

was not a crime at common law, and since there was no law, the court had no jurisdiction over the subject matter.

The legal system today does not recognize common law crimes, and thus the only thing that is a crime is made so by statute. If there is no statute or law for the crime alleged, there can be no crime, and if there is no crime, there is no subject matter jurisdiction. If a law does not exist, or is not constitutional, the complaint is void and it cannot give subject-matter jurisdiction to the court.

Error Versus Usurpation

To better understand why this must be an issue of subject matter jurisdiction, we need to understand the powers and limitations placed upon a court by fundamental law.

The jurisdiction of a court is in essence its authority to hear and decide a matter. But a court or a judge is in actuality a human agency, and as such is liable to make a mistake or "error" on some issue he decides. All of history is replete with examples of such error occurring. It is universally recognized that a court, which has proper jurisdiction, has the right to be wrong in its judgment.

The jurisdiction and authority to enter a judgment includes the power to decide a case wrongly.²³

Jurisdiction, it is agreed, includes the power to determine either rightfully or wrongfully. It can make no difference how erroneous the decision may be.²⁴

Jurisdiction to decide is jurisdiction to make a wrong as well as a right decision.²⁵

It matters not how unconstitutional a law is, it matters not how much your rights are

violated, it matters not how arbitrary government has been in violating due process of law, a court can rule against you and it is only regarded as "error" or a wrong decision. The judge can give the most incorrect, erroneous or illogical decision and it is binding until it is reversed by a higher court.

The power of a court to decide includes the power to decide wrongly. An erroneous decision is as binding as one that is correct until it is set aside or corrected in a manner provided by law.²⁶

It may be hard for many to accept this concept, especially in light of the corrupt courts that exist today. But it would not be a problem if judges and other leaders were godly men as prescribed by the Bible:

Moreover you shall select from all the people able men, such as fear God, men of truth, hating covetousness; and place such over them to be rulers (Exod. 18:21).

There was a time in this country that when a man was elected to office he had to take an oath that he believed in God and believed in a future state of rewards and punishments. But the spiritual condition of the nation has taken on an evil disposition, which has a definite affect on the nature of the legal system. The result has been courts which defy the law of God, uphold unconstitutional laws, support abortion, allow property to be taken without due process, and make other "wrong" decisions.

The key then is not to find the right law or argument to present in court, but to somehow remove the jurisdiction of the court so that the right to decide wrongly does not exist. This can be done by showing that there are no valid laws charged against you because they do not have enacting clauses or titles. Without valid laws there is no subject matter jurisdiction and any decision rendered is void. There can be no

23 *Provance v. Shawnee Mission Unified School*, 683 P.2d 902, 235 Kan. 927 (1984).

24 *Garcia v. Dial*, 596 S.W.2d 524, 528 (Tex.Cr.App. 1980); *Olson v. Cass County*, 253 N.W.2d 179, 183 (N.D. 1977).

25 *Pope v. United States*, 323 U.S. 1, 65 Sup. Ct. Rep. 16, 23 (1944), cases cited.

26 *Mayhue v. Mayhue*, 706 P.2d 890, 893, note 7 (Okla. 1985).