WRIT MANDAMUS TO CLERK TO FILE ON DEMAND UNDER PENALTY OF LAW

FROM UNIFIED UNITED STATES COMMON LAW GRAND JURY

TO: UNITED STATES SUPREME COURT CLERK

RE: NATIONAL EMERGENCY CONCERNING HIGH TREASON

The attached Writ Mandamus is a "Common Law Prerogative" that proceeds according to the "Rules of Common Law" and NOT Federal Rules of Civil Procedure under Leviathan's civil law. You are commanded to deliver said Mandamus to the addressed Justice under penalty of Law for aiding and abetting for treason if you unlawfully conceal, remove, mutilate, obliterate, or destroy said document.

You are directed to obey the Law by "Time Stamping the Cover Sheet" and return a copy using the enclosed self-addressed stamped envelope without delay. If you choose not to obey the Laws clearly stated below, you are commanded to return a copy of your oath, surety bond and financials as required by law upon demand, in accordance with 1 Stat 122 and 2 Stat 298 and FRCP Rule 902, Article VI Clause 3, Title 31 USC §225.1. You are compelled to answer under 28 USC §1361.

18 USC §2381 – **TREASON** – Whoever, owing allegiance to the United States, levies war against them or adheres to their enemies, giving them aid and comfort within the United States or elsewhere, is guilty of treason and shall suffer death, or shall be imprisoned not less than five years and fined under this title but not less than $10,000; and shall be incapable of holding any office under the United States.

CLERK IS TO TAKE NOTICE OF THE FOLLOWING LAWS:

CLERK IS TO FILE – **18 USC §2076** – Whoever, being a clerk of a district court of the United States, willfully refuses or neglects to make or forward any report, certificate, statement, or document as required by law, shall be fined under this title or imprisoned not more than one year, or both.

CLERK IS NOT TO BE PERSUADED – **18 USC §1512** (b) Whoever [Judges] knowingly uses intimidation, threatens, or corruptly persuades another person, or attempts to do so, or engages in misleading conduct toward another person, with intent to (1) influence, delay, or prevent the testimony of any person in an official proceeding; (2) cause or induce any person to – (A) withhold testimony, or withhold a record, document, or other object, from an official proceeding; (B) alter, destroy, mutilate, or conceal an object with intent to impair the object's integrity or availability for use in an official proceeding; … shall be fined under this title or imprisoned not more than 20 years, or both. (3) … (c) Whoever corruptly (1) alters, destroys, mutilates, or conceals a record, document, or other object, or attempts to do so, with the intent to impair the object's integrity or availability for use in an official proceeding; or (2) otherwise

obstructs, influences, or impedes any official proceeding, or attempts to do so, shall be fined under this title or imprisoned not more than 20 years, or both.

CLERK IS NOT TO REMOVE AND RETURN – **18 USC § 2071** Concealment, removal, or mutilation generally (a) Whoever willfully and unlawfully conceals, removes, mutilates, obliterates, or destroys, or attempts to do so, or, with intent to do so takes and carries away any record, proceeding, map, book, paper, document, or other thing, filed or deposited with any clerk or officer of any court of the United States, or in any public office, or with any judicial or public officer of the United States, shall be fined under this title or imprisoned not more than three years, or both. (b) Whoever, having the custody of any such record, proceeding, map, book, document, paper, or other thing, willfully and unlawfully conceals, removes, mutilates, obliterates, falsifies, or destroys the same, shall be fined under this title or imprisoned not more than three years, or both; and shall forfeit his office and be disqualified from holding any office under the United States…

§175.25 A person is guilty of tampering with public records in the first degree when, knowing that (s)he does not have the authority of anyone entitled to grant it, and with intent to defraud, (s)he knowingly removes, mutilates, destroys, conceals, makes a false entry in or falsely alters any record or other written instrument filed with, deposited in, or otherwise constituting a record of a public office or public servant. Tampering with public records in the first degree is a class D felony.

§175.05 Falsifying public records in the second degree is a class A misdemeanor. A person is guilty of falsifying public records in the second degree when, with intent to defraud, he: Makes or causes a false entry in the public records; or alters, erases, obliterates, deletes, removes or destroys a true entry in the public records; or Omits to make a true entry in the public records in violation of a duty to do so which he knows to be imposed upon him by law or by the nature of his position; or Prevents the making of a true entry or causes the omission thereof in the public records.

§175.20 Tampering with public records in the second degree. A person is guilty of tampering with public records in the second degree when, knowing that he does not have the authority of anyone entitled to grant it, he knowingly removes, mutilates, destroys, conceals, makes a false entry in or falsely alters any record or other written instrument filed with, deposited in, or otherwise constituting a record of a public office or public servant. Tampering with public records in the second degree is a Class A misdemeanor.

SEAL January 31, 2023

Jury Foreman

Unified United States Common Law Grand Jury

350 Northern Blvd Ste 1175, Albany, New York 12204 • Fax (888) 891-8977

AL, AK, AZ, AR, CA, CO, CT, DE, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY:

TRIBUNAL, WE THE PEOPLE

IN THE UNITED STATES SUPREME COURT

FEDERAL COURT OF RECORD CASE NO: 1:16-CV-1490

NATIONAL EMERGENCY CONCERNING HIGH TREASON 18 USC §2382

- *"Judges have no more right to decline the exercise of jurisdiction which is given, than to usurp that which is not given. The one or the other would-be treason to the Constitution."*[1]
- *"Silence can only be equated with fraud where there is a legal or moral duty to speak, or where an inquiry left unanswered would be intentionally misleading."*[2]

COVER SHEET

ORIGINATING DE-FACTO COURT:	US DISTRICT COURT FOR THE NORTHERN DISTRICT OF NY. Statutory Case No: 1:16-CV-1490 Common Law Case No: 1776-1789-2015
TRIBUNAL:	Sureties of the Peace [3] Coram Nobis[4] 350 Northern Blvd Ste 1175, Albany, New York 12204
JURISDICTION:	Court of Record,[5] aka Common Law
REGARDING:	Peremptory Writ Mandamus Concerning an Action at Law filed in the Northern District of New York Regarding High Treason
RESPONDENTS:	United States Supreme Court
COPIED FOR ENFORCEMENT:	NORAD/USNORTHCOM PA, Gen. Glen D. VanHerck NATIONAL GUARD BUREAU, Gen. Daniel R. Hokanson;

[1] Cohen v. Virginia, (1821), 6 Wheat. 264 and U.S. v. Will, 449 U.S. 200.
[2] **Silence** US v Tweel, 550 F.2d 297, 299. See also US v. Prudden, 424 F.2d 1021, 1032; Carmine v. Bowen, 64 A. 932
[3] **Sureties of the Peace**, Grand/Petit Jury: "If anyone has been dispossessed without the legal judgment of his peers, from his lands, castles, franchises, or from his right, we will immediately restore them to him; and if a dispute arise over this, then let it be decided by the five and twenty jurors of whom mention is made below in the clause for securing the peace. Moreover, for all those possessions, from which anyone has, without the lawful judgment of his peers, been disseized or removed by our government we will immediately grant full justice therein." – Magna Carta 52
[4] **CORAM NOBIS:** Before us ourselves, (the king, i. e., in the king's or queen's bench.) Applied to writs of error directed to another branch of the same court, e. g., from the full bench to the court at nisi prius. 1 Archb. Pr. K. B. 234.
[5] **COURT OF RECORD:** Proceeding according to the course of common law – Jones v. Jones, 188 Mo.App. 220, 175 S.W. 227, 229; Ex parte Gladhill, 8 Metc. Mass., 171, per Shaw, C.J. See, also, Ledwith v. Rosalsky, 244 N.Y. 406, 155 N.E. 688, 689; Black's Law Dictionary, 4th Ed., 425, 426.

SERVED VIA US POSTAL SERVICE TO:

Supreme Court of the United States
1 First Street, NE Washington, DC 20543

US Supreme Court Justice John G. Roberts
1 First Street, NE Washington, DC 20543

US Supreme Court Justice Clarence Thomas
1 First Street, NE Washington, DC 20543

US Supreme Court Justice Samuel A. Alito, Jr.
1 First Street, NE Washington, DC 20543

US Supreme Court Justice Sonia Sotomayor
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US Supreme Court Justice Neil M. Gorsuch
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US Supreme Court Justice Brett M. Kavanaugh
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US Supreme Court Justice Amy Coney Barrett
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Gen. Daniel R. Hokanson
111 S. George Mason Dr., Arlington, VA 22204

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LIST OF MEMORANDUMS & (HAND) BOOKS ATTACHED

- Memorandum of Law Abrogation of the Law of the Land (4 pages)
- Memorandum of Law Concerning Law and Equity (9 pages)
- Memorandum of Law 17th Amendment (12 pages)
- Memorandum of Law Abrogation of the United States (14 pages)
- Memorandum of Law Original 13th Amendment (10 pages)
- Memorandum of Law 16th Amendment (2 pages)
    - The Law That Never Was Vol 1, (382 pages) Found at – www.nationallibertyalliance.org/files/xylem/TheLawThatNeverWasVol1.pdf
    - The Law That Never Was Vol 2, (341 pages) Found at – www.nationallibertyalliance.org/files/xylem/TheLawThatNeverWasVol2.pdf
- Memorandum of Law Concerning the Rules of Common Law (5 pages)
- Memorandum of Law Right of Free Access to Our Court (2 pages)
- Memorandum of Law County Sheriff (10 pages)
- Memorandum of Law Common Law Grand Jury (7 pages)
    - Grand Jury Handbook, (30 pages)
- Memorandum of Law Common Law Petit Jury (17 pages)
    - Petit Jury Handbook, (41 pages)
- Memorandum of Law People's Right to Orientate the Jury (6 pages)
- Memorandum of Law Engel v. Vitale (Bible in School) (16 pages)
- Memorandum of Law Non-Judicial Foreclosures (5 pages)
- Memorandum of Law Article I Courts (4 pages)
- Memorandum of Law Right of Habeas Corpus (4 pages)
- Memorandum of Law Right to Practice Law (4 pages)
- Memorandum of Law Family Courts (6 pages)

United States Supreme Court

1 First Street, NE Washington, DC 20543

JURISDICTION, COURT OF RECORD
TRIBUNAL, WE THE PEOPLE
NATIONAL EMERGENCY

WRIT MANDAMUS[6]

A PREROGATIVE WRIT – THE PEOPLE'S REMEDY[7]

TO: The United States Supreme Court, and Individually Justice John G. Roberts, Justice Clarence Thomas, Justice Samuel A. Alito, Jr., Justice Sonia Sotomayor, Justice Elena Kagan, Justice Neil M. Gorsuch, Justice Brett M. Kavanaugh, Justice Amy Coney Barrett, and Justice Ketanji Brown Jackson:

COMES NOW THE CONSTITUTED[8] UNIFIED[9] UNITED STATES COMMON LAW[10] GRAND JURY[11] OF THE FIFTY UNITED STATES OF AMERICA TO COMMAND THE UNITED STATES SUPREME COURT JUSTICES to perform their sworn duty to champion the reinstatement of our Common Law Courts of Justice. Thereby guaranteeing, as is your sworn duty, to every state in this union a Republican Form of Government[12] as ordained by the People via the Constitution and protect our courts against invasion,[13] or vacate your office!

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[6] **Writ Mandamus** – An extraordinary judicial writ issuing out of a court of superior jurisdiction, directed to an inferior court or tribunal exercising judicial powers, for the purpose of preventing the inferior tribunal from usurping a jurisdiction with which it is not lawfully vested, State v. Stanfield, 11 Okl.Cr. 147, 143 P. 519, 522; from assuming or exercising jurisdiction over matters beyond its cognizance, Jackson v. Calhoun, 156 Ga. 756, 120 S.E. 114, 115; or from exceeding its jurisdiction in matters of which it has cognizance. Jackson v. Calhoun, 156 Ga. 756, 120 S.E. 114, 115.

[7] **Prerogative writs** – are those issued by the exercise of the extraordinary power of the king (today that would be the jury or the sovereign of the court if the jury is not yet seated) on proper cause.

[8] **CONSTITUTED** – The People of each county have come together to agreed and declared a return to Common Law Juries.

[9] **UNIFIED** - Every county in the state has constituted the Common Law Juries.

[10] **COMMON LAW** – Article VI – This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

[11] **COMMON LAW GRAND JURY** – Amendment V No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury...; The Court of Appeals' rule would neither preserve nor enhance the traditional functioning of the grand jury that the "common law" of the Fifth Amendment demands. UNITED STATES v. WILLIAMS, Jr.112 S.Ct. 1735; 504 U.S. 36; 118 L.Ed.2d 352.

[12] **Article IV Section 4** – The United States shall guarantee to every state in this union a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature cannot be convened) against domestic violence.

[13] **INVASION** – (Blacks 4th) An encroachment upon the rights of another; the incursion of an army for conquest or plunder. Webster. See /Etna Ins. Co. v. Boon, 95 U.S. 129, 24 L.Ed. 395. CONSTITUTIONAL LIBERTY OR

THIS WRIT MANDAMUS FOR CAUSE IS PEREMPTORY

The Federal Judiciary officers (*judges, clerks, and attorneys*) of the de-facto civil law court(s) have been fully informed concerning the High Treason against we the People and our Republican form of Government. The Federal Judiciary, for more than six years, have ignored the filings in the above said originating court and by their fraudulent six years of silence and concealment of this case confirm to this Tribunal that they are cognizant of their crimes and have chosen to commit felony rescue of the enemy and are thereby enemies of the Republic of the United States of America. Said court officers are guilty of Conspiracy to Defraud, Fraud on the Court, Treason, and some High Treason. The United States Supreme Court is Hereby Commanded to obey, without exception, this Mandamus and thereby champion the Law of the Land by reinstating our Common Law courts, aka "*Courts of Record*."

The Justices of this United States Supreme Court are expected to know the differences between proceeding At Law[14] and in equity aka positive law.[15] The Justices of the United States Supreme Court know that most, if not all, federal and state courts have been acting under civil law and have closed the doors of Justice to the People as they defraud them with the facade of a lawful court and extort them for money to enter the courts of Leviathan and not nature's God. We the People paid to build and operate theses court buildings, including your compensations and it has become a "*Den of Thieves*!"

THIS IS AN EXTRAORDINARY ACTION, AN INDICTMENT AGAINST THE FEDERAL JUDICIARY AND THE AMERICAN BAR ASSOCIATION, aka "*Minions of the New World Order*." The purpose of this judicial action is to reinstate our "Natural Law Republic" in all our

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FREEDOM. Such freedom as is enjoyed by the citizens of a country or state under the protection of its constitution; the aggregate of those personal, civil, and political rights of the individual which are guaranteed by the constitution and secured against invasion by the government or any of its agencies. People v. Hurlbut, 24 Mich. 106, 9 Am.Rep. 103.

[14] **AT LAW:** Blacks 4th – This phrase is used to point out that a thing is to be done according to the course of the common law; it is distinguished from a proceeding in equity.

[15] **Positive law,** Blacks 4th – typically consists of enacted law—the codes, statutes, and regulations that are applied and enforced in the courts. The term derives from the medieval use of positum (Latin "established"), so that the phrase positive law literally means law established by human authority." "All codes, rules, and regulations are for government authorities only, not human/Creators in accordance with God's laws. All codes, rules, and regulations are unconstitutional and lacking due process…" Rodriques v. Ray Donavan (U.S. Department of Labor) 769 F. 2d 1344, 1348 (1985). The common law is the real law, the Supreme Law of the land, the code, rules, regulations, policy and statutes are "not the law", [Self v. Rhay, 61 Wn (2d) 261] "All laws, rules and practices which are repugnant to the Constitution are null and void" – Marbury v. Madison, 5th US (2 Cranch) 137, 180.

federal and state courts. Whereas the crimes and damages are so great, so numerous, and have continued for so long that we will leave the criminal arrests, trials, and just penalties for "High Treason"[16] to the United States Military Tribunals and the untainted Grand Juries across America as cases are brought by their victims into our "Courts of Law."

WE THE PEOPLE VIA THE GRAND JURY HAVE BEEN PROVIDENTIALLY ENTRUSTED VIA NATURAL LAW to dispense justice and were provided legal recourse to address the criminal conduct of the Judiciary and our Representatives. The People have the "*unbridled right*" by Law and in Law to empanel their own grand juries and present True Bills of Information, Indictments, and Presentments to a Court of Justice.[17] It is We the Jury's duty that;

> "*If anyone has been dispossessed without the legal judgment of his peers, from his lands, homes, franchises, or from his right, we will immediately restore them to him; and if a dispute arise over this, then it will be decided by the five and twenty jurors of whom mention is made below in the clause for securing the peace. Moreover, for all those possessions, from which anyone has, without the lawful judgment of his peers, been disseized or removed by our government, we will immediately grant full justice therein.*" – Magna Carta Paragraph 52.

WE THE PEOPLE HAVE THE UNBRIDLED RIGHT TO EMPANEL AND PRESIDE OVER OUR OWN COURT PROCEEDINGS unfettered by legislation and technical rules, whereas We the People proceeded under Natural Law and the Rules of Natural Law as Petit Jurist. Natural Law demands that only the People via "*free and independent Grand Juries and Petit Juries*" have the supreme judicial authority to assemble, to indict or not, to decide the law, to sit as the tribunal in all criminal cases and all cases where the controversy is more than twenty dollars, to nullify any statute, to deny any rules, to judge guilt or innocence, and to pronounce the remedy or punishment. All free from judiciary interference and whose decisions are final and cannot be overturned.

[16] **High Treason** – In English law. Treason against the king or sovereign, as distinguished from petit or petty treason, which might formerly be committed against a subject. 4 Bl.Comm. 74, 75; 4 Steph. Comm. 183, 184, note.
[17] US v Williams 1992, 112 S.Ct. 1735, 504 U.S. 36, 118 L.Ed.2d 352.

THEREFORE, AS THE PREAMBLE TO THE DECLARATION OF INDEPENDENCE DECLARES: *Whenever any Form of Government becomes destructive to our Rights, It is the Right of the People to alter government, and Institute New Servants*! This was reiterated by James Madison when he said,

> "*The People have an indubitable, unalienable, and indefeasible right to reform or change their government, whenever it be found adverse or inadequate to the purposes of its institution*."

And, Samuel Adams said,

> "*The natural liberty of man is to be free from any superior power on Earth, and not to be under the will or legislative authority of man, but only to have the law of nature for his rule*."

We the Jury find that the Federal Judiciary has become averse to the "Law of the Land" thereby placing our Republic and our Liberty in jeopardy. Since at least 1871, via the repugnant and subversive Organic Act, the Federal Judiciary has brought the United States Republic to the brink of destruction and carried the People away under Leviathan's Babylonian rule.

WE THE PEOPLE COMMAND, NOT ASK, a Return to the Law of our Common Law Republic, an unalienable right of the People, or face the wrath of this Lawful Assembly of the Sureties of Peace!

WE THE PEOPLE HEREIN, having filed hundreds of papers and demanded obedience by hundreds of federal and state judges under the above said case number. Every case was ignored and met with silence!

THEREFORE, WE THE UNIFIED UNITED STATES COMMON LAW GRAND JURY, UUSCLGJ HEREIN NOW PROCEED AS A PETIT JURY of more than ten thousand jurists under Natural Law and the Rules of Natural Law having filed and advanced to this point under the auspices of the court in spite of being ignored and having our cases concealed and unlawfully rejected. The record shows that no respondent made any Return and no respondent provided any Objection, and by their Silence alone demonstrates fraud and Treason or High Treason, to be sorted out in future filings.

MOREOVER, AND MOST IMPORTANTLY, THE ISSUES OF THIS CASE ARE SELF-EVIDENT, WIDELY KNOWN, AND JUST and cannot be denied by any reasonable minded person. The United States Supreme Court Justices took an oath to do Justice and thereby is in a position to order obedience to its subservient courts by commanding the inferior courts (*both federal and state judiciaries*), (1) RESTORE JUSTICE, (2) LET THE PEOPLE GO FROM UNDER THE GRIP OF LEVIATHAN'S BABYLONIAN COURTS, (3) OBEY THE LAW OF THE LAND, (4) SECURE THE BLESSINGS OF LIBERTY, (5) OPEN OUR COURTS OF LAW, (6) PROTECT OUR REPUBLICAN FORM OF GOVERNMENT AND (7) PERMIT ACCESS TO LAWFUL COURTS BY THE PEOPLE AND FOR THE PEOPLE, WITHOUT COST or face the consequences as accomplices in High Treason that has the same penalty as the principals for all involved![18] We the Jury of more than 10,000 People are Resolved!

WE THE TRIBUNAL, by Executing Our Sovereign Right of Government by Consent, herein COMMAND the United States Supreme Court's obedience to this Writ Mandamus. WE DO NOT ASK! And we do indeed act under the threat of Indictment for High Treason to Any Justice that denies our Unalienable Right of Courts of Justice, our Natural Law Republic and our Right of Government by Consent in the spirit of Magna Carta and the Declaration of Independence.

FURTHERMORE, "We the Jury" Command all elected, appointed and hired servants of the court to obey the Law of the Land and join the Sovereign People in our mission to reinstate the Constitution for the United States of America in all our American Courts and bring to Justice all subverts. Now that you have been formally directed by Writ to act, to do nothing elevates you to Principle and We Will Act Accordingly!

THE UNITED STATES SUPREME COURT IS TO TAKE JUDICIAL NOTICE AS FOLLOWS:

You have been Fully & Formally Informed Herein, Pursuant to 18 USC §2382 of Treason at the highest level of government![19] You are Bound by Oath and Conscience to Act!

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[18] High Treason – Blacks Law 4th: 3 Inst. 138: In high treason no one can be an accessary but only principal.

[19] 18 USC §2382 – *Misprision of treason: Whoever, owing allegiance to the United States and having knowledge of the commission of any treason against them, conceals and does not, as soon as may be, disclose and make known the same to the President or to some judge of the United States, or to the governor or to some judge or justice of a particular State, is guilty of misprision of treason and shall be fined under this title or imprisoned not more than*

18 U.S. Code §2: *"Principals (a) Whoever commits an offense against the United States or aids, abets, counsels, commands, induces or procures its commission, is punishable as a principal. (b) Whoever willfully causes an act to be done which if directly performed by him or another would be an offense against the United States, is punishable as a principal."*

5 U.S. CODE §7311 – an individual may not accept or hold a position in the Government of the United States or the government of the District of Columbia if he (1) advocates the overthrow of our constitutional form of government; [would be proven by your silence and lack of action to execute your vested powers to secure our Republic] (2) is a member of an organization (such as the BAR Association) that he knows advocates the overthrow of our constitutional form of government.

18 U.S. CODE §1918 – Whoever violates the provision of section 7311 of title 5 that an individual may not accept or hold a position in the Government of the United States or the government of the District of Columbia if he (1) advocates the overthrow of our constitutional form of government; (silence & non-action proves advocation to overthrow our constitutional form of government) (2) is a member of an organization that he knows advocates the overthrow of our constitutional form of government; (Such as the BAR Association, resign from the BAR Association now or resign your office now!).

"*Silence can only be equated with fraud where there is a legal or moral duty to speak, or where an inquiry left unanswered would be intentionally misleading.*"[20]

TO NOT ACT IS HIGH TREASON

We the Tribunal of this extraordinary action and the authors of all law under the authority of Natural Law[21] by right of the "Covenant" of 1776 with our creator under His Natural Law at large, and the People's ordained compacts of 1789 and 1791 are endowed by our Creator with certain unalienable Rights that among these are Life, Liberty and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed. That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter it, and to institute new government representatives and reinstate its foundation on

seven years, or both. (June 25, 1948, ch. 645, 62 Stat. 807; Pub. L. 103–322, title XXXIII, §?330016(1)(H), Sept. 13, 1994, 108 Stat. 2147.)

[20] Silence – US v Tweel, 550 F.2d 297, 299. See also US v. Prudden, 424 F.2d 1021, 1032; Carmine v. Bowen, 64 A932

[21] see Memorandum Jurisdiction Natural Law – https://www.nationallibertyalliance.org/action-against-judiciary.

such principles and organizing its powers in such form, as to what most likely to affect our Safety and Happiness.

And, when a long train of abuses and usurpations, pursuing invariably the same Object demonstrates a design to reduce us under Absolute Despotism, it is our Right, it is our Duty, to throw off such Tyrants, and provide new Guards for our future security. Such has been the patient sufferance of the People of these United Fifty States; and such is now the necessity which obliges us to act. The history of the Federal Judiciary is a history of repeated injuries and usurpations, all having in direct object the establishment of an Absolute Tyranny over We the People of these States. To prove this let the facts be presented:

EVIDENCE

Whereas We the Jury, having found and filed in this court at the district level a myriad of evidence. And we having a duty to restore what cannot be abrogated, that being the Natural Law in our Courts and the Natural Law Constitution for the United States of America. Having filed on 5-15-15, a Writ Quo Warranto against the Federal Judiciary, being our first paper fell upon deaf ears and therefore warrants the surrendering of their office. Said filing was followed with numerous documents filed in the United States District Court for the Northern District of New York, case # 1:16-CV-1490 and can also be found at https://www.nationallibertyalliance.org/action-against-judiciary. A partial list of our filings are as follows, supported by twenty-three (23) Memorandums of Law and hundreds of documented evidences.

The following proves a Conspiracy in Fact by the coordinated pre-meditated acts by judges across America who are DETERMINED to end Our Republic!

- Writ Mandamus to Clerks – Acknowledged & obeyed the Law by filing.
- Filed 8-17-19 – Decision & Order & Declaration to Restore the Law – IGNORED!
- Filed 9-3-19 – Decision & Order Concerning Merging Equity & Law – IGNORED!
- Filed 9-9-19 – Judge Kahn 2nd Indictment – IGNORED!
- Filed 9-16-19 – Fake law and fake courts – IGNORED!
- Filed 9-25-19 – Writ Mandamus Federal Rule – IGNORED!
- Filed 9-30-19 – Writ Mandamus Info Republic – IGNORED!
- Filed 10-7-19 – Writ Mandamus – IGNORED!
- Filed 11- 16-19 – Amendment II Moved for Cause – IGNORED!

- Filed 12-17-19 – Act of Treason Federal Rule 2 – IGNORED!
- Filed 2-19-20 – Writ Quo Warranto 2nd Amendment – IGNORED!
- Filed 4-6-20 – Review the Record – IGNORED!
- Filed 4-6-20 – IRS Writ Quo Warranto – IGNORED!
- Filed 8-31-20 – Writ Mandamus to SCOTUS – IGNORED!
- Filed 1-1-21 – Final Order to US Supreme Court – IGNORED!

HABEAS CORPUSES FILED AND IGNORED,

● Aaron Rabold, ● Arianna Meyers, ● Brian Jopson, ● Brian Jopson (2), ● Christina C. Jiron, ● Curtis Kimbrough, ● David Lee, ● David Mongielo, ● Erica Carey, ● Griffin, ● James Vernon, ● Jan Pachnik, ● Janie Sanders, ● Justin Borseth, ● Karla Johnson, ● Kathryn Stuart, ● Lily Helen Ko, ● Louis Daniel Smith, ● Mable Marson, ● Maud Pollock, ● Newton Cantrell, ● Rolando Ramirez, ● Ronald Poulson, ● Sheri Grizzell, ● Shirearl Taylor, ● Timothy Berry. ● Andramedia Cheryl Robinson-Washington

NON-JUDICIAL FORECLOSURES CHALLENGED AND IGNORED,

● Ann Galloway, ● Asulu Williams, ● Awilda Lora, ● Byron Gashler, ● Byron L. Gashler, ● Christie Reed, ● Crystal Mack (2), ● Deborah Foster, ● Deborah Foster (2), ● D'Annie Isra El, ● Elliot Rodriguez, ● Elliott Rodriguez, ● Fareed Sepehry-Fard, ● Felicia Collins, ● Frederick J. Nuzzo, ● Harley William Blake III, ● Heather Dalton, ● Heriot Boyles, ● Hiltrud Steimel, ● Janice Jackson, ● Jane & Rudolph Colahar, ● Jeffrey Bryant, ● Jeffrey Smiles, ● John Sprouse, ● John Sprouse (2), ● Joseph Eskel, ● Kenta Morris, ● Leokadia Miglietta, ● Louise Gardner, ● M Johnson, ● Mable Marson, ● Mark Kleeman, ● Maud Pollock, ● Michael Hammer, ● Nahimana Bey, ● Paul Gonzales, ● Randall Grondwold, ● Randy Paul, ● Randy Paul (2), ● Randy Paul (3), ● Robert Hornbarger, ● Robert Overheul, ● Robert Rubio, ● Ronald Poulson, ● Ronald Van Dyke, ● Sergio Paul, ● Seth Rabold, ● Shirearl Taylor, ● Stephen Gregerson, ● Stephen Gregerson (2), ● Theron Marrs, ● Thomas Anderson, ● Thomas Williams, ● Valtair Souza. ● Andramedia Cheryl Robinson-Washington

"OTHER CASES" CHALLENGED AND IGNORED,

● Aaron Rabold ● Abdur Rahim Abdullah ● Andrew P Connelly ● Ann M Retzlaff ● Anthony S. Szach ● Anthony Szach ● Anwar Congress ● Asulu Williams ● Audrey Mack-Holley ● Barbara Pielack ● Basil Emil Haamid ● Benjamin Brooks ● Benjamin Knight ● Beryl Wright ● Bey Detrick Murray ● Blakeslee-Homik Gretta ● Bouyea Amen-El ● Brian Abendroth ● Brian Jopson ● Bruce Gurley ● Byron Gashler ● Candace Gundersen ● Carey Anne Hall ● Charles Breitweiser ● Charlie Rice, Jr ● Christian Crannell ● Christopher B Granger ● Christopher Granger ● Collins Felicia ● Cory Townsen ● Crystal Mack ● Curtis Kimbrough ● Cynthia Taylor ● D'Annie Isra El ● Dale Heineman ● D'anne Is'rael ● Danny Gregg ● David D Ollis ● David Lee ● David Mongielo ● David Ollis ● Debra Baker ● Debra Berry ● Debra Foster ● Debra Gregerson ● Donald Stanley La Vigne ● Doug Hawk ● Dr. Jan'e Colehar ● Duane E Kirkland ● Duane E Kirkland ● Duane Steckler ● Dwayne Lewis ● Dwight & Steven Hammond ● Elena Strujan ● Elliot R Rodriguez ● Felicia Collins ● Frederick J. Nuzzo ● Gabrielle McAfee ● Gale Wilson ● Gavin Mehl ● Greg A King ● Heather Dalton ● Heatherlee Yorty ● Heroit Boyles ● James Birsen ● James Vernon ● Jan Pachnik ● Jan'e Colehar ● Janice Jackson ● Janie Sanders ● Jason Gilley ● Jeffrey Smiles ● Jesse Lugaro ● Joel Nadler ● John M Sara ● John Sara ● John Sprouse ● John W Sprouse ● John Pamela Stanford ● John Vidurek ● Kimberly Vidurek ● James Vidurek ● Joseph Eskel ● Joseph Newman ● Joy A Ouma ● Kathryn Stuart ● Kelli Roberts ● Larry Lytle ● Laura Thweatt ● Leland Cramer ● Lily Ko ● Louis Daniel Smith ● M Thweatt L Gramegna ● Marian Olson ● Marla Zahn ● Matthew Hale ● Matthew Hobby ● Messiah Johnson ● Michael Charter ● Michael Darla Goulla ● Michael Delesandro ● Michael Gramegna ● Michael Kowal ● Miriam Trevino ● Mozart Victor/Haktufu K. ● Newton J. Cantrell Sr. ● Oksana Koulinich ● Oleg Kapustin ● Olivia Garcia ● Patricia McQuarry ● Paul Bamm ● Ralph C Jarpa ● Randy Lee Paul ● Randy Paul ● Rebecca Christy ● Richard Farina ● Robert Campbell ● Robert Eskel ● Robert Overheul ● Rolando Ramirez ● Rolando Ramirez ● Ronald Hatton ● Ronda Maine ● Rose Johnson ● Roxanne Jenkins ● Roxanne Marlin Jenkins ● Russell Mercer ● Ryan Kovacich ● Ryan Regec ● Samuel Girod ● Sean Zarinegar ● Sergio Rodriguez ● Sharon Conroy ● Shawn Cubitt ● Sheri Grizzell ● Sherry Fanelli ● Shirearl Taylor ● Sidney W Garcia ● Solange Martinez ● Staci Laird ● Stephen Gregerson ● Steven Dean ● Sydna Spancake ● Tammy Snyder ● Theresa ● Theresa Anderson ● Theron J Marrs ● Theron Jay Marrs ● Thom Anderson ● Thomas Bailey ● Thomas G Williams ● Timothy Berry ● Timothy Heinz ● Travis Paul ● Venus Marut-Barton ● Victoria Mathews ● Wanda Johannes ● William Hempstead ● Jr Homa & Kambiz Moradi ● Tania McCash ● Shaylor Wells ● Ed Rudorf ● Minnie Price ●

Fred Kendricks ● Brittany Kieffer ● Troy Sampson ● Annette Rodrigue ● Daniel-M: Furesz ● Tony Futia ● Tabitha Day ● Robert Davis ● Lynda Galligan ● Bradley Bohland ● John Steven Johnson ● Calvin & Beverly Gilchrist. ● Leonaed Lynn Washington Jr. ● Corey Taylor ● Shawna Matthew ● Patricia Maranowski

INDICTMENTS FOR DENIAL OF HABEAS CORPUS & FELONY RESCUE

- Chief Judge Robert J. Jonke, US District Court for the Middle District of PA – INDICTMENT IGNORED
- Chief Judge Joy Flowers Conti, US District Court for the Western District of PA – INDICTMENT IGNORED
- Chief Judge Joseph Normand Laplante, US District Court for the District of NH – INDICTMENT IGNORED
- Chief Judge George H. King, US District Court for the Central District of CA – INDICTMENT IGNORED
- Chief Judge Ann L. Aiken, US District Court for the District of OR – INDICTMENT IGNORED
- Chief Judge Marsha J. Pechman, US District Court for the Western District of WA – INDICTMENT IGNORED
- Chief Judge Dana L. Christensen, US District Court for the District of MT – INDICTMENT IGNORED
- Chief Judge Jerome B. Simandle, US District Court for the District of NJ – INDICTMENT IGNORED
- Hon Mark A. Montour, US District Court for the Eastern District of MI – INDICTMENT IGNORED
- Chief Judge David Gregory Kays, US District Court for the Western District of MO – INDICTMENT IGNORED
- Chief Judge Linda R. Reid, US District Court for the Northern District of IA – INDICTMENT IGNORED
- Chief Judge Joseph Normand Laplante, US District Court for the District of NH – INDICTMENT IGNORED
- Chief Judge Phyllis Jean Hamilton, US District Court for the Northern District of CA – INDICTMENT IGNORED
- Chief District Judge Marsha J Pechman, US District Court for the Western Dist of WA – INDICTMENT IGNORED
- Chief Judge Janet C. Hall, US District Court for the District of CT – INDICTMENT IGNORED
- Sam E Haddon, US District Court for the District of MT – INDICTMENT IGNORED
- Chief Judge Carol Bagley Amon, US District of NY – INDICTMENT IGNORED
- Chief Judge Ann Aiken, US District Court for the District of OR – INDICTMENT IGNORED
- Chief Judge J. Daniel Breen, US District Court for the Western district of TN – INDICTMENT IGNORED
- Chief Judge Robert J. Jonker, US District Court for the Western District of MI – INDICTMENT IGNORED

INDICTMENTS FILED FOR DENIAL OF DUE PROCESS & FELONY RESCUE

- Judge Lawrence E. Kahn US District Court for the Northern District of NY – INDICTMENT IGNORED!
- Chief Judge Carin Schienberg – INDICTMENT IGNORED!
- Chief Judge Carin Schienberg – INDICTMENT IGNORED!
- Chief Judge David Nuffer – INDICTMENT IGNORED!
- Chief Judge Frederick J. Lauten – INDICTMENT IGNORED!
- Chief Judge Kathleen Brickley – INDICTMENT IGNORED!
- Chief Judge Scott Needham – INDICTMENT IGNORED!
- Chief Justice Lenore Gelfman – INDICTMENT IGNORED!
- Chief Justice Paula Carey – INDICTMENT IGNORED!
- Judge A C McKay Chauvin – INDICTMENT IGNORED!
- Judge Alfred J. Jennings, Jr. – INDICTMENT IGNORED!
- Judge Cortland Corsones – INDICTMENT IGNORED!
- Judge D. Hinrichs – INDICTMENT IGNORED!
- Judge Daniel A. Ottolia – INDICTMENT IGNORED!
- Judge David J. King – INDICTMENT IGNORED!
- Judge Eddie Rodriquez – INDICTMENT IGNORED!
- Judge Francis Mathew – INDICTMENT IGNORED!
- Judge George B. Turner – INDICTMENT IGNORED!
- Judge Gordon R. Burkhart – INDICTMENT IGNORED!
- Judge James Wilson Abrams – INDICTMENT IGNORED!
- Judge John Braxton – INDICTMENT IGNORED!
- Judge John J. DiMotto – INDICTMENT IGNORED!
- Judge Jon Theison – INDICTMENT IGNORED!
- Judge Joseph Farneti – INDICTMENT IGNORED!
- Judge Juan B. Colas – INDICTMENT IGNORED!

- Judge Kenneth J. Grispin – INDICTMENT IGNORED!
- Judge Lisa Porter – INDICTMENT IGNORED!
- Judge Lonnie Thompson – INDICTMENT IGNORED!
- Judge Mary Ann Sumi – INDICTMENT IGNORED!
- Judge Michael P. Burns – INDICTMENT IGNORED!
- Judge Nathaniel J Poovey – INDICTMENT IGNORED!
- Judge Patricia M. Lucas – INDICTMENT IGNORED!
- Judge Paul M Yatron – INDICTMENT IGNORED!
- Judge Roger N. Nanovic – INDICTMENT IGNORED!
- Judge Sandra Champ – INDICTMENT IGNORED!
- Judge Sharon Devreis – INDICTMENT IGNORED!
- Judge Terence – INDICTMENT IGNORED!
- Judge Thomas Michael Deister – INDICTMENT IGNORED!
- Judge Timothy M Wright – INDICTMENT IGNORED!
- Judge Toni E Clarke – INDICTMENT IGNORED!
- Judge Virginia A. Phillips – INDICTMENT IGNORED!
- Judge Wallace A Lee – INDICTMENT IGNORED!
- Magistrate Judge Keith Rosa – INDICTMENT IGNORED!
- Master in Equity Marvin H. Dukes, III – INDICTMENT IGNORED!

