

Public Speakers

FY 2025  
FORT BEND COUNTY COMMISSIONERS COURT  
PUBLIC PARTICIPATION

Commissioners Court Meeting Date: 2025-12-18

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Please provide the name and address of any group or organization you represent, if applicable:  
We Shall be Free Tour

MEETING TYPE	AGENDA ITEM#	FOR	AGAINST
Regular Session Agenda	29		✓

Signature Box:

Tanawah Downing (signed on: Thu Dec 18 2025 12:46:02 PM)



**TANAWAH M. 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. The intent of this letter is to bring to your attention crimes being committed by the Agents whom you pay. It is unlawful to pay someone to commit a crime and as a result, continuing to pay these public officials to abridge their Constitutional obligations after having been provided with this notice, can result in criminal sanctions brought against the members of this legislative body.

As an Advocate for the People, I hereby submit this Action Item request to you asking that you 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, rather, 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**

The Constitution for the United States of America provides the overarching requirements that every state must follow. States cannot enact their own alternative legislation, substitute it for the guarantees of the Constitution and then go out and enforce that as though it is Constitutional.

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." However, your state has enacted its own alternative legislation that permits prosecuting attorneys or police officers to charge by way of "Information" and not by Indictment, as required by law. This is unconstitutional.

An "Emolument Violation" is when you pay someone to break the law. There are 2 areas of the Constitution that reinforces this. The first is Article I. Section 10. where it states, "No State shall create any law that shall impair the obligation of contracts." Police officers, prosecuting attorneys, judges, are all under a contract, that is a contract to perform, based upon the Oath or Affirmation that they took to support and defend the Constitution. The terms or obligations of the contract can be found within the Contract itself, which is the Constitution. When a State creates a law that directs its agents to disobey the Constitution, that would obviously be a violation of Article I. Section 10.

The second place that you find the reinforcement of this issue is within the Fourteenth Amendment, where it states, "No State shall create or enforce any law which shall abridge the privileges or immunities of United States Citizens." The privileges and immunities of United States Citizens are, at a minimum, those enumerated within the Bill of Rights (first 10 Amendments). These limitations of power placed upon the State by the Constitution cannot be impaired and as a result, there are tens of thousands of people currently imprisoned within your State illegally and unconstitutionally.

Currently, there are more than 700,000 people across the United States of America who are imprisoned on direct, facial Constitutional violations, because their judgements derive from breaches of Constitutional obligations by numerous states that are acting in direct, willful defiance of the procedures and processes codified within the Constitution for the United States of America 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.

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 (misdemeanors)." 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 to anything in the Constitution" (Article VI). According to the Rules of Civil Procedure, "Rules must not conflict with statutes, nor impair the rights of the parties 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 an 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, or by a judicial ruling from any court, would be an act of sedition committed by a body of men attempting to procure the alteration of the Constitution in an other than lawful manner. There is only one way to change the Constitution and that is through an authentic and explicit act of the People and until that happens, the Constitution is wholly with force and effect on all persons, both individually and collectively.

I have in my possession over 500,000 criminal affidavits from actual victims, in every single State, who have been charged by way of information and not indictment, as Constitutionally required. These affidavits identify two particular crimes committed by government officials, who, this legislative body, pay for the work that they perform.

The first crime is Title 18 USC §242, Deprivation of Rights under Color of Law. That statute states, "Any person who, under color of any statute, ordinance, custom or regulation, deprives any person of any right guaranteed by the United States Constitution," commits that crime. This statute provides the enforcement function against government depriving any persons of rights guaranteed by the Constitution for the United States of America and it applies to police, judges, prosecutors, or any other agent of government invested with law. 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 prosecuting attorney has committed the crime of Deprivation of Rights under Color of Law (Title 18 USC §242).

