



The Due Process Advocate

*"No Person shall be . . . deprived of life, liberty, or property without the due process of law"
- Fifth Amendment of the United States Constitution*

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The use of "arbitrary rule" in government actions is finally coming under fire across the United States as political protesters are realizing the inherent danger and threat to the future well-being of the "common person" in America as the rule of law is sacrificed to promote private political agendas.

POST-ELECTION PROTESTERS ARE DEMANDING TO BE HEARD

Protesters are calling a lot of attention to the exact problem that, frankly, both the traditional Republican and Democrat party-leaders alike have long sought to avoid talking about in public: How do they gain an "unfair" advantage without the people really knowing?

The true rationale, perhaps, that is endorsed by both traditional Republican and Democrat party-leaders, is that the common working people of the United States (of every race, creed, color, religion, and socio-economic status) simply aren't smart enough to know and appreciate what's really going on, and therefore, should not have the final word about the most critical decisions that will shape their destiny as citizens of the United States. Why else would there be an "electoral college?" This arrogant, self-serving attitude of the Washington elite and "powers-to-be" is no doubt a key factor in the growing social unrest across the country. The American people have been unmercifully saddled with a national debt approaching \$20 trillion while the country's wealth is dramatically shifting to the already rich and powerful. Surely not very many Americans intended to vote for more of the same! Did you?

Some protesters are upset with Trump because he is rich and powerful. However, his wealth and status came from his private work of which he is very proud. In contrast, Hillary Clinton became rich and powerful from her work as a public servant; of which she is, perhaps, less proud as evidenced by the fact that she has tried to hide her wealth. In fact, Hillary Clinton said (in an interview with Diane Sawyer in June of 2014) that she was "dead broke" after leaving the White House. The truth is that, while the Clintons were leaving the White House in December of 2000, they bought a seven-bedroom house near Embassy Row in Washington, D.C. for \$2.85 million with \$855,000 down; in addition to their five-bedroom home in Chappaqua, N.Y. that they bought for \$1.7 million in 1999.

No doubt that the many revelations of this 2016 Presidential Election will, much more so than in the past, encourage folks to speak out and be heard with respect to a host of crucial issues about which their voices have been stifled in the past. Hopefully, future activists and protesters will engage in a continuing, relentless campaign to "call out" those political insiders, allegedly working for a government "of the people, by the people, and for the people" who have chosen to use arbitrary rule as a more convenient and politically correct alternative to the legislative process. These "fake leaders" include the many rogue judges and other government officials whose allegiance is to a given political agenda and not to the rule of law. Hopefully, public exposure will encourage these American misfits to reconsider their positions as they find out that the ultimate American sovereignty is, in the final analysis, vested in the American People; who are now taking their cases to the streets in order to be heard.

If Donald Trump recognizes, supports, and restores individual sovereignty as the real foundation for American government; than America can, in fact, be great again.

THE CNN BIAS AGAINST TRUMP

The extraordinary bias shown by some news networks has served as an incredible disservice to all Americans during the presidential campaign. For example, the incessant spin by CNN against Trump (especially by Chris Cuomo who, apparently, had some sort of axe to grind over Trump's decision to take "The Apprentice" to ABC) now has now escalated to a constant campaign of political innuendo and inference to suggest that Trump won't make a good U.S. President. So much for Cuomo's challenge for Trump to accept the results of the election and bury the hatchet! Apparently, CNN never realized that Trump could win. Perhaps CNN believes that a "divided country" makes for better network ratings; which are, all of a sudden, more important than the graciousness to be shown by both the winner and loser of the election. Unfortunately, CNN continues to incorporate the clever use of government officials who are Trump's adversaries to, in essence, stifle the voice those who know that it is in the country's best interests to allow Trump his well-earned opportunity to address our nation's urgent problems. After all, America has some problems that can wait no longer for a solution.

