

Information about your newly formed PMA: Private Membership Association

A Private Membership Association (“PMA”) is men and woman collectively asserting and standing upon their rights to determine what devices, products, procedures, or services will be used by them to maintain the health of their own body, mind or spirit.

A PMA is like a private family (PMA creator = the head of the family; PMA members = family members). Just like in a close family, what is communicated or happens inside a family’s private home, among only family members are private matters generally immune from and not subject to censorship/control by any administrative agency of any government.

PMAs have an established history and maintain a significant and unique standing in law; they are generally immune from most, if not all, state and federal Public Laws. For example: Drinking is allowed inside “private clubs” in “dry counties” in states of The United States of America where the sale of alcohol to the public is restricted or illegal; smoking is allowed inside “cigar bars” or “private clubs” in states having public laws prohibiting smoking in government buildings and in buildings open to the public; membership is restricted and only private rules apply inside private golf, baseball, football, soccer and other sports clubs; Men’s, Women’s, Boy’s and Girl’s Clubs; the Cub, Brownie, Boy and Girl Scouts of America; the National Association for the Advancement of Colored People (N.A.A.C.P.); the American Medical Association; and, even the local, state and federal BAR Associations, all of which are various forms of a PMA, generally follow only their own rules, not public law.

Benefits of a Private Membership Association

1. Enjoy a general immunity to public laws, regulations and internal rules of local, state and federal administrative agencies (including, but not limited to, the FDA) that protect the public health.
2. Properly founded, what occurs inside a Private Membership Association by and among members is private; generally not subject to any public law, regulation, or agency rule. A PMA is similar to a private family in that what is stated or done inside the family home by, to and among family members is not generally subject to any governmental scrutiny, censorship or control. Just as peoples’ speech is generally immune from governmental restriction; so is the speech and acts of the PMA members and what is published and done by and between PMA members in the PMA; The above mentioned immunity is not absolute. The single exception is that neither a PMA nor its members may do anything that creates a “clear and present danger that they will bring about substantial evils that Congress has a right to prevent.”
3. Increase your income safely. When you act and communicate with PMA members you do so privately, each party asserting and standing upon their constitutionally secured rights to freedom of association, speech, the press; the right to privacy and other rights. This may afford you a freedom in advertising, marketing and operation of your business that you may never have experienced before. In a PMA, communicating only with PMA members, you are now able to state and publish all the true facts (or at least the true facts that you want to disclose) about what your personal experience, the experience of others, and what verifiable testing has shown that people have experienced using your device, product, procedure or service and what that device, product, procedure or service really offers PMA members. For example, on a PMA’s

website, in the “for members only section” publishing testimonials sent to you would not violate the public law named Health Insurance Portability and Accountability Act (HIPAA). Being able to demonstrate, speak and publish the truth about what your device, product, procedure or service will do for people and animals in your advertising and marketing should lead to excitement about your device, product, procedure or service, markedly increase sales volume and afford you greater profit with safety.

4. Greater Peace of Mind is achieved by not having to worry about qualifying for any license from any licensing administration or board, or having any agency determine how you practice, or censoring what you can state or publish about your device, product, procedure or service. This frees you of the time and expense burdens placed upon persons who deal with the public and, thereby, allows you to react quicker to ever changing markets and be more creative and relaxed in your thinking, advertising, marketing and in the way you run your business. This also reduces stress.

Who is the FDA? What authority and power was the FDA lawfully delegated, and over whom or what? Can you change being subject to the jurisdiction of the FDA?

Details, Facts and Law

The FDA is an administrative agency of the United States delegated defined limited authority and power; created and empowered by a Public Law.[3] According to the “Statement of FDA Mission” [4] the “FDA is responsible for protecting the public health by assuring the safety and efficacy human and veterinary drugs, biological products, medical devices, our nation’s food supply, cosmetics, and products that emit radiation”

The FDA is authorized to protect the “public health.”