ASSASSINATION OF LAVOY FINICUM 24 PAGE MURDER CONSPIRACY INDICTMENTS AGAINST THE FOLLOWING INDIVIDUALS WERE IGNORED;

> ● Hillary Clinton, ● Harry Mason Reid, ● BLM Special Agent in Charge Daniel Love for Utah and Nevada, ● Attorney General Loretta Lynch, ● FBI Director James Comey, ● Oregon Governor Katherine Brown, ● FBI Special Agent Gregory T. Bretzing, ● Grant County Commissioner Boyd Britton, ● Sheriff David Ward, ● Judge Steven Grasty, ● FBI Agent W. Joseph Astarita, ●Magistrate Judge Peggy A. Leen, ● Magistrate Judge Carl Hoffman, ● US Attorney Daniel G. Bogden, ● US Attorney Steven W. Myhre, ● U.S. Attorney Nicholas D. Dickinson, ● US Attorney Nadia J. Ahmed, ● US Attorney Erin M. Creegan, ● Chief Judge Gloria M. Navarro, ● Assistant U.S. Attorney Steven Myhre, ● Magistrate Judge Michael R. Hogan, ● Chief Judge Ann L. Aiken, ● Magistrate Judge Patricia Sullivan, ● U.S. Attorney Amy E. Potter, ● U.S. Attorney Frank R. Papagni, Jr., ● Judge Anna J. Brown, ● Magistrate Judge John Acosta, ● Judge Stacie F. Beckerman, ● Judge Dustin Pead, ● U.S. Attorney Billy J. Williams, ● U.S. Attorney Ethan D. Knight, ● Assistant U.S. Attorney Geoffrey A. Barrow, ● Assistant U.S. Attorney Craig Gabriel, and ● Numerous John/Jane Doe(s) from multiple agencies (To be identified) which include, but are not limited, to the Local Police, State Police, BLM, FBI and NGO Contractors.

Said filings were for JUSTICE and the "*Specific Recovery of the Peoples Heritage*" stolen by the BAR Judiciaries in collaboration with BAR Attorneys. In that the People were hijacked into traitorous BAR controlled foreign courts to jurisdictions unknown, denied due process in our unlawfully abrogated Courts of Law, extorted a fee for justice in our stolen courts as they continually cast us out through rule 12 or for no standing, sentenced innocent people to unlawful debtors prison under USC 26, denied people being heard, unlawfully imprisoned under their repugnant civil law and stacked juries, lost their children and elderly parents to gestapo type family courts, lost their parents

estates and inheritance to the greedy traitorous BAR controlled probate courts, lost their homes to non-judicial foreclosures and in all cases met by BAR judges and BAR attorneys with silence and smugness which collectively demonstrates proof that the Judiciary harbors no refuge and security for Justice, refuses to insure domestic tranquility, refuses to promote the general welfare and tramples under foot our Founding Documents and the Blessings of Liberty!

These BAR minions of the New World Order and judicial tyrants have tainted every grand and trial jury, they have labeled patriots terrorists, they have infiltrated our government from the very inception of our Nation and have labored continually deteriorating our Union taking the controls at every level of government. They have changed our federal city built upon righteousness and governed by our Creator's Law (Natural Law) into a corporate state of greed and corruption controlled by foreign bankers and BAR Associations.

"By God were all things created, that are in heaven, and that are in earth, visible and invisible, whether [they be] thrones, or dominions, or principalities, or powers: all things were created by Him, and for Him." And "he is before all things, and by Him all things consist" – Colossians 1:16-17 and through His Natural Law We the People are vested with unalienable rights, governments are not!

Because rights are unalienable, legislators cannot legislate (abolish) rights away no matter what the repugnant traitorous BAR has instructed. Rights come from God and not man; therefore, even We the People cannot rescind them for ourselves or others. Once We the People ordained common law as the law of the land, no man can abrogate it; to claim to do so is an act of war against the People and their God. In Marbury v Madison the United States Supreme Court correctly confirmed "unconstitutional legislation null and void and that includes repugnant court decisions."

The doctrine of nullification had been advocated by Thomas Jefferson and James Madison in the Virginia and Kentucky Resolutions of 1798–99. The union was a compact of sovereign states, Jefferson asserted, and the federal government was their agent with certain specified, delegated powers. The states retained the authority to

determine when the federal government exceeded its powers, and they could declare acts to be "void and of no force" in their jurisdictions.

The Lord warned us, that lawyers reject the counsel of God (Luke 7:30) and that, "*they place upon men burdens grievous to be endured while they place themselves above the <u>burdens</u>*" (*offensive law*) – Luke 11:46, by controlling our courts, while they are never held accountable even to their own laws and rules. The Lord went on to say that, "*they take away the key of knowledge thereby preventing many from entering into the Kingdom of Truth*" – Luke 11:52. And for this reason, Courts of Law are decided by the People themselves through unfettered Grand and Petit Juries and not BAR judges and BAR prosecutors!

The United States Supreme Court Said,

> "*Judges have no more right to decline the exercise of jurisdiction which is given, than to usurp that which is not given. The one or the other would be treason to the Constitution.*"[22] "*No judicial process, whatever form it may assume, can have any lawful authority outside of the limits of the jurisdiction of the court or judge by whom it is issued; and an attempt to enforce it beyond these boundaries is nothing less than lawless violence.*"[23] "*Decency, security, and liberty alike demand that government officials be subjected to the same rules of conduct that are commands to the citizen. In a Government of laws, existence of the government will be imperiled if it fails to observe the law scrupulously.*"[24] "*Our government is the potent, the omnipresent teacher. For good or for ill, it teaches the whole people by its example… Crime is contagious. If the Government becomes a lawbreaker, it breeds contempt for law; it invites every man to become a law unto himself; it invites anarchy. To declare that, in the administration of the criminal law, the end justifies the means -- to declare that the Government may commit crimes in order to secure the conviction of a private criminal -- would bring terrible retribution. Against that pernicious doctrine this Court should resolutely set its face*".[25]

THEREFORE, WE THE TRIBUNAL ARE UNANIMOUSLY RESOLVED AND HEREBY COMMAND, the United States Supreme Court Justices to perform their duty by issuing Declaratory Judgements directed to all 94 Federal District Courts, as follows in order to reopen our

[22] Cohen v. Virginia, (1821), 6 Wheat. 264 and U.S. v. Will, 449 U.S. 200.
[23] Ableman v. Booth, 21 Howard 506 (1859).
[24] Olmstead v U.S., 277 US 348, 485; 48 S. Ct. 564, 575; 72 LEd 944.
[25] Olmstead v. United States, 277 U.S. 438 the 1928.

Courts of Justice, and restore the Law of the Land. And to stand ready to enforce indictments upon justices in the inferior courts that this Tribunal will be filing directly to this Supreme Court should the inferior courts not obey.

We the People, via Article III, vested the United States Supreme Court with certain powers to protect this Republic and Secure the Blessings of Liberty and we now call upon you to exercise those powers in Law and in Justice. Whereas in the case Cohen v. Virginia, (1821), 6 Wheat. 264 and U.S. v. Will, 449 U.S. 200 it was said, "*We* (judges) *have no more right to decline the exercise of jurisdiction which is given, than to usurp that which is not given. The one or the other would-be treason to the Constitution.*"

EACH OF THE FOLLOWING DEMANDED DECLARATORY JUDGMENTS, is supported by a "Memorandum of Law" in support of the Declaratory Judgment you are being Commanded to Declare by way of Writ Mandamuses to the inferior courts. Whereas, each Memorandum is self-evident under Common Law, supported by our Founding Fathers who established the Constitution, and supported by the United States Supreme Court at times when they "Honored their Oath and the Law!"

The conspiracy against the Law and the People is supported by hundreds of documents filed in this "Extraordinary Case" and is also available at www.nationallibertyalliance.org/action-against-judiciary. We the Tribunal can only conclude that a Justice of the Supreme Court that cannot see the "Justice" of the following rulings you are being commanded to acknowledge and uphold is either blind to Truth or a traitor to our Republic. In either case, such a Justice is not qualified to be a Supreme Court Justice. Ignorance of the Law is no excuse, especially for a Supreme Court Justice, and such a Justice must resign or be removed by Congress or indictment, pursuant to Article III Section 1: that states, "the judges, both of the supreme and inferior courts, shall hold their offices during good behavior."

YOU ARE HEREBY COMMANDED TO MAKE DECLARATORY JUDGMENT RULINGS AS FOLLOWS AND SERVE A WRIT MANDAMUS TO ALL 94 FEDERAL DISTRICT COURT TO OBEY THE SAME;

1) Declare that Common Law the Law of the Land!
   a. Declare the Rules enabling Act of 1934 and the 1938 FRCP Null & Void because it subverts the Rules of Common Law!
   b. Declare that civil law is not the Law of the Land and is barred from our courts because it subverts the Common Law!

   See Memorandum of Law Concerning the Abrogation of the Law of the Land and a page from the Federal Judicial Center in an Act of High Treason boldly posted on their own site.

2) Declare clarification between Law & Equity whereas equity courts are for fictions such as gov agencies/agents and commercial activities. And Common Law is for the People, by the People.

   See Memorandum of Law Concerning Law and Equity

3) Declare the 17th Amendment Null and Void because it is prohibited by Article V and deprives States equal suffrage!

   See Memorandum of Law on the 17th Amendment

4) Declare that the Organic act of 1871 Null and Void because it created the United States Inc that subverted the United States of America thereby being an act of Treason by the 42nd Congress and the traitorous American Bar Association.

   See Memorandum of Law Concerning the Abrogation of the United States of America.

5) Unveil and acknowledge the concealed Original 13th Amendment that prevents barristers, titled "Esquire" from holding an Office of Trust and thereby unable to practice their abominable civil law in our courts of Law. All judges and lawyers must sever themselves from the BAR immediately.

   See Memorandum of Law Concerning the Original 13th Amendment (ratified by our founders in 1819)

6) Declare the unratified 16th Amendment Null and Void because it is prohibited by Article, I Section 9, Clause 4, and it defrauds and enslaves the People.

See Memorandum of Law on the 16th Amendment & two Volume book, The Law That Never Was

7) Declare that the Rules of Common Law are the rules of the courts for both Law and equity as it was before 1938.

See Memorandum of Law in Support of the Rules of Common Law

8) Declare that the People have the Right of Free Access to courts of Law.

See Memorandum of Law Concerning the Right of Free Access to Our Court

9) Declare that the Sheriff is the Chief Law Enforcer of the County.
   a. Declare that the County Sheriff's Office cannot be abolished.
   b. Declare that only the Sheriff & Coroner have the authority to call for and bring a case before the Grand Jury and prosecutors can bring their cases to the Sheriff.

See Memorandum of Law in Support of the County Sheriff

10) Declare that only Common Law Grand Juries are lawful.
   a. Declare that the Common Law Grand Jury Handbook is to be distributed to all Grand Jurists.[26]

See Memorandum of Law in Support of the Common Law Grand Jury Authority and See Grand Jury Hand-book

11) Declare that only Common Law Petit Juries are lawful.
   a. Declare that the Common Law Petit Jury Handbook is to be distributed to all jurists.[27]

See Memorandum of Law in Support of the Fully Informed Common Law Petit Jury & See Petit Jury Handbook

[26] Available at www.nationallibertyalliance.org/books-john-darash.
[27] Available at www.nationallibertyalliance.org/books-john-darash.

12) Declare that the Orientation of the Jury must be by the People via "Jury Administrators"[28] and not barrister lawyers![29]

See Memorandum of Law in Support of the Peoples Right to Orientate the Jury

13) Declare the overturning of Engel v. Vitale because it violates the 1st Amendment and denies the knowledge of our King (Jesus Christ) of our Common Law courts.

See Memorandum of Law in Support of the Bible in School

14) Declare Non-Judicial Foreclosures NULL and VOID because they violate the Law and due process secured by Amendment V.

See Memorandum of Law Concerning Non-Judicial Foreclosures

15) Declare that the so-called Article I Courts null and void whereas, Article I Section 8, clause 9 vested congress with the power to Constitute Tribunals inferior to the Supreme Court as defined in Article III.

See Memorandum of Law Concerning Article I Courts

16) Declare that a Habeas Corpus is an unalienable right and must be heard within three days in compliance with the Law.

See Memorandum of Law Concerning the Right of Habeas Corpus

17) Declare that the practice of Law is an unalienable right.

See Memorandum of Law Concerning the Right to Practice Law

18) Declaratory Judgment ruling Family Courts violate due process protected by Amendment V. Whereas Family administrative process must be administrated by the People unfettered by legislation and technical rules.

See Memorandum of Law Concerning Family Courts

[28] Jury Administrators are responsible for the orientation of the jury and to make sure that they are a fully informed Grand or Petit Jurists and to make sure that every jurist receives a "*Jurist Handbook*." These Administrative positions are required to take the Jury Administrators Accredited Course at www.NationalLibertyAlliance.org and receive a certificate of certification of the same and an Administrators Procedural Handbook. Each county will have five Administrators one of which will be a paralegal trained in both court procedure and the Common Law. Highly populated counties will have as many more administrators as is necessary.

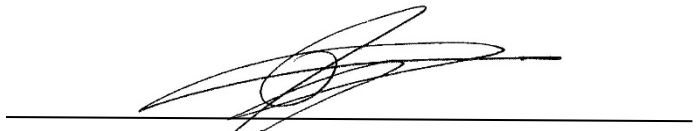
[29] BARRISTER – In English law, a counsellor learned in the CIVIL LAW which is not the Law of the Land.

IN CONCLUSION, we understand that lawyers trained in equity and Law are necessary. But the Treasonous Barristers, aka "Esquires," are trained in civil law which has been poisoning our Courts of Law since Colonial days dating back to 1750. They have been working covertly destroying our judicial process, equity, and Law and thereby the understanding of our court's "*Common Law Spring of Justice*." BAR lawyers MUST resign their BAR membership to practice law in our courts and learn with an open mind the Common Law and it's Common Law Rules, being the remedy necessary to counter the venom they have been subjected to.

Finally, the United States Supreme Court is to acknowledge that it is primarily an equity court and its only authority in Courts of Law is to protect the People against violations arising under the Constitution. Whereas, We the People vested the Supreme Court in all cases in equity, arising under the Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority, to all cases affecting ambassadors, other public ministers and consuls, to all cases of admiralty and maritime jurisdiction, to controversies to which the United States shall be a party, to controversies between two or more states under Article III Section 2. The U. S. Supreme Court is not to trespass upon the King's Court, that being Jesus Christ,[30] by ruling on Common Law Issues such as abortion, religious practices, etc…

ORDERED:

Seal New York, Albany County, January 31, 2023



Petit Jury Foreman

[30] I Samuel 12:19-22 And all the people said unto Samuel, pray for thy servants unto the LORD thy God, that we die not: for we have added unto all our sins this evil, to ask us a king. And Samuel said unto the people, Fear not: ye have done all this wickedness: yet turn not aside from following the LORD, but serve the LORD with all your heart; And turn ye not aside: for then should ye go after vain things, which cannot profit nor deliver; for they are vain. For the LORD will not forsake his people for his great name's sake: because it hath pleased the LORD to make you, his people.

MEMORANDUM OF LAW CONCERNING
THE ABROGATION OF THE LAW OF THE LAND

Article III §2. The judicial power shall extend to all cases, in law[1] and equity[2]…

The purpose of this memorandum is to expose the seditious conspiracy via the "1934 Rules Enabling Act," perpetrated by the 73rd Congress, the American Bar Association, the United States Supreme Court, and the Federal Judiciary which have poisoned every attorney and every court in America by replacing Law and Equity with civil law in 1938. Subsequently, together said perpetrators did conspired and did overthrew the Government of the United States of America by abrogating the Peoples' "Courts of Justice," turning them into a "Den of Thieves," in violation of 18 USC §2383[3] and, 18 USC §2384.[4] Whereas, the ABA being the chief orchestrator advocates, abets, advises, and teaches the duty, necessity, desirability, of abrogating the "Law of the Land" to their minions of the New World Order a/k/a BAR attorneys, in violation of 18 USC §2385.[5] This single treasonous act abrogated our courts of Law, courts of equity, Declaration of Independence, United States Constitution, and our Bill of Rights.

Said conspirators have levied war against the Constitution and thereby We the People. They have given aid and comfort to the enemy within the United States and elsewhere.

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[1] **AT LAW, Blacks 4th:** This phrase is used to point out that a thing is to be done according to the course of the common law; it is distinguished from a proceeding in equity.

[2] **EQUITY, Black's 4th:** Equity is a body of jurisprudence, or field of jurisdiction, differing in its origin, theory, and methods from the common law. – Laird v. Union Traction Co., 208 Pa. 574, 57 A. 987;

[3] **18 USC §2383 - Rebellion or insurrection** - Whoever incites, sets on foot, assists, or engages in any rebellion or insurrection against the authority of the United States or the laws thereof, or gives aid or comfort thereto, shall be fined under this title or imprisoned not more than ten years, or both; and shall be incapable of holding any office under the United States.

[4] **18 USC §2384 - Seditious conspiracy -** If two or more persons in any State or Territory, or in any place subject to the jurisdiction of the United States, conspire to overthrow, put down, or to destroy by force the Government of the United States, or to levy war against them, or to oppose by force the authority thereof, or by force to prevent, hinder, or delay the execution of any law of the United States, or by force to seize, take, or possess any property of the United States contrary to the authority thereof, they shall each be fined under this title or imprisoned not more than twenty years, or both.

[5] **§2385 Advocating overthrow of Government**: Whoever knowingly or willfully advocates, abets, advises, or teaches the duty, necessity, desirability, or propriety of overthrowing or destroying the government of the United States or the government of any State, Territory, District or Possession thereof, or the government of any political subdivision therein, by force or violence, or by the assassination of any officer of any such government; or Whoever, with intent to cause the overthrow or destruction of any such government, prints, publishes, edits, issues, circulates, sells, distributes, or publicly displays any written or printed matter advocating, advising, or teaching the duty, necessity, desirability, or propriety of overthrowing or destroying any government in the United States by force or violence, or attempts to do so; or Whoever organizes or helps or attempts to organize any society, group, or assembly of persons who teach, advocate, or encourage the overthrow or destruction of any such government by force or violence; or becomes or is a member of, or affiliates with, any such society, group, or assembly of persons, knowing the purposes thereof: Shall be fined under this title or imprisoned not more than twenty years, or both, and shall be ineligible for employment by the United States or any department or agency thereof, for the five years next following his conviction. If two or more persons conspire to commit any offense named in this section, each shall be fined under this title or imprisoned not more than twenty years, or both, and shall be ineligible for employment by the United States or any department or agency thereof, for the five years next following his conviction. As used in this section, the terms "organizes" and "organize," with respect to any society, group, or assembly of persons, include the recruiting of new members, the forming of new units, and the regrouping or expansion of existing clubs, classes, and other units of such society, group, or assembly of persons.

They have concealed a conspiracy to destroy our Republic. They have engaged in actions to subvert the Government of the United States. They have, conspired to conceal "Natural Law" a/k/a the "Law of the Land. They have, in congruence with the teaching of the American Bar Association, the National Lawyers Guild, the American Civil Liberties Union, the National Lawyers Association, the Southern Poverty Law Center, and many other anti-constitutional associations, knowingly and willfully advocate, abet, advise, and teach that Natural Law, and thereby the Law of the Land, has been abrogated and thus have conspired to overthrow our Republic.

Under the ABA's Rules Enabling Act of 1934, the 73rd Congress, enabled the United States Supreme Court the authority to prescribe rules under 28 USC §2072(a).[6] The United States Supreme Court and Federal Judiciary then covertly abused that authority to conceal and abridge the "*Supreme Law of the Land*" under Federal Rule 2. According to the Federal Judicial Center, a government agency, on September 16, 1938, pursuant to its de facto authority, under the repugnant "Rules Enabling Act of 1934," via Rule 2 stated that;

> "*The Supreme Court enacted uniform rules of procedure for the federal courts. Under the new rules, suits in equity and suits at common law were grouped together under the term "civil action,*" claiming that "*rigid application of common-law rules brought about injustice.*" See FJC page attached.

This was an act of Treason whereas;

> "*Any judge who does not comply with his oath to the Constitution of the United States wars against that Constitution and engages in acts in violation of the supreme law of the land. The judge is engaged in acts of treason.*" - Cooper v. Aaron[7]

The "ABA/Judiciary's" dark reasoning for abolishing Common Law is because they claim that "*a rigid application of common-law-rules*, a/k/a God's self-evident truths/maxims, *brought about injustice*. This is absurd considering that God is good, just, and merciful and they are not! And, therefore it follows that His Law is just and merciful while the hearts of men are desperately wicked, who can know it?[8]

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[6] **28 USC §2072(a)** The Supreme Court shall have the power to prescribe general rules of practice and procedure and rules of evidence for cases in the United States district courts (including proceedings before magistrate judges thereof) and courts of appeals.

[7] **Cooper v. Aaron,** 358 U.S. 1, 78 S. Ct. 1401 (1958)

[8] **Jeremiah 17:7-9** Blessed is the man that trusteth in the LORD, and whose hope the LORD is. For he shall be as a tree planted by the waters, and that spreadeth out her roots by the river, and shall not see when heat cometh, but her leaf shall be green; and shall not be careful in the year of drought, neither shall cease from yielding fruit. The heart is deceitful above all things, and desperately wicked: who can know it?

The truth of the matter is that Common Law sheds light on the "ABA/Judiciary's" dark deeds thereby revealing their true intentions. Their claim that, "*common-law rules brought about injustice*" was an act of deflection, whereas their "civil law rules" brought about injustice. This seditious act under the teachings and guidance of the subversive American Bar Association and the aforesaid anti-constitutional associations executed a silent coup by claiming the abrogation of Common Law, with its Unalienable Rights that were endowed by our Creator and covertly substituted them with civil rights legislated by lawless men.

THE ABA FEDERAL JUDICIAL CENTER, proceeding under the de facto authority of 28 USC §620(a),[9] claim, "their purpose is to further the development and adoption of improved judicial administration in the courts of the United States. One of the Center's main functions is to educate and train personnel of the judicial branch of the Government including, but not limited to, judges, magistrates, clerks of court, probation officers, lawyers, and persons serving as mediators and arbitrators. Presently the Center's governing board is chaired by the Chief Justice of the United States John G. Roberts, Jr.

As per Black's Law, "*law derives from*" *precedents, legislation, or custom under three categories*:

(1) Common Law – is subject to Natural Law written by nature's God in His Word and the hearts of men.[10]
(2) Equity – under our Constitution is subject to the Constitution written by the People by the authority vested in them by Nature's God via the Declaration of Independence which was a covenant with God and therefore cannot be broken but by His wrath!
(3) Civil law – is subject to the state. Any law subject to a constitution written by the state is civil law and not equity, written by men whose conscience is seared.[11]

The Constitution defines the Law of the Land as "Common Law and Equity" as the supreme law of the land, whereas the judges in every state shall be bound thereby, anything in the Constitution or laws of any State, *which includes rules*, to the contrary notwithstanding.

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[9] **§620(a)** There is established within the judicial branch of the Government a Federal Judicial Center, whose purpose it shall be to further the development and adoption of improved judicial administration in the courts of the United States.
[10] **Romans 2: 13-16** For not the hearers of the law are just before God, but the doers of the law shall be justified. For when the Gentiles, which have not the law, do by nature the things contained in the law, these, having not the law, are a law unto themselves: Which show the work of the law written in their hearts, their conscience also bearing witness, and their thoughts the mean while accusing or else excusing one another;
[11] **1 Timothy 4: 1 –** Now the Spirit speaketh expressly, that in the latter times some shall depart from the faith, giving heed to seducing spirits, and doctrines of devils; Speaking lies in hypocrisy; having their conscience seared with a hot iron;

It appears that the judges, who are expected to know the law, need to be instructed in the Law, or are guilty of High Treason[12] under 18 USC §2381.[13] Whereas, Congress alone was empowered under Article I Section 8 clause 18 to write laws in equity. Congress does not possess the power to abrogate Natural law. That jurisdiction belongs to God, whereas ABA indoctrinated judges think they can change God's Law?[14] They think they are above God that they can just change our Natural Law to civil law which places the People under their merciless destructive jurisdiction of Leviathan?[15] This action is the very definition of a coup and the said defendants are therefore guilty of treason.

Until We the People take back our stolen Republic by reinstating "Law and equity" in our courts, there will be No Justice in American courts and America would be lost least until the People rise to end it! James Madison said,

> "*The people have an indubitable, unalienable, and indefeasible right to reform or change their government, whenever it be found adverse or inadequate to the purposes of its institution*."

We the People agreed and codified this right in the Preamble of the Declaration of Independence when we declared," *Whenever any Form of Government becomes destructive to our Rights, it is the Right of the People to alter government, and Institute New Servants*! We the People have the unalienable rights to be free, to have access to courts of Justice, and to have "Government by Consent," As Samuel Adams said;

> "*The natural liberty of man is to be free from any superior power on Earth, and not to be under the will or legislative authority of man, but only to have the law of nature for his rule*."

FINALLY, the "Rules Enabling Act" violates the Peoples unalienable right to Common Law Rules in courts of Law as we read in Amendment VII, "In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any Court of the United States, then ACCORDING TO THE RULES OF THE COMMON LAW."

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[12] **High Treason, Blacks Law 4th:** 3 Inst. 138: In high treason no one can be an accessary but only principal.

[13] **18 USC §2381 TREASON**: Whoever, owing allegiance to the United States, levies war against them or adheres to their enemies, giving them aid and comfort within the United States or elsewhere, is guilty of treason and shall suffer death, or shall be imprisoned not less than five years and fined under this title but not less than $10,000; and shall be incapable of holding any office under the United States.

[14] **Daniel 7:25-28** And he shall speak great words against the most High, and shall wear out the saints of the most High, and think to change times and laws: and they shall be given into his hand until a time and times and the dividing of time. But the judgment shall sit, and they shall take away his dominion, to consume and to destroy it unto the end. And the kingdom and dominion, and the greatness of the kingdom under the whole heaven, shall be given to the people of the saints of the most High, whose kingdom is an everlasting kingdom, and all dominions shall serve and obey him. Hitherto is the end of the matter…

[15] Isaiah 27:1 In that day the LORD with his sore and great and strong sword shall punish leviathan the piercing serpent, even leviathan that crooked serpent; and he shall slay the dragon that is in the sea.

Menu

Federal Judicial Center (/)

Federal Rules of Civil Procedure Merge Equity and Common Law

September 16, 1938

In 1938, pursuant to its authority under the Rules Enabling Act of 1934, the Supreme Court enacted uniform rules of procedure for the federal courts. Among the changes wrought by the rules was the elimination the federal courts' separate jurisdiction over suits in equity (a centuries-old system of English jurisprudence in which judges based decisions on general principles of fairness in situations where rigid application of common-law rules would have brought about injustice). Under the new rules, suits in equity and suits at common law were grouped together under the term “civil action.”

See also:

Federal Rules of Civil Procedure [/history/courts/rules-federal-rules-civil-procedure]

View the timeline: The Jurisdiction of the Federal Courts [/history/timeline/8271]

MEMORANDUM OF LAW CONCERNING LAW & EQUITY

The judicial power shall extend to all cases, in law and equity, arising under this Constitution. – U.S. Constitution Article III Section 2

The purpose of this memorandum is to clarify the profound difference between law and equity. We the People, via the Constitution for The United States of America Article III Section 2 vested our judiciary with two jurisdictions, Law and equity! It is extremely important that all understand the differences between the two. Simply put, the tribunals in an equity court are elected or appointed 'judges' while the tribunals in Law courts are the 'People themselves, a/k/a juries. These Law courts are called 'courts of record' that proceed according to 'natural law' liberated from statutes!

> "*This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding*." – United States Constitution Article VI.

EQUITY

Equity also called "POSITIVE LAW" typically consists of enacted law—the codes, statutes, and regulations that are applied and enforced in the courts. The said term derives from the medieval use of positum (Latin "established"), so that the phrase positive law literally means law established by human authority, see Blacks Law.

ARTICLE I SECTION 8 CLAUSE 18: "Congress shall have power to make all [positive] laws which shall be necessary and proper for carrying into execution the foregoing powers [listed in Article I Section 8 Clauses 1-17], and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof."

- STATUTE: An act of the legislature declaring, commanding, or prohibiting something; a particular law enacted and established by the will of the legislative department of government; the written will of the legislature, solemnly expressed according to the forms necessary to constitute it the law of the state.[1] This word is used to designate the written law in contradistinction to the unwritten law.[2]
- REGULATION: The act of regulating; a rule or order prescribed for management or government; a regulating principle; a precept.[3] Rule of order prescribed by superior or competent authority relating to action of those under its control.[4]

[1] Federal Trust Co. v. East Hartford Fire Dist., C.C.A.Conn., 283 F. 95, 98; In re Van TasselFs Will, 119 Misc. 478, 196 N.Y.S. 491, 494; Washington v. Dowling, 92 Fla. 601, 109 So. 588, 591.
[2] Foster v. Brown, 199 Ga. 444, 34 S.E.2d 530, 535. See Common Law.
[3] Curless v. Watson, 180 Ind. 86, 102 N.E. 497, 499.
[4] State v. Miller, 33 N.M. 116, 263 P. 510, 513.

- CODE: A complete system of positive law, scientifically arranged, and promulgated by legislative authority,[5] a systematic body of law.[6]

"EQUITY AND JUSTICE are substantially equivalent terms, if not synonymous."[7] "Under constitutional provision guaranteeing right to obtain justice, the justice to be administered by courts is not an abstract justice as conceived of by the judge but justice according to [Common] Law or, as it is phrased in the constitution, conformably to the Laws."[8]

EQUITY LAW is the system of jurisprudence administered by the purely secular tribunals. In equity courts [contract courts], judges are to act under "American Jurisprudence" which is the philosophy of law, the knowledge of things divine and human, the science of what is right and what is wrong;[9] the constant and perpetual disposition to render every man his due.[10] It has no direct concern with questions of political policy, for they fall under the province of ethics and legislation.[11] They are to meet out Justice, which in the most extensive sense of the word, differs little from virtue;[12] for it includes within itself the whole circle of virtues. Justice, being in itself a part of virtue, is confined to things simply good or evil, and consists in a man's taking such a proportion of them as he ought."[13]

EQUITY COURTS

Equity courts are presided over by appointed or elected judges (political servants) who rule according to regulations, statutes, codes or contracts, and proceed according to the rules of common law. Courts that proceed according to regulations, statutes and codes are for bureaucrats, corporations, government agencies, and unlawful commercial activities and not People. Equity courts can hear contract cases between two People if both agree or if the value of the case is less than twenty dollars.

If the case against a government agent or someone acting in a commercial capacity is a criminal case; Such a case must be heard in a "Court of Law" but the codes that apply to their activities would apply in their case because they agreed when they chose to participate in said capacity. It is in these types of cases where "Jury Nullification" is possible whereas the People are the final deciders of the law; It is here where Justice and the law might clash, if so, Justice must prevail!

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[5] Wilentz v. Crown Laundry Service, 172 A. 331, 332, 116 N.J.Eq. 40.
[6] Wall v. Close, 14 So.2d 9, 26, 203 La. 345.
[7] In re Lessig's Estate, 6 N.Y.S.2d 720, 721, 168 Misc. 889.
[8] State ex rel. Department of Agriculture v. McCarthy, 238 Wis. 258, 299 N.W. 58, 64.
[9] Dig. 1, 1, 10, 2; Inst. 1, 1, 1. This definition is adopted by Bracton, word for word. Bract. fol. 3.
[10] Inst. 1, 1, pr.; 2 Inst. 56. See Borden v. State, 11 Ark. 528, 44 Am.Dec. 217; Collier v. Lindley, 203 Cal. 641, 266 P. 526, 530; The John E. Mulford, D.C. N.Y., 18 F. 455.
[11] Sweet.
[12] Luke 6:19 "And the whole multitude sought to touch him [Jesus]: for there went virtue out of him, and healed them all."
[13] Bouvier..

LAW

LAW OF NATURE [*Jus Naturale*] is Natural law [*Lex Naturale*]. It is absolute law, the true and proper law of nature[14] a/k/a "common law as distinguished from law created by the enactment of legislatures. Common Law is the use of legal principles to discover by the light of nature or abstract reasoning comprised of the body of those principles and rules of action, relating to the government and security of persons and property, which derive their authority solely from usages and customs of ancient antiquity.[15]

"Under our system of government upon the individuality and intelligence of the citizen, the state does not claim to control him/her, except as his/her conduct to others, leaving him/her the sole judge as to all that affects himself/herself."[16] "All laws, rules and practices which are repugnant to the Constitution are null and void."[17] "Every man is independent of all laws, except those prescribed by nature. He is not bound by any institutions formed by his fellowman without his consent."[18] "Law is that which is laid down, ordained, or established."[19]

We the people ordained and established the Constitution for the United States of America.[20] We the People vested Congress to make law via Article I Section 8.[21] We the People did not vest Congress with law making powers to control our behavior. We the People are above the Constitution and all legislated law, whereas government authorities are under the Constitution. We the People are subject only to the Laws of Nature and of Nature's God.[22] "All codes, rules, and regulations are for government authorities only, not human/Creators in accordance with God's laws. All codes, rules, and regulations are unconstitutional and lacking due process…."[23] The phrase "at Law" is used to point out that a thing is to be done according to the course of the common law. It is distinguished from a proceeding in equity.[24] "All laws, rules and practices which are repugnant to the Constitution are null and void."[25]

"Sovereignty[26] itself is, of course, not subject to [positive] law, for it is the author and source of law; but in our system, while sovereign powers are delegated to the agencies of

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[14] 1 Steph.Comm. 21 et seq.
[15] 1 Kent, Comm. 492. Western Union Tel. Co. v. Call Pub. Co., 21 S.Ct. 561, 181 U.S. 92, 45 L.Ed. 765; Barry v. Port Jervis, 72 N.Y.S. 104, 64 App. Div. 268; U. S. v. Miller, D.C.Wash., 236 F. 798, 800.
[16] Mugler v. Kansas 123 U.S. 623, 659-60.
[17] Marbury v. Madison, 5th US (2 Cranch) 137, 180.
[18] Cruden v. Neale, 2 N.C. 338 (1796) 2 S.E.
[19] Koenig v. Flynn, 258 N.Y. 292, 179 N. E. 705.
[20] **PREAMBLE:** We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.
[21] Article I Section 1: All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives; Article I Section 8 Clause 18: Congress shall have power to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.
[22] Declaration of Independence.
[23] Rodriques v. Ray Donavan (U.S. Department of Labor) 769 F. 2d 1344, 1348 (1985).
[24] Blacks 4th At Law.
[25] Marbury v. Madison, 5th US (2 Cranch) 137, 180.
[26] "Sovereignty means that the decree of sovereign makes law, and foreign courts cannot condemn influences persuading sovereign to make the decree." Moscow Fire Ins. Co. of Moscow, Russia v. Bank of New York & Trust Co., 294 N.Y.S. 648, 662, 161 Misc. 903.

government, sovereignty itself remains with the people, by whom and for whom all government exists and acts and the law is the definition and limitation of power." ... "For, the very idea that man may be compelled to hold his life, or the means of living, or any material right essential to the enjoyment of life, at the mere will of another, seems to be intolerable in any country where freedom prevails, as being the essence of slavery itself."[27]

The authority of the legislature is limited and defined under Article I of the Constitution. The authority of the executive is limited and defined under Article II of the Constitution. And, the authority of the judiciary is limited and defined under Article III of the Constitution.

LAW COURTS

Law courts are presided over by juries (twelve People) who rule according to Natural Law, no judges, regulations, statutes, or codes allowed in a court of law because they lack due process. Liberty is freedom from equity courts without our permission. In other words, free from government interference of our behavior. Unalienable Rights are the spirit of Natural Law, the Law of our Creator and not of man. All Law is to be understood in light of our Unalienable Rights. Any law repugnant to that spirit is by nature's Creator "Null and Void." The Law of the Land is a/k/a the Declaration of Independence, the Constitution for the United States of America [Article VI] and its Cap-Stone Bill of Rights. These are all Natural Law documents that were constructed upon Natural Law Principles. To deny Natural Law is to deny these documents and to deny these founding documents in a court of Law would be treason.

"*The Supreme Court shall have appellate jurisdiction, both as to law and fact…*"[28] in all '*cases in equity,*' thereby becoming the final arbitrator governed by American Jurisprudence[29] under the rules of Common Law. The Supreme Court has NO APPELLATE authority over cases '*in Law*' a/k/a Jury trials, with the one exception of protecting an individual if an unalienable right of the same is violated. Federal District Court Judges, when hearing a '*case in equity*' are governed by American Jurisprudence under the rules of Common Law. In cases "*in Law,*" Judges or Magistrates take on an administrative role, with no summary judgement powers. Whereas, the Jury, a/k/a Tribunal of 12 People, is the final arbitrator deciding the facts, law and remedy with the power of nullification and mercy. This is called a 'court of record' from which there is no appeal, as we read:

> "*The decisions of a superior court may only be challenged in a court of appeal. The decisions of an inferior court are subject to collateral attack. In other words, in a superior court one may sue an inferior court directly, rather than*

[27] Yick Wo v. Hopkins, 118 US 356, 370.
[28] Article III Section 2, Clause 2.
[29] **JURISPRUDENCE:** The science of the law. By science here, is understood that collection of truths which is founded on principles either evident in themselves, or capable of demonstration; a collection of truths of the same kind, arranged in methodical order. In a more confined sense, jurisprudence is the practical science of giving a wise interpretation to the laws, and making a just application of them to all cases as they arise. In this sense, it is the habit of judging the same questions in the same manner, and by this course of judgments forming precedents. 1 Ayl. Pand. 3 Toull. Dr. Civ. Fr. tit. prel. s. 1, n. 1, 12, 99; Merl. Rep. h. t.; 19 Amer. Jurist, 3.

resort to appeal to an appellate court. Decision of a court of record may not be appealed. It is binding on ALL other courts. However, no statutory or constitutional court (whether it be an appellate or Supreme Court) can second guess the judgment of a court of record. "The judgment of a court of record, whose jurisdiction is final, is as conclusive on all the world as the judgment of this court would be. It is as conclusive on this court as it is on other courts. It puts an end to inquiry concerning the fact, by deciding it."[30]

NATURAL LAW

The only Laws that apply to We the People are the Laws of Nature and of Nature's God of which we are entitled. We the People have declared in our founding document that, "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness…. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed."[31] Therefore, "Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them."[32] United States Codes, when applied upon We the People, are "null and void."[33] Congress can make no law or rule to control the behavior of We the People.

NATURE'S LAW is personified in the following:

- "But this shall be the covenant that I will make with the house of Israel; After those days, saith the LORD, I will put my law in their inward parts, and write it in their hearts; and will be their God, and they shall be my people." Jer 31:33
- "For when the Gentiles, which have not the law, do by nature the things contained in the law, these, having not the law, are a law unto themselves: Which show the work of the law written in their hearts, their conscience also bearing witness, and their thoughts the mean while accusing or else excusing one another." Rom 2:14-15
- "For this is the covenant that I will make with the house of Israel after those days, saith the Lord; I will put my laws into their mind, and write them in their hearts: and I will be to them a God, and they shall be to me a people." Heb 8:10

Everybody knows when a wrong has been done to another and by examining our conscience as to what remedy might be necessary to satisfy it. Positive law, a/k/a legislative law, can never take into account the complexities and differences between each case in Courts of Justice. Only the human heart, contemplating nature's law, a/k/a common law so called because it is law common onto all, can discern justice. As the twelve-bear witness[34] to the

[30] Ex parte Watkins, 3 Pet., at 202-203 cited by SCHNECKLOTH v. BUSTAMONTE, 412 U.S. 218, 255 (1973).
[31] Declaration of Independence.
[32] Miranda v. Arizona, 384 U.S. 436, 491.
[33] "*All laws, rules and practices which are repugnant to the Constitution are null and void.*" Marbury v. Madison, 5th US (2 Cranch) 137, 174, 176,(1803).
[34] **Acts 4:33** And with great power gave the apostles witness of the resurrection of the Lord Jesus: and great grace was upon them all.

truth, so a petit jury of twelve bears witness to the truth and its proper remedy. If a jury is conflicted beyond accord, the accused must be set free. For there is no such thing as a hung jury, for the declaring of a jury hung by one partial state compensated judge is a travesty of justice and places the accused in double jeopardy. This allows the state to continue trial after trial until it gets its desired result. Therefore, a jury must convene and not be given back its liberty until it renders a just decision, which it is their duty to perform.

