed as to leave Congress free to make any process "due process of law," by its mere will. *Murray's Lessee v. Hoboken Imp. Co.*, 18 How. (59 U.S.) 272, 276 (1855); *French v. Barber Asphalt*, 181 U.S. 324, 330 (1900).

Thus, involved is the principle of due process of law, the constitutional provision with reference to which was designed to exclude oppression and arbitrary power from every branch of the government, and, with respect to judicial proceedings, contemplates a course of proceedings according to rules and principles which have been established in our system of jurisprudence for the conduct and enforcement of private rights. Thus, as pointed out in *Dupuy v. Tedora*, 204 La. 560, 15 So.2d 886, 890 (1943),

The Judicial Process of the courts so far are not synonymous with due process:

"due process is not synonymous with judicial process." *National Auto Corp. v. Barford*, 289 Pa. 307, 311; *Reetz v. Michigan*, 188 U.S. 505, 508.

"any process is not "due process," merely because a Legislature or a municipality has attempted to authorize it." *Ex Parte Rhodes*, 79 So. 462 (Ala. 1918) page 70

An Act of the legislature is not necessarily the "law of the land." A State cannot make anything "due process of law" which, by its own legislation, it declares to be such. An Act of the legislature, which transfers the property of one man to another without his consent, is not a constitutional exercise of legislative power, because, if effectual, it operates to deprive a man of his property without "due process of law." (*Davidson v. New Orleans*, *supra*, *Taylor v. Porter*, 4 Hill, 140 ; *Rohn v. Harris*, 130 Ill. 525; *Ervine's Appeal*, 16 Penn. St. 256; *Hoke v. Henderson*, 4 Dev. 1.) *Burdick v. People*, 36 N.E. 948, 949, 149 Ill. 600 (1894).

The right of due process of law predates the U.S. Constitution and every State of the Union and cannot be taken away by any legislative act:

His rights are such as existed by the law of the land long antecedent to the organization of the State, and can only be taken from him by due process of law, and in accordance with the Constitution. *Hale v. Henkel*, 201 U.S. 43, 74 (1905).

These phrases in the constitution do not mean the general body of the law, common and statute, as it was at the time the constitution took effect; for that would seem to deny the right of the legislature to amend or repeal the law. They refer to certain fundamental rights, which that system of jurisprudence, of which ours is a derivative, has always recognized. *Brown v. Levee Com'rs*, 50 Miss. 468.

According to the foregoing, no right can be taken from Petitioners without Due Process of Law and Due process of Law is enmeshed in common law and natural justice, which is the law of the Universal Sovereign²³.

23. The laws of nature (natural laws) are the laws of God; whose authority can be superseded by no power on earth. A legislature must not obstruct our obedience to him from whose punishments they cannot protect us. All human constitutions which contradict his laws, we are in conscience bound to disobey. Such have been the adjudications of our courts of justice. *Robin v. Hardaway* (1772) (Emphasis added).

Due process is the law of the land:

"The law of the land," as used in the constitution, has long had an interpretation, which is well understood and practically adhered to. It does not mean an Act of the Legislature; if such was the true construction, this branch of the government could at any time take away life, liberty, property and privilege, without a trial by jury (which is exactly what the trial court and appraisal district are attempting to do to Petitioners). The words just quoted from the constitution, are substantially the same as those found in chapter 29 of Magna Carta, from which they have been borrowed, and incorporated in the federal constitution, and most of the constitutions of the individual States. Lord Coke, in commenting on this chapter, says, "no man shall be disseized, & unless it be by the lawful judgment, that is, a verdict of equals, or by the law of the land; that is, (to speak once for all) by the due course and process of law." Coke, 2 Inst. 46. Blackstone says, 1 Com. 44, "and first it, (the law,) is a rule, not a transient sudden order from a superior, to or concerning a particular person; but something permanent, uniform and universal." Chancellor Kent *172 says, Lecture 24, p. 9, vol. 2, "it may be received as a self-evident proposition, universally understood and acknowledged, throughout this country, that no person can be taken, or imprisoned, or disseized of his freehold, or liberties, or estate, or exiled, or condemned, or deprived of life, liberty or property, unless 'by the law of the land or the judgment of his peers.' The words by the law of the land, as used in Magna Carta in reference to this subject, are understood to mean due process of law; that is, by indictment, or presentment of good and lawful men." Judge Story, in 3 Com. on Constitution, § 1783, says, "the clause, by law of the land, in effect affirms the right of trial according to the process and proceedings of the common law." Dartmouth College v. Woodward, 4 Wheat. 518