In protecting the public health the FDA acts as if it was delegated sole discretion regarding what information can be printed or written on healthcare devices, products, procedures or services that can be advertised or disclosed to the public over the air (radio/TV), the Internet, through the mail, in any public advertising or otherwise about anything that can be taken into or used on a human (or animal) that may or does affect the health of the body, mind or spirit.

In effect, the FDA acts as if it has the sole authority to censure or decide what you/your patients, clients or customers can hear, read, say, or see regarding information on healthcare related devices, products, procedures and services.

A man/woman wears many hats throughout his/her life and may act in a private character and capacity such as when being a son or daughter, brother or sister, uncle or aunt, husband or wife, father or mother, etc.

Conversely, a man/woman may act in a commercial character and capacity such as when being a doctor, bus driver or any other licensed professional; or in a public character and capacity such as being a state/federal government agent, employee, officer or official (a “public servant”) or as a legislative “person” such as a “taxpayer”.

A governmental authority/entity can act as a body politic, in a sovereign character and capacity, protecting the life, liberty, rights and property of its citizens; or, as a body corporate, acting in a commercial or public character and capacity.

Commercial persons must be tightly controlled/regulated because they are only concerned with generating a profit and are subject to commercial law and the terms and conditions of the contract(s) in which they are a party (no constitutional rights here). Public servants must be tightly controlled or regulated because their acts or omissions can affect everyone or, at least a large body of people\persons other than themselves.

Public Law, Regulations and internal Rules of administrative agencies of governments control the privilege of disclosing information, by way of publishing or uttering certain statements; or of offering certain devices, products, procedures and services to the public.

The character and capacity in which you act determines the body of law (constitutional or commercial) that is applicable. Therein lays the first key to rectifying the problem. PMA members must move out of the public sector and into a private domain.

Under the First and Fourteenth Amendment of the U.S. Constitution and equivalent provisions of your State Constitution, you have the right to associate with fellow members and offer benefits and services that are outside of the jurisdiction, venue and authority of State and/or Federal agencies.

What could come under scrutiny and in some cases be considered a criminal act outside the association can be perfectly legal within the protection of a private association. This right of association is not absolute; the U.S. Supreme Court has ruled in many cases that the State cannot interfere with private association activities unless the private members are being subjected to a substantial evil that would shock a person's moral and common sense.

Legal Foundation:

The right to associate is not limited to social or political activities. This right can be utilized for business activities (e.g. sale of alcohol). Members of a private membership association have the right to private contract under the due process liberty clause of the 5th and 14th Amendments, and states may not pass laws that impair the obligation of a contract. In conclusion, under the 1st, 5th and 14th amendments we are granted due process. Yet we must also look at the 10th Amendment; which guarantees that all persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws. We must look also at the 9th Amendment which guarantees certain inalienable rights to every man, woman and child. Those inalienable rights include not only the freedom of life, liberty, property, speech, assembly and due process, but any right or freedom which is not specifically given by the Constitution to the government. If the Constitution does not assign a specific right or freedom to the government, then we all have that particular right or freedom. Those freedoms include the right of self-determination, home schooling, choice of suppliers of products and/or services, choice of lifestyle, food, drink and any right or freedom that does not infringe on the rights and freedoms of

others or is a threat. In a private membership association, the members have all the rights and privileges not specifically banned by the association unless they present a clear and present danger of substantive evil.

A PMA is created by and exists upon the exact same authority and power that people asserted in The Declaration of Independence of the thirteen United States of America; The Articles of Confederation; The Constitution for the United States of America; The Bill of Rights and, even, in the Laws made in pursuance thereof.

A PMA functions by the members acting as people, in their real character and capacity (rather than acting as commercial/legal/legislative/public “persons”), asserting and standing upon their constitutionally secured rights to freedom of association, speech, the press, to be free from unwarranted searches and seizures, to their individual right to privacy and other rights and authorities not mentioned herein that are all in full force and effect when people knowingly and voluntarily choose to become, as real people, members of a PMA.

A PMA does not need any authority or permission, of any kind whatsoever, from any government for its creation or in order for it to continue to exist and function.