ARBITRARY RULE ALIVE AND WELL IN NEW HAMPSHIRE

In the wake of the recent Wells Fargo debacle, several foreclosed homeowners and readers of The Due Process Advocate have cited examples of "arbitrary rule" by New Hampshire judges. These homeowners claim that the judges, despite overwhelming evidence to the contrary, have ruled in favor of Wells Fargo's claims, as well as the claims of many other of the major US banks, to have orchestrated legal foreclosures and evictions.

As you may know, as reported throughout the national media in September, Wells Fargo was ordered to pay \$185 million to settle charges that employees had fraudulently created deposit and credit card accounts for existing customers without their knowledge to generate bonuses. The Office of the Comptroller of the Currency, the Consumer Financial Protection Bureau, and the City of Los Angeles all announced settlements with Wells Fargo. As a result, Wells Fargo paid the largest penalty the CFPB has ever imposed.

This came as no big surprise to the many New Hampshire homeowners who, for years, have alleged that Wells Fargo was a major player in the illegal operation of New Hampshire "foreclosure mills." Many of the homeowners' allegations are eerily similar; all with evidence of questionably legal foreclosure deeds (due to obviously altered provisions and/or missing mortgage assignments in the chain of title). In most cases, these questionable foreclosure deeds were executed and recorded to prove post-foreclosure ownership of a foreclosed property.

Ironically enough, in New Hampshire, it doesn't really matter if a foreclosure deed is fraudulent. Legitimate ownership of a property can be established by a bank, such as Wells Fargo, merely through the act of recording a foreclosure deed. It simply doesn't matter to a New Hampshire court that a foreclosure deed is likely to be, or alleged to be, the product of fraud! This is because New Hampshire courts, like the courts of many other states, have been strictly "pro-bank" in the wake of the national housing crisis; despite the findings of The Official Government Edition of THE FINANCIAL CRISIS INQUIRY REPORT; FINAL REPORT OF THE NATIONAL COMMISSION

ABOUT THIS PUBLICATION: The Due Process Advocate is published monthly. It is available online and distributed via free email subscriptions. The express purpose of this publication is to expose and stop the proliferation of "government endorsed" actions and policies designed to remove due process rights from the common person to serve private interests and political agendas.

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ON THE CAUSES OF THE FINANCIAL AND ECONOMIC CRISIS IN THE UNITED STATES, submitted by The Financial Crisis Inquiry Commission pursuant to Public Law 111-21 in January of 2011. This report details, explicitly, how and why the crisis occurred. One has only to read the CONCLUSIONS OF THE FINANCIAL CRISIS INQUIRY COMMISSION at Page XV of the 633 page report):

"We conclude this financial crisis was avoidable."

"We conclude widespread failures in financial regulation and supervision proved devastating to the stability of the nation's financial markets."

"We conclude dramatic failures of corporate governance and risk management at many systemically important financial institutions were a key cause of this crisis."

"We conclude a combination of excessive borrowing, risky investments, and lack of transparency put the financial system on a collision course with crisis."

"We conclude the government was ill prepared for the crisis, and its inconsistent response added to the uncertainty and panic in the financial markets."

"We conclude there was a systemic breakdown in accountability and ethics."

"We conclude collapsing mortgage-lending standards and the mortgage securitization pipeline lit and spread the flame of contagion and crisis."

"We conclude over-the-counter derivatives contributed significantly to this crisis."

"We conclude the failures of credit rating agencies were essential cogs in the wheel of financial destruction."

These conclusions are taken verbatim from the CONCLUSIONS OF THE FINANCIAL CRISIS INQUIRY COMMISSION at Page XV of the 633 page report. The entire report is available here:

<http://www.foreclosurebyfraud.com/usr/pdf/201101.pdf>

Perhaps judges should read this report before rubber-stamping any more illegal foreclosures!