Due process requires that a person be not deprived of life, liberty or property without an opportunity to be heard in defense of his right. The rule is founded on principles of natural justice. (Stuart v. Palmer, 74 N.Y. 183.) It was interwoven in common law and found expression in Magna Charta (12 C.J., Constitutional Law, § 957, p. 1193, notes 76, 77).

It has been entrusted in the courts and officers of this land to guard, protect, and enforce every right granted or secured by the Constitution to the Petitioners and anyone in their position.

The Constitution of the United States, within its limited sphere is the supreme law of the land; and it is the duty of all officials, whether legislative, judicial, executive, administrative, or ministerial, to so perform every official act as not to violate the constitutional provisions.

The duty rests upon all courts, state and national, to guard, protect, and enforce every right granted or secured by the Constitution of the United States, whenever such rights are involved in any proceeding before the court and the right is duly and properly claimed or asserted. Montgomery v. State. 45 So. 879 55 Fla. 97

Under color of law, the trial court and appraisal district have disregarded Petitioners' right to freely exercise their religious beliefs and live according to the dictates of their conscience in following the commands of the Universal Sovereign to retain their natural right to remain separate from secularism and be holy to be holy to the Supreme.

The appeals court received evidence of the fact that Petitioners were not present at the hearing which was without a jury and could have remanded the case for trial, but chose to not review any evidence outside of what was part of the trial record. The record however, as stated, was without any testimony from the Petitioners and before a court without a jury present. We have seen that due process has to be fair. The Florida Supreme Court has held that actions which deny one of due process is judicial usurpation and oppression.

"The essential elements of due process of law are notice, and an opportunity to be heard and to defend in an orderly proceeding adapted to the nature of the case. In fact one of the most famous and perhaps the most often quoted definition of due process of law is that of Daniel Webster in his argument in the Dartmouth College case, in which he declared that by due process of law was meant 'a law which hears before it condemns; which proceeds upon inquiry, and renders judgment only after trial.' Somewhat similar is the statement that it is a rule as old as the law that no one shall be personally bound until he has had his day in court, by which is meant, until he has been duly cited to appear, and has been afforded an opportunity to be heard. Judgment without such citation and opportunity wants all the attributes of a judicial determination; it is judicial usurpation and oppression and can never be upheld where justice is fairly administered." Fiehe v. R.E. Householder Co., 125 So. 2, 7 (Fla. 1929)

The Texas Supreme Court denied Petitioners' request for review, in spite of all the evidence and claims of Petitioners' exercise of their constitutionally protected right presented to that court. This denial of justice leaves the trial and appeals courts' actions unsettled with open judgments which are intended to apply unlawful sanctions against Petitioners.

"There can be no sanction or penalty imposed upon one because of this exercise of constitutional Rights." Sherar vs. Cullen, 481 F. 946

H. REASONS FOR GRANTING THE WRIT

1. To determine whether fundamental constitutionally protected Rights such as religious persons right to serve the Universal Sovereign according to the dictates of their conscience, their right to exercise ownership of property without tax or state interference, and their right to due process of law under the Common Law, can be denied to unincorporated/unsponsored Religious societies by the administrative, judicial, or legislative branches of secular governments.

2. James Madison wrote that:

*It is the duty of every man to render to the Creator such homage and **such only as he believes to be acceptable to him.** This duty is precedent, both in order of time and in degree of obligation, to the claims of Civil Society (At 1). Memorial and Remonstrance Against Religious Assessments, in Selected Writings of James Madison.*

And...

*"...much more must every man who becomes a member of any particular Civil Society, **do it with a saving of his allegiance to the Universal Sovereign.** We maintain therefore that in matters of Religion, no man's right is abridged by the institution of Civil Society and that Religion is wholly (100%) exempt from its cognizance.*
Emphasis added. Ibid.