The definition of Law is that which is laid down, ordained, or established. It is "a rule or method according to which phenomena or actions co-exist or follow each other and must be obeyed or be subject to sanctions or legal consequences."[35] In our Republic, Common Law, Equity[36] and the Constitution are the Law of the Land by which We the People chose to be judged when we "assumed among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle us."

JURISDICTION

In the United States, before any court can have authority to hear a case, the court must have both in personam and subject matter jurisdiction. Any court not a court of record[37] has no authority to proceed without the consent of the persons involved. No judge or legislators can alter that which the People ordained, to alter is high treason.

American courts are vested by the People, "the author and source of law,"[38] through constitutions[39] ordained by the People. Therefore, a court must first have "constitutional authority" over an individual before it can proceed. In criminal cases, a court must have an indictment by an untainted "Common Law Grand Jury," in other words, the permission by the People to proceed. Any judge who instructs the petit jury that the said judge decides the law taints the jury and is a pseudo-court under fiction of law.[40]

Furthermore, "all" state laws and constitutions are ultimately governed by the "Supremacy Clause" of the Constitution for the United States of America as ordained by the People in Article VI, clause 2, that defines the "Law of the Land" which renders "anything in the Constitution or Laws of any State to the Contrary notwithstanding" null and void.

> "*No judicial process, whatever form it may assume, can have any lawful authority outside of the limits of the jurisdiction of the court or judge by whom it*

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[35] Koenig v. Flynn, 258 N.Y. 292, 179 N. E. 705.

[36] under American Jurisprudence, the principles of common law.

[37] **COURTS OF RECORD and COURTS NOT OF RECORD –** The former being those whose acts and judicial proceedings are enrolled, or recorded, for a perpetual memory and testimony, and which have power to fine or imprison for contempt. Error lies to their judgments, and they generally possess a seal. Courts not of record are those of inferior dignity, which have no power to fine or imprison, and in which the proceedings are not enrolled or recorded. 3 Bl. Comm. 24; 3 Steph. Comm. 383; The Thomas Fletcher, C.C.Ga., 24 F. 481; Ex parte Thistleton, 52 Cal 225; Erwin v. U.S., D.C.Ga., 37 F. 488, 2 L.R.A. 229; Heininger v. Davis, 96 Ohio St. 205, 117 N.E. 229, 231.

[38] "*Sovereignty itself is, of course, not subject to law, for it is the author and source of law;*" -- Yick Wo v. Hopkins, 118 US 356, 370.

[39] That which is laid down, ordained, or established. Koenig v. Flynn, 258 N.Y. 292, 179 N. E. 705.

[40] FICTION OF LAW. Something known to be false is assumed to be true. Ryan v. Motor Credit Co., 130 N.J.Eq. 531, 23 A.2d 607, 621.

> *is issued; and an attempt to enforce it beyond these boundaries is nothing less than lawless violence*"[41] and "*that which the law requires to be done or forborne to a determinate person or the public at large, correlative to a vested and coextensive right in such person or the public, and the breach of which constitutes negligence.*"[42]

Congress was not vested with legislative power to pass civil law statutes or criminal law statutes or any other statute that control the behavior of People. There are two Common Law Maxims that govern all criminal cases. (1) In order for there to be a crime, there must be an injured party. (2) The state cannot be the injured party. As for the injured party, there is a Common Law Maxim that states: For every injury, there must be a remedy. Therefore, in criminal cases, restitution is more just for all parties then incarceration.

SUMMARY PROCEEDINGS: "As to the Construction, with reference to Common Law, an important cannon of construction is that constitutions must be construed to reference to the Common Law… The Common Law so permitted destruction of the abatement of nuisances by summary proceedings; and, [it] was never supposed that a constitutional provision was intended to interfere with this established principle [even] though there is no common law of the United States in a sense of a national customary law as distinguished from the common law of England adopted in the several states.

IN INTERPRETING THE FEDERAL CONSTITUTION, recourse may still be had to the aid of the Common Law of England. It has been said that without reference to the common law, the language of the Federal Constitution could not be understood… The general misconception is that any statute passed by legislators bearing the appearance of law constitutes the law of the land. The U.S. Constitution is the supreme law of the land; and, any statute to be valid must be In Agreement [with the Constitution]. It is impossible for both the Constitution and a law violating it [the Constitution] to be valid; one must prevail. This is succinctly stated as follows: THE GENERAL RULE IS that an unconstitutional statute, though having the form and name of law, is in reality no law; but, is wholly void and ineffective for any purpose since unconstitutionality dates from the time of its enactment and not merely from the date of the decision so branding it. An unconstitutional law, in legal contemplation, is as inoperative as if it had never been passed. Such a statute leaves the question that it purports to settle just as it would be had the statute not been enacted. Since an unconstitutional law is void, the general principles follow that it imposes no duties; confers no rights; creates no office; bestows no power or authority on anyone; affords no protection; and, justifies no acts performed under it… A void act cannot be legally consistent with a valid one. An unconstitutional law cannot operate to supersede any existing valid law. Indeed, insofar as a statute runs counter to the fundamental law of the land, it is superseded thereby. No one is bound to obey an

[41] Ableman v. Booth, 21 Howard 506 (1859).
[42] Railroad Co. v. Ballentine, C.C.A.I11., 84 F. 935, 28 C.C.A. 572; Toadvine v. Cincinnati, N. 0. & T. P. Ry. Co., D.C.Ky., 20 F.Supp. 226, 227.

unconstitutional law; and, no courts are bound to enforce it." 16 American Jurisprudence 2nd, Sec. 114.

THE AUTHOR OF LAW

GOD IS THE AUTHOR OF COMMON LAW, which He wrote in the hearts of men, thereby giving We the People both the knowledge of right and wrong and the unalienable right of We the People to judge each other through tribunals called Juries. We the People ordained Common Law in Amendment VII and Congress clearly followed suit and established it through 28 USC §132.

WE THE SOVEREIGN PEOPLE ORDAINED AND ESTABLISHED THE CONSTITUTION,[43] which is the law of the land,[44] to be obeyed by all elected, appointed and hired servants. We the People vested Congress with certain law-making powers in Article I Section 8 among which we gave "NO LEGISLATED POWERS" to write ordinances, regulations, codes or statutes that would control the behavior of We the People or apply any set punishment upon We the People. That authority belongs to the People.[45]

> "*The very meaning of 'sovereignty' is that the decree of the sovereign makes law.*"[46] "*A consequence of this prerogative is the legal ubiquity of the king* [Nature's God]. *His majesty in the eye of the law is always present in all His courts, though He cannot personally distribute justice.*"[47] "*His judges* [juries] *are the mirror by which the King's image is reflected.*"[48]

UNALIENABLE RIGHTS COME FROM NATURES GOD and are not subject to alienation; the characteristic of those things which cannot be bought or sold or transferred from one person to another, such as certain personal rights; e. g., liberty. Inalienable; incapable of being aliened, that is, sold and transferred.[49] Rights are defined generally as "powers of free action, not subject to legal constraint of another, being unconstrained, having power to follow the dictates of one's own will, not subject to the dominion of another and not compelled to involuntary servitude.[50] Any statute that violates rights is null and void.

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[43] We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

[44] **Article VI, Clause 2:** This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

[45] "*Sovereignty itself is, of course, not subject to law, for it is the author and source of law*;" - Yick Wo v. Hopkins, 118 US 356, 370.

[46] American Banana Co. v. United Fruit Co., 29 S.Ct. 511, 513, 213 U.S. 347, 53 L.Ed. 826, 19 Ann.Cas. 1047.

[47] Fortesc.c.8. 2Inst.186.

[48] 1 Blackstone's Commentaries, 270, Chapter 7, Section 379.

[49] Black's 4th

[50] Black's 4th

CONCLUSION: Equity courts are for bureaucrats, corporations and other fictional entities. It's a court "NOT OF RECORD" where one judge decides the facts, law, and penalties according to regulations, statutes, codes or contract under American Jurisprudence whose decisions can be appealed to a higher court.

> EQUITY: [Black's 4th] *Equity is a body of jurisprudence, or field of jurisdiction, differing in its origin, theory, and methods from the common law.* - Laird v. Union Traction Co., 208 Pa. 574, 57 A. 987; *It is a body of rules existing by the side of the original civil law, founded on distinct principles, and claiming incidentally to supersede the civil law in virtue of a superior sanctity inherent in those principles.* – Maine, Anc. Law, 27;

Whereas, Law courts are Courts of Record for the People. It's a court where the tribunal is a jury of twelve People who decide the facts, law, and penalties according to the laws of nature's God whose decisions cannot be appealed. Courts of Record are administrated by a magistrate who records and enforces the will of the tribunal, the People!

> AT LAW: [Bouvier's] *This phrase is used to point out that a thing is to be done according to the course of the common law; it is distinguished from a proceeding in equity.*; ALL CASES AT LAW. [Black's 4th] *Within constitutional guaranty of jury trial, refers to common law actions as distinguished from causes in equity and certain other proceedings.* - Breimhorst v. Beck-man, 227 Minn. 409, 35 N.W.2d 719, 734.

"Decency, security, and liberty alike demand that government officials be subjected to the same rules of conduct that are commands to the citizen. In a government of laws, existence of the government will be imperiled if it fails to observe the law scrupulously. Crime is contagious. If government becomes a lawbreaker, it breeds contempt for the law…it invites every man to become a law unto himself…and against that pernicious doctrine, this court should resolutely set its face."[51]

[51] Olmstead v U.S., 277 US 348, 485; 48 S. Ct. 564, 575; 72 LEd 944.

MEMORANDUM OF LAW CONCERNING AMENDMENT XVII

"*All laws, rules and practices which are repugnant to the Constitution are null and void*" – MARBURY V. MADISON[1]

The purpose of this Memorandum of Law is to make clear that the 17th Amendment is "Repugnant to the Constitution" and is therefore Null and Void! "The general rule is that an unconstitutional statute, [*or unconstitutional amendment*] though having the form and name of law, is in reality no law, but is wholly void and ineffective for any purpose, since its unconstitutionality dates from the time of its enactment... In legal contemplation, it is as inoperative as if it had never been passed... Since an unconstitutional law is void, the general principles follow that it imposes no duties, confers no right, creates no office, bestows no power or authority on anyone, affords no protection and justifies no acts performed under it... A void act cannot be legally consistent with a valid one. An unconstitutional law cannot operate to supersede any existing law. Indeed, insofar as a statute runs counter to the fundamental law of the land, (the Constitution) it is superseded thereby. No one is bound to obey an unconstitutional law and no courts are bound to enforce it."[2]

ONE METHOD OF ASSAULT MAY BE TO EFFECT IN THE FORMS OF THE CONSTITUTION ALTERATIONS WHICH WILL IMPAIR THE SYSTEM TO UNDERMINE WHAT CANNOT BE DIRECTLY OVERTHROWN

George Washington, Farewell Address

"All obstructions to the execution of the laws, all combinations and associations (*political parties*) under whatever plausible character with the real design to direct, control, counteract, or awe the regular deliberation and action of the constituted authorities, are destructive of this fundamental principle and of fatal tendency. They serve to organize faction (*An exclusive circle of people with a common purpose*); to give it an artificial and extraordinary force; to put in the place of the delegated will of the nation the will of a party, often a small but artful and enterprising minority of the community; and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill concerted and incongruous projects of faction, rather than the organ of consistent and wholesome plans digested by common councils and modified by mutual interests. However, combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines by which cunning, ambitious, and unprincipled men will be enabled to subvert the power of the people and to usurp for themselves the reins of government, destroying afterwards the very engines which have lifted them to unjust dominion. ... ONE METHOD OF ASSAULT MAY BE TO EFFECT IN THE FORMS OF THE CONSTITUTION ALTERATIONS WHICH WILL IMPAIR THE ENERGY OF THE SYSTEM AND THUS TO UNDERMINE WHAT CANNOT BE DIRECTLY OVERTHROWN. ... It is indeed little else than a name,

[1] Marbury v. Madison, 5th US (2 Cranch) 137, 180;
[2] Bonnett v. Vallier, 116 N.W. 885, 136 Wis. 193 (1908); NORTON v. SHELBY COUNTY, 118 U.S. 425 (1886)

where the government is too feeble to withstand the enterprises of faction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property. … It opens the door to foreign influence and corruption, which find a facilitated access to the government itself through the channels of party passions. Thus, the policy and the will of one country are subjected to the policy and will of another. …"

STATES DEPRIVED THEIR VESTED POWER OF EQUAL SUFFRAGE IN THE SENATE

Today, as George Washington warned, senators are more beholden to party bosses and special interest groups than to their states because those interests give them money for re-election. It's time for our senators to take direction from the State House and the Governor of their state on how they should vote in the Senate. The phrase "REPRESENTATION BY THE CONSENT OF THE GOVERNED" is the idea that should be emboldened in the people's vision of our restored Republic. Our founders' genius or inspirational solution was legislative representatives, selected by popular vote, along with a fail-safe senate which gave each state a say in the legislative process which the progressives dismantled in 1913 with the unconstitutional 17th amendment that completely destroyed the balance of power by DEPRIVING THE VESTED POWER OF THE STATES IT'S EQUAL SUFFRAGE IN THE SENATE, thereby removing the States' representation in congressional matters.

DESTRUCTION OF THE BALANCE OF POWER

Our Constitution provided for a balance of power that was laid waste by the unconstitutional 17th Amendment which was specifically forbidden by the Constitution itself in Article V and Article 1 Section III and therefore is "null and void."

> **United States Constitution Article V**: "*The Congress… shall propose amendments to this Constitution … which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified … PROVIDED THAT …NO STATE, WITHOUT ITS CONSENT, SHALL BE DEPRIVED OF ITS EQUAL SUFFRAGE*[3] *IN THE SENATE*."

One might try to claim that the states, "*consented to be deprived of their suffrage*" but the fact of the matter is that the Constitution states, "*NO STATE SHALL BE DEPRIVED*." Whereas it appears that twelve states did not ratify and therefore have not given their "*consent to be deprived of their suffrage*." The United States being a Republic does not proceed as a democracy. Benjamin Franklin said, "democracy is two wolves and a lamb voting on what to have for lunch. Liberty [Republic] is a well-armed lamb contesting the vote." Clearly thirty-six states cannot remove the suffrage of the twelve states that We the People vested them with, that in itself is sufficient to render the 17th Amendment NULL & VOID!

[3] **SUFFRAGE**: A vote; the act of voting; the right of casting a vote.

The Constitution was carefully debated by men of Great Honor and Moral Judgment, unlike todays progressively controlled houses! Our Founders negotiated a "Unique Balance of Power" between the three branches of Government through Articles I, II, and III. They also created a balance of power acknowledging the People's unalienable right of suffrage through their Congressman via Article I, and the States vested powers of suffrage through their Senators via Article I.

The balance of Power is the "HEART" of our Constitution to destroy that balance of power creates a whole new "de facto constitution" and gives "TOTAL POWER" to special interest groups by reason of their bribes to both Congress and Senate via lobbying; Clearly proven by the total distrust and frustration by the People because both houses continuously ignore the will of the People; With the exception of an occasional bone thrown to the People, nothing of any true value is ever accomplished, only the constant erosion of our Liberty, as they "*Trash our Republic*!".

Article I, in its creation of two houses was ingenious because all legislation required the approval of both houses. So that if the people who controlled the House of Representatives erred the states via the Senate could prevent the error, and if the states via the Senate erred, the people through the House of Representatives could prevent or correct the error. Now, with both houses controlled by the People, "*I mean the party bosses and special interest groups*," combined with a subversive federal judiciary it creates a "*Cartel on Law*!" Just look what they have done to our courts of Justice, they abrogated the Common Law" and replaced it with "Babylonian law!" And with all these "judicial scholars" of the court, they seem to not even notice! Or do they?

Therefore, to remove the "*Balance of Power*" that provides for checks and balances, protects Liberty, prevents fraud upon the People, prevents unconstitutional statutes and amendments, and prevents the rise of mob or dictator rule would be "*High Treason*!"

10TH AMENDMENT RENDERED NULL

The 17th Amendment places the 10th Amendment in Jeopardy because the states have no opportunity to argue or protect their rights. And since both houses are controlled by special interest groups that harbors unlawful agendas and empowers party bosses all Liberty is in Jeopardy because all debates are controlled by party bosses and special interest groups and are thereby one sided as the federal government ignores the will of the states.

A DIVISION OF THE LEGISLATIVE POWER INTO TWO BRANCHES IS CONCLUSIVE

Antifederalist No. 62

- The 17th Amendment ignores Our Founders Irrefutable Arguments in favor of a division of the Legislative Power into two branches!

"I can scarcely imagine that any of the advocates of the system will pretend, that it was necessary to accumulate all these powers in the senate. There is a propriety in the senate's possessing legislative powers. This is the principal end which should be held in view in their appointment. I NEED NOT HERE REPEAT WHAT HAS SO OFTEN AND ABLY BEEN ADVANCED ON THE SUBJECT OF A DIVISION OF THE LEGISLATIVE POWER INTO TWO BRANCHES. THE ARGUMENTS IN FAVOR OF IT I THINK CONCLUSIVE."

THE INTRODUCTION OF LEGISLATIVE BALANCES AND CHECKS

Federalist No. 9

- The 17th Amendment destroyed legislative balances and checks.

The science of politics, however, like most other sciences, has received great improvement. The efficacy of various principles is now well understood, which were either not known at all, or imperfectly known to the ancients. The regular distribution of power into distinct departments; [1] THE INTRODUCTION OF LEGISLATIVE BALANCES AND CHECKS; [2] the institution of courts composed of judges holding their offices during good behavior; [3] *the representation of the people in the legislature by deputies of their own election*: these are wholly new discoveries, or have made their principal progress towards perfection in modern times. They are means, and powerful means, by which the excellences of republican government may be retained and its imperfections lessened or avoided.

THE STRUCTURE OF THE GOVERNMENT MUST FURNISH THE PROPER CHECKS AND BALANCES BETWEEN THE DIFFERENT DEPARTMENTS (*TWO HOUSES*)

Federalist No. 51

- The 17th Amendment destroyed the two Branches necessary for checks and balances one by the People and one by the State!

In republican government, the legislative authority necessarily predominates. The remedy for this inconveniency is to DIVIDE THE LEGISLATURE INTO DIFFERENT BRANCHES; [*Senate controlled by the states and House of Representatives controlled by the People*] and to render them, by DIFFERENT MODES OF ELECTION and DIFFERENT PRINCIPLES OF ACTION, as LITTLE CONNECTED WITH EACH OTHER as the nature of their common functions and their common dependence on the society will admit.

THE APPOINTMENT OF SENATORS BY THE STATE LEGISLATURES GIVES TO THE STATE GOVERNMENTS AN AGENCY IN THE FORMATION OF THE FEDERAL GOVERNMENT

Federalist No. 62 The Senate

- The 17th Amendment robbed the States of an agency that formed and continues to form the federal government now without state involvement!

Having examined the constitution of the House of Representatives, and answered such of the objections against it as seemed to merit notice, I enter next on the examination of the Senate. The heads into which this member of the government may be considered are the powers vested in the Senate. It is equally unnecessary to dilate on THE APPOINTMENT OF SENATORS BY THE STATE LEGISLATURES. Among the various modes which might have been devised for constituting this branch of the government, that which has been proposed by the convention is probably the most congenial with the public opinion. It is recommended by the double advantage of favoring a select appointment, and of GIVING TO THE STATE GOVERNMENTS SUCH AN AGENCY IN THE FORMATION OF THE FEDERAL GOVERNMENT AS MUST SECURE THE AUTHORITY OF THE FORMER, AND MAY FORM A CONVENIENT LINK BETWEEN THE TWO SYSTEMS.

THE EQUAL VOTE ALLOWED TO EACH STATE IS AT ONCE
A CONSTITUTIONAL RECOGNITION OF THE PORTION OF SOVEREIGNTY

Federalist No. 62 The Senate

- The 17th Amendment robbed the States of their residuary sovereignty, destroyed the equal powers between the states and inappropriately consolidated the Republics into one federal republic, making it easy for the progressives to destroy one republic in opposed to fifty!

The equality of representation in the Senate is another point, which, being evidently the result of compromise between the opposite pretensions of the large and the small States, does not call for much discussion. The only option, then, for the former, lies between the proposed government and a government still more objectionable. Under this alternative, the advice of prudence must be to embrace the lesser evil; and, instead of indulging a fruitless anticipation of the possible mischiefs which may ensue, to contemplate rather the advantageous consequences which may qualify the sacrifice. IN THIS SPIRIT IT MAY BE REMARKED, THAT THE EQUAL VOTE ALLOWED TO EACH STATE IS AT ONCE A CONSTITUTIONAL RECOGNITION OF THE PORTION OF SOVEREIGNTY REMAINING IN THE INDIVIDUAL STATES, AND AN INSTRUMENT FOR PRESERVING THAT RESIDUARY SOVEREIGNTY. So far, the equality ought to be no less acceptable to the large than to the small States; since they are not less solicitous to guard, by every possible expedient, against an improper consolidation of the States into one simple republic.

PREVENTION OF IMPROPER ACTS OF LEGISLATION
NO LAW OR RESOLUTION CAN BE PASSED WITHOUT
THE CONCURRENCE OF BOTH THE PEOPLE AND THE STATES

Federalist No. 62 The Senate

- The 17th Amendment robbed the States of their suffrage, allowing for improper acts of legislation!

Another advantage accruing from this ingredient in the constitution of the Senate is, the ADDITIONAL IMPEDIMENT IT MUST PROVE AGAINST IMPROPER ACTS OF LEGISLATION. NO LAW OR RESOLUTION CAN NOW BE PASSED WITHOUT THE CONCURRENCE, FIRST, OF A MAJORITY OF THE PEOPLE, AND THEN, OF A MAJORITY OF THE STATES. It must be acknowledged that this

complicated check on legislation may in some instances be injurious as well as beneficial; and that the peculiar defense which it involves in favor of the smaller States, would be more rational, if any interests common to them, and distinct from those of the other States, would otherwise be exposed to peculiar danger. But as the larger States will always be able, by their power over the supplies, to defeat unreasonable exertions of this prerogative of the lesser States, and as the faculty and excess of law-making seem to be the diseases to which our governments are most liable, it is not impossible that this part of the Constitution may be more convenient in practice than it appears to many in contemplation.

IT DOUBLES THE SECURITY TO THE PEOPLE, BY REQUIRING THE CONCURRENCE OF TWO DISTINCT BODIES THEREBY PREVENTING SCHEMES OF USURPATION OR TREACHERY TO DESTROY THE PRINCIPLES OF REPUBLICAN GOVERNMENT

Federalist No. 62 The Senate

- The 17th Amendment destroyed the Principles of Republican Government by removing the Security against Schemes of Usurpation or Treachery!

A senate, as a second branch of the legislative assembly, distinct from, and dividing the power with, a first, must be in all cases a salutary check on the government. IT DOUBLES THE SECURITY TO THE PEOPLE, BY REQUIRING THE CONCURRENCE OF TWO DISTINCT BODIES IN SCHEMES OF USURPATION OR PERFIDY, where the ambition or corruption of one would otherwise be sufficient. This is a precaution founded on such clear principles, and now so well understood in the United States, that it would be more than superfluous to enlarge on it. I will barely remark, that as THE IMPROBABILITY OF SINISTER COMBINATIONS WILL BE IN PROPORTION TO THE DISSIMILARITY IN THE GENIUS OF THE TWO BODIES, it must be politic to distinguish them from each other by every circumstance which will consist with A DUE HARMONY IN ALL PROPER MEASURES, AND WITH THE GENUINE PRINCIPLES OF REPUBLICAN GOVERNMENT.

THE NECESSITY OF A SENATE IS TO PREVENT THE YIELDING TO THE IMPULSE OF SUDDEN AND VIOLENT PASSIONS, AND TO BE SEDUCED BY PARTY LEADERS INTO INTEMPERATE AND PERNICIOUS RESOLUTIONS.

Federalist No. 62 The Senate

- The 17th Amendment provided for the Seduction by party bosses into intemperate and Pernicious Resolutions

THE NECESSITY OF A SENATE IS NOT LESS INDICATED BY THE PROPENSITY OF ALL SINGLE AND NUMEROUS ASSEMBLIES TO YIELD TO THE IMPULSE OF SUDDEN AND VIOLENT PASSIONS, AND TO BE SEDUCED BY FACTIOUS (party) LEADERS INTO INTEMPERATE AND PERNICIOUS RESOLUTIONS. Examples on this subject might be cited without number; and from proceedings within the United States, as well as from the history of other nations. But a position that will not be contradicted, need not be proved. All that need be remarked is, that a body which is to correct this infirmity ought itself to be free from it, and consequently ought to be less numerous. It

ought, moreover, to possess great firmness, and consequently ought to hold its authority by a tenure of considerable duration.

THE PEOPLE MAY POSSIBLY BE BETRAYED BY THEIR REPRESENTATIVES BUT A SENATE CONTROLLED BY STATE LEGISLATORS CANNOT BE CORRUPTED WITHOUT CORRUPTING THE 100 STATE LEGISLATIVE BODIES THAT CONTROL THEM

Federalist No. 62 The Senate

- The 17th Amendment permitted for the Corruption of both legislative bodies. Whereas a Senate controlled by 100 Legislative bodies who periodically changed members would otherwise regenerate the whole body thereby making it impossible to corrupt the whole of the Senate!

Many of the defects, as we have seen, which can only be supplied by a senatorial institution, are common to a numerous assembly frequently elected by the people, and to the people themselves. There are others peculiar to the former, which require the control of such an institution. THE PEOPLE CAN NEVER WILLFULLY BETRAY THEIR OWN INTERESTS; BUT THEY MAY POSSIBLY BE BETRAYED BY THE REPRESENTATIVES OF THE PEOPLE; AND THE DANGER WILL BE EVIDENTLY GREATER WHERE THE WHOLE LEGISLATIVE TRUST IS LODGED IN THE HANDS OF ONE BODY OF MEN, THAN WHERE THE CONCURRENCE OF SEPARATE AND DISSIMILAR BODIES IS REQUIRED IN EVERY PUBLIC ACT. Before a tyrannical aristocracy can affect the Senate, it is to be observed, must in the first place corrupt itself; must next corrupt the State legislatures; must then corrupt the House of Representatives; and must finally corrupt the people at large. It is evident that the Senate must be first corrupted before it can attempt an establishment of tyranny. Without corrupting the State legislatures, it cannot prosecute the attempt, because the periodical change of members would otherwise regenerate the whole body. Without exerting the means of corruption with equal success on the House of Representatives, the opposition of that coequal branch of the government would inevitably defeat the attempt; and without corrupting the people themselves, a succession of new representatives would speedily restore all things to their pristine order. Is there any man who can seriously persuade himself that the proposed Senate can, by any possible means within the compass of human address, arrive at the object of a lawless ambition, through all these obstructions?

THE STATES CAN NULLIFY THE 17TH AMENDMENT

> **United States Constitution Article 1 Section 3:** "*THE SENATE OF THE UNITED STATES shall be composed of two Senators from each state, chosen by the legislature thereof, for six years; and each Senator shall have one vote.*"

Clearly the Seventeenth Amendment deprives "ALL" States equal suffrage in the Senate! Thus, it is not a moot point! Therefore, like the Principle of the Kentucky Resolution written by Thomas Jefferson, the founder of our Republic, which stated that simply by "*declaring their illegality, announcing the strict constructionist theory of the federal government, and*

declaring nullification to be the rightful remedy." That is how the 17th amendment can be nullified. There need not be an act of Congress to amend it, just Nullify it! Governors and State Legislators need only come to a "resolution" and then declare, announce and act by removing the unconstitutional senators and sending their own Senators that will do the will of the state and restore the balance of power because "*An unconstitutional act is not law; it confers no right; it imposes no duties; affords no protection; it creates no office; it is in legal contemplation, as inoperative as though it had never been passed*." - Norton vs Shelby County 118 US 425 p. 442. "*No one is bound to obey an unconstitutional law and no courts are bound to enforce it*." - 16th American Jurisprudence 2d, Section 177 late 2nd, Section 256. The twelve states that did not "Give Up their Suffrage in the Senate can just send their own representation to the Senate and recall the unlawful senators.

THE UNITED STATES SUPREME COURT CAN NULLIFY THE 17TH AMENDMENT

IF TWO LAWS CONFLICT WITH EACH OTHER, THE COURTS MUST DECIDE ON THE OPERATION OF EACH AN ACT OF THE LEGISLATURE REPUGNANT TO THE CONSTITUTION IS VOID

- The 17th Amendment is in conflict with Article V's equal suffrage and denial of the power vested to the twelve states that did not give up their right of suffrage. It is also in violation of the 10th Amendment and destroys the "Balance of Power" between the states and the People.

"*It is emphatically the province and duty of the judicial department to say what the law is. Those who apply the rule to particular cases, must of necessity expound and interpret that rule. IF TWO LAWS CONFLICT WITH EACH OTHER, THE COURTS MUST DECIDE ON THE OPERATION OF EACH. SO, IF A LAW BE IN OPPOSITION TO THE CONSTITUTION; IF BOTH THE LAW AND THE CONSTITUTION APPLY TO A PARTICULAR CASE, SO THAT THE COURT MUST EITHER DECIDE THAT CASE CON-FORMALLY TO THE LAW, DISREGARDING THE CONSTITUTION; OR CONFORMABLY TO THE CONSTITUTION, DISREGARDING THE LAW; THE COURT MUST DETERMINE WHICH OF THESE CONFLICTING RULES GOVERNS THE CASE. This is of the very essence of judicial duty. IF, THEN, THE COURTS ARE TO REGARD THE CONSTITUTION, AND THE CONSTITUTION IS SUPERIOR TO ANY ORDINARY ACT OF THE LEGISLATURE, THE CONSTITUTION, AND NOT SUCH ORDINARY ACT, MUST GOVERN THE CASE TO WHICH THEY MAY BOTH APPLY... Certainly all those who have framed written constitutions contemplate them as forming the fundamental and paramount law of the nation, and consequently the theory of every such government must be, that AN ACT OF THE LEGISLATURE REPUGNANT TO THE CONSTITUTION IS VOID. This theory is essentially attached to a written constitution, and is consequently to be considered by this court as one of the fundamental principles of our society. It is not therefore to be lost sight of in the further consideration of this subject. If an act of the legislature, repugnant to the constitution, is void,*" - Marbury v. Madison.

THE PROGRESSIVE MOVEMENT SENDS SWARMS OF BARRISTER INTO OUR COURTS TO ALTER OUR REPUBLIC INTO A DEMOCRACY & EVENTUALLY CORPORATE FASCISM, THE 17TH AMENDMENT IS JUST ONE OF MANY UNCONSTITUTIONAL DESTRUCTIVE LEGISLATIVE ACTS.

The progressive movement is anti-constitutional created and orchestrated by progressive BAR lawyers, who conceal a conspiracy to destroy our Republic. They have engaged in actions to subvert the Government of the United States. They have, in congruence with the teaching of the American Bar Association, the National Lawyers Guild, the American Civil Liberties Union, the National Lawyers Association, the Southern Poverty Law Center, and many other anti-constitutional BAR associations, knowingly and willfully in an attempt to destroy our "*Natural Law Republic*" as they advocate, abet, advise, and teach that we are a democracy and not a Republic and that the Common Law can and was abrogated, in violation of 18 USC §2383[4], 18 USC §2384,[5] and 18 USC §2385.[6] Sending swarms of "*Esquires*,"[7] a title of dignity[8] holding the office of Barrister in our courts which is prohibited by the "*Original 13th Amendment*,"[9] to alter our Republic into a democracy and now into an oligarchy with an end

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[4] **18 USC §2383 - Rebellion or insurrection** - Whoever incites, sets on foot, assists, or engages in any rebellion or insurrection against the authority of the United States or the laws thereof, or gives aid or comfort thereto, shall be fined under this title or imprisoned not more than ten years, or both; and shall be incapable of holding any office under the United States.

[5] **18 USC §2384 - Seditious conspiracy -** If two or more persons in any State or Territory, or in any place subject to the jurisdiction of the United States, conspire to overthrow, put down, or to destroy by force the Government of the United States, or to levy war against them, or to oppose by force the authority thereof, or by force to prevent, hinder, or delay the execution of any law of the United States, or by force to seize, take, or possess any property of the United States contrary to the authority thereof, they shall each be fined under this title or imprisoned not more than twenty years, or both.

[6] **§2385 Advocating overthrow of Government**: Whoever knowingly or willfully advocates, abets, advises, or teaches the duty, necessity, desirability, or propriety of overthrowing or destroying the government of the United States or the government of any State, Territory, District or Possession thereof, or the government of any political subdivision therein, by force or violence, or by the assassination of any officer of any such government; or Whoever, with intent to cause the overthrow or destruction of any such government, prints, publishes, edits, issues, circulates, sells, distributes, or publicly displays any written or printed matter advocating, advising, or teaching the duty, necessity, desirability, or propriety of overthrowing or destroying any government in the United States by force or violence, or attempts to do so; or Whoever organizes or helps or attempts to organize any society, group, or assembly of persons who teach, advocate, or encourage the overthrow or destruction of any such government by force or violence; or becomes or is a member of, or affiliates with, any such society, group, or assembly of persons, knowing the purposes thereof: Shall be fined under this title or imprisoned not more than twenty years, or both, and shall be ineligible for employment by the United States or any department or agency thereof, for the five years next following his conviction. If two or more persons conspire to commit any offense named in this section, each shall be fined under this title or imprisoned not more than twenty years, or both, and shall be ineligible for employment by the United States or any department or agency thereof, for the five years next following his conviction. As used in this section, the terms "organizes" and "organize," with respect to any society, group, or assembly of persons, include the recruiting of new members, the forming of new units, and the regrouping or expansion of existing clubs, classes, and other units of such society, group, or assembly of persons.

[7] **ESQUIRE:** In English law. A title of dignity next above gentleman, and below knight. Also a title of ofifce given to sheriffs, serjeants, and barristers at law, justices of the peace, and others. 1 Bl.Comm. 406; 3 Steph.Comm. 15, note; Tomlins. On the use of this term in American law, particularly as applied to justices of the peace and other inferior judicial officers, see Christian v. Ashley County, 24 Ark. 151; Corn. v. Vance, 15 Serg. & R., Pa., 37.

[8] **DIGNITY:** In English law. An honor; a title, station, or distinction of honor. Dignities are a species of incorporeal hereditaments, in which a person may have a property or estate. 2 Bl.Comm.37;

[9] **Amendment XIII** – (ratified 1819) If any citizen of the United States shall accept, claim, receive, or retain any title of nobility or honor, or shall without the consent of Congress, accept and retain any present, pension, office, or emolument of any kind whatever, from any emperor, king, prince, or foreign power, such person shall cease to be a citizen of the United States, and shall be incapable of holding any office of trust or profit under them, or either of them.

results of "*Corporate Fascism*." And the reason given by these traitors for the need of the 17th Amendment was that, "*it was needed to end corruption*," hmm!!! They certainly achieved their goal, but today is the day that the People are determined to reinstate our Republic and abolish the seditious BAR in America.

In conclusion in Federalist No.62 James Madison argued, giving state legislatures the power to choose Senators provided a "double advantage," both "favoring a select appointment, and of giving to the State governments such an agency in the formation of the federal government."

George Mason argued that state legislative selection gave states the power of self-defense against the federal government.

Wendell Pierce argued that the contrast between a state legislatively-appointed Senate and a popularly-elected House would increase the types of interests represented in the federal government. By requiring the consent of two different constituencies to any legislation—the people's representatives in the House and the state legislatures in the Senate—the composition of the Senate was seen as essential to the system of bicameralism, which would require "the concurrence of two distinct bodies in schemes of usurpation or perfidy."

Andrew Napolitano calls the 17th Amendment "*the only part of the Constitution that is itself unconstitutional*."

As the Heritage Guide to the Constitution explains, the "Framers intended to protect the interests of states as states" and the "mode of election impelled senators to preserve the original federal design and to protect the interests not only of their own states, but, concomitantly, of the states as political and legal entities within the federal system." Alexander Hamilton emphasized this at the New York ratifying convention in 1788 when he said that senators "will constantly look up to the state governments with an eye of dependance" and, if they wanted to be reelected by state legislators, they, "would have a uniform attachment to the interests of their several states." In other words, they would be wary of imposing unfunded mandates on state governments or taking other actions that extended the power of the federal government into areas traditionally within the authority of the states.

As Mark Levin succinctly explained in "The Liberty Amendments," the original method of electing U.S. senators that provided "state governments with direct input in the national government was not only an essential check on the new federal government's power, but also a means by which the states could influence congressional lawmaking."

By constitutionally correcting, through nullification and action, the said unconstitutional seventeenth amendment, nullification would then permit the states to review all passed acts since November 1913 giving both equal suffrage to the States and a great opportunity to

eradicate many unconstitutional acts of the subversive progressive movement such as the Federal Reserve Act, enacted December 23, 1913; the Patriot Act; homeland security act and many more unconstitutional acts.

RECAPPING THE AFORESAID, the 17th Amendment was part of a greater conspiracy by progressives created and orchestrated by Barristers corrupting our judicial and political processes. If our founding fathers were alive in 1913, they would have taken up arms again!

- "All laws, rules and practices which are repugnant to the Constitution are null and void" – Marbury v. Madison[10]
- One method of assault may be to effect in the forms of the constitution alterations [such as the 17th Amendment], which [did] impair the system to undermine what cannot be directly overthrown. George Washington, Farewell Address
- The 17th Amendment did deprive states their vested power of equal suffrage in the senate that We the People gave them.
- The 17th Amendment did destroy the Balance of Power.
- The 17th Amendment placed the 10th Amendment in Jeopardy because the states have no opportunity to argue or protect their rights.
- The 17th Amendment ignores Our Founders Irrefutable Arguments in favor of a division of the Legislative Power into two branches! - Antifederalist No. 62
- The 17th Amendment destroyed legislative balances and checks. - Federalist No.9
- The 17th Amendment destroyed the two Branches necessary for checks and balances one by the People and one by the State! - Federalist No. 51
- The 17th Amendment robbed the States of an agency that formed and continues to form the federal government now without state involvement! - Federalist No. 62.
- The 17th Amendment robbed the States of their residuary sovereignty, destroyed the equal powers between the states and inappropriately consolidated the Republics into one federal republic, making it easy for the progressives to destroy one republic in opposed to fifty-one! - Federalist No. 62 The Senate
- The 17th Amendment robbed the States of their suffrage, allowing for improper acts of legislation! - Federalist No. 62 The Senate
- The 17th Amendment destroyed the Principles of Republican Government by removing the Security against Schemes of Usurpation or Treachery! - Federalist No. 62 The Senate
- The 17th Amendment provided for the Seduction by party bosses into intemperate and Pernicious Resolutions - Federalist No. 62 The Senate
- The 17th Amendment permitted for the Corruption of both legislative bodies. Whereas a Senate controlled by 100 Legislative bodies who periodically changed members would otherwise regenerate the whole body thereby making it impossible to corrupt the whole of the Senate! - Federalist No. 62 The Senate.

[10] Marbury v. Madison, 5th US (2 Cranch) 137, 180;

The 17th Amendment is Just One of Many Unconstitutional Destructive Legislative Acts. The United States Supreme Court Can Nullify the 17th Amendment – "*If two laws conflict with each other, the courts must decide on the operation of each an act of the legislature repugnant to the constitution is void*!"