At the end of the day, who would have ever imagined that not only New Hampshire courts, but Courts all over the country, could become so openly corrupt as to blatantly sacrifice the due process rights of Americans for the sake of supporting private political agendas? In fact, during the last few decades, the secondary mortgage market became a play-ground for the "get-rich-quick" financial power-houses and big banks to make billions of dollars. This was accomplished through an elaborate and sophisticated scheme centered around the so-called "securitization" of mortgages which made wind-fall profits for the banks, but rendered homeowners defenseless against the inevitable devaluation of the homes and, for millions, the inevitable foreclosures that followed. Nevertheless, the National Housing Crisis precipitated the exposure of, perhaps, just how fast a corrupt, but profitable, political agenda can infiltrate the legal system. Only now are we learning just how much "the fix is in" with respect to the litigation of foreclosure and eviction actions all over the United States.

WE MUST FIGHT TO ELIMINATE "ARBITRARY RULE" OR WITNESS THE DEMISE OF THE UNITED STATES OF AMERICA AS WE CURRENTLY KNOW IT

By Bob Tobiasz

Several months ago, I wrote an article for The Due Process Advocate entitled "Every American Should Understand What Due Process of Law Means for Us." In that article, I pointed out the following:

1. "due process of law means that we will be given notice of any legal proceedings, that we will be afforded the opportunity to present our case at such proceedings and that such proceedings will be fair before any government attempts to take away our life, liberty and/or property;" and
2. "inherent in our due process of law constitutional guarantee is that any law, to which we are subject, shall not be unreasonable, arbitrary and/or capricious."

This article will focus on the word(s) "arbitrary" (double underscored above) or "arbitrary rule." What do these words mean? In simplest terms, they mean that any laws and/or rules to which we are subject must not be random, subjective, uninformed, illogical, haphazard, erratic, frivolous, inconsistent, irrational, irresponsible, unreasonable and/or unaccountable. Conversely, it means that any laws and/or rules to which we are subject must be consistent, dependable, logical, reasonable, rational, reasoned and/or supported.

When a decision is arbitrary, it means that the decision is not based on judgment or reason but instead on discretion without any regards to standards or rules. It implies a disregard of the evidence. In many circumstances, the term "arbitrary" implies an aspect of bad faith and it sometimes may be taken as despotic or tyrannical.

Why, as Americans, should we care about whether decisions by our federal and/or state courts and/or administrative agencies are "arbitrary?" Well, simply put, unless we care enough to dispute and fight to overturn "arbitrary decisions" by those courts and/or administrative agencies, we can expect the following to occur in the United States:

1. continued enrichment of the wealthy and politically well-connected individuals to the detriment of all others;
2. a complete elimination of the middle class way of life on which our country was built; and
3. an eventual complete loss of our "due process of law."

How do we, as Americans, fight to overturn "arbitrary" rules and/or decisions. I suggest that we consider the following steps:

1. In federal and/or state court proceedings, ask for "findings of fact" and "rulings of law." This is probably the best way to keep judges honest;
2. Also, in federal and/or state court and/or agency proceedings, make sure that, within financial reason, you appeal any decisions to higher courts and/or agencies. Learn the appeal process and use it to your advantage;
3. Since "arbitrary rule" flourishes well in environments which are void of practical checks and balances, you should support grass roots efforts to keep the system honest;
4. Do your homework! Support only those candidates at all levels of government who have demonstrated, by their actions, a true respect for "due process of law" for all people, not just the wealthy and/or politically well-connected.

At times, fighting to overcome "arbitrary rule" seems like an insurmountable obstacle. Nonetheless, the fight must continue if we want to maintain our way of life and, simultaneously, make the United States a positive example for the rest of the world.

Note: Bob Tobiasz is a graduate of both Boston College and the University of Chicago. He has an extensive background in business management and financial analysis; including several years as a high-level corporate executive, a real estate investor and manager, a venture capital consultant, and a private investor and entrepreneur. He is a life-long due process advocate.