The Petitioners have relied on this document and similar ones by the founding fathers as the ideals which this nation was founded upon. Yet time and time again Petitioners and other bodies under their religious society, are forcibly prosecuted and oppressed under statutory laws which undermined their constitutionally protected and guaranteed Natural and Common Law rights.

The U. S. Supreme Court should grant this petition because throughout the United State of America the very ideals which this nation was founded and formed upon are being destroyed for tens of thousands of individuals, especially religious persons who, due to matters of their clear biblical instructions and conscience, cannot engage in applications which are construed as state incorporation thus, must exercise their constitutionally protected right to function without state interference upon their faith, doctrine, and conscience.

In the Petitioners' faith and doctrine alone, it is made very clear by scriptural references that Petitioners **MUST** keep the covenant with their Heavenly Father. Part of that covenant demands that they make no compacts with secular governments. There is no possible way to adhere to such directives if they are compelled to do the very opposite of those directives by authorities which were put in place to protect the right to following those very directives.

Local state and federal governments appear to be part of what seem to be a concerted effort to deprive Petitioners and others of these basic fundamental rights. This suit by the CADOTC

has only moved the needle further toward demonstrating Petitioners' argument. It has reached a constitutional crisis at this point, as we see children of those who fought and died for their liberty terrified to exercise the rights their forefathers fought and died to secure for them.

The Supreme Court could grant relief to tens of thousands of religious persons, including the Petitioners, to make this great wrong, right, by providing direction and reaffirming the liberties of religious persons to worship according to the dictates of their conscience. The Supreme Court could also providing direction in reaffirming the right of religious persons, such as Petitioners, to exercise their right owning property without state interference of compelling them to apply for property tax exemption.

Hundreds of thousands of citizens have been tricked and intimidated by government and the courts into setting aside their rights, and the religious have fallen prey to the scheme and have paid through great fines and loses just because they choose to worship according to the dictates of their conscience. This is a violation of the inalienable/indefeasible rights of the Petitioners which are declared in the Declaration of Independence and guaranteed to be protected by the United States and various constitutions including the Texas Constitutions.

I. CONCLUSION

The man termed as the father of the Constitution wrote:

*Because we hold it for a fundamental and undeniable truth, "that Religion or the duty which we owe to our Creator and the manner of discharging it, can be directed only by reason and conviction, **not by force or violence.**" **The Religion then of every man must be left to the conviction and conscience of every man; and it is the right of every man to exercise it as these may dictate. This right is in its nature an unalienable right. It is unalienable, because the opinions of men, depending only on the evidence contemplated by their own minds cannot follow the dictates of other men: It is unalienable also, because what is here a right towards men, is a duty towards the Creator. It is the duty of every man to render to the Creator such homage and such only as he believes to be acceptable to him. This duty is precedent, both in order of time and in degree of obligation, to the claims of Civil Society. Memorial and Remonstrance Against Religious Assessments, in Selected Writings of James Madison***

This is a case of a quiet and peaceful religious society doing their due diligence to follow heavenly commands to the best of their ability, and a government which the heavenly commands has commanded the religious society to function separate from, encroaching upon the society's fundamental right and in the process depriving the Society of due process of law and the right to practice religion according to their conscience, is attempting to force the society to follow the dictates of men. Petitioners and tens of thousands more are essentially being religiously persecuted, as we are deprived of worshipping our Creator according to the dictates of our conscience or forced to pay great fines, and absorb great fines, when they are found following the dictates of their conscience in serving their Creator.

It is apparent that the courts and the appraisal district has engaged in the systematic deprivation of rights under color of law. Therefore, the Supreme Court should review this case and reaffirm the principle that due process of law and the right to practice religion according to the dictates of one's conscience are personal rights that the founders of this nation fought for that every individual lawfully living here may be freely entitled to.

The Petitioner requests that the Court grant this Petition for Writ of Certiorari based upon the foregoing argument.

Respectfully submitted on January 25, 2024:

By:
/s/ Carlton Lyons
Carlton Lyons
/s/ Mark Almeida
Mark Almeida
2700 FM 603
Eula Texas 79510
/s/ Steve Van Horne
Steve Van Horne
3242 Beltway South
Abilene, Texas 79606
325 692 2481
Ahf13242@aol.com
Pro Per Petitioners and Advocate