MEMORANDUM OF LAW CONCERNING THE ABROGATION OF THE UNITED STATES AN ACT OF HIGH TREASON[1]

The purpose of this memorandum is to reveal how the treasonous BAR's esquires conspired, to seized control of congress and the federal judiciary to supplant the Law and thereby abrogate the United States of America in exchange for money and power, placing themselves in "positions of honor" that was forbidden them by the original 13th Amendment" ratified in 1819[2] and concealed in 1876 when the 14th Amendment was divided into "two" thereby holding the position of the 13th and the 14th. The now hidden, ratified, and still Law, Amendment carries an enforceable strict penalty, i.e., "inability to hold office" and "loss of citizenship" for holding the title of honor called "Esquire,"[3] a title of dignity.[4]

This is particularly destructive today in the 21st Century as government is increasingly FOR SALE to the highest bidder, as foreign and multinational corporations and individuals compete to line the pockets of politicians and political parties to accommodate and purchase protection or privilege, i.e. honors, for their special interests. Resulting in the concealment of Natural Law Jurisdictions and carrying the People away to jurisdictions unknown, replacing "Natural Rights" with "civil rights".

PROCLAMATION OF COMMON LAW

In 1775, Colonial "Militiamen,"[5] a/k/a We the Sovereign People,[6] took up arms against the British troops of the tyrant king George for subversion of the unalienable rights of We the Sovereign People.

On July 4th 1776, We the Sovereign People, in a Declaration of Independence, dissolved the political bands with Britain proclaiming; "*When in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with*

[1] "Judges have no more right to decline the exercise of jurisdiction which is given, than to usurp that which is not given. The one or the other would be treason to the Constitution." [Cohen v. Virginia, (1821), 6 Wheat. 264 and U.S. v. Will, 449 U.S. 200.
[2] **Amendment XIII** – (ratified 1819) If any citizen of the United States shall accept, claim, receive, or retain any title of nobility or honor, or shall without the consent of Congress, accept and retain any present, pension, office, or emolument of any kind whatever, from any emperor, king, prince, or foreign power, such person shall cease to be a citizen of the United States, and shall be incapable of holding any office of trust or profit under them, or either of them.
[3] **ESQUIRE:** In English law. A title of dignity next above gentleman, and below knight. Also a title of ofifce given to sheriffs, serjeants, and barristers at law, justices of the peace, and others. 1 Bl.Comm. 406; 3 Steph.Comm. 15, note; Tomlins. On the use of this term in American law, particularly as applied to justices of the peace and other inferior judicial officers, see Christian v. Ashley County, 24 Ark. 151; Corn. v. Vance, 15 Serg. & R., Pa., 37.
[4] **DIGNITY:** In English law. An honor; a title, station, or distinction of honor. Dignities are a species of incorporeal hereditaments, in which a person may have a property or estate. 2 Bl.Comm.37;
[5] **MILITIA:** The body of citizens in a state, enrolled for discipline as a military force, but not engaged in actual service except in emergencies, as distinguished from regular troops or a standing army. Ex parte McCants, 39 Ala. 112; Worth v. Craven County, 118 N.C. 112, 24.
[6] **SOVEREIGN PEOPLE:** The political body, consisting of the entire number of citizens and qualified electors, who, in their collective capacity, possess the powers of sovereignty and exercise them through their chosen representatives. Scott v. Sandford, 19 How. 404, 15 L.Ed. 691.

another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation. We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.--That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed." In this Proclamation, We the Sovereign People laid the foundation of our Constitution calling upon our Creator, acknowledging the covenant with God, by establishing the "Law of the Land". That is the "Common Law" that the Bill of Rights expresses.

The acknowledgement of this covenant with God under His Law was made clear by a committee of three, John Adams, Thomas Jefferson and Benjamin Franklin that were chosen to author our founding document, the Declaration of Independence in 1776. This same committee of three was again chosen by the Continental Congress to work on and submit a national seal design for approval. Jefferson, in the representation of the Law of the Land and our structure of government, designed an illustration of the Israelites' exodus out of slavery and bondage from Egypt.

Benjamin Franklin had an idea similar to Jefferson's and wanted to also illustrate a scene from the Exodus of the Israelites. The seal would show Moses parting the Red Sea with Pharaoh and his chariots being overwhelmed by the waters with the motto "*Rebellion to tyrants is obedience to God.*" Thomas Jefferson became so enamored with this motto he incorporated it for his own personal seal design.

In 1782, congress, already under the influence of the "federalist barristers"[7] rejected the Jefferson and Franklin designs and instead adopted a two-sided seal designed by Charles Thomson. His seal "Gave Allegiance to a Secret Society" that symbolically made the point within the seal that there was already a conspiracy to supplant the Law of the Land (God) with the civil law of man (under a new world order). Franklin was not happy with the eagle, as he explained in a letter to his daughter: "*For my own part, I wish the Bald Eagle had not been chosen as the Representative of our Country. He is a Bird of bad moral Character. He does not get his living honestly. You may have seen him perched on some dead Tree near the River, where, too lazy to fish for himself, he watches the Labor of*

[7] The Federalists, headed-up by Alexander Hamilton were infiltrated by barristers and the banksters whose interests were for a strong federal government. They infiltrated and influenced congress already before we became the United States of America; Attesting to the fact that the revolutionary war continued covertly until today via the barristers' assault upon our Republic.

the Fishing Hawk; and when that diligent Bird has at length taken a Fish, the Bald Eagle pursues him and takes it from him."

In 1789, We the People of the United States, "*in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity did ordain and establish the Constitution for the United States of America.*"

In 1791, We the People of the United States "*expressed a desire in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added: And as extending the ground of public confidence in the Government, will best ensure the beneficent ends of its institution*" RESOLVING THAT: this Bill of Rights "*to be valid to all intents and purposes, as part of the said Constitution.*"

The Bill of Rights thereby being the capstone of our Constitution, laid the foundation of our unalienable rights, in addition to Article I Section 9 of the Constitution that expressed the Blessings of Common Law by which all law is measured in that all laws repugnant to Liberty are "*null and void.*" – Marbury v Madison

Therefore, by We the People calling upon God in 1776 desiring the righteousness of His Law, seeking the Blessing of His liberty in 1789 and proclaiming His unalienable rights in 1791, entered into an everlasting covenant with Him that no man can depose.[8] Now, being his children through adoption to whom pertained the covenants, the law and the promises[9], He Put His laws into our mind and wrote them in our hearts and became to us a God. We became to him His People[10] and He shall judge the world in righteousness, He shall minister judgment to the people in honor;[11] therein the Common Law!

God decreed concerning those who would attempt to unseat Him and overthrow His covenant and bind His people in a statutory bondage[12] saying,[13] "*it shall come to pass that the LORD will give His People rest from their sorrow, and from their fear, and from the hard bondage wherein they were forced to serve leviathan* (novus ordo seclorum[14]); *they will not rise and possess the land, nor fill the face of the world with their* [dark] *cities*" and that he would rise up against them at the worlds darkest moment[15] and "*sweep the children of iniquity with the broom of destruction.*" Of that day the Lord said, "*Surely as I have thought, so shall it come to pass; and as I have purposed, so shall it stand: In that day the LORD with his sore and great and strong sword will punish leviathan[16] the piercing serpent, even leviathan that*

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8 Geneses 17
9 Romans 8:15; 9:4-6; 11:24-27; Galatians 4:6
10 Hebrews 8
11 Psalms 9
12 Exodus 6:5-6
13 Isaiah 14
14 The phrase ***Novus ordo seclorum*** (Latin for "New order of the ages" (NWO); English pronunciation: /ˈnoʊvəs ˈɔːrdoʊ seˈklɔərəm/; Latin pronunciation: [ˈnɔwʊs ˈoːrdoː seːˈkɬoːrũː]) appears on the reverse (or back side) of the Great Seal of the United States, first designed in 1782 and printed on the back of the United States one-dollar bill since 1935.
15 Zephaniah 1:12-15
16 The collective body of the children of iniquity under the rule of Satan - Book of Revelation

crooked serpent; and slay the dragon that is in the world." Therefore, We the Sovereign People will reestablish the Law of the Land and God will execute His Judgment upon all who offend. And it appears that God has begun His Judgments via a "Type of King Cyrus" that it appears He has raised in the city of harlots "Washington DC." For God revealed to us that there is no power among men that has not been given from above.[17]

SEDITIOUS CONSPIRACY[18]

According to the Southern Poverty Law Center (SPLC) Intelligence Report, which proclaims to be the nation's preeminent periodical monitoring the radical right in the United States, has counseled all government agencies and police departments into believing that anyone that uses specific words like militia, sovereign, oath keepers, constitution, patriots and even founding fathers, to name just a few, are armed, radicals and dangerous cop killers, whose names are put on the terrorist watch list. This agitation often causes police to over-react with excessive force and on a few occasions respond by SWAT teams when these words are used at traffic stops.

Much of the overreaction that fuels the police comes from www.policemag.com that spews forth the lies of the Southern Poverty Law Center to unsuspecting law-enforcement agencies and departments. The SPLC is an arm of the BAR whose one of its purpose is to excite violence by federal agents and police upon the People who are trying to return Law, Order and Justice back into our status quo courts.

Sometime after 1819, the 13th Amendment that barred BAR attorneys, a/k/a esquire from elected offices and our courts, just disappeared, just in time for the founding of the American Bar Association on August 21, 1878, in Saratoga Springs, New York, by 100 esquires (BAR attorneys) from 21 states.

On September 21, 1950 a Report on the National Lawyers Guild, Legal Bulwark of the Communist Party, by the Committee on Un-American Activities, House Report No. 3123 81st Congress 2nd Session reported:

> "The National Lawyers Guild is the' foremost legal bulwark of the Communist Party; its' front organizations,' and controlled unions. Since its inception it has never failed to rally to the legal defense of the Communist Party and individual members thereof, including known espionage agents. It has consistently fought against national, State, and local legislation aimed at curbing the Communist conspiracy. It has been most articulate in its attacks upon all agencies of the Government seeking to expose or prosecute the subversive activities of the

[17] **John 19:11**

[18] **18 U.S. Code § 2384 – Seditious conspiracy:** If two or more persons in any State or Territory, or in any place subject to the jurisdiction of the United States, conspire to overthrow, put down, or to destroy by force the Government of the United States, or to levy war against them, or to oppose by force the authority thereof, or by force to prevent, hinder, or delay the execution of any law of the United States, or by force to seize, take, or possess any property of the United States contrary to the authority thereof, they shall each be fined under this title or imprisoned not more than twenty years, or both. (June 25, 1948, ch. 645, 62 Stat. 808; July 24, 1956, ch. 678, §?1, 70 Stat. 623; Pub. L. 103–322, title XXXIII, §?330016(1)(N), Sept. 13, 1994, 108 Stat. 2148.)

> Communist network, including national, State, and local investigative committees, the Department of Justice, the FBI and law enforcement agencies generally. Through Its affiliation With the International Association of Democratic Lawyers, an international Communist-front organization, the National Lawyers Guild has constituted itself an agent of a foreign principal hostile to the interests of the United States. It has gone far afield to oppose the foreign policies of the United States, in line with the current line of the Soviet Union."

The National Lawyers Guild is the nation's oldest and largest progressive BAR association, a communist organization hell-bent on the destruction of our Constitutional Republic via progressive reform of our founding documents. The BAR has seized control of our government at every level through the Deep State; whereas, no decision is made, no law is passed and no issue is resolved without the seditious BAR orchestrated legislation intended to regulate our Liberties and eventually abolish them; a necessity for their NWO.

The BAR has convinced the populous that the United States is a democracy which is a stepping-stone to totalitarianism and that by orchestrating popular demand through fear is then able to legislate statutes that abrogate the unalienable rights of the Sovereign People. Democracy and totalitarianism are types of governments that offer different ways of making decisions on behalf of the people they govern. They share some similarities and at the end of the day yield the same results. While one focuses on oppression, the other embraces the differences of the people until lurking egotistical tyrants seize control and over-time convince the sheeple to vote away their liberties as it morph's into totalitarian, as John Adams commented: "*democracy never lasts long it soon wastes, exhausts, and murders itself*." Article IV, Section 4, declares: "The United States shall guarantee to every State in this Union a Republican Form of Government." Not a Democratic Form of Government!

Today out of a total of 435 U.S. Representatives and 100 Senators (535 total in Congress), lawyers comprise the biggest voting block of one type, making up 43% of Congress. Sixty percent of the U.S. Senate are lawyers. And according to the Washingtonian there are 80,000 lawyers working in Washington DC alone.

With all these NWO minions nibbling at every legislated word and judicial meaning, they turned our Courts of Justice in to courts of thieves. They send out swarms of police that operate as code enforcement officers. They fine or imprison people for behavior that they deem a crime or for not having a license to exercise our unalienable rights. They tax our homes, our labor and even in death they tax our children's inheritance. They ignore our Laws, they changed our unalienable rights to civil rights via the repugnant 14th Amendment and they changed our Common Law to legislative law. They stack and taint our juries, they removed the knowledge of our Sacred Foundation from our education, they claim government by consent is the ballot box, they expanded their jurisdictions and powers. They removed our power to recall, they imprison us in statutory prisons to control the will of the People and they robbed our states of their sovereignty and subjected them to the will of the federal government via the repugnant

17th Amendment. They enslaved the People treating them as chattel and created debtor's prisons via the repugnant 16th Amendment. They removed the 13th Amendment and replaced it with another. All of this was possible because the People are ignorant of the most important issues that provide for their liberty and destiny! The justice system and the political system! as the BAR covertly dismantle our Republic.

Thomas Jefferson said, "*An enlightened citizenry is indispensable for the proper functioning of a republic. Self-government is not possible unless the citizens are educated sufficiently to enable them to exercise oversight. It is therefore imperative that the nation see to it that a suitable education be provided for all its citizens*." As long as government controls our children's curriculum, we will never have that suitable education.

> "*The two enemies of the people are criminals and government, so let us tie the second down with the chains of the Constitution so the second will not become the legalized version of the first*." – Thomas Jefferson, and so it has!
>
> "*Government is like fire, a dangerous servant and a fearful master*." – George Washington

Our founding fathers understood that the biggest obstacle to freedom was the tendency of all governments to grow, absorbing power unto themselves. And only the People can take it away from them.

> "*I know no safe depositary of the ultimate powers of the society but the people themselves; and if we think them not enlightened enough to exercise their control with a wholesome discretion, the remedy is not to take it from them, but to inform their discretion by education. This is the true corrective of abuses of constitutional power*." – Thomas Jefferson

THE SYSTEMATIC DESTRUCTION OF AMERICA

By enemies both foreign and domestic

In 1871 in an act of High Treason, the 41st Congress, steered by barristers acted without constitutional authority, an act of fraud via the Organic Act of 1871, conspiring to subvert the United States of America by attempting to depose our covenant with our Creator and thereby establishing a totalitarian government unaccountable to We the Sovereign People, incorporated the United States under foreign control, behind which the conspiratorial erosion of our Constitution began. Only We the Sovereign People can ordain and establish Laws[19] and governments.[20] Only We the Sovereign People are endowed by the Creator with certain unalienable rights. Governments are not! Therefore, all latter construction upon the Organic

[19] **PREAMBLE:** "We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America."

[20] **GOVERNMENT:** "Republican Government; one in which the powers of sovereignty are vested in the people and are exercised by the people" In re Duncan, 139 U.S. 449, 11 S.Ct. 573, 35 L.Ed. 219; Minor v. Happersett, 88 U.S. (21 Wall.) 162, 22 L.Ed. 627. Black's Law Dictionary, Fifth Edition, p. 626.

Act of 1871 is as "*null and void*" as is the Act itself, which attempted to supplant our Constitutional Republican Form of Government that our servants were entrusted to guarantee, by oath.

> Article IV Section 4 - *The United States shall guarantee to every state in this union a republican[21] form of government, and shall protect each of them against invasion;...*

Any court resting upon said Act is a de facto court[22]. Any judge acting under such fiction of law[23] denies due process[24] and is acting in excess of their judicial authority[25], in collusion, under color of law,[26] thereby losing judicial immunity.[27] Therefore, any judicial reliance upon said act is injudicious, an act of seditious conspiracy to overthrow our Republican form of government. Any clerk failing to file common law documents, such as this, also enters into the seditious conspiracy.

> 18 U.S. Code §2385 - *Advocating overthrow of Government; 18 USC §2384: Seditious conspiracy with wide spread mutilating; and, 18 USC §2071: failing to file.*

In 1878, in an act of high treason, seventy-five lawyers from twenty-states and the District of Columbia met in Saratoga Springs, New York, to establish the American BAR Association (ABA), the minions of the "*new order of the ages.*" Since that first meeting, the ABA has worked in the shadows infiltrating our government, our political process, our courts, our churches, our institutions and our media; demoralizing our children all in an conspiracy to expunge our

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[21] **REPUBLIC:** A form of government which derives all its powers directly from the people where elected servants hold office for a limited period or during good behavior [*not exceeding their vested powers*] or at the pleasure of the people.

[22] **DE FACTO GOVERNMENT:** One that maintains itself by a display of force against the will of the rightful legal government and is successful, at least temporarily, in overturning the institutions of the rightful legal government by setting up its own in lieu thereof. Wortham v. Walker, 133 Tex. 255, 128 S.W.2d 1138, 1145.

[23] **FICTION OF LAW:** "Something known to be false is assumed to be true." Ryan v. Motor Credit Co., 130 N.J.Eq. 531, 23 A.2d 607, 621. "That statutes which would deprive a citizen of the rights of person or property without a regular trial, according to the course and usage of common law, would not be the law of the land." Hoke vs. Henderson,15, N.C.15,25 AM Dec 677. "A rule of law which assumes as true, and will not allow to be disproved, something which is false, but not impossible." Best, Ev. 419.

[24] **DUE COURSE OF LAW**, this phrase is synonymous with "due process of law" or "law of the land" and means law in its regular course of administration through courts of justice. - Kansas Pac. Ry. Co. v. Dunmeyer 19 KAN 542.

[25] **EXCESS OF JUDICIAL AUTHORITY:** "Acts in excess of judicial authority constitute misconduct, particularly where a judge deliberately disregards the requirements of fairness and due process." Cannon v. Commission on Judicial Qualifications, (1975) 14 Cal. 3d 678, 694; Society's commitment to institutional justice requires that judges be solicitous of the rights of persons who come before the court. [Geiler v. Commission on Judicial Qualifications, (1973) 10 Cal.3d 270, 286];

[26] **COLOR OF LAW:** The appearance or semblance, without the substance, of legal right. [State v. Brechler, 185 Wis. 599, 202 N.W. 144, 148] Misuse of power, possessed by virtue of state law and made possible only because wrongdoer is clothed with authority of state, is action taken under "color of state law." (Atkins v. Lanning, 415 F. Supp. 186, 188)

[27] **JUDICIAL IMMUNITY:** "... the particular phraseology of the constitution of the United States confirms and strengthens the principle, supposed to be essential to all written constitutions, that a law repugnant to the constitution is void, and that courts, as well as other departments, are bound by that instrument." ... "In declaring what shall be the supreme law of the land, the Constitution itself is first mentioned; and not the laws of the United States generally, but those only which shall be made in pursuance of the Constitution, have that rank". ... "All law (rules and practices) which are repugnant to the Constitution are VOID". ... Since the 14th Amendment to the Constitution states "NO State (Jurisdiction) shall make or enforce any law which shall abridge the rights, privileges, or immunities of citizens of the United States nor deprive any citizens of life, liberty, or property, without due process of law, ... or equal protection under the law", this renders judicial immunity unconstitutional. Marbury v. Madison, 5 U.S. (2 Cranch) 137, 180 (1803); There is a general rule that a ministerial officer who acts wrongfully, although in good faith, is nevertheless liable in a civil action and cannot claim the immunity of the sovereign. Cooper v. O'Conner, 99 F.2d 133

common law and thereby our Republic and replace it with civil law a/k/a Babylonian law, Justinian law, or Roman Law. Today, with almost a half a million BAR members, 80,000 of them working in Washington DC. They have perverted the rule of law, deprived We the Sovereign People of due process and have supplanted our Article III courts with jurisdictions unknown.

In November 1910 in an act of high treason, six men – Nelson Aldrich, Abram Andrew, Henry Davison, Arthur Shelton, Frank Vanderlip and Paul Warburg – met at the Jekyll Island Club, off the coast of Georgia, to write a plan to reform the nation's banking system. The meeting and its purpose were closely guarded secrets, and participants did not admit that the meeting occurred until the 1930s. But the plan written on Jekyll Island laid a foundation for what would eventually be the Federal Reserve System that was steered by barristers.

In 1913, in an act of high treason, four diabolical acts of Congress steered by barristers set the course for the destruction of the United States of America, constructed upon the aforesaid "Organic Act of 1871:"

1) The unlawful removal and CONCEALMENT OF THE ORIGINAL 13TH AMENDMENT, steered by barristers. This Amendment, ratified in 1819 and which just "disappeared" in 1876, added an enforceable strict penalty upon barristers, i.e., inability to hold office and loss of citizenship and other conflicts of citizenship interest, such as accepting emoluments of any kind for services or favors rendered or to be rendered. This is particularly applicable today in the 21st Century as government is increasingly FOR SALE to the highest bidder, as foreign and multinational corporations and individuals compete to line the pockets of politicians and political parties to accommodate and purchase protection or privilege for their special interests.
2) The UNRATIFIED SIXTEENTH AMENDMENT, steered by barristers that only appears to create an income tax,[28] an act of extortion and a sponsor of debtor's prisons, in direct violation of our Common Law Constitution Article I Section 9 Clause 5 that states, "*No capitation, or other direct, tax shall be laid, unless in proportion to the census or enumeration herein before directed to be taken.*"
3) The SEVENTEENTH AMENDMENT, steered by barristers destroyed the checks and balance of power in violation of the Constitution Article V, which states, "*no state, without its consent, shall be deprived of its equal suffrage in the Senate*." The 17th Amendment removed the States representation in Washington giving the Senate to the People who already had representation in congress thereby "*depriving states of its equal suffrage.*" Every State being sovereign has the ability to correct this unconstitutional amendment by

[28] "*Congress cannot by any definition* (of income in this case) *it may adopt, conclude the matter, since it cannot by legislation alter the Constitution, from which alone it derives its power to legislate, and within whose limitations alone that power can be lawfully expressed.*" Eisner v. Macomber, 252 U.S. 189; "*In construing federal revenue statute, Supreme Court gives no weight to Treasury regulation which attempts to add to statute something which is not there.*" United States v. Calamaro, 354 U.S. 351 (1957), 1 L. Ed. 2d 1394, 77 S. Ct. 1138 (1957); "*The 16th Amendment does not justify the taxation of persons or things previously immune. It was intended only to remove all occasions for any apportionment of income taxes among the states. It does not authorize a tax on a salary*" Evans V. Gore, 253 U.S. 245

the power of nullification. The Governor and two houses of each state need only recall their two unconstitutional senators and send two that will represent the will of the State.

4) The unconstitutional FEDERAL RESERVE BANKING ACT OF 1913, steered by barristers gave control of America's economy to a private corporation owned by foreign bankers who answer to no one and regulate the value of worthless notes of debt called the dollar, robbed We the People of our gold and bankrupted America. Thomas Jefferson warned us when he wrote, "*I sincerely believe that banking institutions are more dangerous to our liberties than standing armies. The issuing power should be taken from the banks, and restored to the people to whom it properly belongs*." President Andrew Jackson stated in reference to the bankers at the state of his administration, "*You are a den of vipers and thieves. I intend to rout you out, and by the Eternal God, I will rout you out*."

The Federal Reserve Act was a vile act of congress in violation to the Constitution Article I Section 8 Clause 5 - "*The Congress shall have power to coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures*;" and Article I Section 10 Clause 1 - "*No state shall make anything but gold and silver coin a tender in payment of debts;*" Congress was given NO AUTHORITY to pass their Constitutional duty to foreign banksters who have bankrupted our monetary system. This was and continues to be an act of treason.

Charles A. Lindbergh, Sr., concerning the Federal Reserve Act, said, "*The financial system has been turned over to the Federal Reserve Board. That Board administers the finance system by authority of a purely profiteering group. The system is Private, conducted for the sole purpose of obtaining the greatest possible profits from the use of other people's money… This establishes the most gigantic trust on earth. When the President [Wilson} signs this bill, the invisible government of the monetary power will be legalized… the worst legislative crime of the ages is perpetrated by this banking and currency bill … From now on, depressions will be scientifically created*."

The Federal Reserve was chartered by an act of deceit, through an act of congress when most had gone home for Christmas holiday on December 23rd, 1913. No recess had been called, while nearly every senator had gone home. Only three senators passed the act with a unanimous voice vote, 3-0. There were no objections.

James Madison, the main author of the U.S. Constitution wrote, "*History records that the money changers have used every form of abuse, intrigue, deceit, and violent means possible to maintain their control over governments by controlling money and its issuance*."

In 1934, Congressman McFadden on the Federal Reserve Corporation remarks in Congress: "*Mr. Chairman, we have in this Country one of the most corrupt institutions the world has ever known. I refer to the Federal Reserve Board and the Federal Reserve Banks, hereinafter called the Fed. The Fed has cheated the Government of these United States and the people of the United States out of enough money to pay the Nation's debt. The depredations and*

iniquities of the Fed has cost enough money to pay the National debt several times over… This evil institution has impoverished and ruined the people of these United States, has bankrupted itself, and has practically bankrupted our Government. It has done this through the defects of the law under which it operates, through the maladministration of that law by the Fed and through the corrupt practices of the moneyed vultures who control it… The United States has been ransacked and pillaged. Our structures have been gutted and only the walls are left standing. While being perpetrated, everything the world would rake up to sell us was brought in here at our expense by the Fed until our markets were swamped with unneeded and unwanted imported goods priced far above their value and make to equal the dollar volume of our honest exports, and to kill or reduce our favorite balance of trade. As Agents of the foreign central banks the Fed try by every means in their power to reduce our favorable balance of trade. They act for their foreign principal and they accept fees from foreigners for acting against the best interests of these United States. Naturally there has been great competition among foreigners for the favors of the Fed." See evidence document Congressman McFadden Speech on House Floor 1934, attached.

TODAY, in an act of high treason, under legislation such as the Patriot Act and the creation of the Department of Homeland Security, We the Sovereign People are under attack by our very own elected and appointed servants. Our very way of life is in jeopardy because of the ignorance of the meaning of words and the misuse of the way that government by consent that our founders framed for us has been abused.

The fact of the matter is, "*In the United States, sovereignty resides in people. The Congress cannot invoke the sovereign power of the People to override their will…*"[29] "*It will be admitted on all hands that with the exception of the powers granted to the states and the federal government through the Constitutions, the people of the several states are unconditionally sovereign within their respective states.*"[30] "*Supreme sovereignty is in the people - No authority can, on any pretense whatsoever, be exercised over the citizens of this state, but such as is or shall be derived from and granted by the people of this state.*"[31] "*Sovereignty itself is, of course, not subject to law, for it is the author and source of law; but in our system, while sovereign powers are delegated to the agencies of government, sovereignty itself remains with the people, by whom and for whom all government exists and acts And the law is the definition and limitation of power…*"[32]

The following are "ACTS OF TREASON" perpetrated upon the People by enemies foreign and domestic within our congress and courts made possible by the insidious ABA.

- They abrogated our unalienable rights by changing them into civil rights calling them privileges and immunities, and placed people under civil law in 1868 through the 14th

[29] Perry v. US, 294 U.S330.
[30] Lansing v. Smith, 4 Wendell 9, (NY) 6 How416, 14 L. Ed. 997.
[31] NY LAW § 2.
[32] Yick Wo v. Hopkins, 118 US 356, 370.

Amendment as they methodically and seditiously abrogated and concealed our Natural law courts.

- They created a foreign state within a state within a city (*Washington DC*) through the Organic act of 1871 placing the United States under the control of foreigners via the deep state.
- They enslaved the People under the Federal Reserve Act which gave complete control of the dollar to foreign bankers. Today the 1913 dollar is worth about 2 cents; thereby subjecting the People to debtor's prison in 1913 by taxing their income through the "unratified" and anti-constitutional 16th Amendment.
- They removed the states right of suffrage via the Senate in 1913, thereby enslaving the states through the anti-constitutional 17th Amendment.
- In 1944 at the Bretton Woods Agreement Conference, the United States totally surrendered its sovereignty to the banking forces by forcing the nations of the world to accept the dictates of the centralized banking system.
- The International Organizations Immunities Act enacted in 1945 relinquished every public office of the United States to the United Nations and established a special group of foreign or international organizations whose members could work in the U.S. and enjoy certain exemptions from US taxes and search and seizure laws.
- In 1947, NSA and CIA became operational and marked the birth of the national police state surveillance grid. Today, the CIA is a private corporation which operates as a prostitute for global banking interests and does not represent the United States.
- In 1948, the creation of the United Nations on American soil marked the beginning of the end of political sovereignty in the United States. John Kerry, without the approval of the Senate signed the United Nations Arms Treaty which will soon eliminate the 2nd Amendment and private property will be eliminated in America through the United Nation's Agenda 21 program that is spreading across America.
- In 1950, the 81st Congress Investigated the Lawyers Guild and determined that the BAR. Association was founded and run by communists. Thus, any elected official that is a member of the BAR. will only be loyal to the BAR and not the people. (See 81st Congress Report No. 3123).
- Since at least 1960, Americans have been conditioned to ignore the encroachment of tyranny through television and the subsequent propagandizing of this medium of communication.
- In 1963, the Bible and prayer was outlawed in the classroom which marked the beginning of moral decay in America.
- In 1968, the United States became a nation that imported more than it exported as Congress regulated and taxed corporations forcing them to relocate overseas and today, we have a mere 14% left of what was once our proud American manufacturing base.
- On September 11, 2001, the national police state surveillance grid reached maturity. This event created, under the guise of national security, the Department of Homeland Security, TSA and FEMA which during a national emergency controls every resource, every asset and

even our freedom. It also created the Patriot Act and now today virtually every communication that we engage in is monitored.

- They have flooded our courts with nearly 150 years of repugnant acts, statutes and rules.
- Title 8 USC 1481, 1952; effective in 2012 declaring patriots willing to defend the Constitution to be terrorists and thereby the loss of nationality by native-born or naturalized citizenship.
- Title 28 USC 3002 Section 15A in 1990; States that the United States is a Federal Corporation and not a Government, including the Judiciary Procedural Section. The de jure states in the form of Republics and the de jure United States were incorporated, or set aside by the Bankruptcy Act of 1933.
- Patriot Act, 2001.
- Homeland Security Act, 2002.

In 1961, President John F. Kennedy, said this concerning this communist conspiracy, "*We are opposed around the world by a monolithic and ruthless conspiracy that relies primarily on covert means for expanding its sphere of influence; on infiltration instead of invasion; on subversion instead of elections; on intimidation instead of free choice; on guerrillas by night instead of armies by day. It is a system which has conscripted vast human and material resources into the building of a tightly-knit, highly-efficient machine that combines military, diplomatic, intelligence, economic, scientific and political operations. Its preparations are concealed, not published; its mistakes are buried, not headlined; its dissenters are silenced, not praised. No expenditure is questioned; no rumor is printed; no secret is revealed. It conducts the Cold War in short, with a war-time discipline no democracy would ever hope or wish to match… there is very grave danger that an announced need for increased security will be seized upon by those anxious to expand its meaning to the very limits of official censorship and concealment*."

The ABA has systematically infiltrated our federal and state legislatures and courts and through an overwhelming army of oblivious, non-thinking highly trained in the art of legalese attorneys[33] and self-righteous overconfidence in the lie they spent $212,707[34] to receive the falsely called title, lawyer and BAR honor esquire.

> "*Common sense is the foundation of all authorities, of the laws themselves, and of their construction*." – Thomas Jefferson: Batture at New Orleans, 1812. ME 18:92. "*Laws are made for men of ordinary understanding and should, therefore, be construed by the ordinary rules of common sense. Their meaning is not to be sought for in metaphysical subtleties which may make anything mean everything or nothing at pleasure*." – Thomas Jefferson to William Johnson, 1823. ME 15:450

[33] **Incomprehensible statutes** to one of ordinary understanding or knowledge.
[34] **The average cost of law school** for a graduate of the top twenty law schools in the country comes out to be $136,707 plus their undergraduate degree of $76,000 to be a final total of $212,707.

If we become the lawful People that we covenanted with God to be through our founding documents, God will provide safety. He did so for Israel for 400 years until they replaced the King of their court with a man named Saul. And our hired servants without our permission have done the same.

> "*Ye shall not therefore oppress one another; but thou shalt fear thy God: for I am the LORD your God. Wherefore ye shall do my statutes, and keep my judgments, and do them; and ye shall dwell in the land in safety. And the land shall yield her fruit, and ye shall eat your fill, and dwell therein in safety.*" – Lev 25:17-19

ASSAULT UPON OUR BILL OF RIGHTS

RIGHTS ARE UNALIENABLE and thereby not transferable. Therefore, no elected or appointed servant can decide for the People to exchange liberty for security. The providing of security by a government starts at the border and not the threshold of our private communications and activities. Once we logically deduce and thereby allow our servant government to erode just a little bit of our God given rights; they will logically eventually take it all. And it appears that they already have!

> "*Those who would give up essential Liberty, to purchase a little temporary Safety, deserve neither Liberty nor Safety.*" – Benjamin Franklin

- Amendment I – the government has already created "free speech zones", banned religious expressions on holy days such as Christmas, banned prayer and the Bible in schools, and has denied redress of grievances.
- Amendment II – they have licensed our right to bear arms.
- Amendment IV – Patriot Act, warrantless searches, spying on our every written and spoken word, cell phone activation even without a battery.
- Amendment V – Charges of crimes without a grand jury or by a puppet grand jury, non-judicial foreclosures, summary proceedings in criminal cases, puppet juries, refusal of Habeas Corpus, refusal of due process, property seizures in rem, refusal of Assistance of Counsel for defense unless it is a BAR approved and BAR cooperative attorney who has been taught to leave the constitution at the entrance of the court-house, twice in jeopardy with a judge declared hung jury, prosecutors over ruling grand juries, statutory courts instead of courts of justice, trials in jurisdictions unknown, in short constitution and bible free court rooms.
- Amendment VI – prosecution against those who exercise jury nullification, profiled juries, puppet juries, judges overturning jury decisions, tainted juries.
- Amendment VII – denial of Common law courts also demanded under Article VI clause 2 a/k/a the Supremacy Clause.
- Amendment VIII - cruel and unusual punishment such as diesel therapy, chained to a floor in a cell and unable to reach toilets, cold cells without pillow and blankets, solitary confinement, political prisons, removal of meds especially to elderly prisoners, beat downs, no access to law libraries for political prisoners, and so on and so on and so on.

The EROSION OF OUR LIBERTIES MUST STOP. What good is a Republic when our Constitution is ignored? "Any judge who does not comply with his oath to the Constitution of the United States wars against that Constitution and engages in acts in violation of the supreme law of the land. The judge is engaged in acts of treason." – Cooper v. Aaron, 358 U.S. 1, 78 S. Ct. 1401 (1958).

Finally, God will not let a corrupt government that has robbed His house rule forever.[35] God judges justly on the earth and punishes lawless leaders and nations.[36] Nations which forget God may completely perish.[37] Nations which honor God and try to follow his laws, however, can expect to receive his care and protection.[38] God has heard our prayer and has risen up a Cyrus that will drain the Washington Swamp and We the People will take back His house and bring all that resist to his Judgment seat.

[35] Jeremiah 25:9 and Daniel 4:30-37.
[36] Psalm 58:11, 82:1-8, Ezekiel 14:12-14, Job 12:17-24, Isaiah chapter 14.
[37] Jeremiah 12:14-17.
[38] Daniel 4:30-37, Deuteronomy 11:26-29.

MEMORANDUM OF LAW IN SUPPORT OF THE ORIGINAL AMENDMENT XIII
TITLES OF NOBILITY & HONOR

The Missing 13th Amendment

The purpose of this memorandum is to reveal the conspiracy by congress steered by the ABA to supplant the Law by concealing the original 13th Amendment" ratified in 1819[1] and concealed in 1876 when the 14th Amendment was divided into "two" thereby holding the position of the 13th and the 14th Amendments. The now hidden, ratified, and still Law, Amendment carries an enforceable strict penalty, i.e., "inability to hold office" and "loss of citizenship" for holding the title of honor called "Esquire,"[2] a title of dignity.[3]

THE ORIGINAL 13TH AMENDMENT ratified in 1819 that "disappeared" in 1876, added an enforceable strict penalty, i.e., inability to hold office and loss of citizenship, for violations of the already existing constitutional prohibition in Article 1, Section 9, Clause 8 on titles of nobility and other conflicts of citizenship interest, such as accepting emoluments of any kind for services or favors rendered or to be rendered. This is particularly applicable today in the 21st Century as government is increasingly FOR SALE to the highest bidder, as foreign and multinational corporations and individuals compete to line the pockets of politicians and political parties to accommodate and purchase protection or privilege, i.e. honors, for their special interests.

Article 13, ratified in 1819, reads as follows:

> *If any citizen of the United States shall accept, claim, receive, or retain any title of nobility or honour,* [BAR lawyers have the title of high honor above gentleman, and below knight called "Esquire"] *or shall without the consent of Congress, accept and retain any present, pension, office, or emolument of any kind whatever, from any emperor, king, prince, or foreign power, such person shall cease to be a citizen of the United States, and shall be incapable of holding any office of trust or profit under them, or either of them.*

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[1] **Amendment XIII** – (ratified 1819) If any citizen of the United States shall accept, claim, receive, or retain any title of nobility or honor, or shall without the consent of Congress, accept and retain any present, pension, office, or emolument of any kind whatever, from any emperor, king, prince, or foreign power, such person shall cease to be a citizen of the United States, and shall be incapable of holding any office of trust or profit under them, or either of them.

[2] **ESQUIRE:** In English law. A title of dignity next above gentleman, and below knight. Also a title of office given to sheriffs, serjeants, and barristers at law, justices of the peace, and others. 1 Bl.Comm. 406; 3 Steph.Comm. 15, note; Tomlins. On the use of this term in American law, particularly as applied to justices of the peace and other inferior judicial officers, see Christian v. Ashley County, 24 Ark. 151; Corn. v. Vance, 15 Serg. & R., Pa., 37.

[3] **DIGNITY:** In English law. An honor; a title, station, or distinction of honor. Dignities are a species of incorporeal hereditaments, in which a person may have a property or estate. 2 Bl.Comm.37;

In January, 1810, Senator Reed proposed the "Title of Nobility" Amendment. The Senate voted to pass by a vote of 26 to 1; the House resolved in the affirmative 87 to 3; by Dec. 10, 1812 twelve of the required thirteen States ratified Amendment XIII.

