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VIRTUOSO

Pianist Gibbons set to perform at Davis & Elkins. *Page A3*

PREP VOLLEYBALL

Tygarts Valley battles visiting Petersburg. *Page B1*



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Tuesday, Oct. 6, 2015

Justices added to Hudok's lawsuit

By Tim MacVean
Staff Writer

ELKINS — Three area residents who filed a lawsuit against the state of West Virginia demanding a “constitutional government” be restored within the state have also named all five West Virginia Supreme Court Justices as defendants.

Phillip Hudok of Hutonsville, Gene Stalnaker of Daniels and Thomas Deegan of Mineral Wells originally filed

the suit in May against Gov. Earl Ray Tomblin, Attorney General Patrick Morrisey, Clerk of the West Virginia House of Delegates Steve Harrison and an “unknown private for profit subcontractor providing government services and purporting to be lawful gov-



HUDOK

ernment in operation.” The filing has since been amended to also include the five Supreme Court Justices for “failing to act because they were in default and dishonor legally.”

Hudok said, in an exclusive interview with The Inter-Mountain this week, he feels the government is abusing its power and making United States citizens enemies of the government.

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“In 1933, they confiscated the people’s gold and the only way they could do that was to actually take away their rights to that personal property. The government would have stolen the gold from the people. It was a \$10,000 fine and, I forget how many years in prison, I think it was five years in prison if you didn’t turn in your gold bullion, if you had some gold,” Hudok said.

“So what they did, they considered it a time of emergency and they beefed up the 1917 War Powers Act and they called it the 1933 War Powers Act and they declared (United States citizens) enemies of their own government, and we still are,” he said. “We are considered enemies of our own government. That is crucial to this whole thing because that’s what we took to our state. ...”

Hudok said the 1933 War Powers Act has never been re-

scinded, which he believes means the president can, by policy and not law, in time of war, seize property, organize and control production, seize commodities and communication, regulate the operation of private enterprise, restrict travel and “in a plethora of particular ways, control the lives of all American citizens.”

“It’s never been rescinded. We are actually in a state of war and we are the enemy of the government and that should upset me. That’s why the EPA can use policy that is killing West Virginia,” Hudok said. “There is no law that is doing all this stuff, it’s policy and the policies go on and on and on.”

He said a 1934 \$20 bill he possessed had the phrase “Redeemable in lawful money,” printed on it, which he said means at that time the United States didn’t even have “lawful money.” He

said today’s currency states, “This note is legal tender for all debts public and private,” making it a debt note but not actual money.

“One of the things I’m saying is we don’t have lawful government, we don’t even have lawful money,” Hudok said.

He said the group also filed 17 writs of mandamus, or orders from a court to an inferior government official ordering the government official to properly fulfill their official duties or correct an abuse of discretion..

“We had taken the case as far as we could go. As a matter of fact, we couldn’t take it any further. Every government entity in the state was named in our final complaint — the Supreme Court justices, the State Police, the Legislature, the governor, the state attorney general, everybody — number one, they are privately incorporated, which we say is

wrong. Of our original complaint...we had... 17 writs of mandamus where we requested different things. The counsel for the defendants... had to respond to our complaint,” Hudok said. “They only addressed one writ of the 17. When you do that, that’s a tacit admission that the others have validity.”

Hudok said he is asking for all the aforementioned governmental to resign their positions effective immediately.

“What I wanted them to do and what I am asking them to do right now is resign. Gov. Earl Ray Tomblin, I’m asking for his resignation, I’m asking him to resign. Attorney General Patrick Morrisey, I’m asking him to resign,” Hudok said. “The five Supreme Court Justices, I’m asking them to resign.

“The Legislature, I’m acting them to act, since I haven’t had

any personal dealings with them, I can’t because they’re defendants. I’m asking them to return our state to its constitution and until they do, I will continue to ask them to do the honorable thing.”

Hudok said his hope is to have a government that is run for the people of West Virginia and the United States and follows the “rule of law” of the West Virginia Constitution.

“If you do not have the rule of law, you will have tyranny. That’s all we were asking for was the rule of law,” Hudok said. “Not private for profit corporate government and to me, this is the most important thing I’ve ever done in my life. This might be the most important day I’ve ever had in my life. I’m 65, I’ve had a life, but our children deserve that we guard the precious liberty we have.

“I won’t quit. I can’t quit,” Hudok said.

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Randolph resident wants response from high court

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ELKINS — A Randolph County resident is looking for answers, saying there has been no response to a case he filed with the West Virginia Supreme Court of Appeals in 2015.

Phil Hudok says a case he filed with the supreme court has become the “case of the missing case” as he has not received any correspondence from the high court since it was filed. He also believes his case could be of use to officials during the current effort to impeach state supreme court justices.

“It’s the case of the missing case,” Hudok said. “When this situation with the justices went to the House of Delegates for impeachment, that’s when I said I should contact them and let them know there is evidence of suspected crimes they are not considering in their impeachment.”

In 2015, Hudok of Huttonsville, Gene Stalnaker of Daniels and Thomas Deegan of Mineral Wells originally filed the suit in May 2015 against Gov. Earl Ray Tomblin, Attorney General Patrick Morrissey, Clerk of the West Virginia House of Delegates Steve Harrison and an “unknown private for profit subcontractor providing government services and purporting to be lawful government in operation.”

The filing was amended later that year to also include the five Supreme Court Justices for “failing to act because they were in default and dishonor legally.”

Hudok told The Inter-Mountain he feels the government is abusing its power and making United States citizens enemies of the government.

He noted he believes the government should be run by the citizens, not the other way around.

“I taught physics and the laws of physics. When it comes to the laws of government, we have got to understand where gravity comes from,” Hudok said. “It comes from the citizens. I’m just doing what I have to do, what I feel is my responsibility, for myself, for my neighbors and for my posterity. I’m alerting them that if anyone’s rights are abridged, then we all suffer. I don’t want anything out of this but the ‘rule of law,’ that’s all I want.”

Hudok stressed his main goal is to simply find out what happened with the case he filed roughly three years ago.

“The problem is — I’m keeping it simple — where did case #15-0491 go. Where did it go?” Hudok said. “I just want to know where it went. I can talk about things in the case but at this point I just want to know where it went. A case can’t just die. There must be a reason that this case has disappeared, they won’t address it and the state attorney general’s office doesn’t do their duty. I’m not done.”

More information regarding the pending case can be found at www.hudok.com.