The second crime is Title 18 USC §241, Conspiracy to Deprive of Rights. That statute states, "When two or more persons conspire with the purpose of depriving any person of any right guaranteed by the United States Constitution," commits that crime. 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) by and between himself and the prosecuting attorney. When that judge then orders law enforcement or the Sheriff's Department to perform an arrest on that individual without the proper charging instrument, as Constitutionally required, those performing the arrest are complicit in the criminal conspiracy, have also deprived of rights under color of law and the crime of kidnapping has then occurred (Title 18 USC §1401).

Anytime that 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 affecting 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.

Understanding that you will consult your attorney upon receipt of this notice and that attorney will point to a case from 1884 called *Hurtado v. California* from the United States Supreme Court, I would be remiss if I do not remind you that the Constitution for the United States of America is the foundation and not a judge made ruling. The Supreme Court has no Constituted authority to alter, amend or destroy any of the provisions or guarantees of the Constitution, because that must be done by an explicit and authentic act of the People, in accordance with the Special Amending Procedure of Article V. Furthermore, judges cannot legislate (create or amend law), we know this because of Clause 1. Article I. of the Constitution states, "All legislative power is vested in a Congress of the United States consisting of a Senate and House of Representatives." Do not make the foolish mistake of relying upon a judge's ruling or inferior state statute, as though it is Law in deciding how you will proceed in this matter. The Constitution for the United States of America is the object of which your fidelity is bound, by the Oath or Affirmation that you took upon entering your Office. I understand that this is a tough decision that you will have to make, but the difficulty of the decision does not remove your obligation to make it. You must decide whether to follow a judge's ruling, or the Constitution for the United States of America, the object of which your fidelity is bound. I pray that you will make the right decision, because the alternative is that I will have to convert these criminal affidavits into criminal complaints and I do not want to have to do that, as I am sure that you don't want me to do that either.

The last point that I would like to make is, the United States Circuit Court has identified a two-part test used to determine if an "abuse of discretion" by a public official has occurred. The second part of that test states, "Any erroneous view of the Law is an automatic abuse of discretion." An erroneous view of the law would be that in your legal contemplation in considering this matter, that the lowest form of law, a judge made ruling, is in your opinion superior to the clear limitations of power contained within the Constitution for the United States of America. That would be an obvious erroneous view of the law. Therefore, if you continue to pay these public officials to commit these crimes, after having been served this notice publicly on the record, an automatic abuse of discretion will have occurred and according to Blackstone, "Any public official who abuses any discretionary authority with which they are invested in law, are guilty of the crimes of perjury, extortion and oppression." You are now obligated by law to report these crimes to the proper authorities, failure to do so, willfully or negligently, will result in your complicity in the criminal conspiracy, as well as other crimes, such as Misprision of Felony and official misconduct.

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 the 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 affected parties 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 allow 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 stations 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. The United States Supreme Court ruled in the case *Imbler v. Pachtman* (1978), "Even judges cloaked with absolute civil immunity for centuries, can still be held criminally liable for willful deprivations of Constitutional rights." Absolute immunity provides no protection from criminal liability resulting from breaches of Constitutional obligations.

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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The We Shall be Free Tour

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## TANAWAH M. DOWNING

CIVIL RIGHTS LITIGATOR & ADVOCATE

### Introducing the We Shall Be Free Tour: Embrace Equality and Empowerment

Justice is not just a product; it is a movement. With a focus on equality, this exceptional series of events empowers individuals to stand up for what is right. By promoting fairness and inclusiveness, the We Shall be Free Tour fosters a society where everyone's voice is heard and respected.

Many along the way can experience the greatness of the Tour as it breaks down barriers and continues to pave the way for a better world. The Tour notified media of its intent to hold 37 press conferences at 37 state capitals and numerous major cities over its length, leading up to the presentation of oral arguments to the United States Supreme Court for what will be the most significant civil rights decision in American history, effecting every single Citizen of the United States of America. Join the movement and be a catalyst for change. Together, let us create a world where freedom truly knows no bounds.

If you are interested in joining or learning more about the tour, please contact:

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We Shall be Free Tour

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Every Prisoner.**



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