

# EXHIBIT H

## CONGRESSIONAL AUTHORITY, STATUTORY LINEAGE, AND CONSTITUTIONAL VIOLATIONS ARISING FROM DEFENDANTS' CONDUCT

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### I. PURPOSE OF THIS EXHIBIT

This Exhibit establishes:

1. **The statutory origin and congressional purpose behind the Civil Rights Acts of 1866 (14 Stat. 27) and 1871 (17 Stat. 13);**
2. **The direct lineage from those Acts to the modern remedy codified as 42 U.S.C. § 1983;**
3. **The constitutional guarantees these Acts were designed to protect; and**
4. **How Defendants' conduct in this matter constitutes the precise type of civil-rights violations Congress intended to remedy through federal intervention.**

Congress created these statutes because—then as now—state officials and state courts were failing to protect citizens from abuses committed under color of law.

This case fits squarely within that historical pattern.

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### II. STATUTORY ORIGINS OF § 1983: THE CIVIL RIGHTS ACT OF 1866 (14 Stat. 27)

#### A. Congressional Purpose

The 1866 Act was enacted because state governments, police, courts, and clerks were:

- refusing due process,
- seizing property without lawful authority,
- denying citizens access to courts,
- relying on discriminatory or arbitrary local practices, and
- acting under color of state law to oppress individuals.

The Act provided:

- federal citizenship protections,
- equal rights in property, contracts, and legal process, and
- **federal criminal and civil enforcement** against *any person* acting under color of state law to deprive rights.

Congress expressly rejected immunity for officials who violated civil rights.

## B. Application to This Case

Defendants in this matter committed the same abuses Congress identified in 1866:

- ✓ unlawful seizure of property under color of law
- ✓ refusal to provide notice, hearing, or due process
- ✓ refusal to provide public records and bond documentation
- ✓ obstruction of ministerial duties
- ✓ denial of access to courts
- ✓ misuse of administrative records to fabricate state jurisdiction
- ✓ systemic alignment of city, county, and contracted private actors to block remedy

These are the exact wrongs 14 Stat. 27 was enacted to eliminate.

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## III. STATUTORY CREATION OF § 1983: THE CIVIL RIGHTS ACT OF 1871 (17 Stat. 13)

### A. Congressional Purpose

Congress enacted the 1871 Act—known as the Ku Klux Klan Act—because state officials were:

- conspiring to deprive citizens of rights,
- refusing or failing to enforce the law,
- obstructing access to courts,
- intimidating citizens who sought remedy,
- misusing judicial authority,
- acting jointly with private individuals to violate rights.

Section 1 of the 1871 Act is the **exact** original source of the modern § 1983 cause of action.

It created federal civil liability for:

“Every person who, under color of any statute, ordinance, regulation, custom, or usage of any State, shall subject... any person... to the deprivation of any rights... secured by the Constitution and laws.”

Congress intended broad liability with **no immunity**, ensuring federal courts would intervene where state systems broke down.

### B. Application to This Case

The facts of this case align with the congressional purpose of the 1871 Act in nearly perfect form:

- ✓ **Joint action** between police, city, county, and private towing agents
- ✓ **Unified refusal** across agencies to provide records or bond information
- ✓ **Obstruction** of filings, docketing, and ministerial recordation

- ✓ **A jurisdictionally void dismissal** issued by a state court to terminate Plaintiff's perfected administrative record
- ✓ **Total closure** of state administrative and judicial avenues of remedy
- ✓ **Retaliatory and coordinated conduct** under color of law

These are the precise abuses that led Congress to create § 1983.

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## **IV. CODIFICATION OF § 1983 IN TITLE 42 — PRIMA FACIE EVIDENCE OF LAW**

Title 42 of the United States Code—including § 1983—is **not positive law**; it is an editorial arrangement under 1 U.S.C. § 204(a).

Thus:

- Title 42 is **prima facie evidence** of the law, not the law itself.
- The controlling authority remains the Statutes at Large—specifically:
  - **14 Stat. 27 (1866)**
  - **17 Stat. 13 (1871)**

Therefore, the remedy in § 1983 must be interpreted in full accordance with the original congressional intent in these enactments.

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## **V. CONSTITUTIONAL VIOLATIONS IN THIS CASE — AS UNDERSTOOD THROUGH CONGRESSIONAL INTENT**

The Defendants' actions violated multiple constitutional protections that the 1866 and 1871 Acts were designed to enforce:

- 1. Fourth Amendment — unlawful seizure of Plaintiff's automobile**
- 2. Fifth Amendment (Takings Clause) — uncompensated taking without due process**
- 3. First Amendment — obstruction of petitions and access to courts**
- 4. Seventh Amendment — right to jury trial in common-law civil-rights actions**
- 5. Fourteenth Amendment — procedural and substantive due-process violations**
- 6. Article VI — violation of Supremacy Clause and constitutional oath**
- 7. Article III — state judicial action taken without jurisdiction**
- 8. Article IV, Section 2 — arbitrary, unequal treatment of a citizen**
- 9. Article I, Section 10 — impairment of perfected private obligations**

The pattern of state-level obstruction, misrepresentation, refusal, and coordinated denial of remedy fits exactly within the congressional concerns that motivated both Reconstruction-era civil-rights statutes.

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## VI. CONCLUSIONS DRAWN FROM STATUTORY AND CONSTITUTIONAL ANALYSIS

The violations in this case fall at the center of the abuses Congress sought to prevent by enacting:

- **14 Stat. 27** — Federal enforcement of individual rights against state interference
- **17 Stat. 13** — Federal remedy when state actors conspire or refuse to provide justice

Federal jurisdiction in this matter is not merely permissible—**it is compelled by the historical intent of Congress.**

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## VII. CLOSING LEGISLATIVE-INTENT PARAGRAPH

Introduced by Lyman Trumbull, Senator from Illinois, and enacted January 5, 1866, the Civil Rights Act of 1866 became the first federal civil-rights bill in the nation’s history. According to Trumbull, the “abstract truths and principles” of the Thirteenth Amendment meant nothing “unless the persons who are to be affected have some means of availing themselves of their benefits.”

The protections of this Act provided Congress’s firm guarantee that state officials could no longer, through inaction, evasion, obstruction, or misuse of authority, deprive any citizen of the fundamental rights of person and property, nor deny them access to courts, remedies, or the equal protection of law. Its purpose was to ensure that whenever state institutions failed to protect these rights—or became active participants in violating them—the federal courts would stand as the final and overriding safeguard of personal liberty.

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