

State of Alabama
In the Ardmore Municipal Court
Limestone County, Ardmore, Alabama

Criminal Case Number: MC09-71

MUNICIPALITY OF ARDMORE, ALABAMA,

Plaintiff,

vs.

Arthur Hirsch,

Unalienable Rights Claimant.

**NOTICE OF OBJECTION
AND DEMAND**

NOTICE OF OBJECTION:

“WE DARE MAINTAIN OUR RIGHTS” – Alabama State Motto

1. I, Arthur Hirsch, come now and object to, challenge, and rebut any allegation, presumption, or prima facie evidence that this court has subject-matter jurisdiction to hear this case involving my exercise of a constitutionally guaranteed right and state as follows:

2. THAT I am an adult man and competent to declare and affirm the facts set forth herein;

3. THAT I hereby solemnly affirm under penalty of perjury, that the declarations set forth below are true and correct to the best of my personal knowledge, unless based upon best information and belief, which I will so state if applicable, and will testify to their veracity if called upon as a

witness;

4. THAT part of my deeply held religious beliefs is that I have a God-given unalienable right to self defense and to bear arms without governmental restrictions, that is guaranteed by the U.S. Constitution and the Alabama Constitution, and which this court's judge, William G. Mathews, has sworn before God as his witness to support;

4. THAT I am being charged in the instant matter with an unconstitutional "statutory crime" for exercising my constitutionally secured right to bear arms (*Alabama Declaration of Rights*, Article I, Section 26), which also infringes on my unalienable right to freedom of religion guaranteed by Article I, Section 3;

5. THAT I have researched and learned that the Alabama Supreme Court and the U.S. Supreme Court state that my constitutionally secured rights shall remain inviolable, that there will be no rule making which abrogates my inherent rights, and that exercising my unalienable rights cannot be converted into a crime:

"Our Constitution – especially the Bill of Rights – is largely constituted of declarations of the common-law rights which the citizens or people then possessed, together with guaranties that these rights, privileges, and immunities **shall remain inviolate, and that the government shall not usurp, destroy, or encroach thereupon.**" . . . "It is dangerous to construe these reserved powers in Bills of Rights so as to encroach upon the liberties of the citizen, or to enlarge the powers of the government in regard thereto." (Emphasis added.) *Ex Parte Rhodes*, 202 Ala. 68, 71 (1918)

"Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them." (Emphasis added.) *Miranda v. Arizona*, 384 U.S. 436, 491 (1966)

"The claim and exercise of a constitutional right cannot be converted into a crime." (Emphasis added.) *Miller v. United States*, 230 F.2d 486, 490 (5th Cir. 1956)

5. THAT IT IS CLEAR FROM MY READING OF THE ALABAMA DECLARATION OF RIGHTS THAT ARDMORE MUNICIPAL COURT HAS NO JURISDICTIONAL AUTHORITY TO TRY THIS CASE INVOLVING MY ENUMERATED RIGHT TO BEAR ARMS FOR SELF DEFENSE AND MY ASSOCIATED RIGHT TO FREEDOM OF RELIGION SINCE SAID RIGHTS ARE **EXCEPTED** FROM THE GENERAL POWERS OF THE GOVERNMENT AS FOLLOWS:

“That this enumeration of certain rights shall not impair or deny others retained by the people; and, to guard against any encroachments on the rights herein retained, **we declare that everything in this Declaration of Rights is excepted out of the general powers of government, and shall forever remain inviolate.**” *Alabama Declaration of Rights*, Article I, Section 36.

DEMAND:

6. THAT as a matter of right and for the reasons stated above, I **DEMAND** that this case be instantly dismissed, that my gun, holster, and ammunition which were unconstitutionally seized be returned to me immediately without delay, that the bail in the amount of \$750.00 be returned to me immediately without delay, and that reimbursement be made to me immediately in the amount of \$105.00 for the unconstitutional impounding of my car without delay.

I hereby solemnly affirm and declare under penalty of perjury under the laws of the United States of America that the foregoing NOTICE OF OBJECTION AND DEMAND is true and correct to the best of my personal knowledge, information, and belief.

Executed on August 23, 2009.

Arthur Hirsch, Unalienable Rights Claimant
3121 Buffalo Road
Lawrenceburg, Tennessee 38464