

8/6/25



# TANAWAH 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. I will be addressing these criminal acts in the very near future, however, the intent of this letter is to bring to your attention a different matter and to give you and your office sufficient time to consider the issue so that you can be adequately prepared when it is brought forward to the public domain.

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**

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.

Clause 1 of Amendment 5 to the United States Constitution states, "No person shall be held to answer for a capital or otherwise infamous crime unless on 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 unless upon a presentment or indictment by a grand jury. Title 18 USC §4083 defines an infamous crime as, "Any crime punishable by more than 1 year imprisonment in a penitentiary."

There are 13 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 13 states that are acting in direct, willful defiance of the Constitution because most other states permit the Prosecuting Attorney to charge by Indictment or Information, as required by law, such as the State of Oklahoma or the State of Florida. 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.

When a Prosecuting Attorney chooses to rely upon a state statute to deprive a person of a right secured by and enumerated in the Constitution for the United States of America, that act is a crime called 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) and when that judge then orders law enforcement to perform an arrest on that 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, which 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 unlawfully.

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,



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