The following states and/or territories have published the Titles of Nobility 13th Amendment in their official publications as a ratified amendment to the Constitution of the United States in the following years, and then it mysteriously disappeared:

1) Colorado - 1861, 1862, 1864, 1865, 1866, 1967, 1868;
2) Connecticut - 1821, 1824, 1835, 1839;
3) Dakota -1862, 1863, 1867;
4) Florida - 1823, 1825, 1838;
5) Georgia - 1819, 1822, 1837, 1846;
6) Illinois - 1823, 1825, 1827, 1833, 1839, dis. 1845;
7) Indiana - 1824, 1831, 1838;
8) Iowa - 1839, 1842, 1843;
9) Kansas - 1855, 1861, 1862, 1868;
10) Kentucky – 1822;
11) Louisiana - 1825, 1838/1838 [two separate publications];
12) Maine - 1825, 1831;
13) Massachusetts – 1823;
14) Michigan - 1827, 1833;
15) Mississippi - 1823, 1824, 1839;
16) Missouri - 1825, 1835, 1840, 1841, 1845;
17) Nebraska - 1855, 1856, 1857, 1858, 1859, 1860, 1861, 1862, 1873;
18) North Carolina - 1819, 1828;
19) Northwestern Territories – 1833;
20) Ohio - 1819, 1824, 1831, 1833, 1835, 1848;
21) Pennsylvania - 1818, 1824, 1831;
22) Rhode Island – 1822;
23) Virginia – 1819;
24) Wyoming - 1869, 1876:

RECAPPING THE ABOVE LIST– Titles of Nobility 13th Amendment was published as ratified in 24 States in 78 separate official government publications.

CONCEALED HISTORY REVEALED

In the winter of 1983, archival research expert David Dodge, and former Baltimore police investigator Tom Dunn, were searching for evidence of government corruption in public records stored in the Belfast Library on the coast of Maine. By chance, they discovered the library's oldest authentic copy of the Constitution of the United States (printed in 1825). Both men were stunned to see THIS DOCUMENT INCLUDED A 13TH AMENDMENT THAT NO LONGER

APPEARS ON CURRENT COPIES OF THE CONSTITUTION. Moreover, after studying the Amendment's language and historical context, they realized the principal intent of this "missing" 13th Amendment was to prohibit lawyers that were members of the British BAR from serving in government. If this Amendment had not disappeared from history there would not have been an American BAR that was established in the 20th century; And carried on the subversion of changing our Natural Law to civil law, which was accomplished by simply teaching statutory law in place of Natural Law in BAR taught schools; Then they required only BAR registered barristers to represent people in the court. The BAR taught barristers then steered Congress and the Federal Judiciary in civil law to control the People. Since all American lawyers and judges and most legislators are members of the BAR, thereby BAR taught, and must pass the BAR examination which simply expunged Natural Law by not teaching it and therefore our courts are completely ignorant of true Constitutional Law. All court officers must sever themselves from the BAR and learn Common Law.

So, began a seven-year, nationwide search for the truth surrounding the most bizarre Constitutional puzzle in American history; The unlawful removal of a ratified Amendment from the Constitution of the United States. Since 1983, Dodge and Dunn have uncovered additional copies of the Constitution with the "missing" 13th Amendment printed in at least eighteen separate publications by ten different states and territories over four decades from 1822 to 1860.

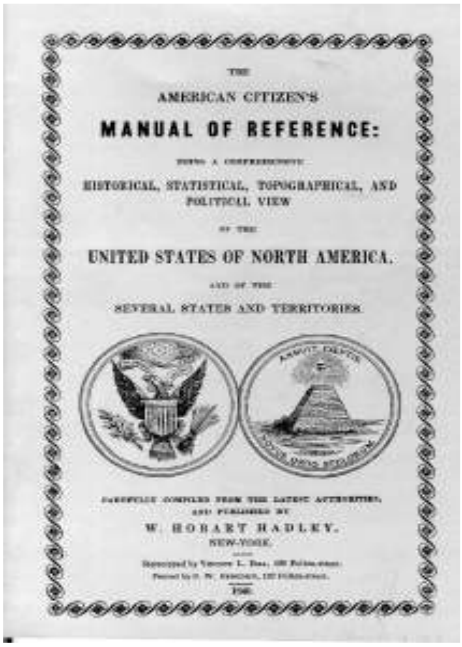
In January, 1810, Senator Reed proposed the "Title of Nobility" Amendment (History of Congress, Proceedings of the Senate, p. 529-530). On April 27, 1810, the Senate voted to pass this 13th Amendment by a vote of 26 to 1; the House resolved in the affirmative 87 to 3; and the resolve was sent to the States for ratification: By Dec. 10, 1812, twelve of the required thirteen States had ratified as follows: Maryland, Dec. 25, 1810; Kentucky, Jan. 31, 1811; Ohio, Jan. 31, 1811; Delaware, Feb. 2, 1811; Pennsylvania, Feb. 6, 1811; New Jersey, Feb. 13, 1811; Vermont, Oct. 24, 1811; Tennessee, Nov. 21, 1811; Georgia, Dec. 13, 1811; North Carolina, Dec. 23, 1811; Massachusetts, Feb. 27, 1812;New Hampshire, Dec. 10, 1812. Before a thirteenth State could ratify, the War of 1812 broke out and interrupted this very rapid move for ratification.

In June of 1984, Dodge uncovered the evidence that this missing 13th Amendment had indeed been lawfully ratified by the state of Virginia and was therefore an authentic Amendment to the American Constitution. Therefore, a 13th Amendment restricting BAR lawyers from serving in government was ratified in 1819 and removed from our Constitution during the tumult of the Civil War.

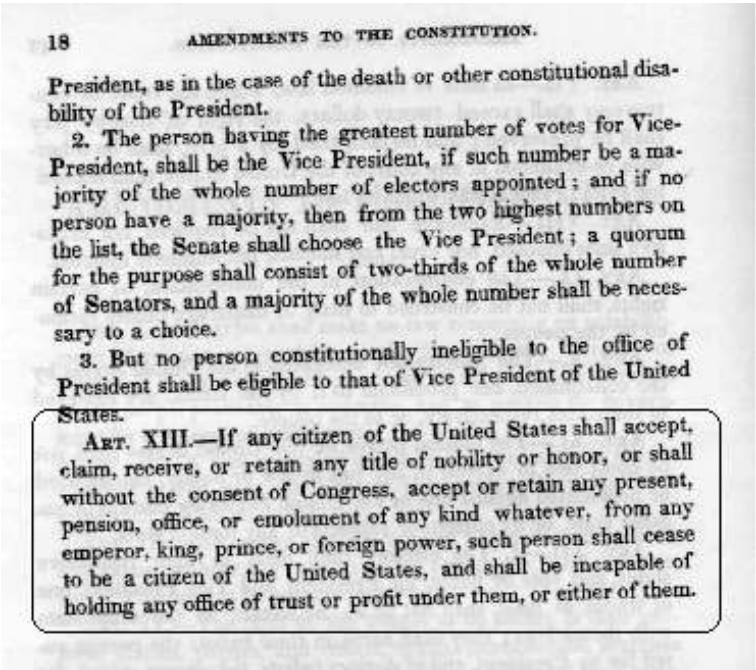
The 1876 Laws of Wyoming which also show the "missing" Thirteenth Amendment, along with the current 13th Amendment (freeing the slaves) and the current 15th Amendment on the same page. The current 13th Amendment is listed as the 14th, the current 14th amendment is omitted, and the current 15th Amendment is in its proper place.

No record has been found that the State of Connecticut ever acted to either accept or reject this original 13th Amendment. Yet, it was published in three separate editions of "The Public Statute Laws of the State of Connecticut" as a part of the U.S. Constitution in 1821, 1824, 1835 and 1939. Then, without record or explanation, it mysteriously disappeared from subsequent editions prior to the Civil War between the states. However, printing by a legislature is prima facie evidence of ratification, and it has been found to have been printed as part of the Constitution in this and many other states until around the Civil War period - when it mysteriously disappeared from subsequent printings. It was found to have been printed by the legislature of Connecticut in the following: 1821 - The Public Statute Laws of the State of Connecticut, as revised and enacted by the General Assembly in May, 1821 pg. 19 1824 - The Public Statute Laws of the State of Connecticut, as revised and enacted by the General Assembly in May, 1824 pg.18-19. The Public Statute Laws of the State of Connecticut, compiled in obedience to a resolve of the General Assembly passed May, 1835, to which is prefixed the Declaration of Independence & Constitution of the United States and the State of Connecticut, published by the authority of the State of Connecticut. The Marginal note in all three publications reads: "Citizenship forfeited by the acceptance, from a foreign power, of any title of nobility, office or emolument of any kind." The prima facie evidence of ratification of this Amendment is overwhelming. Since the creditors of this bankruptcy are foreign powers and this "unaccountable committee of BAR lawyers" spoken of by Robert H. Bork have accepted and retained the "office of trustee" for these creditors and foreign powers, their Citizenship has been forfeited by this acceptance. Since the Amendment was never lawfully repealed, it is still the Law today. The implications are enormous.

Below is proof of the de facto government's actions. Below is the original thirteenth amendment as it appears in a manual printed in 1840 for American citizens



THE
AMERICAN CITIZEN'S
MANUAL OF REFERENCE:
HISTORICAL, STATISTICAL, TOPOGRAPHICAL, AND POLITICAL VIEW
OF THE
UNITED STATES OF NORTH AMERICA,
AND OF THE
SEVERAL STATES AND TERRITORIES.
W. HOBART HADLEY.
NEW-YORK.



18 AMENDMENTS TO THE CONSTITUTION.

President, as in the case of the death or other constitutional disability of the President.

2. The person having the greatest number of votes for Vice-President, shall be the Vice President, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice.

3. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice President of the United States.

ART. XIII.—If any citizen of the United States shall accept, claim, receive, or retain any title of nobility or honor, or shall without the consent of Congress, accept or retain any present, pension, office, or emolument of any kind whatever, from any emperor, king, prince, or foreign power, such person shall cease to be a citizen of the United States, and shall be incapable of holding any office of trust or profit under them, or either of them.

And the report of the select committee having been agreed to, and the bill further amended, the President reported it to the House accordingly.

On the question, Shall this bill be engrossed and read a third time as amended?

It was determined in the affirmative, { Yeas . . . . . 18, Nays . . . . . 9.

On motion,

The yeas and nays having been required by one-fifth of the Senators present,

Those who voted in the affirmative, are,

Messrs. Anderson, Brent, Clay, Condit, Crawford, Franklin, Gaillard, Giles, Gregg, Lambert, Lloyd, Mathewson, Meigs, Smith, of Maryland, Sumter, Tait, Turner, and Whiteside.

Those who voted in the negative, are,

Messrs. Champlin, German, Gilman, Goodrich, Hillhouse, Horsey, Leib, Pickering, and Reed.

The bill, entitled "An act authorizing a loan of money, for a sum not exceeding the amount of the principal of the public debt reimbursable during the year one thousand eight hundred and ten," was read the second time.

On motion,

Resolved, That it be referred to a select committee, to consist of five members, to consider and report thereon.

Ordered, That Messrs. Smith, of Maryland, Crawford, Lloyd, Franklin, and Hillhouse, be the committee.

The Senate resumed the consideration of the motion made on the 18th of January, for an amendment to the constitution of the United States, respecting titles of nobility, together with the amendments proposed thereto.

On motion,

That the further consideration thereof be postponed to the first Monday in December next,

It was determined in the negative, { Yeas . . . . . 8, Nays . . . . . 20.

On motion,

The yeas and nays having been required by one-fifth of the Senators present,

Those who voted in the affirmative, are,

Messrs. Condit, Gilman, Gregg, Leib, Mathewson, Meigs, Tait, and Whiteside.

Those who voted in the negative, are,

Messrs. Anderson, Brent, Champlin, Clay, Crawford, Franklin, Gaillard, German, Goodrich, Hillhouse, Horsey, Lambert, Lloyd, Pickering, Pope, Reed, Smith, of Maryland, Smith, of New York, Sumter, and Turner.

On motion,

To amend the last report of the select committee, so as to read as follows:

"If any citizen of the United States shall accept, claim, receive, or retain, any title of nobility, or honor, or shall, without the consent of Congress, accept any present, pension, office, or emolument, of any kind whatever, from any emperor, king, prince, or foreign power, such person shall cease to be a citizen of the United States, and shall be incapable of holding any office of trust or profit under them, or either of them:"

It was determined in the affirmative, { Yeas . . . . . 26, Nays . . . . . 1.

On motion,

The yeas and nays having been required by one-fifth of the Senators present,

Those who voted in the affirmative, are,

Messrs. Anderson, Brent, Champlin, Clay, Condit, Crawford, Franklin, Gaillard, German, Gilman, Goodrich, Hillhouse, Horsey, Lambert, Leib, Lloyd, Mathewson, Meigs, Pickering, Pope, Reed, Smith, of Maryland, Sumter, Tait, Turner, and Whiteside.

Mr. Smith, of New York, voted in the negative.

On motion, by Mr. Pope,

To add to the resolution the following words: "And be subject to such other penalties and disabilities as may be provided by law:"

It was determined in the negative, { Yeas . . . . . 12, Nays . . . . . 14.

On motion,

The yeas and nays having been required by one-fifth of the Senators present,

Those who voted in the affirmative, are,

Messrs. Anderson, Brent, Clay, Gregg, Leib, Lloyd, Pickering, Pope, Reed, Sumter, Tait, and Turner.

of the whole number of Senators, and a majority of the whole number shall be necessary to a choice.

3. But no person constitutionally ineligible to the office of President, shall be eligible to that of Vice-President of the United States.

ARTICLE XIII.

If any citizen of the United States shall accept, claim, receive or retain any title of nobility or honor, or shall, without the consent of Congress, accept and retain any present, pension, office, or emolument of any kind whatever, from any emperor, king, prince, or foreign power, such person shall cease to be a citizen of the United States, and shall be incapable of holding any office of trust or profit under them, or either of them.

DECLARATION OF INDEPENDENCE.

IN CONGRESS, JULY 4, 1776.

The Unanimous Declaration of the Thirteen United States of America.

WHEN in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth the separate and equal station to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind, requires, that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident: that ALL MEN ARE CREATED EQUAL; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate, that governments long established should not be changed for light and transient causes; and accordingly all experience hath shewn, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty to throw off such government, and to provide new guards for their future security. Such has been the patient sufferance of these colonies; and such is now the ne-

ARTICLE 13.

Citizenship forfeited by the acceptance, from a foreign power, of any title of nobility, office, or emolument of any kind, &c. [See note, art. 1, § 9, cl. 2.]

In any citizen of the United States shall accept, claim, receive, or retain any title of nobility or honor, or shall, without the consent of congress, accept and retain any present, pension, office, or emolument of any kind whatever, from any emperor, king, prince, or foreign power, such person shall cease to be a citizen of the United States, and shall be incapable of holding any office of trust or profit under them, or either of them.

State of New Hampshire

Department of State
Division of Archives & Records Management

I, Brian Nelson Burford, State Archivist for the State of New Hampshire, having been duly authorized by the Secretary of State, William M. Gardner, to authenticate copies of records and papers kept by the Department of State, do hereby certify that the following and hereto attached, consisting of three pages, are true copies of the original document(s) on file at the Division of Archives & Records Management.

In Testimony Whereof, I hereto
Set my hand and cause to be affixed the
Seal of the State, at Concord, NH, this
Thirtieth day of January, 2017

State Archivist

By authority of
William M. Gardner
NH Secretary of State

HB 638 – AS INTRODUCED

13-0796
09/01

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Thirteen

AN ACT recognizing the original Thirteenth Amendment to the United States Constitution.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 Preamble and Statement of Intent. The general court hereby finds that:

I. In 1810, a proposed amendment to the United States Constitution, which prohibited titles of nobility and which later became known as the original Thirteenth Amendment, was introduced, passed both houses of Congress, and was sent to the states for ratification. On December 9, 1812, shortly after ratification by Virginia, New Hampshire became the thirteenth state to ratify the amendment. The amendment was therefore ratified by the requisite number of states and became Article XIII of the United States Constitution.

II. During the War Between the States, otherwise known as the Civil War, the country was under martial law, and all executive orders made by President Lincoln were, in effect, law. After the war, laws made during that period were to be abated; yet, vestiges of martial law remained and presidents continued to write executive orders.

III. The District of Columbia Organic Act of 1871, otherwise known as the Act of 1871, created a corporation in the District of Columbia called the United States of America. The act revoked prior legislation relative to the district's municipal charter and, most egregiously, led to adoption of a fraudulent constitution in which the original Thirteenth Amendment was omitted.

IV. Today, what appears to the public as the United States Constitution is not the complete document, as it was never lawfully amended to remove the Thirteenth Amendment. Instead, the document presented as the United States Constitution is merely a mission statement for the corporation unlawfully established in the Act of 1871.

V. The purpose of this act is to recognize that the original Thirteenth Amendment, which prohibits titles of nobility, is properly included in the United States Constitution and is the law of the land. The act is also intended to end the infiltration of the Bar Association and the judicial branch into the executive and legislative branches of government and the unlawful usurpation of the people's right, guaranteed by the New Hampshire constitution, to elect county attorneys who are not members of the bar. This unlawful usurpation gives the judicial branch control over all government and the people in the grand juries. As long as the original Thirteenth Amendment is concealed from the people, there shall never be justice or a legitimate constitutional form of government.

2 New Chapter; Thirteenth Amendment. Amend RSA by inserting after chapter 1-A the following new chapter:

CHAPTER 1-B

ORIGINAL THIRTEENTH AMENDMENT

1-B:1 Original Thirteenth Amendment. The following shall be recognized as the original Thirteenth Amendment to the United States Constitution:

Article XIII

If any citizen of the United States shall accept, claim, receive, or retain any title of nobility or honor, or shall, without the consent of Congress, accept and retain any present, pension, office or emolument of any kind whatever, from any Emperor, King, Prince or foreign power, such person shall cease to be a citizen of the United States, and shall be incapable of holding any office of trust or profit under them or either of them.

3 Effective Date. This act shall take effect 60 days after its passage.

HB 638 – AS INTRODUCED

2013 SESSION

13-0796
09/01

HOUSE BILL *638*

AN ACT recognizing the original Thirteenth Amendment to the United States Constitution.

SPONSORS: Rep. Tremblay, Rock 4; Rep. Baldasaro, Rock 5; Rep. Christiansen, Hills 37

COMMITTEE: State-Federal Relations and Veterans Affairs

ANALYSIS

This bill recognizes the original Thirteenth Amendment to the United States Constitution.

Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

I hereby certify that the copy on this sheet is a copy of the original document on file at the Division of Archives & Records Management, State of New Hampshire.

Jan. 30 2017
Date

Brian Nelson Burford
State Archivist

MEANING OF THE 13TH AMENDMENT

The "missing" 13th Amendment to the Constitution of the United States reads as follows:

> "*If any citizen of the United States shall accept, claim, receive, or retain any title of nobility or honor, or shall without the consent of Congress, accept and retain any present, pension, office, or emolument of any kind whatever, from any emperor, king, prince, or foreign power, such person shall cease to be a citizen of the United States, and shall be incapable of holding any office of trust or profit under them, or either of them*."

At the first reading, the meaning of this 13th Amendment seems obscure, unimportant. The references to "nobility," "honor", "emperor," "king," and "prince" lead us to dismiss this amendment as a petty post-revolution act of spite directed against the British monarchy. But in our modern world of Lady Di and Prince Charles, anti-royalist sentiments seem so archaic and quaint, that the Amendment can be ignored. Not so. Consider some evidence of its historical significance:

"*Titles of any kind*" were prohibited in both Article VI of the Articles of Confederation (1777) and in Article I, Section 9, clause 9 which reads;

> "*No title of nobility shall be granted by the United States: and no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state.*"

The 13th Amendment added specifically "*Titles of Honor*!"

"*Esquire*" and "*Barrister*" are titles of honor. Whereas Blacks Law defines Esquire as follows;

> "*In English law. A "title of dignity" next above gentleman, and below knight. also a title of office given to sheriffs, serjeants, and barristers at law, justices of the peace, and others. 1 Bl.Comm. 406; 3 Steph.Comm. 15, note; Tomlins. On the use of this term in American law, particularly as applied to justices of the peace and other inferior judicial officers, see Christian v. Ashley County, 24 Ark. 151; Corn. v. Vance, 15 Serg. & R., Pa., 37.*"

And, Blacks Law defines a "Title of Dignity" as follows;

> "*In English law. An honor; a title, station, or distinction of honor. Dignities are a species of incorporeal hereditaments, in which a person may have a property or estate. 2 Bl.Comm.37;*"

The 13th Amendment added particularly "*title of honor*" and "*such person shall cease to be a citizen of the United States, and shall be incapable of holding any office of trust or profit under them, or either of them*." Obviously, our founding fathers realized that the language of

Article I, Section 9, clause 9 was not specific enough having the teeth necessary in order to prevent "*Barristers*" from destroying our courts of justice and replacing it with their Babylonian law. Therefore, they added, "*SUCH PERSON SHALL CEASE TO BE A CITIZEN OF THE UNITED STATES, AND SHALL BE INCAPABLE OF HOLDING ANY OFFICE OF TRUST OR PROFIT.*"

Whereas our founding fathers realized that the BAR was already polluting our Common Law courts! Many courts in the colonies have already been transformed by these "*Barristers*" into "*Chancery Courts*," that operate as equity courts[4] and NOT LAW! Chancery courts are NOT COURTS OF LAW!

Today the BAR has succeeded in transforming all of our Natural Law Courts into chancery courts operating under Babylonian law a/k/a "*civil law*." The 13th Amendment was our founding fathers' solution to prevent the destruction of our "*Courts of Law*." Whereas today we suffer the consequences of not paying attention to what our Founders were telling us and what our servants are doing.

CONCLUSION: Esquires a/k/a Barristers, both titles being "titles of honor" are the minions of the New World Order whose purpose is to "*Overthrow the Government of the United States*," by the replacing the Law in our courts with civil law.

Its high-time that the People learn and exercise their unalienable right of the science of "Government by Consent" and the Biblical Principles of Common Law and teach our children the same; And then, reinstate our Common Law Republic.

OR PERISH!!!

[4] **COURT OF CHANCERY:** A court having the jurisdiction of a chancellor; a court administering equity and proceeding according to the forms and principles of equity. In England, prior to the judicature acts, the style of the court possessing the largest equitable powers and jurisdiction was the "high court of chancery." In some of the United States, the title "court of chancery" is applied to 428 a court possessing general equity powers, distinct from the courts of common law. Parmeter v. Bourne, 8 Wash. 45, 35 P. 586; Bull v. International Power Co., 84 N.J.Eq. 209, 93 A. 86, 88.

MEMORANDUM OF LAW CONCERNING AMENDMENT XVI

The Sixteenth Amendment to the Constitution of the United States was never ratified by a majority of the sovereign States.

In the table below, the line "Additional" are the number of states for which that defect is in addition to previously indicated defects, and "Accumulated" is a running total of states with defects, from Defect 01 through 10.

Since 36 states were required to ratify, the failure of 13 to ratify would be fatal to the amendment, and this occurs within the first three defects, arguably the most serious. **Even if we were to ignore defects of spelling, capitalization, and punctuation, we would still have only two states which successfully ratified.**

Note that in the table below we are counting Ohio as a state, even though it was not admitted into the Union until 1953 (retroactively, which is ex post facto, and unconstitutional). We are not counting the failure to designate the Income Tax Amendment as the "XVI" amendment, since there was arguably a 13th Amendment that was ratified but which is not published in official copies of the Constitution with Amendments, and the number is not necessarily part of the amendment (It wasn't part of the first 10.).

The authority usually cited for the criticality of ratification without errors of spelling, capitalization, or punctuation, is from DOCUMENT NO. 97-120, of the 97TH CONGRESS, 1st Session, entitled How Our Laws Are Made, written by Edward F. Willett, Jr. Esq., Law Revision Counsel of the United States House of Representatives, in which the comparable exactitude in which bills must be concurred under federal legislative rules is detailed:

Each amendment must be inserted in precisely the proper place in the bill with the spelling and punctuation exactly the same as it was adopted by the House. Obviously, it is extremely important that the Senate receive a copy of the bill in the precise form in which it passed the House. The preparation of such a copy is the function of the enrolling clerk. (at 34)

When the bill has been agreed to in identical form by both bodies (either without amendment by the Senate, or by House concurrence in the Senate amendments, or by agreement in both bodies to the conference report) a copy of the bill is enrolled for presentation to the President.

The preparation of the enrolled bill is a painstaking and important task since it must reflect precisely the effect of all amendments, either by deletion, substitution, or addition, agreed to by both bodies. The enrolling clerk... must prepare meticulously the final form of the bill, as it was agreed to by both Houses, for presentation to the President... each (amendment) must be set out in the enrollment exactly as agreed to, and all punctuation must be in accord with the action taken. (At 45)

It should be noted that in his report on ratifications of the Income Tax Amendment to then Secretary of State Philander Knox, the Solicitor of the Department of State, recognized many of the defects of wording, spelling, capitalization, and punctuation, although he seemed ignorant of the constitutional and procedural defects at the state level. He also pointed out similar defects in the ratifications of the 14th and 15th Amendments. Therefore, Knox had plenty of clues to the problems in the ratifications, sufficient to justify that he inquire into the matter further and demand corrective action by the states. **Because he failed to do so means that we now have adopted and enforced legislation for more than 80 years that is plainly unconstitutional, requiring not only that it be repealed, but that all the funds collected be refunded.**

The states could, of course, re-ratify the Income Tax Amendment, but they could not do so retroactively. That would allow re-enactment of the Internal Revenue Code, and re-issuance of all the supporting regulations, but none of them could apply to the period prior to proper ratification of the amendment and due notices of the regulations.

Readers are invited to independently confirm or refute these results and to similarly investigate the ratifications of other constitutional amendments, both at the federal and state levels, and to issue similar reports on what they find.

Reference: *Bill Benson, The Law That Never Was: The fraud of the 16th Amendment and personal Income Tax.*

State	01	02	03	04	05	06	07	08	09	10
Alabama							1		1	1
Arizona					1	1	1			1
Arkansas					1	1	1		1	1
California					1	1	1		1	1
Colorado					1	1	1			1
Connecticut	1									
Delaware			1							
Florida	1									
Georgia					1	1	1		1	1
Idaho				1	1	1	1		1	1
Illinois					1		1		1	
Indiana						1	1		1	
Iowa				1		1			1	
Kansas					1				1	
Kentucky		1		1	1	1	1		1	1
Louisiana					1	1	1			1
Maine									1	1
Maryland					1	1				1
Massachusetts					1	1			1	1
Michigan			1		1		1		1	1
Minnesota				1		1				
Mississippi					1	1	1	1	1	1
Missouri				1	1	1	1		1	
Montana					1	1			1	1
Nebraska						1			1	
Nevada			1						1	1
New Hampshire			1							
New Jersey					1	1			1	
New Mexico					1	1				
New York						1			1	1
North Carolina									1	1
North Dakota					1		1			
Ohio						1			1	
Oklahoma						1	1		1	
Oregon	1								1	
Pennsylvania	1									
Rhode Island	1									
South Carolina						1	1		1	1
South Dakota			1			1	1		1	1
Tennessee		1	1		1	1	1			
Texas			1		1	1	1		1	1
Utah	1									
Vermont			1		1	1			1	1
Virginia	1									
Washington				1	1		1		1	1
West Virginia					1	1				1
Wisconsin							1		1	1
Wyoming		1	1		1	1			1	1
Total	**7**	**3**	**9**	**6**	**25**	**29**	**22**	**1**	**31**	**27**
Additional	**7**	**3**	**7**	**5**	**16**	**6**	**2**	**0**	**2**	**0**
Accumulated	**7**	**10**	**17**	**22**	**38**	**44**	**46**	**46**	**48**	**48**

This is the Amendment that allegedly entitled the Federal Agent (government) in the federal territory of Washington, D.C. and their private collection company, the IRS, to collect "income tax" as falsely declared to be ratified in February 1913.

After an exhaustive year long search of legislative records in 48 sovereign states (Alaska & Hawaii were not admitted into the Union until after 1913), Bill Benson wrote his fact findings in The Law That Never Was, Vols. 1 & 2. He was able to unequivocally prove that the 16th Amendment was never Constitutionally, properly, or legally ratified. **The only record of the 16th Amendment having been confirmed was a proclamation made by the Secretary of State Philander Knox on February 25, 1913, wherein he simply declared it to be "in effect", but never stating it was lawfully ratified.**

Even if the 16th Amendment were properly ratified, according to Article 1, Section 9 of the Constitution, it has always been unconstitutional for the U.S. Federal Government to directly tax We the People in their property, wages, salaries, or earnings. **The judges of the U.S. Supreme Court rejected any claims that the 16th Amendment changed the constitutional limits on direct taxes in Brushaber v. Union Pacific R.R. Co., 240 U.S. 1, when they ruled that it "created no new power of taxation" and that it "did not change the constitutional limitations which forbid any direct taxation of individuals."**

Alleged defects in the ratification of the Income Tax Amendment

According to the investigations of Bill Benson and others, the following defects were found in the ratification of the Income Tax Amendment by the 48 states then existing, three-fourths or 36 of which were needed to ratify it:

01 – Not ratified by state legislature, and so reported
02 – Not ratified by state legislature, but reported as ratified
03 – Missing or incomplete evidence of ratification, but reported as ratified
04 – Failure of Governor or other official to sign, although required by State Constitution
05 – Other violation of State Constitution in ratification process
06 – Other procedural irregularity making ratification doubtful
07 – Approval, but with change in wording, accepted as ratification of original version
08 – Approval, but with change in spelling, accepted as ratification of original version
09 – Approval, but with change in capitalization, accepted as ratification of original version
10 – Approval, but with change in punctuation, accepted as ratification of original version.

See the two volume book "The Law That Never Was," (723 pages) to review all the documents.

The Law That Never Was Vol 1, (382 pages) Found at –
www.nationallibertyalliance.org/files/xylem/TheLawThatNeverWasVol1.pdf

The Law That Never Was Vol 2, (341 pages) Found at –
www.nationallibertyalliance.org/files/xylem/TheLawThatNeverWasVol2.pdf

MEMORANDUM OF LAW CONCERNING THE RULES OF COMMON LAW COURTS

The Light of Liberty's Lamp

The purpose of this Memorandum is to make the case that only the Rules of Common Law are Lawful rules in our Common Law Courts of Justice. "*Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them*."[1] The Rules Enabling Act of 1934 passed by Congress in 1934 unlawfully gave the Supreme Court the power to make rules of procedure and evidence for federal courts "in equity" as long as they did not "*abridge, enlarge, or modify any substantive right*." The Supreme Court needs to be reminded that rules are not law. They are just rules with no authority to group together suits in equity and suits at common law under the term civil law, a/k/a Babylonian law. Congress doesn't even possess such authority. We the People via the Constitution ordained only law and equity under Article III Section 1 and Section 2,

> "*The Judicial Power of the United States, shall be vested in one Supreme court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behavior*," … "*The judicial power* ***SHALL EXTEND*** *to all cases, in* ***LAW AND EQUITY****, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority*;"

We did not give Congress or the Judiciary power to legislate or enforce civil and criminal statutes which are disguised as law and written by tyrants to conceal the Common Law and oppress the people. They have been deluded into believing we are their subjects. All judges are bound by their oath to the Supreme Law of the Land a/k/a the US Constitution under Article VI Clause 2;

> "*This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding*." "*Any judge who does not comply with his oath to the Constitution of the United States wars against that Constitution and engages in acts in violation of the supreme law of the land. The judge is engaged in acts of treason*." – Cooper v. Aaron, 358 U.S. 1, 78 S. Ct. 1401 (1958)

Rules are an established standard, guide, or regulation; a principle or regulation set up by authority, prescribing or directing action or restraint. If you are in an equity court then the Federal Rules of Civil Procedure apply to that jurisdiction. If you are in a court of Law then the Rules of Common Law applies.

[1] Miranda v. Arizona, 384 U.S. 436, 491.

> "*Common law as distinguished from equity law, it is a body of rules and principles, written or unwritten, which are of fixed and immutable authority, and which must be applied to controversies rigorously and in their entirety, and cannot be modified to suit the peculiarities of a specific case, or colored by any judicial discretion, and which rests confessedly upon custom or statute, as distinguished from any claim to ethical superiority*."
> - Black's Law; Klever v. Seawall, C.C.A.Ohio, 65 F. 395, 12 C.C.A. 661.

"COMMON LAW" ELUDES DEFINITION because it is NOT a list of laws; it is NOT built upon precedents or a collection of equity court rulings. Common Law is written into our hearts and minds being naturally common onto all men.[2] For even the godless having not the law, do by nature the things contained in the law, showing the work of the law written in their hearts, their conscience also bearing witness.[3]

Common Law is the Laws of Nature and of Nature's God that proceed upon two self-evident truths, called maxims: (1) for every injury there must be a remedy and in order (2) for there to be a crime there must be an injured party, without which no court may proceed. Maxims are brief statements of self-evident truth that control our Common Law courts. They provided discernment in the writing of our founding documents. It is an adviser to our legislatures, and every consideration of mankind that seeks what's fair and best for all.

COURTS THAT DO NOT HONOR OR CONSIDER THESE MAXIMS ARE NOT "JUST." Indeed, whether and to what extent these common law maxims are honored by public leaders is how we test the way they administer the law to govern. Our courts were established to enforce these principles of common law, the word Justice is synonymous with virtue, and virtue is a biblical principle that emanates from Jesus Christ alone.[4] Maxims are the laws that never changes. These statements set essential limits on truth and are essential to the fair and efficient administration of justice according to the common law of mankind. No right-thinking person can disagree with a maxim. Every court is bound by the common law rules of equity established by the never-changing maxims. Maxims test those who judge and put an absolute limit on those who rule.

Maxims[5] and precepts are the rules of common law. Maxims are self-evident truths used to adjudicate common law cases, axiom (sayings) in logic are self-evident indisputable truths the result of human

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[2] **Heb 10:16** This is the covenant that I will make with them after those days, saith the Lord, I will put my laws into their hearts, and in their minds will I write them.

[3] **Rom 2:14-15** For when the Gentiles, which have not the law, do by nature the things contained in the law, these, having not the law, are a law unto themselves: Which show the work of the law written in their hearts, their conscience also bearing witness, and their thoughts the mean while accusing or else excusing one another.

[4] **Luke 6:17-19** And he came down with them, and stood in the plain, and the company of his disciples, and a great multitude of people out of all Judaea and Jerusalem, and from the sea coast of Tyre and Sidon, which came to hear him, and to be healed of their diseases; And they that were vexed with unclean spirits: and they were healed. And the whole multitude sought to touch him: for there went virtue out of him, and healed them all.

[5] Maxims are but attempted general statements of rules of law and are law only to extent of application in adjudicated cases. Swetland v. Curtiss Airports Corporation, D.C.Ohio, 41 F. 2d 929, 936.; Coke defies a maxim to be "conclusion of reason," Co.Litt. 11a. He says in another place: "A maxime is a pnroposition to be of all men confessed and granted without proof, argument, or discourse." Id. 67a.

reason and experience. Maxims are our common law heritage and binds us together as a people. If everyone knew the maxims of common law, our world would be a far better place.

The following is a short list of Maxims, a/k/a self-evident truth:

MAXIMS ON PRINCIPALS OF COMMON LAW

- All men are created equal.
- Men are endowed by their Creator with certain unalienable Rights.
- Liberty to all but preference to none.
- The safety of the people is the supreme law.
- The safety of the people cannot be judged but by the safety of every individual.
- To lie is to go against the mind.
- The only one who has any capacity or right or responsibility or knowledge to rebut your Affidavit of Truth is the one who is adversely affected by it. It's his job, his right, his responsibility to speak for himself.
- No one else can know what your truth is or has the free-will responsibility to state it. This is YOUR job.
- Each of us is entitled to equal treatment under law.
- Workman is worthy of his hire.
- Nothing ventured, nothing gained.

MAXIMS ON THE LEGITIMACY OF GOVERNMENT

- Just Governments derive their just powers from the consent of the governed.
- Unjust is State power where the law is either uncertain or unknown.
- The State should be subject to the law, for the law creates the State.
- The judge who decides a case without hearing both parties, though his decision be just, is himself unjust.
- Courts of justice are for the common people to command the power of the State.

MAXIMS ON TESTIMONY AND EVIDENCE

- Words should be considered only as commonly understood and not with a meaning others construe to their own purpose.
- No one should be believed in court except upon his oath.
- Courts should not believe water runs upward of its own accord nor that impossibilities exist.
- The certainty of a thing in court arises only from making the thing certain in court.

MAXIMS ON CIVIC DUTY OF CITIZENS

- Whenever any Form of Government becomes destructive it is the Right of the People to alter or to abolish it, and to institute new Government.
- Each should use his own powers and property so as NOT to unjustly injure others.

MAXIMS ON PRIVATE PROPERTY

- There is nothing more sacred, more inviolate, than the house of every citizen.
- Every home is a castle; though the winds of heaven blow through it, officers of the State cannot enter.
- Title is the right to enjoy possession of that which is our own.

MAXIMS ON UNALIENABLE RIGHTS

- Bill of Rights is a list of self-evident truths.
- None has a greater claim to live free.
- No one should be required to betray himself, i.e., no one should be made to testify against himself.
- The right of the People to keep and bear arms is necessary for the security of a free state.
- Everyone should be presumed innocent until his guilt is established beyond a reasonable doubt.
- Liberty to all but preference to none.
- None is entitled to any privilege denied to others ... absolutely none!
- It is against justness for freemen not to have the free disposal of their own property.
- No king, no priest, no celebrity, no judge, not any person has any greater right to walk free than any lowly carpenter, plumber, or law-abiding street minstrel.

MAXIMS ON CRIME AND PUNISHMENT

- He who acts in pure defense of his own life or limb is justified.
- Crimes are more effectually prevented by the certainty than by the severity of punishment.
- Perjured witnesses should be punished for perjury and for the crimes they falsely accuse against others.

MAXIMS ON JUDICIAL REASONING

- The burden of proof lies on him who asserts the fact, not on him who denies it, because from the very nature of things a negative cannot be proof.
- No one should be twice harassed for the same offense.
- We are all equals in the sight of our law.
- Maxims test those who judge.
- Maxims put an absolute limit on those who rule.
- He who slices the pie should be last to take a piece.
- Servant judges cannot judge sovereigns.
- A thing similar is not exactly the same thing.
- Innocent until proven guilty.
- No one is above the law.
- Words should be considered only as commonly understood and not with a meaning others construe to their own purpose.
- All are equal under the law.
- Truth is expressed in the form of an affidavit.

- An unrebutted affidavit stands as truth.
- He who leaves the battlefield first loses by default.
- Sacrifice is the measure of credibility.
- A lien or claim can be satisfied only through rebuttable by affidavit point by point, resolution by jury, or payment.
- He who bears the burden ought also to derive the benefit.
- If the plaintiff does not prove his case, the defendant is absolved.
- No court and no judge can overturn or disregard or abrogate somebody's Affidavit of Truth.
- Words should be interpreted most strongly against him who uses them.

You can find Maxims of Law from Bouvier's 1856 Law Dictionary - The Lawful Path and ✓Sir Edward Coke Maxims at www.nationallibertyalliance.org/court-forms

In conclusion there are 1000's of Maxims and many yet to be discovered. They are simply pure logic and justness clearly seen by any reasonable person.

MAXIMS ARE ONLY DENIED BY THE LAWLESS AND TYRANTS!

MEMORANDUM OF LAW RIGHT OF FREE ACCESS TO OUR COURTS OF LAW

"*People are entitled to free access to judicial tribunals and public offices in every State*"

The purpose of this memorandum is to bring to the attention of the court the "unalienable right" of the people to have free access to its judicial tribunals and public offices in every State in the Union. Whereas de-facto civil law courts may require a fee in civil law courts, Courts of Justice do not!

