

TITLE 18, U.S.C., SECTION 242
DEPRIVATION OF RIGHTS UNDER COLOR OF
LAW

Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, ... shall be fined under this title or **imprisoned not more than one year, or both**; and if bodily injury results from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title, or imprisoned for any term of years or for life, or both, or may be sentenced to death.

Acts under "color of any law" include acts not only done by federal, state, or local officials within the bounds or limits of their lawful authority, but also acts done without and beyond the bounds of their lawful authority; provided that, in order for unlawful acts of any official to be done under "color of any law," the unlawful acts must be done while such official is purporting or pretending to act in the performance of his/her official duties. This definition includes, in addition to law enforcement officials, individuals such as Mayors, Council persons, Judges, Nursing Home Proprietors, Security Guards, etc., persons who are bound by laws, statutes ordinances, or customs.



Notes and Further Reading

Source: For further information on the subject of Law vs COLOR of Law

<http://www.thelibertybeacon.com/2014/05/17/law-vs-color-of-law/>

Blacks Law Dictionary

LAW VS COLOR OF LAW



"Color" means "An appearance, semblance, or simulacrum, as distinguished from that which is real. A prima facie or apparent right. Hence, a deceptive appearance, a plausible, assumed exterior, concealing a lack of reality; a disguise or pretext. See also colorable." Black's Law Dictionary, 5th Edition, on page 240.

We see examples of Color of Law in our everyday lives and we think it is actual law. To be secure in your person it is essential to know **the difference and recognize what is law and what is color of law.**

"Colorable" means "That which is in appearance only, and not... in reality, what it purports to be, hence counterfeit feigned, having the appearance of truth." *Windle v. Flinn*, 196 Or. 654, 251 P.2d 136, 146.

"Color of Law" means "The appearance or semblance, without the substance, of legal right. Misuse of power, possessed by virtue of state law and made possible only because wrongdoer is clothed with authority of state is action taken under 'color of law.'" *Atkins v. Lanning*, D.C.Okla., 415 F. Supp. 186, 188.

If something is "color of law" then it is **NOT law**, it only looks like law. If you go to the website for the Office of Law Revision Counsel, you will see that most of the titles of the United States Code are "prima facie evidence of the laws of the United States".

"prima facie" means "At first sight; on the first appearance; on the face of it; so far as can be judged from the first disclosure; presumably; a fact presumed to be true unless disproved by some evidence to the contrary." *State ex rel. Herbert v. Whims*, 68 Ohio App. 39, 38 N.E.2d 596, 599, 22 O.O. 110. *Black's Law Dictionary* 5th Edition page 1071.

Prima facie and color of law both go hand in hand, because if a law is prima facie evidence of the laws of the United States, that means it is color of law, by definition. In other words the bureaucrat presumes that the law applies to you until you defeat their presumption.

If you read these prima facie, color of law statutes, you will find them using words like "person". I will use the color of law Title 26 USC as a typical way that they do it.

26 USC 7701 (a) (1) Person. The term "person" shall be construed to mean and include an individual, a trust, estate, partnership, association, company or corporation.

In the Internal Revenue code they say that a "person" has to pay taxes and obey their filing requirement etc., and most people think that they are such a "person", so they do it, but there is a maxim of law that says something else.

Ejusdem Generis (eh-youse-dem generous) v adj. Latin for "of the same kind," used to interpret loosely written statutes. Where a law lists specific classes of persons or things and then refers to them in general, the general statements only apply to the same kind of persons or things specifically listed. Example: if a law refers to automobiles, trucks, tractors, motorcycles and other motor-powered vehicles, "vehicles" would not include airplanes, since the list was of land-based transportation.

Pursuant to the Maxim of Law *ejusdem generis* the word "individual" is another type of fictitious entity because the rest of the entities are fictitious entities and in the rules of statutory construction, a definition must contain the same type of entities, **or it is void for vagueness.** Therefore, an "individual" and a "person" are different names for a corporation.

Title 15 USC Section 44 even provides for an "unincorporated corporation".

When you do what a color of law statute says, you are deemed to have agreed to the terms of the contract, and ignorance of the law is not an excuse.

This is consistent with what the Courts are saying, a "Person" is:

- a) "a variety of entities other than human beings." *Church of Scientology v U.S. Department of Justice*, 612 F.2d 417 (1979) at pg 418
- b) "...foreigners, not citizens..." *United States v Otherson*, 480 F. Supp. 1369 (1979) at pg 1373.
- c) the words "person" and "whoever" include corporations, companies, associations, firms, partnerships, societies, and joint stock companies...Title 1 U.S.C. Chapter 1 – Rules of Construction, Section 1

A sovereign is not a "person" in a legal sense and as far as a statute is concerned;

All of this is consistent with the Fourteenth Amendment because the Fourteenth Amendment talks about a "person" being a US citizen, and both of them are corporations.

Other terminologies which mean the same thing are "pretend legislation" and then it would also follow that offenses under "pretend legislation" would also be "pretend offenses". These terminologies are found in the Declaration of Independence(1776).

For any statute to be legitimate , there are certain requirements. For example, it has to have a preamble, it has to be approved by both the House of Representatives and the Senate, and signed by the President, and there are other requirements as well. The lack of any of these would make it color of law.

Remember, "color of law" means it does NOT have authority, therefore, you have to agree with it, – it is a contract. That is why it is "prima facie", which means it is "at first look". In other words, at first look the courts presume that the statute affects you but **if you can show that you didn't agree to it in some way, then you are free to go.**

Because the US Congress perjurers did their Foreign Sovereign Immunity Act, and also because state citizens are foreign to the United States, most people think that they have to go through a lot to prove that they did not agree to one of these so-called contracts, but the opposite is true.

Color of Law, and Prima Facie, and presumption are all associated with **Admiralty Maritime Law courts.**

Title 42, U.S.C., Section 14141

Pattern and Practice Title 42, U.S.C., Section 14141: makes it unlawful for state or local law enforcement agencies to allow officers to engage in a pattern or practice of conduct that deprives persons of rights protected by the Constitution or laws of the United States. This law is commonly referred to as the Police Misconduct Statute. (**Please learn more about this topic by viewing the link on this tri-fold.**)