"A State may not impose a charge for the enjoyment of a right granted by the Federal Constitution."[1] "The assertion of federal rights, when plainly and reasonably made, is not to be defeated under the name of local practice."[2] Whereas the "RIGHT OF DUE PROCESS," is protected by the 5th Amendment and "the State cannot diminish rights of the people."[3] "Trial courts act without jurisdiction when it acts without inherent or 'COMMON LAW AUTHORITY.'"[4] Therefore, all de-facto civil-law courts are unconstitutional and rule 2 like all federal rules of civil procedure are also without constitutional authority and thereby also "null and void." Thus, the People have the right to access Courts of Law without a fee. "No judicial process, whatever form it may assume, can have any lawful authority outside of the limits of the jurisdiction of the court or judge by whom it is issued; and an attempt to enforce it beyond these boundaries is nothing less than lawless violence."[5]

"Living as we do under a common government, charged with the great concerns of the whole Union, every citizen of the United States from the most remote states or territories, is entitled to free access not only to the principal departments established at Washington, but also to its judicial tribunals and public offices in every state in the Union.[6] The practice of Law is an occupation of common right![7]

The United States Supreme Court has ruled that a "natural man or woman is entitled to relief for free access to its judicial tribunals and public offices in every State in the Union."[8] "Plaintiff should not be charged fees, or costs for the lawful and constitutional right to petition this court in this matter in which he is entitled to relief, as it appears that

[1] Murdock v. Pennsylvania, 319 U.S. 105, at 113
[2] Davis v. Wechsler, 263 US 22, at 24
[3] Hertado v. California, 110 U.S. 516
[4] State v. Rodriguez, 725 A.2d 635, 125 Md.App 428, cert den 731 A.2d 971,354 Md. 573 (1999)
[5] Ableman v. Booth, 21 Howard 506 (1859)
[6] 2 Black 620, see also Crandell v. Nevada, 6 Wall 35
[7] Sims v. Aherns, 271 S.W. 720 (1925)
[8] Crandell v. Nevada, 6 Wall 35.

the filing fee rule was originally implemented for fictions and subjects of the State and should not be applied to the People who is a natural individual and entitled to relief"[9] Therefore, people are to have free access to Courts and public offices, filing fees impede access to justice and services.

[9] Hale v. Henkel, 201 U.S. 43

MEMORANDUM OF LAW SHERIFF

The modern word "Sheriff" means "Chief Law Enforcer of the County"

The purpose of this Memorandum of Law is to establish the role of the Sheriff as the only "Constitutional Law Enforcer" a/k/a Chief Law Enforcer of the County; Whose office cannot be abrogated by legislation or referendum. The Sheriff is the only Law Enforcer governed by Common Law, and not governed by any statute and, with the exception of lawful commercial codes, does not enforce code violations upon the People. The Sheriff is elected by the People and does not answer to any government agency. The Sheriff is the only law enforcer responsible for executing all "*Lawful warrants*." Federal law enforcement agents before executing a federal warrant must first notify the Sheriff before execution; Whereas it is the Sheriff's duty to oversee the execution of all "*Lawful federal warrants*" In his County.

US SUPREME COURT MACK V. UNITED STATES

The Sheriff is the Chief Law Enforcement Officer of the county

In the case of Mack v. United States, 856 F. Supp. 1372 (D. Ariz. 1994) Graham County Sheriff Richard Mack filed a complaint for injunctive and declaratory relief against the enforcement of 18 U.S.C. § 922(s), commonly referred to as the Brady Act by federal agents claiming authority over the Sheriff as Chief Law Enforcer under said code.

> 18 USC §922(s)(2). The CLEO is defined as "the chief of police, the sheriff, or an equivalent officer or the designee of any such individual."

The Court rightly found that in enacting section 18 U.S.C. 922(s) (2), Congress exceeded its authority under Article 1, section 8 of the United States Constitution, thereby impermissibly encroaching upon the powers retained by the states pursuant to the Tenth Amendment. The Court further found that that subsection 922(s) (2) violates the Fifth Amendment of the United States Constitution and entered a favorable judgment for the plaintiff Sheriff Richard Mack of Graham County. As such, the court recognized the office of the Sheriff as the "Chief Law Enforcement Officer" of the county.

KING'S ENFORCEMENT

The first known written record concerning the Sheriff is found in the Bible Daniel Chapter 3 mentioned as one of the officers of the king in 600 BC. The Sheriff is the "Chief Law enforcer of the county, known as a shire-reeve. The word shire-reeve eventually became the modern English word sheriff. The modern word "Sheriff", which means keeper or chief of the County, is derived from the Anglo-Saxon words "Shire-Reeve". The

Shire-Reeve, in the days of King Alfred the Great of England, in 871 AD, was responsible for enforcing the Kings Orders.

A TREATISE ON THE LAW OF SHERIFFS, CORONERS AND CONSTABLES[1]

by Walter H. Anderson, LL.B., LL, D.

THE SHERIFF IS THE LAWFUL CHIEF EXECUTIVE OFFICER AND HIGHEST PEACE OFFICER OF THE ENTIRE COUNTY IN WHICH HE WAS ELECTED. Unlike the State Police and Municipal Police, the Sheriff reports directly to the Citizens of the County. In today's terms, the Sheriff is the "Chief Law Enforcement Officer" (CLEO) of the County. The duties, responsibilities and/or authorities of the Sheriff cannot be diminished by those in the legislature or the courts of the State or of the County.

SECTION 42: POWERS AND DUTIES OF SHERIFF IMPLIED FROM NAME AND NATURE OF HIS OFFICE. – A sheriff is an officer of great antiquity, dignity, trust and authority. He was chief officer to the King within his county; no suit began, no process was served, but by the sheriff. He was to return indifferent juries for the trial of men's lives, liberties, lands, goods, etc. At the end of suits, he was and still is required to make execution which is the life and fruit of the law. So, it is seen that original process moved and was directed to the sheriff, subsequent proceedings were circulated in him and were at last finished and completed by him. The powers and duties of the sheriff as implied from the name and nature of his office are still the same today as they were at common law. He is still an officer of the court and subject to its orders and directions on behalf of the People. The sheriff is still made responsible as conservator of the peace.

SECTION 43: RIGHTS OF THE SHERIFF AS CONSTITUTIONAL OFFICER. – Where the sheriff is named in the Constitution his duties are the same as they were at the time the Constitution was adopted. Where the office of sheriff is named as a constitutional officer the people intended that those officers should exercise the powers and perform the duties then recognized as appertaining to the respective offices which they were to hold. This thought is well expressed in an early Wisconsin case.[2] "Now it is quite true that the constitution nowhere defines what powers, rights and duties shall attach or belong to the office of sheriff. But there can be no doubt that the framers of the Constitution had reference to the office with those generally recognized legal duties and functions belonging to it in this country, and in the territory, when the Constitution was adopted." The sheriff is

[1] **Source:** (Excerpts) This information is taken from: A Treatise on the Law of Sheriffs, Coroners and Constables with Forms, Vol. 1 of 2; by Walter H. Anderson, LL.B., LL, D.; Published by: Herbert D. Howard, 1941; There are many more similar historical sources that prove the facts and law presented.

[2] State ex, rel. Kennedy v. Brunst, 26 Wis. 412, 7 Am. Rep. 84

recognized as a constitutional officer, legislators cannot restrict or reduce his powers.

SECTION 44. THE SHERIFF ESSENTIALLY IS A COMMON LAW OFFICER. – From the very title and by virtue of occupying the office of sheriff, it carries with it all the common law powers and duties. The sheriff is the chief law enforcement officer in the county today even as he was at common law. His jurisdiction within the county includes all municipalities and townships.

THE PEOPLES COUNTY SHERIFF AND THE POSSE-COMITATUS

More than 1,300 years ago in England, small groups of Anglo-Saxons lived in rural communities similar to modern day towns. Often at war, they decided to better organize themselves for defense. Sometime before the year 700, they formed a system of local self-government based on groups of ten. Each of the towns divided into groups of ten families, called tithings. Each tithing elected a leader called a tithingman. The next level of government was a group of ten tithings (or 100 families), and this group elected its own chief. The Anglo-Saxon word for chief was gerefa, later shortened to reeve. During the next two centuries, groups of hundreds banded together to form a new, higher unit of government called the shire. The shire was the forerunner of the modern county. Each shire had a chief (reeve) as well, and the more powerful official became known as a shire-reeve. THE WORD SHIRE-REEVE BECAME THE MODERN ENGLISH WORD SHERIFF—THE CHIEF OF THE COUNTY. The sheriff-maintained law and order within his own county with the assistance of the citizens. When the sheriff sounded the 'hue and cry' that a criminal was at-large, anyone who heard the alarm was responsible for bringing the criminal to justice. This principle of citizen participation survives today in the procedure known as posse comitatus.

THE SHERIFF CROSSES THE ATLANTIC

The first American counties were established in Virginia in 1634, and records show that one of these counties elected a sheriff in 1651. As Americans moved westward, so did the office of sheriff and the use of jails. Settlers desperately needed the sheriff to establish order in the lawless territories where power belonged to those with the fastest draw and the most accurate shot. Most western sheriffs, however, kept the peace by virtue of their authority. With a few exceptions, sheriffs resorted to firepower much less often than we have seen depicted in movies and on TV.

The Sheriff is the chief executive and administrative officer of a county, being chosen by popular election. His principal duties are in aid of the criminal courts and civil "*Courts*

of Record;"[3] such as serving process, summoning juries,[4] executing judgments, holding judicial sales and the like. He is also the chief conservator of the peace within his territorial jurisdiction.[5] When used in statutes, the term may include a deputy sheriff.[6]

The general duties of the sheriff are, (1) To keep the peace within the county; he may apprehend, and commit to prison all persons who break the peace or attempt to break it, and bind any one in a recognizance to keep the peace. He is required by virtue of office, to pursue and take all traitors, murderers, felons and rioters. (2) He has the keeping of the county goal and he is bound to defend it against all attacks. (3) He may command the posse comitatus. (4) In his ministerial capacity, the sheriff is bound to execute within his county, all process issuing from the courts of the commonwealth. (5) The sheriff also possesses a judicial capacity, but this is very much circumscribed to what it was at common law in England. It is now generally confined to ascertain damages on writs of inquiry and the like. (6) History recalls that only the Sheriff and the Coroner has the authority to call for the Grand Jury. Generally speaking, the sheriff has no authority out of his county.[7] He may, however, do mere ministerial acts out of his county, as making a return.[8]

The county sheriff is the last line of defense when it comes to upholding and defending the Constitution. The sheriff's duties and obligations go far beyond arresting criminals and operating jails. The Sheriff also has an obligation to protect the Constitutional rights of the citizens in our counties. This includes the right to free speech, the right to assemble and the right to bear arms.

Sheriffs took an oath to uphold and defend the Constitution, from enemies both foreign and domestic. In the history of our world, it is government tyranny that has violated the freedoms granted to us by our Creator more than any other. And, it is the duty of the sheriff to protect their counties from those that would take away our freedoms,

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[3] COURT OF RECORD: A judicial tribunal having attributes and exercising functions independently of the person of the magistrate designated generally to hold it Proceeding according to the course of common law Jones v. Jones, 188 Mo.App. 220, 175 S.W. 227, 229; Ex parte Gladhill, 8 Metc. Mass., 171, per Shaw, C.J. See, also, Ledwith v. Rosalsky, 244 N.Y. 406, 155 N.E. 688, 689; COURTS OF RECORD and COURTS NOT OF RECORD - The former being those whose acts and judicial proceedings are enrolled, or recorded, for a perpetual memory and testimony, and which have power to fine or imprison for contempt. Error lies to their judgments, and they generally possess a seal. Courts not of record are those of inferior dignity, which have no power to fine or imprison, and in which the proceedings are not enrolled or recorded. 3 Bl. Comm. 24; 3 Steph. Comm. 383; The Thomas Fletcher, C.C.Ga., 24 F. 481; Ex parte Thistleton, 52 Cal 225; Erwin v. U.S., D.C.Ga., 37 F. 488, 2 L.R.A. 229; Heininger v. Davis, 96 Ohio St. 205, 117 N.E. 229, 231.

[4] Federalist No. 83 The Judiciary Continued in Relation to Trial by Jury: "The sheriff is the summoner of juries."

[5] Harston v. Langston, Tex.Civ. App., 292 S.W. 648, 650.

[6] Lanier v. Town of Greenville, 174 N.C. 311, 93 S.E. 850, 853.

[7] 2 Rolle's Rep. 163; Plowd, 37 a.

[8] Dalt. Sh. 22. Vide, generally, the various Digests and Abridgments, h. t.; Dalt. Sher.; Wats. Off. and Duty of Sheriff; Wood's Inst. 75; 18 Engl. Com. Law Rep. 177; 2 Phil. Ev. 213; Chit. Pr. Index, h. t.; Chit. Pr. Law, Index, h. t.

both foreign AND domestic – whether it is a terrorist from Yemen or a bureaucrat from Washington, DC.

THE SHERIFF TODAY

President Ronald Reagan stressed the importance of the modern sheriff in his address to the National Sheriffs' Association on June 21, 1984. He said, "Thank you for standing up for this nation's dream of personal freedom under the rule of law. Thank you for standing against those who would transform that dream into a nightmare of wrongdoing and lawlessness. And thank you for your service to your communities, to your country, and to the cause of law and justice."

There are over 3,000 counties in the United States, and almost every one of them has a sheriff, except for Alaska. Some cities, such as Denver, St. Louis, Richmond and Baltimore, have sheriffs as well. The office of sheriff is established either by the state constitution or by an act of state legislature. There are only two states in which the sheriff is not elected by the voters. In Rhode Island, sheriffs are appointed by the governor; in Hawaii, deputy sheriffs serve in the Department of Public Safety's Sheriff's Division.

There is really no such thing as a "typical" sheriff. Some sheriffs still have time to drop by the town coffee shop to chat with the citizens each day, while others report to an office in a skyscraper and manage a department whose budget exceeds that of many corporations. However, most sheriffs have certain roles and responsibilities in common.

LAW ENFORCEMENT: A sheriff always has the power to make arrests within his or her own county. Some states extend this authority to adjacent counties or to the entire state. Many sheriffs' offices also perform routine patrol functions such as traffic control, accident investigations, and transportation of prisoners. Larger departments may perform criminal investigations, and some unusually large sheriffs' offices command an air patrol, a mounted patrol, or a marine patrol.

SHERIFFS STILL ENLIST THE AID OF THE CITIZENS: The National Neighborhood Watch Program, sponsored by the National Sheriffs' Association, allows citizens and law enforcement officials to cooperate in keeping communities safe. As the sheriff's law enforcement duties become more extensive and complex, new career opportunities exist for people with specialized skills: underwater diving, piloting, boating, skiing, radar technology, communications, computer technology, accounting, emergency medicine, and foreign languages (especially Spanish, French, and Vietnamese.)

COURT DUTIES: Sheriffs are responsible for maintaining the safety and security of the court. A sheriff or deputy may be required to attend all court sessions; to act as bailiff; to

take charge of juries whenever they are outside the courtroom; to serve court papers; to extradite prisoners; to collect taxes, or to perform other court-related functions.

JAIL ADMINISTRATION: Most sheriffs' offices maintain and operate county jails or other detention centers and community corrections facilities such as work-release and halfway houses. Sheriffs are responsible for supervising inmates, protecting their rights and providing food, clothing, exercise, recreation and medical services. As jail conditions continue to improve, sheriffs and their departments are earning increased respect and recognition as professionals.

CONSTITUTIONAL OFFICERS -V- CODE ENFORCEMENT OFFICERS

The principal challenges to the Sheriffs are code enforcement officers. Codes (statutes) that control the behavior of People are repugnant to the Constitution and are therefore null and void. The Sheriff has a duty to uphold the Constitution. This poses a dilemma because the Sheriff must obey the United States Supreme Court rulings and the United States Constitution in order to uphold his oath; he must first understand it.

SHERIFF AND WARRANTS

> AMENDMENT IV – "*The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.*"

ALL WARRANTS AND SEIZURES, especially federal warrant are not to be served without going through the Sheriff's office. Any warrant without a sworn affidavit and a judge's wet ink signature (not a stamp) is not an executable warrant. It is the Sheriff's duty to make sure that all warrants, federal or state, served within their respective county pass constitutional scrutiny; IRS warrants rarely pass constitutional scrutiny. For example, the IRS has a form 4490 called Proof of Claim for Internal Revenue Taxes, which is an affidavit form that must be filled out and sworn to, without which the warrant with or without the wet ink signature is not executable.

Justice Scalia, writing for the majority in a 1997 decision[9] said that the "States are not subject to federal direction" and that the US Congress only had "discreet and enumerated powers" and that federal impotency was "rendered express" by the Tenth Amendment. He further confirmed that the Sheriff is the Chief Law Enforcement Officer of the county and also proclaimed that the States "retained an inviolable sovereignty." Scalia, in his infinite obligation to the Constitution, took this entire ruling to the tenth power when he

[9] Printz v. United States, 521 U.S. 898 (1997)

said, “The Constitution protects us from our own best intentions… so that we may resist the temptation to concentrate power in one location as an expedient solution to the crisis of the day.” Obviously, the Sheriff is the Peoples last line of defense against a government gone rogue.

OFFICE OF SHERIFF IS AN UNALIENABLE RIGHT OF WE THE PEOPLE

Sheriffs Oath – “*I hereby do solemnly swear that I will support and defend this Constitution for the United States of America, against all enemies, foreign and domestic, so help me God.*” Sheriffs should not be deceived. The Law is not complex. Thomas Jefferson said, “*Common sense is the foundation of all authorities, of the laws themselves, and of their construction.*” If a Sheriff must depend upon a lawyer to determine the Law, it’s no different than giving the lawyer the responsibility for their oath. That is not honoring your oath. Lawyers already run our government and have the People ratchetted down in unconstitutional codes, statutes and illegal warrants. Therein is the problem in a nut shell and the reason we need Sheriffs who know the Law.

The Sheriff is the Peoples’ failsafe against tyrannical servants by ensuring that the law of the land is properly applied. The office of the Sheriff is the Peoples’ unalienable right. We the People depend upon the Sheriff knowing and performing his duties. As the United States Supreme Court said, “the Sheriff is the Chief Executive and Administrative Officer of a county and Chief Conservator of the Peace within his territorial jurisdiction.” Therefore, without a Sheriff there can be no “Court of Law.” Without a Sheriff there can be no lawful jail. Without a Sheriff there can be no lawful warrants served, no lawful evictions. Without a Sheriff there can be no lawful property seized. Without a Sheriff there can be no lawful eviction.

Any arrest by any village, city, town, county or state police officer or by any federal agent, including FBI and U.S. Marshal, is, in fact, a citizen’s arrest; and, must be finalized by the Chief Conservator of the Peace, a/k/a the Sheriff when he accepts a prisoner into his custody. It is the Sheriff’s duty to make sure there was a lawful Indictment and strict adherence of due process by a Court of Law supported by sworn Affidavit(s).

In fact, any seizure of any property or person under a Warrant by any village, city, town, county or state police officer or by any federal agent, including FBI and US Marshals, must be preceded by said officer or agent first notifying the Chief Executive Administrative Officer of the county, a/k/a the Sheriff whose duty it is to make sure that due process was adhered to by a Court of Law. The Sheriff is to make sure that before any warrant executes, there is a judge’s “wet ink signature” accompanied by sworn Affidavit(s), without which such warrant would be powerless.

America cannot exist without the Office of Sheriff. The County Sheriff is a fixture of Common Law well established in history; a Constitutional Officer elected by the People; bound by oath as guardian of the Peoples' unalienable Rights, the vested Rights of the State and the Law secured by the Constitution. If the "Office of Sheriff," the "Protector of Rights," were removed, the way for abusive government would be paved, resulting in the banishment of Law, unalienable Rights and vested Rights; and, We the People would become the servant and plaything of tyrants.

The Sheriff is not in office to enforce the State's statutes and codes, a/k/a Civil Law. The Sheriff is in office to enforce the obedience of public servants to the Constitution and to protect the State from the federal government. The Sheriff is not in the courts to protect the judge from the people; but, the people from the judge by ensuring justice. The Sheriff is not the jailer who receives all prisoners from village, city and town courts which, under the "Law of the Land" have no power to fine or incarcerate; but, is the jailer who holds prisoners that are sent from "Courts of Record" after ensuring that they have been indicted and received "due process."

LAW ENFORCER -V- CODE ENFORCER

- DE FACTO ATF ENFORCE CODES NOT THE COMMON LAW! The ATF was established on July 1, 1972 and is a division of the IRS. The IRS is not a government agency, it is a private corporation, that just appeared on June 6, 1972 among the lists of agencies without congressional authority. They are controlled by a board of directors and not the Federal Government.[10] The IRS is a collection agency and the "*Bureau of Alcohol Tobacco and Firearms*" is the enforcement arm for the privately owned Federal Reserve Bank. The ATF is governed under federal codes and regulations and are all too often influenced and motivated politically.
- FBI US Marshals ENFORCE CODES NOT THE COMMON LAW! They receive operate under the jurisdiction of the Department of Justice and is governed by federal codes and regulations and are all too often influenced and motivated politically.
- STATE POLICE ENFORCE CODES NOT THE COMMON LAW! They receive their power from legislation and answers to the Governor and state legislators and are governed by state codes and regulations and are all too often influenced and motivated politically.
- CITY POLICE ENFORCE CODES NOT THE COMMON LAW! They receive their power from legislation and answer to the mayor-council, the commission and the city manager

[10] On June 6, 1972, Acting Secretary of the Treasury Charles E. Walker signed Treasury Order Number 120-01 which established the Bureau of Alcohol, Tobacco and Firearms. He did this with the stroke of his pen, citing 'by virtue of the authority vested in me as Secretary of the Treasury, including the authority in Reorganization Plan No. 26 of 1950.' ... Walker seemed to branch the Internal Revenue Service (IRS), creating the Bureau of Alcohol, Tobacco and Firearms (BATF), and then, with that statement, joined them back together into one. In the Federal Register, Volume 41, Number 180, of Wednesday, September 15, 1976, we find: 'The term 'Director, Alcohol, Tobacco and Firearms Division' has been replaced by the term 'Internal Revenue Service."

and governed under municipalities laws and are all too often influenced and motivated politically.

- TOWN POLICE ENFORCE CODES NOT THE COMMON LAW! They receive their power from legislation and answer to mayor–council, council–manager, commission, town meeting, and representative town meeting and governed under municipalities laws and are all too often influenced politically.
- VILLAGE POLICE ENFORCE CODES NOT THE COMMON LAW! They receive their power from legislation and answer to a board of six elected trustees and an elected village president and governed under municipalities laws and are all too often influenced politically.
- COUNTY SHERIFF ENFORCES THE COMMON LAW AND CODES ON COMMERCIAL ACTIVITIES! They receive their power from Common Law, elected by the People, and answer to the People. Sheriffs are the only true Law Enforcers. Arests by any of the aforesaid code enforcers is, in fact, a citizen's arrest; and, must be finalized by the Chief Conservator of the Peace, a/k/a County Sheriff when he accepts a prisoner into his custody.

IN CONCLUSION: We have a "NATURAL LAW REPUBLICAN FORM OF GOVERNMENT," guaranteed by the United States Constitution Article IV Section 4,[11] which means rule by law,[12] under our Common Law Constitution. Common Law provides for a Sheriff that, dates back to at least 871 AD. Because a Common Law Sheriff must be free and independent there cannot be any legislation that can define or restrict his power. Therefore, the Sheriff is a fixture of the Common Law and part of our Common Law due process, and the final arbiter of what the Common Law is in his county. Without the County Sheriff there is NO protector and champion for our "Common Law Constitution!"

The powers and duties of the Sheriff, as implied from the name and nature of his office, are still the same today as they were throughout history. The Sheriff being the necessary Chief Law Enforcer of the County, whose office cannot be abrogated by referendum or legislation. Nor can the Sheriff's powers be diminished by legislatures or the courts of the federal or state. The Sheriffs receive their power from Common Law and are elected by the People and therefore do not answer to government agencies. The Sheriff is the only law enforcer responsible for executing all "*Lawful warrants*." The Sheriff also has an obligation to protect the Constitutional rights of the citizens, they are the Peoples enforcement. The county sheriff is the last line of defense when it comes to upholding and defending the Constitution. Without the Free and Independent Common Law Office of the Sheriff Common Law has not teeth.

[11] Article IV Section 4. The United States shall guarantee to every state in this union a republican form of government, and shall protect each of them against invasion.
[12] Article III Section 2 The judicial power shall extend to all cases, in law and equity, arising under this Constitution. Law proceeds under Common Law.

Finally, as demonstrated by the history of common law and noted in Federalist No.83 "THE SHERIFF IS THE SUMMONER OF JURIES" Legislators cannot empower prosecutors to call a Grand Jury, if for no other reason, it is because they owe obedience to the state. If a prosecutor wants to seek an indictment, they must give the evidence to the Sheriff who will then take it under consideration. Counties without a Sheriff are lawless!

MEMORANDUM OF LAW GRAND JURY AUTHORITY

A right of Self-Governing

The purpose of this Memorandum of Law is to "clearly establish" the sovereign unalienable right of the People to have "Government by Consent" through the free and independent administration of our own Juries. We the People have the unbridled right to empanel and preside over our own proceedings unfettered by technical rules and to investigate merely on suspicion. The judiciary through congresses' BAR written codes and the Judiciary's BAR written rules have subverted and tainted our Juries and hidden our Natural Law Courts' of Record. It is the Grand Jury's function to consider criminal charges whereas prosecutors have no authority to change or negotiate away our findings. Grand Jury indictments are final and cannot be added to or taken away from without our Consent. Nor does any of our finding require a treasonous BAR attorney signature of approval who has NO STANDING in our courts of Law.

WE THE PEOPLE ARE THE AUTHOR & SOURCE OF LAW

"Sovereignty itself is, of course, not subject to law, for it is the author and source of law; but in our system, while sovereign powers are delegated to the agencies of government, sovereignty itself remains with the people, by whom and for whom all government exists and acts, And the law is the definition and limitation of power..."[1] "'Sovereignty' means that the decree of sovereign makes law, and foreign courts cannot condemn influences persuading sovereign to make the decree."[2]

"The people of this State, as the successors of its former sovereign, are entitled to all the rights which formerly belonged to the King by his prerogative."[3] And "the state cannot diminish the rights of the people."[4] "Supreme sovereignty is in the people and no authority can, on any pretense whatsoever, be exercised over the citizens of this state, but such as is or shall be derived from and granted by the people of this state."[5]

We the people have been providentially provided legal recourse to address the criminal conduct of the Judiciary ourselves entrusted via Natural Law to dispense justice.

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[1] Yick Wo v. Hopkins, 118 US 356, 370 Quotiens dubia interpretatio libertatis est, secundum libertatem respondendum erit.
[2] Moscow Fire Ins. Co. of Moscow, Russia v. Bank of New York & Trust Co., 294 N.Y.S. 648, 662, 161 Misc. 903.;
[3] Lansing v. Smith, 4 Wend. 9 (N.Y.) (1829), 21 Am. Dec. 89 10C Const. Law Sec. 298; 18 C Em.Dom. Sec. 3, 228; 37 C Nav.Wat. Sec. 219; Nuls Sec. 167; 48 C Wharves Sec. 3, 7.
[4] Hurtado v. People of the State of California, 110 U.S. 516.
[5] NEW YORK CODE - N.Y. CVR. LAW § 2: NY Code - Section 2.

- We the People ordained and established the Constitution for the United States of America[6].
- We the People vested Congress with statute making powers[7].
- We the People defined and limited Congresses power of law-making[8].
- We the People ordained limited law-making powers via the Constitution[9].
- We the People did not vest the Judiciary with law-making powers.
- The Rules of Common Law rule the court the FRCP do not.
- We the People in ALL Courts of Law are Free and Independent Jurist independent from the Judiciary.[10]

"*The constitutions of most of our states assert that <u>all power</u> is inherent in the people; that they may exercise it by themselves, in all cases to which they think themselves competent, as in electing their functionaries executive and legislative, and deciding by a jury of themselves, both fact and law, in all judiciary cases in which any fact is involved …*"[11]

WE THE PEOPLE HAVE UNBRIDLED RIGHT TO EMPANEL OUR OWN GRAND JURIES

In the United States Supreme Court case of United States v. Williams,[12] Justice Antonin Scalia, writing for the majority, confirmed that "the American grand jury is neither part of the judicial, executive nor legislative branches of government, but instead belongs to the people. It is in effect a fourth branch of government "governed" and administered to directly by and on behalf of the American people, and its authority emanates from the Bill of Rights. Thus, [People] have the unbridled right to empanel their own grand juries and present "True Bills" of indictment to a court, which is then required to commence a criminal proceeding. Our Founding Fathers presciently thereby created a "buffer" the people may rely upon for justice, when public officials, including judges, criminally violate the law."

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[6] We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America. Preamble.

[7] **Article I Section 1:** ALL LEGISLATIVE POWERS herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

[8] **Article I Section 8;** To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.

[9] "Sovereignty itself is, of course, not subject to law, for it is the author and source of law; but in our system, while sovereign powers are delegated to the agencies of government, sovereignty itself remains with the people, by whom and for whom all government exists and acts And the law is the definition and limitation of power…" [Yick Wo v. Hopkins, 118 US 356, 370 Quotiens dubia interpretatio libertatis est, secundum libertatem respondendum erit]

[10] Jones v. Jones, 188 Mo.App. 220, 175 S.W. 227, 229; Ex parte Gladhill, 8 Metc. Mass., 171, per Shaw, C.J. See, also, Ledwith v. Rosalsky, 244 N.Y. 406, 155 N.E. 688, 689.; *"judicial tribunal having attributes and exercising functions independently of the person of the magistrate designated generally to hold it, and proceeding according to the course of common law.*

[11] Thomas Jefferson, letter to John Cartwright; June 5, 1824.

[12] 112 S.Ct. 1735, 504 U.S. 36, 118 L.Ed.2d 352 (1992).

SUMMONSING THE GRAND JURY: Elected Sheriffs or Coroners vested by Natural Law may summons a Grand Jury. We the People, vested by nature's God, may gather ourselves as the "Sureties of the Peace" on behalf of all the People if in the defense of Liberty are called, as did the first recorded Grand Jury did via the Magna Carta. Elected or appointed public prosecutors vested by repugnant statute to subvert justice have been given NO LAWFUL AUTHORITY by the People to summons a Grand Jury. If a prosecutor desires to bring a case before the Grand Jury, he can bring it to the Sheriff who may according to his discretion bring it before the Grand Jury, this is the Common Law process.

A RIGHT OF SELF-GOVERNING

In 1215AD twenty-five (25) freemen assembled themselves in the name of the "Sureties of the Peace" stood-up to restore their Natural Law Courts of Justice, thereby taking back their island nation England that was subverted by a tyrant king.

In 1776 fifty-six (56) Sovereigns, a/k/a We the People or Grand Jurist, assembled themselves in the name of "We the People" stood-up to restore their Natural Law Courts of Justice, thereby taking back their Thirteen American Colonies that were subverted by a tyrant king.

Today, herein more than 10,400 Grand Jurist assembled themselves, from every state, in the name of "We the People" to stand and restore our Natural Law Courts of Justice, thereby taking back our state and federal courts in these Fifty United States of America that were subverted by the Federal Judiciary. We the People having been providentially provided legal recourse to address the criminal conduct of the said judiciary, ourselves having been entrusted to dispense justice.

Natural Law demands that only the People via "free and independent Grand Juries and Petit Juries" have the supreme judicial authority to indict or not, to decide the law, to sit as the tribunal in all criminal cases, to nullify any statute, to deny any rules, to judge guilt or innocence, and pronounce the remedy or punishment, free from judiciary interference. Tribunals are established in 12 unalienable sovereigns whose decisions are final and cannot be overturned.

GRAND JURY IS A CONSTITUTIONAL FIXTURE IN ITS OWN RIGHT[13]

In United States v. Calandra, quoted in US v Williams, the United States Supreme Court said: "The grand jury is an institution separate from the courts, over whose functioning the courts do not preside. The "common law" of the Fifth Amendment demands the traditional functioning of the grand jury. The grand jury is an institution separate from the courts, over whose functioning the courts do not preside, we think it

[13] United States v. Williams, 112 S.Ct. 1735, 504 U.S. 36, 118 L.Ed.2d 352 (1992)

clear that, as a general matter at least, no such "supervisory" judicial authority exists. "[R]ooted in long centuries of Anglo-American history,"[14] the grand jury is mentioned in the Bill of Rights, but not in the body of the Constitution. It has not been textually assigned, therefore, to any of the branches described in the first three Articles. It" 'is a constitutional fixture in its own right.'"[15] In fact the whole theory of its function is that it belongs to no branch of the institutional government, serving as a kind of buffer or referee between the Government and the people.[16] Although the grand jury normally operates, of course, in the courthouse and under judicial auspices, its institutional relationship with the judicial branch has traditionally been, so to speak, at arm's length. Judges' direct involvement in the functioning of the grand jury has generally been confined to the constitutive one of calling the grand jurors together and administering their oaths of office." [17]

GRAND JURY INVESTIGATES MERELY ON SUSPICION[18]

The United States Supreme Court in US v Williams went on to say: "The grand jury's functional independence from the judicial branch is evident both in the scope of its power to investigate criminal wrongdoing, and in the manner in which that power is exercised. "Unlike [a] [c]ourt, whose jurisdiction is predicated upon a specific case or controversy, the grand jury 'can investigate merely on suspicion that the law is being violated, or even because it wants assurance that it is not.'"[19] It need not identify the offender it suspects, or even "the precise nature of the offense" it is investigating.[20] The grand jury requires no authorization from its constituting court to initiate an investigation,[21] nor does the prosecutor require leave of court to seek a grand jury indictment. And in its day-to-day functioning, the grand jury generally operates without the interference of a presiding judge.[22] It swears in its own witnesses[23], and deliberates in total secrecy.[24] We have insisted that the grand jury remain "free to pursue its investigations unhindered by external influence or supervision so long as it does not trench upon the legitimate rights of any witness called before it."[25] Recognizing this tradition of independence, we have said that the Fifth Amendment's "constitutional

[14] Hannah v. Larche, 363 U.S. 420, 490, 80 S.Ct. 1502, 1544, 4 L.Ed.2d 1307 (1960) (Frankfurter, J., concurring in result)
[15] United States v. Chanen, 549 F.2d 1306, 1312 (CA9 1977) (quoting Nixon v. Sirica, 159 U.S.App.D.C. 58, 70, n. 54, 487 F.2d 700, 712, n. 54 (1973)), cert. denied, 434 U.S. 825, 98 S.Ct. 72, 54 L.Ed.2d 83 (1977).
[16] Stirone v. United States, 361 U.S. 212, 218, 80 S.Ct. 270, 273, 4 L.Ed.2d 252 (1960); Hale v. Henkel, 201 U.S. 43, 61, 26 S.Ct. 370, 373, 50 L.Ed. 652 (1906); G. Edwards, The Grand Jury 28-32 (1906).
[17] United States v. Calandra, 414 U.S. 338, 343, 94 S.Ct. 613, 617, 38 L.Ed.2d 561 (1974); Fed.Rule Crim.Proc. 6(a).
[18] United States v. Williams, 112 S.Ct. 1735, 504 U.S. 36, 118 L.Ed.2d 352 (1992)
[19] United States v. R. Enterprises, 498 U.S. ----, ---- , 111 S.Ct. 722, 726, 112 L.Ed.2d 795 (1991) (quoting United States v. Morton Salt Co., 338 U.S. 632, 642-643, 70 S.Ct. 357, 364, 94 L.Ed. 401 (1950)).
[20] Blair v. United States, 250 U.S. 273, 282, 39 S.Ct. 468, 471, 63 L.Ed. 979 (1919).
[21] see Hale, supra, 201 U.S., at 59-60, 65, 26 S.Ct., at 373, 375,
[22] See Calandra, supra, 414 U.S., at 343, 94 S.Ct., at 617.
[23] Fed.Rule Crim.Proc. 6(c)
[24] see United States v. Sells Engineering, Inc., 463 U.S., at 424-425, 103 S.Ct., at 3138.
[25] United States v. Dionisio, 410 U.S. 1, 17-18, 93 S.Ct. 764, 773, 35 L.Ed.2d 67 (1973).

guarantee presupposes an investigative body 'acting independently of either prosecuting attorney or judge '"[26]

RIGHT TO COUNSEL DOES NOT ATTACH BEFORE A GRAND JURY[27]

"No doubt in view of the grand jury proceeding's status as other than a constituent element of a "criminal prosecution,"[28] we have said that certain constitutional protections afforded defendants in criminal proceedings have no application before that body. The Double Jeopardy Clause of the Fifth Amendment does not bar a grand jury from returning an indictment when a prior grand jury has refused to do so.[29] We have twice suggested, though not held, that the Sixth Amendment right to counsel does not attach when an individual is summoned to appear before a grand jury, even if he is the subject of the investigation.[30] And although "the grand jury may not force a witness to answer questions in violation of [the Fifth Amendment's] constitutional guarantee" against self-incrimination,[31] our cases suggest that an indictment obtained through the use of evidence previously obtained in violation of the privilege against self-incrimination "is nevertheless valid."[32]

GRAND JURY IS UNFETTERED BY TECHNICAL RULES[33]

"Given the grand jury's operational separateness from its constituting court, it should come as no surprise that we have been reluctant to invoke the judicial supervisory power as a basis for prescribing modes of grand jury procedure. Over the years, we have received many requests to exercise supervision over the grand jury's evidence-taking process, but we have refused them all, including some more appealing than the one presented today. In Calandra v. United States, supra, a grand jury witness faced questions that were allegedly based upon physical evidence the Government had obtained through a violation of the Fourth Amendment; we rejected the proposal that the exclusionary rule be extended to grand jury proceedings, because of "the potential injury to the historic role and functions of the grand jury."[34] We declined to enforce the hearsay rule in grand jury proceedings, since that "would run counter to the whole

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[26] Id., at 16, 93 S.Ct., at 773 (emphasis added) (quoting Stirone, supra, 361 U.S., at 218, 80 S.Ct., at 273).
[27] United States v. Williams, 112 S.Ct. 1735, 504 U.S. 36, 118 L.Ed.2d 352 (1992)
[28] U.S. Const., Amdt. VI,
[29] See Ex parte United States, 287 U.S. 241, 250-251, 53 S.Ct. 129, 132, 77 L.Ed. 283 (1932); United States v. Thompson, 251 U.S. 407, 413-415, 40 S.Ct. 289, 292, 64 L.Ed. 333 (1920).
[30] United States v. Mandujano, 425 U.S. 564, 581, 96 S.Ct. 1768, 1778, 48 L.Ed.2d 212 (1976) (plurality opinion); In re Groban, 352 U.S. 330, 333, 77 S.Ct. 510, 513, 1 L.Ed.2d 376 (1957); see also Fed.Rule Crim.Proc. 6(d).
[31] Calandra, supra, 414 U.S., at 346, 94 S.Ct., at 619 (citing Kastigar v. United States, 406 U.S. 441, 92 S.Ct. 1653, 32 L.Ed.2d 212 (1972)),
[32] Calandra, supra, 414 U.S., at 346, 94 S.Ct., at 619; Lawn v. United States, 355 U.S. 339, 348-350, 78 S.Ct. 311, 317-318, 2 L.Ed.2d 321 (1958); United States v. Blue, 384 U.S. 251, 255, n. 3, 86 S.Ct. 1416, 1419, n. 3, 16 L.Ed.2d 510 (1966).
[33] United States v. Williams, 112 S.Ct. 1735, 504 U.S. 36, 118 L.Ed.2d 352 (1992)
[34] 414 U.S., at 349, 94 S.Ct., at 620. Costello v. United States, 350 U.S. 359, 76 S.Ct. 406, 100 L.Ed. 397 (1956),

history of the grand jury institution, in which laymen conduct their inquiries unfettered by technical rules."[35]

GRAND JURY PRESIDES OVER THEIR OWN PROCEEDINGS[36]

"These authorities suggest that any power federal courts may have to fashion, on their own initiative, rules of grand jury procedure is a very limited one, not remotely comparable to the power they maintain over their own proceedings.[37] It certainly would not permit judicial reshaping of the grand jury institution, substantially altering the traditional relationships between the prosecutor, the constituting court, and the grand jury itself.[38] (supervisory power may not be applied to permit defendant to invoke third party's Fourth Amendment rights); see generally Beale, Reconsidering Supervisory Power in Criminal Cases: Constitutional and Statutory Limits on the Authority of the Federal Courts,[39] As we proceed to discuss, that would be the consequence of the proposed rule here."

GRAND JURY'S FUNCTION IS TO CONSIDER CRIMINAL CHARGES[40]

"It is axiomatic that the grand jury sits not to determine guilt or innocence, but to assess whether there is adequate basis for bringing a criminal charge.[41] That has always been so; and to make the assessment it has always been thought sufficient to hear only the prosecutor's side. As Blackstone described the prevailing practice in 18th-century England, the grand jury was "only to hear evidence on behalf of the prosecution, for the finding of an indictment is only in the nature of an enquiry or accusation, which is afterwards to be tried and determined."[42] So also in the United States, according to the description of an early American court, three years before the Fifth Amendment was ratified, it is the grand jury's function not "to enquire . . . upon what foundation [the charge may be] denied," or otherwise to try the suspect's defenses, but only to examine "upon what foundation [the charge] is made" by the prosecutor.[43] As a consequence, neither in this country nor in England has the suspect under investigation by the grand jury ever been thought to have a right to testify, or to have exculpatory evidence presented."[44]

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[35] Id., at 364, 76 S.Ct., at 409.
[36] United States v. Williams, 112 S.Ct. 1735, 504 U.S. 36, 118 L.Ed.2d 352 (1992)
[37] See United States v. Chanen, 549 F.2d, at 1313.
[38] Cf., e.g., United States v. Payner, 447 U.S. 727, 736, 100 S.Ct. 2439, 2447, 65 L.Ed.2d 468 (1980)
[39] 84 Colum.L.Rev. 1433, 1490-1494, 1522 (1984).
[40] United States v. Williams, 112 S.Ct. 1735, 504 U.S. 36, 118 L.Ed.2d 352 (1992)
[41] See United States v. Calandra, 414 U.S., at 343, 94 S.Ct., at 617.
[42] 4 W. Blackstone, Commentaries 300 (1769); see also 2 M. Hale, Pleas of the Crown 157 (1st Am. ed. 1847).
[43] Respublica v. Shaffer, 1 U.S. (1 Dall.) 236, 1 L.Ed. 116 (Philadelphia Oyer and Terminer 1788); see also F. Wharton, Criminal Pleading and Practice § 360, pp. 248-249 (8th ed. 1880).
[44] See 2 Hale, supra, at 157; United States ex rel. McCann v. Thompson, 144 F.2d 604, 605-606 (CA2), cert. denied, 323 U.S. 790, 65 S.Ct. 313, 89 L.Ed. 630 (1944).

GRAND JURY INDICTMENTS ARE FINAL[45]

"No case has been cited, nor have we been able to find any, furnishing an authority for looking into and revising the judgment of the grand jury upon the evidence, for the purpose of determining whether or not the finding was founded upon sufficient proof, or whether there was a deficiency in respect to any part of the complaint."[46] We accepted Justice Nelson's description[47], where we held that "it would run counter to the whole history of the grand jury institution" to permit an indictment to be challenged "on the ground that there was incompetent or inadequate evidence before the grand jury."[48] And we reaffirmed this principle recently in Bank of Nova Scotia, where we held that "the mere fact that evidence itself is unreliable is not sufficient to require a dismissal of the indictment," and that "a challenge to the reliability or competence of the evidence presented to the grand jury" will not be heard.[49] It would make little sense, we think, to abstain from reviewing the evidentiary support for the grand jury's judgment while scrutinizing the sufficiency of the prosecutor's presentation. A complaint about the quality or adequacy of the evidence can always be recast as a complaint that the prosecutor's presentation was "incomplete" or "misleading." 8 Our words in Costello bear repeating: Review of facially valid indictments on such grounds "would run counter to the whole history of the grand jury institution[,] [and] [n]either justice nor the concept of a fair trial requires [it]."[50,51]

CONCLUSION: The People are sovereign and have an unalienable right to have "Government by Consent" through free and independent administration of our own Juries. The Grand Jury is a Constitutional Fixture in its Own Right. The judiciary through congresses' BAR written laws and the Judiciary's BAR written rules have subverted and tainted our Juries and hidden our Natural Law Courts' of Record and we intend on restoring them.

It is the Grand Jury's function to consider criminal charges whereas prosecutors have no authority to change, discharge or negotiate away our findings. Grand Jury indictments are final and cannot be added to or taken away from, without their Consent. We the People are the Author & Source of Law and have the unbridled right to:

- Empanel our own Juries,
- Investigate merely on suspicion,
- Proceed unfettered by technical rules,
- Presides over our own proceedings,

[45] United States v. Williams, 112 S.Ct. 1735, 504 U.S. 36, 118 L.Ed.2d 352 (1992)
[46] United States v. Reed, 27 Fed.Cas. 727, 738 (No. 16,134) (CCNDNY 1852).
[47] Costello v. United States, 350 U.S. 359, 76 S.Ct. 406, 100 L.Ed. 397 (1956)
[48] Id., at 363-364, 76 S.Ct., at 409.
[49] 487 U.S., at 261, 108 S.Ct., at 2377.
[50] 350 U.S., at 364, 76 S.Ct., at 409.
[51] United States v. Williams, 112 S.Ct. 1735, 504 U.S. 36, 118 L.Ed.2d 352 (1992)

COMMON LAW
GRAND JURY HANDBOOK

"Governments are instituted among Men,
deriving their Just powers from the consent of the governed"

COMMON LAW GRAND JURY HANDBOOK

JOHN DARASH

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<u>TAKE NOTE</u>: *The content of this book are not the interpretation or the opinion of the author. But is documented history of the words of our Founders and decisions in Courts of Justice by the States and United States Supreme Courts.*

TABLE OF CONTENTS

PURPOSE OF THIS HANDBOOK:

This Handbook will acquaint persons who have been selected to serve on a common law Grand Jury with the general nature and importance of their role as grand jurors. It explains some of the terms that grand jurors will encounter during their service and offers some suggestions helpful to them in performing this important public service. It is intended that this Handbook will, to a degree, provide a permanent record of much of the information presented in the Grand Jury orientation. Grand jurors are encouraged to refer to this Handbook periodically throughout their service to reacquaint themselves with their duties and responsibilities.

There is a war that has been raging since antiquity. It is a war for our hearts and our minds, for our flesh, for our very souls; to bring all mankind under a one world order (novus ordo seclorum). As George Washington put it in his Fair Well Address "*…orchestrated by a small group of cunning, ambitious, and unprincipled men who have subverted the power of the People and usurped for themselves the reins of government. They have put in the place of the delegated will of the nation the will of a small but artful and enterprising minority to make the public administration the mirror of their ill-concerted and incongruous projects of faction, rather than the organ of consistent and wholesome plans digested by common counsels and modified by mutual interests*."

Because government 'FAILED' in their duty to assure a proper education in our schools, it is the duty of the People to self-educate, educate their sheriff, and educate our children. This is the purpose of these Series of Handbooks, and the books Government by Consent and Court Access and the Common law.

Today Liberty and our very way of life are under attack. Because We the People are ignorant of the true Law of the Land and our History, we have lost our way! It's not until we start to read about what we have inherited from our founding fathers that we start to realize how far we have drifted from the blessings of Liberty. But, there is hope.

Thomas Jefferson said, "*The purpose of government is to enable the People of a nation to live in safety and happiness. Government exists for the interests of the governed, not for the governors. The tax which will be paid for the purpose of education is not more than the thousandth part of what will be paid to kings, priests and nobles who will rise up among us if we leave the People in ignorance. Educate and inform the whole mass of the People… They are the only sure reliance for the preservation of our liberty. I know no safe depositary of the ultimate powers of the society but the People themselves; and if we think them not enlightened enough to exercise their control with a wholesome discretion, the remedy is not to take it from them, but to inform their discretion by education. This is the true corrective of abuses of constitutional power. An enlightened citizenry is indispensable for the proper functioning of a republic. Self-government is not possible unless the citizens are educated sufficiently to enable them to exercise oversight. It is therefore imperative that the nation see to it that a suitable education be provided for all its citizens*."

INTRODUCTION

GOVERNMENT BY CONSENT: "Under our system of government upon the individuality and intelligence of the citizen, the state does not claim to control him, except as his conduct to others, leaving him the sole judge as to all that affects himself."[1] "Every man is independent of all laws, except those prescribed by nature, a/k/a Common Law, and "is not bound by any

[1] Mugler v. Kansas 123 U.S. 623, 659-60.

institutions formed by his fellowman without his consent."[2] "The sovereignty of a state does not reside in the persons who fill the different departments of its government, but in the People, from whom the government emanated; and they may change it at their discretion. Sovereignty, then in this country, abides with the constituency, and not with the agent; and this remark is true, both in reference to the federal and state government."[3]

"In the United States, sovereignty resides in people. Congress cannot invoke the sovereign power of the People to override their will."[4] Therefore, "sovereignty itself is, of course, not subject to law, for it is the author and source of law; but in our system, while sovereign powers are delegated to the agencies of government, sovereignty itself remains with the people, by whom and for whom all government exists and acts And the Common Law, Declaration of Independence, US Constitution, and the Bill of Rights are the definition and limitation of power." In the preamble to our United States Constitution, "*We the People*" said:

"*We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.*"

Thereby, "ordaining" the Constitution as the Law of the Land declared in Article VI, clause 2 where "*We the People*" said: "*This Constitution, and the Laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the Authority of the United States, shall be the Supreme Law of the Land; and the Judges in every State shall be bound thereby; anything in the Constitution or Laws of any State to the Contrary notwithstanding.*"

In Article III Section 2 clause 1, "*We the People*" said, "*The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States.*" In Article I Section 1 We the Sovereign People herein, "*vested all legislative powers in Congress*," and we defined that legislative power in Article I section 8.

Whereas, Congress wrote fifty-seven (57) US Codes that govern 'courts of equity.' These codes are codes, statutes and regulations that govern government agencies and commercial activities. For example, USC Title 2 governs Congress, USC Title 3 governs President, USC Title 6 governs Homeland Security, USC Title 7 governs Agriculture, USC Title 10 governs Armed Forces, USC Title 12 governs Banks and Banking, USC Title 14 governs Coast Guard, USC Title 34 governs Navy, USC Title 39 governs Postal Service, etc. Therefore, "all codes, rules, and regulations are for government authorities only, not human creators in accordance with God's laws."[5]

We the People wrote the Common Law Declaration of Independence, the foundation of all American Law where we covenanted with God declaring: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.--That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed."

Thereby, We the Sovereign People created a Republic and ordained in Article IV Section 4 that: "The United States shall guarantee to every state in this union a Republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature cannot be convened) against domestic violence."

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[2] Cruden v. Neale, 2 N.C. 338 (1796) 2 S.E.
[3] Spooner v. McConnell, 22 F 939 @ 943.
[4] Perry v. US, 294 U.S330.
[5] Rodriques v. Ray Donavan (U.S. Department of Labor) 769 F. 2d 1344, 1348 (1985).

"A Republican government is one in which the powers of sovereignty are vested in the people and are exercised by the people, either directly, or through representatives chosen by the people, to whom those powers are specially delegated."[6] "For, the very idea that man may be compelled to hold his life, or the means of living, or any material right essential to the enjoyment of life, at the mere will of another, seems to be intolerable in any country where freedom prevails, as being the essence of slavery itself."[7]

The United States is the second "Lawful Republic" in history. The first, being Israel about 1400 BC. This is why our founding fathers referred to America as "New Israel." For, like Israel We the People in 1789, placed ourselves under the same Law that Israel lived under, a/k/a "Common Law" or "Natural Law:" And it is in these "Courts of Law" alone where People are judged by a jury of their peers, the People and not the government whereas; "His majesty [natures God] in the eye of the law is always present in all his courts, though he cannot personally distribute justice.[8] His judges [Grand jury] are the mirror by which the King's image [Justice] is reflected."[9]

A lawful Republic receives its powers from 'Natures God' who through our covenant [Declaration of Independence] with Him, in a desire to be ruled by God and not man, blessed us with liberty and the unalienable right to have government by consent whereas, we wrote the Constitution and its capstone Bill of Rights to bind down government. And one of the ways we consent or not to government is in the courts via the Grand and Petit Jury. Two other ways are through Committees of Safety and the militia. Learn more - www.NationalLibertyAlliance.org.

GRAND JURY

"*The Jury is the Achilles heel of tyrants.*"

– HG Wells

The Grand Jury is one of the ways that We the People Consent to the actions of our government.[10] "If anyone has been deprived of their unalienable right, we will immediately grant full justice therein." The will of the Grand Jury is the opening and manifestation of due process[11] in a court of law. The Grand Jury is the "Sureties of the Peace" that we find in the Magna Carta that was ordained by the People through the 5th Amendment[12] and, thereby officially acknowledged as an unalienable right. They are the posterity of our founding fathers. They are "*We the People*" that ordained and established the Constitution for the officers of this court to proceed with authority.

Justice Powell, in United States v. Calandra[13] stated, "The institution of the grand jury is deeply rooted in Anglo-American history; [n3] In England, the grand jury [p343] served for centuries, both as a body of accusers, sworn to discover, and present for trial, persons suspected of criminal wrongdoing; and, as a protector of citizens against arbitrary and oppressive governmental action. In this country, the Founders thought the grand jury so

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[6] In re Duncan, 139 U.S. 449, 11 S.Ct. 573, 35 L.Ed. 219; Minor v. Happersett, 88 U.S. (21 Wall.) 162, 22 L.Ed. 627." Black's Law Dictionary, Fifth Edition, p. 626.
[7] Yick Wo v. Hopkins, 118 US 356, 370 Quotiens dubia interpretatio libertatis est, secundum libertatem respondendum erit.
[8] Fortesc.c.8. 2Inst.186.
[9] 1 Blackstone's Commentaries, 270, Chapter 7, Section 379.
[10] **Declaration of Independence:** We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed.
[11] "**Due course of law**, this phrase is synonymous with "due process of law" or "law of the land" and means law in its regular course of administration through courts of justice." - Kansas Pac. Ry. Co. v. Dunmeyer 19 KAN 542.
[12] **Amendment V:** No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury … nor be deprived of life, liberty, or property, without due process of law.
[13] 414 U.S. 338, 343 (1974)

essential to basic liberties, that they provided, in the Fifth Amendment, that federal prosecution for serious crimes can only be instituted by a 'presentment or indictment of a Grand Jury.'" Cf. Costello v. United States, 350 U.S. 359, 361-362 (1956). "The grand jury's historic functions survive to this day. Its responsibilities determination whether there is probable cause to believe a crime has been committed, and the protection of citizens against unfounded criminal prosecutions." Branzburg v. Hayes, 408 U.S. 665, 686-687 (1972)."

"*If any of our civil servants shall have transgressed against any of the people in any respect; and, they shall ask us* (Common Law Grand Jury) *to cause that error to be amended without delay; or, shall have broken some one of the articles of peace or security; and, their transgression shall have been shown to four Jurors of the twenty five; and, if those four Jurors are unable to settle the transgression, they shall come to the twenty-five, showing to the Grand Jury the error which shall be enforced by the law of the land.*" - Magna Carta, June 15, A.D. 1215, 61 (First recorded Grand Jury)

The People have the unbridled right to empanel and preside over their own proceedings unfettered by technical rules and to investigate merely on suspicion. It is the Grand Jury's function to consider criminal charges whereas prosecutors have no authority to change or negotiate away the Grand Jury's indictments. Indictments are final and any additional charges cannot be added without the consent of the grand jury.

"*The constitutions of most of our states assert that all power is inherent in the people; that they may exercise it by themselves, in all cases to which they think themselves competent, as in electing their functionaries executive and legislative, and deciding by a jury of themselves, both fact and law, in all judiciary cases in which any fact is involved …*"[14]

In the U.S. Supreme Court case of United States v. Williams,[15] Justice Antonin Scalia, writing for the majority, confirmed that; "*The American grand jury is neither part of the judicial, executive nor legislative branches of government, but instead belongs to the people. It is in effect a fourth branch of government 'governed' and administered to directly by and on behalf of the American people, and its authority emanates from the Bill of Rights. Thus*, [People] *have the unbridled right to empanel their own grand juries and present 'True Bills' of indictment to a court, which is then required to commence a criminal proceeding*." Our Founding Fathers presciently thereby created a 'buffer' the people may rely upon for 'justice,' when public officials, including judges, criminally violate the law.

Natural Law demands that only the People via 'free and independent Grand Juries have the Supreme Judicial Authority to indict or not, to decide the law, to sit as the tribunal in all criminal cases that come before it, to nullify any statute, to deny any rules, to indict or not, Tribunals are established in 25 unalienable sovereigns whose decisions are final and cannot be ignored or altered.

"*Although the grand jury normally operates, of course, in the courthouse and under judicial auspices, its institutional relationship with the judicial branch has traditionally been, so to speak, at arm's length.*" – United States v. Calandra, 414 U.S. 338, 343, 94 S.Ct. 613, 617, 38 L.Ed.2d 561 (1974); Fed. Rule Crim. Proc. 6(a).

GRAND JURY IS A CONSTITUTIONAL FIXTURE IN ITS OWN RIGHT:[16]

In United States v. Calandra, quoted in US v Williams, the United States Supreme Court said: "*The grand jury is an institution separate from the courts, over whose functioning the*

[14] Thomas Jefferson, letter to John Cartwright; June 5, 1824.
[15] 112 S.Ct. 1735, 504 U.S. 36, 118 L.Ed.2d 352 (1992).
[16] United States v. Williams, 112 S.Ct. 1735, 504 U.S. 36, 118 L.Ed.2d 352 (1992).

courts do not preside. The "common law" of the Fifth Amendment demands the traditional functioning of the grand jury. The grand jury is an institution separate from the courts, over whose functioning the courts do not preside, we think it clear that, as a general matter at least, no such "supervisory" judicial authority exists. "[R]ooted in long centuries of Anglo-American history,"[17] *the grand jury is mentioned in the Bill of Rights, but not in the body of the Constitution. It has not been textually assigned, therefore, to any of the branches described in the first three Articles. It" 'is a constitutional fixture in its own right.'"*[18] *In fact the whole theory of its function is that it belongs to no branch of the institutional government, serving as a kind of buffer or referee between the Government and the people.*[19] *Although the grand jury normally operates, of course, in the courthouse and under judicial auspices, its institutional relationship with the judicial branch has traditionally been, so to speak, at arm's length. Judges' direct involvement in the functioning of the grand jury has generally been confined to the constitutive one of calling the grand jurors together and administering their oaths of office*"[20]

LAW NOTES MAGNA CARTA #52.

If anyone shall have been disseized by us, or removed, without a legal sentence of his peers, from his lands, castles, liberties or lawful right, we shall straightway restore them to him. And if a dispute shall arise concerning this matter it shall be settled according to the judgment of the twenty-five barons who are mentioned below as sureties for the peace. But with regard to all those things of which any one was, by king Henry our father or king Richard our brother, disseized or dispossessed without legal judgment of his peers, which we have in our hand or which others hold, and for which we ought to give a guarantee: We shall have respite until the common term for crusaders. Except with regard to those concerning which a plea was moved, or an inquest made by our order, before we took the cross. But when we return from our pilgrimage, or if, by chance, we desist from our pilgrimage, we shall straightway then show full justice regarding them.

LAW NOTES MAGNA CARTA #61.

Inasmuch as for the sake of God, and for the bettering of our realm, and for the more ready healing of the discord which has arisen between us and our barons, we have made all these aforesaid concessions,--wishing them to enjoy forever entire and firm stability, we make and grant to them the following security: That the barons (*Free Men*), namely, may elect at their pleasure twenty five barons from the realm, who ought, with all their strength, to observe, maintain and cause to be observed, the peace and privileges which we have granted to them and confirmed by this our present charter. In such wise, namely, that if we, our justice, or our bailiffs, or any one of our servants shall have transgressed against any one in any respect, or shall have broken some one of the articles of peace or security, and our transgression shall have been shown to four barons of the aforesaid twenty five: those four barons shall come to us, or, if we are abroad, to our justice, showing to us our error; and they shall ask us to cause that error to be amended without delay.

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[17] Hannah v. Larche, 363 U.S. 420, 490, 80 S.Ct. 1502, 1544, 4 L.Ed.2d 1307 (1960) (Frankfurter, J., concurring in result).
[18] United States v. Chanen, 549 F.2d 1306, 1312 (CA9 1977) (quoting Nixon v. Sirica, 159 U.S.App.D.C. 58, 70, n. 54, 487 F.2d 700, 712, n. 54 (1973)), cert. denied, 434 U.S. 825, 98 S.Ct. 72, 54 L.Ed.2d 83 (1977).
[19] Stirone v. United States, 361 U.S. 212, 218, 80 S.Ct. 270, 273, 4 L.Ed.2d 252 (1960); Hale v. Henkel, 201 U.S. 43, 61, 26 S.Ct. 370, 373, 50 L.Ed. 652 (1906); G. Edwards, The Grand Jury 28-32 (1906).
[20] United States v. Calandra, 414 U.S. 338, 343, 94 S.Ct. 613, 617, 38 L.Ed.2d 561 (1974); Fed.Rule Crim.Proc. 6(a).

And if we do not amend that error, or, we being abroad, if our justice do not amend it within a term of forty days from the time when it was shown to us or, we being abroad, to our justice: the aforesaid four barons shall refer the matter to the remainder of the twenty five barons, and those twenty five barons, with the whole land in common, shall distrain and oppress us in every way in their power,--namely, by taking our castles, lands and possessions, and in every other way that they can, until amends shall have been made according to their judgment. Saving the persons of ourselves, our queen, and our children.

And when amends shall have been made they shall be in accord with us as they had been previously. And whoever of the land wishes to do so, shall swear that in carrying out all the aforesaid measures he will obey the mandates of the aforesaid twenty five barons, and that, with them, he will oppress us to the extent of his power. And, to anyone who wishes to do so, we publicly and freely give permission to swear; and we will never prevent anyone from swearing.

Moreover, all those in the land who shall be unwilling, themselves and of their own accord, to swear to the twenty five barons as to distraining and oppressing us with them: such ones we shall make to swear by our mandate, as has been said. And if any one of the twenty five barons shall die, or leave the country, or in any other way be prevented from carrying out the aforesaid measures,--the remainder of the aforesaid twenty five barons shall choose another in his place, according to their judgment, who shall be sworn in the same way as the others.

Moreover, in all things entrusted to those twenty five barons to be carried out, if those twenty five shall be present and chance to disagree among themselves with regard to some matter, or if some of them, having been summoned, shall be unwilling or unable to be present: that which the majority of those present shall decide or decree shall be considered binding and valid, just as if all the twenty five had consented to it. And the aforesaid twenty five shall swear that they will faithfully observe all the foregoing, and will cause them to be observed to the extent of their power. And we shall obtain nothing from any one, either through ourselves or through another, by which any of those concessions and liberties may be revoked or diminished. And if any such thing shall have been obtained, it shall be vain and invalid, and we shall never make use of it either through ourselves or through another.

GRAND JURY CAN INVESTIGATE MERELY ON SUSPICION:[21]

The United States Supreme Court in US v Williams went on to say: "The grand jury's functional independence from the judicial branch is evident both in the scope of its power to investigate criminal wrongdoing, and in the manner in which that power is exercised. Unlike [a] [c]ourt, whose jurisdiction is predicated upon a specific case or controversy, the grand jury 'can investigate merely on suspicion that the law is being violated, or even because it wants assurance that it is not.'"[22] It need not identify the offender it suspects, or even "the precise nature of the offense" it is investigating.[23] The grand jury requires no authorization from its constituting court to initiate an investigation,[24] nor does the prosecutor require leave of court to seek a grand jury indictment. And in its day-to-day functioning, the grand jury generally operates without the interference of a presiding judge.[25] It swears in its own witnesses[26], and

[21] United States v. Williams, 112 S.Ct. 1735, 504 U.S. 36, 118 L.Ed.2d 352 (1992).
[22] United States v. R. Enterprises, 498 U.S. ----, ---- , 111 S.Ct. 722, 726, 112 L.Ed.2d 795 (1991) (quoting United States v. Morton Salt Co., 338 U.S. 632, 642-643, 70 S.Ct. 357, 364, 94 L.Ed. 401 (1950)).
[23] Blair v. United States, 250 U.S. 273, 282, 39 S.Ct. 468, 471, 63 L.Ed. 979 (1919).
[24] see Hale, supra, 201 U.S., at 59-60, 65, 26 S.Ct., at 373, 375.
[25] See Calandra, supra, 414 U.S., at 343, 94 S.Ct., at 617.

deliberates in total secrecy.[27] We have insisted that the grand jury remain "free to pursue its investigations unhindered by external influence or supervision so long as it does not trench upon the legitimate rights of any witness called before it."[28] Recognizing this tradition of independence, we have said that the Fifth Amendment's 'constitutional guarantee presupposes an investigative body 'acting independently of either prosecuting attorney or judge'" [29]

THE FOX AND THE HEN HOUSE

"If the government can select the jurors, it will, of course, select those whom it supposes will be favorable to its enactments [like they do now]. And an exclusion of any of the freemen from eligibility is a selection of those not excluded [like they do now]. It will be seen, from the statutes cited, that the most absolute authority over the jury box that is, over the right of the people to sit in juries has been usurped by the government;" – Lysander Spooner, Trial by Jury, page 92, 1852.

In conclusion, the Jury has the unalienable right to consent, or not to consent, as to the government's accusations against the People. "The jury shall have the right to determine the law and the fact"[30] and the remedy/penalty and the power of Nullification.

KENTUCKY RESOLUTIONS

A series of resolutions drawn up by Jefferson, and adopted by the legislature of Kentucky in 1799, protesting against the "alien and sedition laws," declaring their illegality, announcing the strict constructionist theory of the federal government, and declaring "nullification" to be "the rightful remedy."

ORIGIN AND HISTORY OF THE GRAND JURY

The grand jury has a long and honorable tradition. It was recognized in the Magna Carta, the first English constitutional document, which King John accepted in 1215 at the demand of his subjects. The first English grand jury consisted of twenty five men selected from the knights or other freemen, who were summoned to inquire into crimes alleged to have been committed in their local community. Thus, grand jurors originally functioned as accusers or witnesses, rather than as judges.

Over the years, the hallmarks of our modern grand jury developed in England. For example, grand jury proceedings became secret, and the grand jury became independent of the Crown. As a result, a grand jury is able to vote an indictment or refuse to do so, as it deems proper, without regard to the recommendations of judge, prosecutor, or any other person. This independence from the will of the government was achieved only after a long hard fight. It can best be illustrated by the celebrated English case involving the Earl of Shaftesbury, who, in 1681, fell under the suspicion of the Crown. Displeased with him, the Crown presented to the grand jury a proposed bill of indictment for high treason and

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[26] Fed.Rule Crim.Proc. 6(c).
[27] United States v. Sells Engineering, Inc., 463 U.S., at 424-425, 103 S.Ct., at 3138.
[28] United States v. Dionisio, 410 U.S. 1, 17-18, 93 S.Ct. 764, 773, 35 L.Ed.2d 67 (1973).
[29] Id., at 16, 93 S.Ct., at 773 (emphasis added) (quoting Stirone, supra, 361 U.S., at 218, 80 S.Ct., at 273).
[30] NY Constitution ARTICLE I - BILL OF RIGHTS §8.

recommended that it be voted and returned. After hearing the witnesses, the grand jury voted against the bill of indictment and returned it to the King, holding that it was not true.

When the English colonists came to America, they brought with them many of the institutions of the English legal system, including the grand jury. Thus, the English tradition of the common law grand jury was well established in the American colonies long before the American Revolution. Indeed, the colonists used it as a platform from which to assert their independence from the pressures of colonial governors. In 1735, for example, the Colonial Governor of New York demanded that a grand jury indict John Zenger, editor of a newspaper called "The Weekly Journal," for libel because he had held up to scorn certain acts of the Royal Governor. The grand jury flatly refused.

The grand jury as an institution was so firmly established in the traditions of our forebears that they included it in the Bill of Rights. The Fifth Amendment to the Constitution of the United States provides in part that "*no person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury . . . .*" Moreover, the grand jury system is also recognized in the constitutions of many of the states of the Union.

COMMON LAW

Common law is not statutes as distinguished from ecclesiastical law. It is the system of jurisprudence administered by the purely secular tribunals. Common law as distinguished from law created by the enactment of legislators, the common law comprises the body of those principles and rules of action, relating to the government and security of persons and property, which derive their authority solely from usages and customs of immemorial antiquity, or from the judgments and decrees of the courts recognizing, affirming, and enforcing such usages and customs; and, in this sense, particularly the ancient unwritten law of England.[31]

When the colonies separated from England, King John retaliated by revoking the charters. Technically, the colonies were without any legal authority to operate. However, civics (the branch of political philosophy concerned with individual rights) was generally taught and known by the people who asserted their rights and maintained order by applying the common law. The people united in the form of common law grand juries and continued the functioning of government.

"The Constitution for the United States of America acknowledges the Peoples' right to the common law of England as it was in 1789. What is that common law? It does not consist of absolute, fixed and inflexible rules; but, broad and comprehensive principles based on justice, reason, and common sense..."[32] All state constitutions acknowledge the common law as the ultimate law system. Statutes and codes are applied only upon elected, appointed, and employed government individuals and people engaged in commercial activities. Statutes and codes are not to be applied upon the people.

Common Law a/k/a Natural Law is also the Magna Carta,[33] as authorized by the Confirmatio Cartarum, if the accused so demands.[34] The Confirmatio Cartarum succinctly says, *"our justices, sheriffs, mayors, and other ministers, which, under us have the laws of our land to guide, shall allow the said charters pleaded before them, in judgment in all their points; that is, to wit, the Great Charter as the common law and the Charter of the forest,*

[31] 1 Kent, Comm. 492. Western Union Tel. Co. v. Call Pub. Co., 21 S.Ct. 561, 181 U.S. 92, 45 L.Ed. 765; Barry v. Port Jervis, 72 N.Y.S. 104, 64 App. Div. 268; U. S. v. Miller, D.C.Wash., 236 F. 798, 800.
[32] Miller v. Monsen, 37 N.W.2d 543, 547, 228 Minn. 400.
[33] June 15, 1215, King John I.
[34] November 5, 1297, King Edward I.

for the wealth of our realm."[35] In other words, the King's men must allow the Magna Carta to be pleaded as the common law if the accused so wishes it.

COMMON LAW ELUDES DEFINITION because it is NOT a list of laws; it is NOT built upon precedents or a collection of equity (*legislative law*) court rulings. Common Law is written into our hearts and minds being naturally common onto all men.

"This is the covenant that I will make with them after those days, saith the Lord, I will put my laws into their hearts, and in their minds will I write them." Heb 10:16

"For when the Gentiles, which have not the law, do by nature the things contained in the law, these, having not the law, are a law unto themselves: Which show the work of the law written in their hearts, their conscience also bearing witness, and their thoughts the mean while accusing or else excusing one another." Rom 2:14-15

Common Law is the Laws of Nature and of Nature's God that proceeds upon two self-evident truths, called maxims: "For every injury there must be a remedy and in order, for there to be a crime there must be an injured party, without which no court may proceed."

Maxims are brief statements of self-evident truth that control our Common Law courts. They provided discernment in the writing of our founding documents. It is an adviser to our legislatures, and every consideration of mankind that seeks what's fair and best for all.

COURTS THAT DO NOT HONOR OR CONSIDER MAXIMS ARE NOT JUST

Indeed, whether and to what extent these common law maxims are honored by public leaders is how we test the way they administer the law to govern. Our courts were established to enforce these principles of common law, the word Justice is synonymous with virtue, and virtue is a biblical principle that emanates from Jesus Christ alone.[36] Maxims are the laws that never change. These statements set essential limits on truth and are essential to the fair and efficient administration of justice according to the common law of mankind. No right-thinking person can disagree with a maxim. Every court is bound by the common law rules of equity established by the never-changing maxims. Maxims test those who judge and put an absolute limit on those who rule.

Maxims[37] and precepts are the rules of common law. Maxims are self-evident truths used to adjudicate common law cases, axiom (sayings) in logic are self-evident indisputable truths, "the result of human reason and experience." Maxims are our common law heritage that binds us together as a people. If everyone knew the maxims of common law, our world would be a far better place.

LIST OF MAXIMS, A/K/A SELF-EVIDENT TRUTH

MAXIMS ON PRINCIPALS OF COMMON LAW

- All men are created equal.
- Men are endowed by their Creator with certain unalienable Rights.

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[35] Confirmatio Cartarum, November 5, 1297.

[36] Luke 6:17-19 And he came down with them, and stood in the plain, and the company of his disciples, and a great multitude of people out of all Judaea and Jerusalem, and from the sea coast of Tyre and Sidon, which came to hear him, and to be healed of their diseases; And they that were vexed with unclean spirits: and they were healed. And the whole multitude sought to touch him: for there went virtue out of him, and healed them all.

[37] Maxims are but attempted general statements of rules of law and are law only to extent of application in adjudicated cases. Swetland v. Curtiss Airports Corporation, D.C.Ohio, 41 F. 2d 929, 936.; Coke defies a maxim to be "conclusion of reason," Co.Litt. 11a. He says in another place: "A maxim is a proposition to be of all men confessed and granted without proof, argument, or discourse." Id. 67a.

- Liberty to all but preference to none.
- The safety of the people is the supreme law.
- The safety of the people cannot be judged but by the safety of every individual.
- To lie is to go against the mind.
- The only one who has any capacity or right or responsibility or knowledge to rebut your Affidavit of truth is the one who is adversely affected by it. It's his job, his right, his responsibility to speak for himself.
- No one else can know what your truth is or has the free-will responsibility to state it. This is YOUR job.
- Each of us is entitled to equal treatment under law.
- Workman is worthy of his hire.
- Nothing ventured, nothing gained.

MAXIMS ON THE LEGITIMACY OF GOVERNMENT:

- Just Governments derive their just powers from the consent of the governed.
- Unjust is State power where the law is either uncertain or unknown.
- The State should be subject to the law, for the law creates the State.
- The judge who decides a case without hearing both parties, though his decision be just, is himself unjust.
- Courts of justice are for the common people to command the power of the State.

MAXIMS ON TESTIMONY AND EVIDENCE:

- Words should be considered only as commonly understood and not with a meaning others construe to their own purpose.
- No one should be believed in court except upon his oath.
- Courts should not believe water runs upward of its own accord nor that impossibilities exist.
- The certainty of a thing in court arises only from making the thing certain in court.

MAXIMS ON CIVIC DUTY OF CITIZENS:

- Whenever any Form of Government becomes destructive, it is the Right of the People to alter or to abolish it, and to institute new Government.
- Each should use his own powers and property so as NOT to unjustly injure others.

MAXIMS ON PRIVATE PROPERTY:

- There is nothing more sacred, more inviolate, than the house of every citizen.
- Every home is a castle; though the winds of heaven blow through it, officers of the State cannot enter.
- Title is the right to enjoy possession of that which is our own.

MAXIMS ON UNALIENABLE RIGHTS:

- The Bill of Rights is a list of self-evident truths.
- None has a greater claim to live free.
- No one should be required to betray himself, i.e., no one should be made to testify against himself.

- The right of the People to keep and bear arms is necessary for the security of a free state.
- Everyone should be presumed innocent until his guilt is established beyond a reasonable doubt.
- Liberty to all but preference to none.
- None is entitled to any privilege denied to others … absolutely none!
- It is against justness for freemen not to have the free disposal of their own property.
- No king, no priest, no celebrity, no judge, not any person has any greater right to walk free than any carpenter, plumber, or law-abiding street minstrel.

MAXIMS ON CRIME AND PUNISHMENT:

- He who acts in pure defense of his own life or limb is justified.
- Crimes are more effectually prevented by the certainty than by the severity of punishment.
- Perjured witnesses should be punished for perjury and for the crimes they falsely accuse against others.

MAXIMS ON JUDICIAL REASONING:

- The burden of proof lies on him who asserts the fact, not on him who denies it, because from the very nature of things a negative cannot be proof.
- No one should be twice harassed for the same offense.
- We are all equals in the sight of our law.
- Maxims test those who judge.
- Maxims put an absolute limit on those who rule.
- He who slices the pie should be last to take a piece.
- Servant judges cannot judge sovereigns.
- A thing similar is not exactly the same thing.
- Innocent until proven guilty.
- No one is above the law.
- Words should be considered only as commonly understood and not with a meaning others construe to their own purpose.
- All are equal under the law.
- Truth is expressed in the form of an affidavit.
- An unrebutted affidavit stands as truth.
- He who leaves the battlefield first loses by default.
- Sacrifice is the measure of credibility.
- A lien or claim can be satisfied only through rebuttable by affidavit point by point, resolution by jury, or payment.
- He who bears the burden ought also to derive the benefit.
- If the plaintiff does not prove his case, the defendant is absolved.
- No court and no judge can overturn or disregard or abrogate somebody's Affidavit of Truth.
- Words should be interpreted most strongly against him who uses them.

You can find Maxims of Law from Bouvier's 1856 Law Dictionary - The Lawful Path and Sir Edward Coke at www.nationallibertyalliance.org.

In conclusion, there are 1000's of Maxims and many yet to be discovered. They are simply pure logic and justness clearly seen by any reasonable person.

NATURE OF THE GRAND JURY

The powers and functions of the common law grand jury differ from those of the petit jury. The Grand jury listens to the evidence offered by the Sheriff or Coroner and the defense (if it chooses to offer any) and decides whether they believe that there is a crime and that the accused appears to be the perpetrator of that crime.

During a criminal trial the Petit Jury returns a verdict of guilty or not guilty. The grand jury, on the other hand, does not determine guilt or innocence, but only whether there is probable cause to believe that a crime was committed and that a specific person or persons committed it. If the grand jury finds probable cause to exist, then it will return a written statement of the charges called an "indictment." After that, the accused will go to trial.

The grand jury normally hears only that evidence presented by the Sheriff or the Coroner which tends to show the commission of a crime. The grand jury must determine from this evidence, and usually without hearing evidence for the defense, whether a person should be tried for a serious crime, referred to in the Bill of Rights as an "infamous crime."

An infamous crime is a crime potentially punishable by imprisonment, within the provision of the fifth amendment of the constitution that "*no person shall be held to answer for a capital or otherwise infamous crime unless on a presentment or indictment of a grand jury*."[38] It is not the character of the crime but the nature of the punishment which renders the crime "infamous."[39]

As a general rule, no one can be prosecuted for a serious crime unless the grand jury decides that the evidence it has heard so requires. In this way, the grand jury operates both as a "sword," authorizing the government's prosecution of suspected criminals, and also as a "shield," protecting citizens from unwarranted or inappropriate prosecutions.

THE GRAND JURY'S TASKS

As stated above, the grand jury's function is to determine whether a person shall be tried for a serious crime alleged to have been committed within the county or federal district where it sits. Matters may be brought to its attention by Sheriffs or Coroners, and from the personal knowledge of a member of the grand jury or from matters brought to a member's personal attention. In all these cases, the grand jury must hear evidence before taking action.

After it has received evidence against a person, the grand jury must decide whether the evidence presented justifies an indictment, or "true bill," which is the formal criminal charge returned by the grand jury.

If the evidence does not persuade the grand jury that there is probable cause to believe the person committed a crime, the grand jury will vote a "no bill," or "not a true bill."

INVESTIGATION

The major portion of the grand jury's work is concerned with evidence brought to its attention by the person bringing the charges. The grand jury may consider additional matters otherwise brought to its attention and may ask a Jury Administrator for assistance on how they might want to go forward.

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[38] Mackin v. U. S., 117 U.S. 348, 6 S.Ct. 777, 29 L. Ed. 909; Brede v. Powers, 263 U.S. 4, 44 S.Ct. 8, 68 L.Ed. 132.

[39] Weeks v. United States, C.C.A.N.Y., 216 F. 292, 298, L.R.A. 1915B, 651. But see Drazen v. New Haven Taxicab Co., 95 Conn. 500, 111 A. 861, 864.

SELECTION OF GRAND JURORS

A grand jury is selected at random from a fair cross section of the community in the county or federal district where the alleged crime occurred. Thus, all citizens have an equal opportunity and obligation to serve.

Pursuant to law, the names of prospective grand jurors are drawn at random from lists of registered voters or lists of actual voters, or other sources when necessary, under procedures designed to ensure that all groups in the community will have a fair chance to serve. Those persons whose names have been drawn and who are not exempt or excused from service are summoned to appear for duty as grand jurors.

When these persons appear before the court, the presiding magistrate may consider any further requests to be excused. The magistrate will then direct the selection of 25 qualified persons to become the members of the grand jury.

ORGANIZATION, OATH, AND OFFICERS

After the proper number of persons has been qualified as grand jurors, the Jury Administrator will appoint one of them to be the foreman, or presiding officer, of the grand jury. A deputy foreman will also be appointed, so that he or she can act as presiding officer in the foreman's absence. The foreman, the deputy foreman, and the remaining members of the grand jury are sworn in by the Clerk of the Court.

The oath taken by the grand jurors binds them to inquire diligently and objectively into all crimes committed within the district of which they have or may obtain evidence and to conduct such inquiry without malice, fear, hatred, or other emotion.

After the grand jurors have been sworn, the Jury Administrator will orientate and advises the grand jury of its obligations and how best to perform its duties. Careful attention must be paid to the instructions that may be given. After orientation the grand jury will hear testimony and consider documentary evidence in the cases brought to its attention.

PROCEDURE

1) QUORUM: Thirteen of the 25 members of the grand jury constitute a quorum for the transaction of business. If fewer than thirteen are present, even for a moment, the proceedings of the grand jury must stop. This shows how important it is that each grand juror conscientiously attends the meetings. If an emergency will prevent a grand juror's attendance at the meeting, he or she must promptly advise the grand jury foreman. If the juror's absence will prevent the grand jury from acting, the grand juror should, if at all possible, attend the meeting.
2) EVIDENCE BEFORE THE GRAND JURY: Much of the grand jury's time is spent hearing testimony by witnesses and examining documentary or other evidence in order to determine whether such evidence justifies an indictment. The grand jury may ask that additional witnesses be called if it believes this necessary. The Jury Administrator will also assist in the preparation of the formal written indictments that the grand jury wishes to present. But no one other than the grand jury may remain in the room while the grand jury deliberates and votes on an indictment.
3) QUESTIONING THE WITNESS: Witnesses are called to testify one after another. Upon appearing to give testimony, each witness will be sworn by the grand jury foreman or, in the foreman's absence, the deputy foreman. The witness will then be questioned. Ordinarily, the prosecuting person for the government questions the witness first,

followed next by the foreman of the grand jury. Then, the other members of the grand jury may question the witness.

All questions asked of each witness must be relevant and proper, relating only to the case under investigation. If doubt should arise as to whether a question is appropriate, the advice of the Jury Administrator may be sought. If necessary, a ruling may be obtained from the court.

Because of the need for secrecy, described in more detail in the following section, the law forbids anyone other than authorized persons from being present in the grand jury room while evidence is being presented. This means that only the grand jury, the Jury Administrator, those prosecuting, the witness under examination, the court reporter, and interpreters when needed may be present.

Occasionally, prior to answering a question, a witness may ask to leave the grand jury room to consult with his or her attorney. The grand jury is to draw no adverse inference from such conduct, for every witness has the right to confer with counsel even though counsel may not be present in the grand jury room.

In fact, a witness may confer with counsel after each question, as long as he or she does not make a mockery of the proceedings or does not, by such, make an attempt to impede the orderly progress of the grand jury investigation.

Additionally, a witness who is appearing before the grand jury may invoke the Fifth Amendment privilege against self-incrimination and refuse to answer a question. In such a situation, the grand jurors may bring the matter before the court in order to obtain a ruling as to whether or not the answer may be compelled. One manner in which an answer may be compelled is by granting the witness immunity from prosecution in exchange for the witness' testimony.

4) CALLING THE PERSON UNDER INVESTIGATION AS A WITNESS: Normally, neither the person under investigation (sometimes referred to as the "accused," although this does not imply he or she is guilty of any crime) nor any witness on the accused's behalf will testify before the grand jury.

   Upon request, preferably in writing, an accused may be given the opportunity by the grand jury to appear before it. An accused that does so appear cannot be forced to testify because of the constitutional privilege against self-incrimination.

   If the grand jury attempts to force the accused to testify, an indictment returned against that person may be nullified.

   Because the appearance of an accused before the grand jury may raise complicated legal problems, a grand jury that desires to request or to permit an accused to appear before it should consult with the United States Attorney and, if necessary, the court before proceeding.

   Even if the accused is willing to testify voluntarily, it is recommended that he or she first be warned of the right not to testify. Also, he or she may be required to sign a formal waiver of this right. The grand jury should be completely satisfied that the accused fully understands what he or she is doing.

5) THE EVIDENCE NEEDED BEFORE A "'TRUE BILL" MAY BE VOTED: It is the responsibility of the grand jury to weigh the evidence presented to it in order to determine whether this evidence, usually without any explanation being offered by the accused, persuades it that there is probable cause to believe that a crime has been committed and that the accused was the person who committed it.

   Remember that the grand jury is not responsible for determining whether the accused is guilty beyond a reasonable doubt, but only whether there is sufficient evidence of probable cause to justify bringing the accused to trial. Only the evidence presented to the

grand jury in the grand jury room may be considered in determining whether to vote an indictment.

6) DELIBERATIONS: When the grand jury has received all the evidence on a given charge, all persons other than the members of the grand jury or an interpreter to assist a juror who is hearing or speech impaired, must leave the room so that the grand jury may begin its deliberations. The presence of any other person in the grand jury room while the grand jury deliberates or votes may nullify an indictment returned on the accusation.

   After all persons other than the grand jury members and any interpreter for a hearing or speech impaired juror have left the room, the foreman will ask the grand jury members to discuss and vote upon the question of whether the evidence persuades the grand jury that a crime has probably been committed by the person accused and that an indictment should be returned. Every grand juror has the right to express his or her view of the matter under consideration, and grand jurors should listen to the comments of all their fellow grand jurors before making up their mind. Only after each grand juror has been given the opportunity to be heard will the vote be taken. It should be remembered that at least 13 jurors must be present and 12 members must vote in favor of the indictment before it may be returned.

   The foreman of the grand jury must keep a record of the number of jurors concurring in the finding of every indictment and file the record with the Clerk of the Court. If an indictment is found, the grand jury will report it to the judge or a magistrate judge in open court. It will likewise report any "not true bills," or decisions not to indict. A decision not to indict should immediately be reported to the court in writing by the foreman so that the accused may promptly be released from jail or freed from bail.

SECRECY

The law imposes upon each grand juror a strict obligation of secrecy. This obligation is emphasized in the oath each grand juror takes and in the charge given to the grand jury by the judge.

The tradition of secrecy continues as a vital part of the grand jury system for many reasons. It protects the grand jurors from being subjected to pressure by persons who may be subjects of investigations by the grand jury or associates of such persons. It prevents the escape of those against whom an indictment is being considered. It encourages witnesses before the grand jury to give full and truthful information as to the commission of a crime. It also prevents tampering with or intimidation of such witnesses before they testify at trial.

Finally, it prevents the disclosure of investigations that result in no action by the grand jury and avoids any stigma the public might attach to one who is the subject of a mere investigation by the grand jury.

Essentially, the grand jury may disclose matters occurring before it only to the Sheriff and/or Jury Administrator for use in the performance of their duties, but even the Sheriff and Jury Administrator may not be informed of what took place during the grand jury's deliberations and voting. The only other time matters occurring before the grand jury may be disclosed to anyone is when disclosure is ordered by the court in the interests of justice. Disclosure of such matters may never be made to grand juror's friends or family, including a grand juror's spouse.

PROTECTION OF GRAND JURORS

The secrecy imposed upon grand jurors is a major source of protection for them. In addition, no inquiry may be made to learn what grand jurors said or how they voted, except upon order of the court.

The law gives the members of a grand jury broad immunity for actions taken by them within the scope of their authority as grand jurors. Because of this immunity, all grand jurors must perform their duties with the highest sense of responsibility.

PRACTICAL SUGGESTIONS FOR GRAND JURORS

- Each juror should attend the grand jury sessions regularly, in order to ensure that a quorum of 13 members will be present to conduct the grand jury's business.
- Each juror should be on time for each meeting so that others are not kept waiting. The time of meetings should be scheduled so as to be convenient for the grand jury, the Sheriff, and the witnesses. Witnesses should be treated courteously when they appear before the grand jury. Questions should be put to them in an orderly fashion. The Sheriff should complete his or her questioning of each witness before the foreman asks questions. The remaining grand jurors will then have a chance to ask relevant and proper questions.
- Each juror has an equal voice in determining whether or not an indictment should be returned. Therefore, it is important that all grand jurors pay close attention to the testimony and other evidence presented.
- Each juror must be absolutely fair in his or her judgment of the facts. Otherwise, the grand juror will defeat the purpose the grand jury is designed to serve.
- During deliberations on a case, each grand juror should feel free to express his or her opinion based upon the evidence.
- Each juror has equal duties and responsibilities, and each is entitled to be satisfied with the evidence before being called upon to vote. No juror has the right to dismiss a witness or to shut off proper discussion if other jurors wish to pursue the matter further.
- No jury should undertake to investigate matters outside its proper scope merely because someone suggested an investigation, or because the investigation would be interesting.
- No juror should discuss the cases under investigation with anyone, except fellow grand jurors and the Sheriff and then only in the grand jury room. Of course, the grand jurors may always seek the advice of the Jury Administrator.
- Finally, every citizen who is selected to serve on a federal grand jury should bring to this task the determination to participate in a responsible manner and to make every effort to ensure that the grand jury will be a credit not only to the community it represents but to the United States.

JURIST VOW

I vow[40] to the Governor of the Universe, in my capacity as Jurist, to insure that all public servants uphold the Declaration of Independence, US Constitution and Bill of Rights; and to carry out all of my deliberating under Natural Law; principled under Justice, Honor, and

[40] Num 30:2 If a man vow a vow unto the LORD, or swear an oath to bind his soul with a bond; he shall not break his word, he shall do according to all that proceedeth out of his mouth.

Mercy; And to strictly adhere to the following two legal maxims: (1) Every right when withheld must have a remedy, and every injury it's proper redress, and (2) In the absence of a victim there can be no crime "corpus delecti"; the State cannot be the victim but the People of the state can be.

THERE'S NO CRIME ABSENT INTENT

In the essay on the "Trial by Jury" Lysander Spooner, in Chapter IX; The Criminal Intent wrote: "It is a maxim of the common law that there can be no crime without a criminal intent. And it is a perfectly clear principle, although one which judges have in a great measure overthrown in practice, that jurors are to judge of the moral intent of an accused person, and hold him guiltless, whatever his act, unless they find him to have acted with a criminal intent; that is, with a design to do what he knew to be criminal.

This principle is clear, because the question for a jury to determine is, whether the accused be guilty, or not guilty. Guilt is a personal quality of the actor, not necessarily involved in the act, but depending also upon the intent or motive with which the act was done. Consequently, the jury must find that he acted from a criminal motive, before they can declare him guilty. There is no moral justice in, nor any political necessity for, punishing a man for any act whatever that he may have committed, if he have done it without any criminal intent. There can be no moral justice in punishing for such an act, because, there having been no criminal motive, there can have been no other motive which justice can take cognizance of, as demanding or justifying punishment. There can be no political necessity for punishing, to warn against similar acts in future, because, if one man has injured another, however unintentionally, he is liable, and justly liable, to a civil suit for damages; and in this suit he will be compelled to make compensation for the injury, notwithstanding his innocence of any intention to injure. He must bear the consequences of his own act, instead of throwing them upon another, however innocent he may have been of any intention to do wrong. And the damages he will have to pay will be a sufficient warning to him not to do the like act again.

A case in point, recently a prosecutor convinced an uninformed Grand Jury to indict a woman who had forgotten that she left her young child in her vehicle and the child died. Clearly there was no criminal intent and one would think that the loss of her child is more than enough penance for her indiscretion.

This necessity for a criminal intent, to justify conviction, is proved by the issue which the jury is to try, and the verdict they are to pronounce. The "issue" they are to try is, guilty, or not guilty. And those are the terms they are required to use in rendering their verdicts. But it is a plain falsehood to say that a man is "guilty," unless he has done an act which he knew to be criminal. This necessity for a criminal intent -- in other words, for guilt -- as a preliminary to conviction, makes it impossible that a man can be rightfully convicted for an act that is intrinsically innocent, though forbidden by the government; because guilt is an intrinsic quality of actions and motives, and not one that can be imparted to them by arbitrary legislation. All the efforts of the government, therefore, to "make offences by statute," out of acts that are not criminal by nature, must necessarily be ineffectual, unless a jury will declare a man "guilty" for an act that is really innocent.

The corruption of judges, in their attempts to uphold the arbitrary authority of the government, by procuring the conviction of individuals for acts innocent in themselves, and forbidden only by some tyrannical statute, and the commission of which therefore indicates no criminal intent, is very apparent.

To accomplish this object, they have in modern times held it to be unnecessary that indictments should charge, as by the common law they were required to do, that an act was

done “wickedly,” “feloniously,” “with malice aforethought,” or in any other manner that implied a criminal intent, without which there can be no criminality; but that it is sufficient to charge simply that it was done “contrary to the form of the statute in such case made and provided.” This form of indictment proceeds plainly upon the assumption that the government is absolute, and that it has authority to prohibit any act it pleases, however innocent in its nature the act may be. Judges have been driven to the alternative of either sanctioning this new form of indictment, (which they never had any constitutional right to sanction,) or of seeing the authority of many of the statutes of the government fall to the ground; because the acts forbidden by the statutes were so plainly innocent in their nature, that even the government itself had not the face to allege that the commission of them implied or indicated any criminal intent.

To get rid of the necessity of showing a criminal intent, and thereby further to enslave the people, by reducing them to the necessity of a blind, unreasoning submission to the arbitrary will of the government, and of a surrender of all right, on their own part, to judge what are their constitutional and natural rights and liberties, courts have invented another idea, which they have incorporated among the pretended maxims, upon which they act in criminal trials, viz., that “ignorance of the law excuses no one.” As if it were in the nature of things possible that there could be an excuse more absolute and complete. What else than ignorance of the law is it that excuses persons under the years of discretion, and men of imbecile minds? What else than ignorance of the law is it that excuses judges themselves for all their erroneous decisions? Nothing. They are every day committing errors, which would be crimes, but for their ignorance of the law. And yet these same judges, who claim to be learned in the law, and who yet could not hold their offices for a day, but for the allowance which the law makes for their ignorance, are continually asserting it to be a “maxim” that “ignorance of the law excuses no one;” (by which, of course, they really mean that it excuses no one but themselves; and especially that it excuses no unlearned man, who comes before them charged with crime.)

This preposterous doctrine that “ignorance of the law excuses no one,” is asserted by courts because it is an indispensable one to the maintenance of absolute power in the government. It is indispensable for this purpose, because, if it be once admitted that the people have any rights and liberties which the government cannot lawfully take from them, then the question arises in regard to every statute of the government, whether it be law, or not; that is, whether it infringe, or not, the rights and liberties of the people. Of this question every man must of course judge according to the light in his own mind. And no man can be convicted unless the jury find, not only that the statute is law, -- that it does not infringe the rights and liberties of the people, -- but also that it was so clearly law, so clearly consistent with the rights and liberties of the people, as that the individual himself, who transgressed it, knew it to be so, and therefore had no moral excuse for transgressing it. Governments see that if ignorance of the law were allowed to excuse a man for any act whatever, it must excuse him for transgressing all statutes whatsoever, which he himself thinks inconsistent with his rights and liberties. But such a doctrine would of course be inconsistent with the maintenance of arbitrary power by the government; and hence governments will not allow the plea, although they will not confess their true reasons for disallowing it.

A Case In Point

Recently a woman left her child in a car and while going about her business forgot that the baby was in the car and the baby died. The woman was charged with man slaughter found guilty and was given a jail sentence. This was a miscarriage of justice because there was no criminal intent. Furthermore the loss of her child caused by her bad judgment and

forgetfulness is something she will have to live with for the rest of her life. There can be no punishment greater then that.

CONCLUSION: To decide cases correctly, grand and petit jurors must be honest and open minded. They must have both integrity and good judgment. The continued vitality of the jury system depends on these attributes. To meet their responsibility, jurors must decide the facts and apply the law impartially. They must not favor the rich or the poor. They must treat alike all individuals. Justice should be rendered to all persons without regard to race, color, religion, sex, or the legislated law.

The performance of jury service is the fulfillment of a high civic obligation. Conscientious service brings its own reward in the satisfaction of an important task well done. There is no more valuable work that the average citizen can perform in support of Justice than the full and honest discharge of jury duty. The effectiveness of our Natural Law system itself is largely measured by the integrity and justness of the jurors who serve in the Peoples courts.

BILL OF RIGHTS

AMENDMENT I: Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

AMENDMENT II: A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

AMENDMENT III: No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

AMENDMENT IV: The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

AMENDMENT V: No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

AMENDMENT VI: In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense.

AMENDMENT VII: In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any Court of the United States, than according to the rules of the common law.

AMENDMENT VIII: Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

AMENDMENT IX: The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

AMENDMENT X: The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, ARE RESERVED TO THE STATES RESPECTIVELY, OR TO THE PEOPLE.

THE DECLARATION OF INDEPENDENCE
IN CONGRESS, JULY 4, 1776

The unanimous Declaration of the thirteen united States of America, When in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. -- That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, -- That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to affect their Safety and Happiness. Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly all experience hath shewn, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security.--Such has been the patient sufferance of these Colonies; and such is now the necessity which constrains them to alter their former Systems of Government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute Tyranny over these States. To prove this, let Facts be submitted to a candid world.

He has refused his Assent to Laws, the most wholesome and necessary for the public good.

He has forbidden his Governors to pass Laws of immediate and pressing importance, unless suspended in their operation till his Assent should be obtained; and when so suspended, he has utterly neglected to attend to them.

He has refused to pass other Laws for the accommodation of large districts of people, unless those people would relinquish the right of Representation in the Legislature, a right inestimable to them and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public Records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved Representative Houses repeatedly, for opposing with manly firmness his invasions on the rights of the people.
He has refused for a long time, after such dissolutions, to cause others to be elected; whereby the Legislative powers, incapable of Annihilation, have returned to the People at large for their exercise; the

State remaining in the meantime exposed to all the dangers of invasion from without, and convulsions within.

He has endeavored to prevent the population of these States; for that purpose obstructing the Laws for Naturalization of Foreigners; refusing to pass others to encourage their migrations hither, and raising the conditions of new Appropriations of Lands.

He has obstructed the Administration of Justice, by refusing his Assent to Laws for establishing
Judiciary powers.

He has made Judges dependent on his Will alone, for the tenure of their offices, and the amount and
payment of their salaries.

He has erected a multitude of New Offices, and sent hither swarms of Officers to harass our people, and eat out their substance.

He has kept among us, in times of peace, Standing Armies without the Consent of our legislatures.

He has affected to render the Military independent of and superior to the Civil power.

He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his Assent to their Acts of pretended Legislation:

For quartering large bodies of armed troops among us:

For protecting them, by a mock Trial, from punishment for any Murders which they should commit on
the Inhabitants of these States:

For cutting off our Trade with all parts of the world:

For imposing Taxes on us without our Consent:

For depriving us in many cases, of the benefits of Trial by Jury:

For transporting us beyond Seas to be tried for pretended offences

For abolishing the free System of English Laws in a neighboring Province, establishing therein an arbitrary government, and enlarging its Boundaries so as to render it at once an example and fit instrument for introducing the same absolute rule into these Colonies:

For taking away our Charters, abolishing our most valuable Laws, and altering fundamentally the Forms of our Governments:

For suspending our own Legislatures and declaring themselves invested with power to legislate for us in all cases whatsoever.

He has abdicated Government here, by declaring us out of his Protection and waging War against us.

He has plundered our seas, ravaged our Coasts, burnt our towns, and destroyed the lives of our people.

He is at this time transporting large Armies of foreign Mercenaries to complete the works of death, desolation and tyranny, already begun with circumstances of Cruelty & perfidy scarcely paralleled in the
most barbarous ages, and totally unworthy the Head of a civilized nation.

He has constrained our fellow Citizens taken Captive on the high Seas to bear Arms against their Country, to become the executioners of their friends and Brethren, or to fall themselves by their Hands.

He has excited domestic insurrections amongst us, and has endeavored to bring on the inhabitants of our frontiers, the merciless Indian Savages, whose known rule of warfare, is an undistinguished destruction of all ages, sexes and conditions.

In every stage of these Oppressions We have Petitioned for Redress in the most humble terms: Our repeated Petitions have been answered only by repeated injury. A Prince whose character is thus marked by every act which may define a Tyrant, is unfit to be the ruler of a free people.

Nor have We been wanting in attentions to our British brethren. We have warned them from time to time of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred to disavow these usurpations, which, would inevitably interrupt our connections and correspondence. They too have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity, which denounces our Separation, and hold them, as we hold the rest of mankind, Enemies in War, in Peace Friends.

We, therefore, the Representatives of the united States of America, in General Congress, Assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the Name, and by Authority of the good People of these Colonies, solemnly publish and declare, That these United Colonies are, and of Right ought to be Free and Independent States; that they are Absolved from all Allegiance to the British Crown, and that all political connection between them and the State of Great Britain, is and ought to be totally dissolved; and that as Free and Independent States, they have full Power to levy War, conclude Peace, contract Alliances, establish Commerce, and to do all other Acts and Things which Independent States may of right do. And for the support of this Declaration, with a firm reliance on the protection of divine Providence, we mutually pledge to each other our Lives, our Fortunes and our sacred Honor.

The 56 signatures on the Declaration appear in the positions indicated:

Georgia: Button Gwinnett, Lyman Hall, George Walton

North Carolina: William Hooper, Joseph Hewes, John Penn

South Carolina: Edward Rutledge, Thomas Heyward, Jr.. Thomas Lynch, Jr., Arthur Middleton

Massachusetts: John Hancock

Maryland: Samuel Chase, William Paca, Thomas Stone, Charles Carroll of Carrollton

Virginia: George Wythe Richard Henry Lee, Thomas Jefferson, Benjamin Harrison, Thomas Nelson, Jr., Francis Lightfoot Lee,

Pennsylvania: Robert Morris, Benjamin Rush, Benjamin Franklin. John Morton, George Clymer, James Smith, George Taylor, James Wilson, George Ross

Delaware: Caesar Rodney, George Read, Thomas McKean

New York: William Floyd, Philip Livingston, Francis Lewis, Lewis Morris

New Jersey: Richard Stockton, John Witherspoon, Francis Hopkinson, John Hart, Abraham Clark

New Hampshire: Josiah Bartlett, William Whipple

Massachusetts: Samuel Adams, John Adams, Robert Treat Paine, Elbridge Gerry

Rhode Island: Stephen Hopkins, William Ellery

Connecticut: Roger Sherman, Samuel Huntington, William Williams, Oliver Wolcott

New Hampshire: Matthew Thornton

GLOSSARY OF TERMS

Accused: The person accused of the commission of a crime. Use of this term does not imply the person under investigation is guilty of any crime. After a person is indicted by the grand jury, that person is referred to as the "defendant."

Charge to the Grand Jury: Given by the Jury Administrator presiding over the selection and organization of the grand jury, the charge is the court's instructions to the grand jury as to its duties, functions, and obligations, and how to best perform them.

Deliberations: The discussion by the grand jury members as to whether or not to return an indictment on a given charge against an accused. During deliberations no one except the grand jury members or an interpreter for a hearing or speech impaired juror may be present.

District: The geographical area over which a federal district court where the grand jury sits and the grand jury itself have jurisdiction. The territorial limitations of the district will be explained to the grand jury by the district judge.

Evidence: Testimony of witnesses, documents, and exhibits as presented to the grand jury by the Sheriff or otherwise properly brought before it. In some instances, the person under investigation may also testify.
Federal: The national government as distinguished from the state governments.

Grand Jurors' Immunity: Immunity is granted to all grand jurors for their authorized actions while serving on a grand jury and means that no grand juror may be penalized for actions taken within the scope of his or her service as a grand juror.

Indictment: The written formal charge of a crime by the grand jury, returned when 12 or more grand jurors vote in favor of it.

Information: The written formal charge of crime by the prosecutor to the Sheriff, filed against an accused who, if charged with a serious crime, must have knowingly waived the requirements that the evidence first be presented to a grand jury.

"No Bill": Also referred to as "not a true bill," the "no bill" is the decision by the grand jury not to indict a person.

Petit Jury: The trial jury composed of 12 members that hears a case after indictment and renders a verdict or decision after hearing the prosecution's entire case and whatever evidence the defendant chooses to offer.

Probable Cause: The finding necessary in order to return an indictment against a person accused of a crime. A finding of probable cause is proper only when the evidence presented to the grand jury, without any explanation being offered by the accused, persuades 12 or more grand jurors that a crime has probably been committed by the person accused.

True Bill: A true bill is a **written decision**, handed down by a grand jury that the evidence presented by the prosecution is sufficient to believe that the accused person likely committed the crime, and should be indicted.

MEMORANDUM OF LAW PETIT JURY AUTHORITY

A right of Self-Governing

FEDERAL TRIAL HANDBOOK TAMPERS WITH THE JURY AND ROBS THEIR SOVEREIGN RIGHT TO JUDGE

The purpose of this memorandum is to reveal the tainting and stacking of Petit Jury through instructions to the Jury in the "FEDERAL TRIAL HANDBOOK," in an effort to taint and control the jury, repeats twelve (12) times that the judge is to decide the law and not the jury. Joseph Goebbels, Adolf Hitler's Propaganda Minister, said: "*If you repeat a lie often enough, people will believe it, and you will even come to believe it yourself*." Vladimir Lenin, the Russian communist revolutionary, said: "*A lie told often enough becomes the truth*".

It is also the purpose of this memorandum, to clarify for the court that the People being the author and source of law have the unalienable right as jurist to judge the law as well as the facts in controversy, to exercise its prerogative of nullification, sentencing, and to disregard instructions of the judge. It is the Jury that is the final arbitrator of all things and not the judge, this is government by consent! Any judge who forces his will upon the jury would be guilty of jury tampering. It would be an 'absurdity' for jurors to be required to accept the judge's view of the law against their own opinion, judgment, and conscience. Since natural law was thought to be accessible to the ordinary man, the theory invited each juror to inquire for himself whether a particular rule of law was consonant with principles of higher law.

THE MANTRA OF LIES IN CIVIL LAW COURTS TWELVE LIES TAUGHT IN THE FEDERAL TRIAL JURY HANDBOOK.

- Page 1 The JUDGE DETERMINES THE LAW to be applied in the case, while the jury decides the facts.

- Page 3 The JUDGE IN A CRIMINAL CASE TELLS THE JURY WHAT THE LAW IS. The jury must determine what the true facts are. On that basis, THE JURY HAS ONLY TO DETERMINE WHETHER THE DEFENDANT IS GUILTY OR NOT GUILTY of each offense charged. The subsequent SENTENCING IS THE SOLE RESPONSIBILITY OF THE JUDGE. In other words, in arriving at an impartial verdict as to guilt or innocence of a jury defendant, the JURY IS NOT TO CONSIDER A SENTENCE.

- Page 8 THE LAW IS WHAT THE PRESIDING JUDGE DECLARES THE LAW TO BE, NOT WHAT A JUROR BELIEVES IT TO BE or what a juror may have heard it to be from any source other than the presiding judge.

- Page 9 It is the jury's duty to reach its own conclusion(s) based on the evidence. The verdict is reached without regard to what may be the opinion of the judge as to the facts maybe, although AS TO THE LAW, THE JUDGE'S CHARGE CONTROLS.

- Page 9 In both civil and criminal cases, it is the jury's duty to decide the facts in accordance with the principles of LAW LAID DOWN IN THE JUDGE'S CHARGE to the jury. The decision is made on the evidence introduced, and the jury's decision on the facts is usually final.

- Page 10 Jurors should give close attention to the testimony. They are sworn to disregard their prejudices and follow the court's instructions. They must render a verdict according to their best judgment.

- A juror should also disregard any statement by a lawyer AS TO THE LAW OF THE CASE IF IT IS NOT IN ACCORD WITH THE JUDGE'S INSTRUCTIONS.

- Finally on page 12 we read: The Sixth Amendment's guarantee of a trial by an impartial jury requires that a jury's verdict must be based on nothing else but the evidence and law presented to them in court. The words of Supreme Court Justice Oliver Wendell Holmes, from over a century ago, apply with equal force to jurors serving in this advanced technological age: "The theory of our system is that the conclusions to be reached in a case will be induced only by evidence and argument in open court, and not by any outside influence, whether of private talk or public print."

What the author of the repugnant handbook left out was that, Justice Oliver Wendell Holmes, in the same breath also said, "*The jury has the power to bring a verdict in the teeth of both the law and the facts.*" In conclusion, the federal trial handbook wars against We the Peoples' unalienable right as the source and author of the Law of the Land in an attempt to subvert We the Peoples' unalienable right of government by consent. None of our founding fathers or supporters of the Law of the Land, a/k/a common law, denies the unalienable right of We the Peoples' right of nullification.

The Criminal Pattern Jury Instructions developed by the U.S. Court of Appeals for the 10th Circuit for use by U.S. District Courts state:

> "You, as jurors, are the judges of the facts. But in determining what actually happened that is, in reaching your decision as to the facts–IT IS YOUR SWORN DUTY TO FOLLOW ALL OF THE RULES OF LAW AS I EXPLAIN THEM TO YOU. YOU

HAVE NO RIGHT TO DISREGARD or give special attention to any one instruction, or to question the wisdom or correctness of any rule I may state to you. YOU MUST NOT SUBSTITUTE OR FOLLOW YOUR OWN NOTION OR OPINION AS TO WHAT THE LAW IS OR OUGHT TO BE. It is your duty to apply the law AS I EXPLAIN IT TO YOU, REGARDLESS OF THE CONSEQUENCES. However, you should not read into these instructions or anything else I may have said or done, any suggestion as to what your verdict should be. That is entirely up to you. It is also your duty to base your verdict solely upon the evidence, without prejudice or sympathy. That was the promise you made and the oath you took."

FEDERAL JURIST QUESTIONNAIRE PROFILES AND PROVIDES FOR JURY TTACKING

The federal questionnaire for Jurists, which asks many inappropriate questions, becomes a tool of trial judges and prosecutors to profile and stack the jury for favorable results for political favors. Some of the questions we have found on these questionnaires are as follows:

Dates of birth, work and marital status of the potential juror and all members of the juror's household; sex, age and employment of children who do not reside with the juror; education, knowledge of law, principal leisure time activities, civic, social, political or professional organizations to which the juror belong; lists of television and/or radio news programs, newspapers, magazines that the juror receives their propaganda from. Also, did the jurors, or member of their family, ever own a gun or belong to any kind of anti-gun or pro-gun club or organization or military service? Have juror's family members or friends ever been audited by or had a dispute with any agency or department of the United States Government including the IRS, Social Security Administration, Veterans Administration, etc. or any city or state government agency? Finally, the most revolting question which is couched in such a way that it leads the potential juror to conclude that the question is directly from the judge. "Do you have any ideas or prejudices that would hinder you from following the instructions that I [*judge*] will give as to the law?"

As Lysander Spooner, author of Trial by Jury 1852 so clearly pointed out: "governments cannot decide the law or exercise authority over jurors (the People) for such would be absolute government, absolute despotism". Such is our condition today and we the People are determined to end it, here, today, at this cross road!

THE PEOPLE ARE THE AUTHOR & SOURCE OF LAW

"Sovereignty itself is, of course, not subject to law, for it is the author and source of law; but in our system, while sovereign powers are delegated to the agencies of government, sovereignty itself remains with the people, by whom and for whom all

government exists and acts, And the law is the definition and limitation of power…"[1] "'Sovereignty' means that the decree of sovereign makes law, and foreign courts cannot condemn influences persuading sovereign to make the decree."[2] "The people of this State, as the successors of its former sovereign, are entitled to all the rights which formerly belonged to the King by his prerogative."[3] And "the state cannot diminish the rights of the people."[4] "Supreme sovereignty is in the people and no authority can, on any pretense whatsoever, be exercised over the citizens of this state, but such as is or shall be derived from and granted by the people of this state."[5]

We the People ordained and established the Constitution for the United States of America.[6] We the People vested Congress with statute making powers[7]. We the People defined and limited that power of statute making[8]. We the People limited law making powers to ourselves alone.[9] We the People did not vest the Judiciary with law making powers. We the People are the "judicial tribunal having attributes and exercising functions independently of the person of the magistrate designated generally to hold it, and proceeding according to the course of Natural Law."[10]

"The constitutions of most of our states assert that all power is inherent in the people, that they may exercise it by themselves, in all cases to which they think themselves competent, as in electing their functionaries executive and legislative, and deciding by a jury of themselves, both fact and law, in all judiciary cases in which any fact is involved."[11]

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[1] Yick Wo v. Hopkins, 118 US 356, 370 Quotiens dubia interpretatio libertatis est, secundum libertatem respondendum erit.

[2] Moscow Fire Ins. Co. of Moscow, Russia v. Bank of New York & Trust Co., 294 N.Y.S. 648, 662, 161 Misc. 903.

[3] Lansing v. Smith, 4 Wend. 9 (N.Y.) (1829), 21 Am. Dec. 89 10C Const. Law Sec. 298; 18 C Em.Dom. Sec. 3, 228; 37 C Nav.Wat. Sec. 219; Nuls Sec. 167; 48 C Wharves Sec. 3, 7.

[4] Hurtado v. People of the State of California, 110 U.S. 516.

[5] NEW YORK CODE - N.Y. CVR. LAW § 2: NY Code - Section 2.

[6] We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America. Preamble.

[7] **Article I Section 1:** ALL LEGISLATIVE POWERS herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

[8] **Article I Section 8:** To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.

[9] "Sovereignty itself is, of course, not subject to law, for it is the author and source of law; but in our system, while sovereign powers are delegated to the agencies of government, sovereignty itself remains with the people, by whom and for whom all government exists and acts And the law is the definition and limitation of power…" Yick Wo v. Hopkins, 118 US 356, 370 Quotiens dubia interpretatio libertatis est, secundum libertatem respondendum erit.

[10] Jones v. Jones, 188 Mo.App. 220, 175 S.W. 227, 229; Ex parte Gladhill, 8 Metc. Mass., 171, per Shaw, C.J. See, also, Ledwith v. Rosalsky, 244 N.Y. 406, 155 N.E. 688, 689.

[11] Thomas Jefferson, letter to John Cartwright; June 5, 1824.

THE JURY DECIDES LAW AND FACTS

The trial of all crimes ...shall be by jury.[12] "A trial is the judicial examination, in accordance with the law of the land, of a cause, either civil or criminal, of the issues between the parties, whether of law or fact, before a court that has jurisdiction over it."[13] "For purpose of determining such issue"[14] "It includes all proceedings from time when issue is joined, or, more usually, when parties are called to try their case in court, to time of its final determination."[15] "And in its strict definition, the word "trial" in criminal procedure means the proceedings in open court after the pleadings are finished and the prosecution is otherwise ready, down to and including the rendition of the verdict."[16]

- John Jay[17] - "The jury has a right to judge both the law as well as the fact in controversy."

- Samuel Chase - "The jury has the right to determine both the law and the facts."[18]

- Oliver Wendell Holmes[19] - "The jury has the power to bring a verdict in the teeth of both law and fact."

- Kentucky Resolutions: A series of resolutions drawn up by Jefferson, and adopted by the legislature of Kentucky in 1799, protesting against the "alien and sedition laws..." declaring their illegality, announcing the strict constructionist theory of the federal government, and declaring "nullification" to be "the rightful remedy."

- NY Constitution Article I §8: "... and the jury shall have the right to determine the law and the fact."

- Marbury v. Madison - "All laws, rules and practices which are repugnant to the Constitution are null and void".

- Miranda v. Arizona - "Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them."

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[12] Article III; Section 1.
[13] People v. Vitale, 364 Ill. 589, 5 N.E. 2d 474, 475. Gulf, C. & S. F. Ry. Co. v. Muse, 109 Tex. 352, 207 S.W. 897, 899, 4 A.L.R. 613; State v. Dubray, 121 Kan. 886, 250 P. 316, 319; Photo Cines Co. v. American Film Mfg. Co., 190 I1l.App. 124, 128.
[14] City of Pasadena v. Superior Court in and for Los Angeles County, 212 Cal. 309, 298 P. 968, 970; State ex rel. Stokes v. Second Judicial Dist. Court, in and for Washoe County, 55 Nev. 115, 127 P.2d 534.
[15] Molen v. Denning & Clark Livestock Co., 56 Idaho 57, 50 P.2d 9, 11.
[16] Thomas v. Mills, 117 Ohio St. 114, 157 N.E. 488, 489, 54 A. L.R. 1220.
[17] John Jay, 1st Chief Justice United States Supreme Court, 1789.
[18] Samuel Chase, U.S. Supreme Court Justice, 1796, Signer of the unanimous Declaration.
[19] Oliver Wendell Holmes, U.S. Supreme Court Justice, 1902.

JURYS RESPONSIBILITY IS TO DELIVER JUSTICE
NOT UPHOLD THE LAW

"*The pages of history shine on instances of the jury's exercise of its prerogative to disregard instructions of the judge.*"

Jury Nullification, by Dr. Julian Heicklen

Jury nullification was introduced into America in 1735 in the trial of John Peter Zenger, Printer of The New York Weekly Journal. Zenger repeatedly attacked Governor William Cosby of New York in his journal. This was a violation of the seditious libel law, which prohibited criticism of the King or his appointed officers. The attacks became sufficient to bring Zenger to trial. He clearly was guilty of breaking the law, which held that true statements could be libelous. However Zenger's lawyer, Andrew Hamilton, addressed himself to the jury, arguing that the court's law was outmoded. Hamilton contended that falsehood was the principal thing that makes a libel. It took the jury only a few minutes to nullify the law and declare Zenger not guilty. Ever since, the truth has been a defense in libel cases.

Several state constitutions, including the Georgia Constitution of 1777 and the Pennsylvania Constitution of 1790 specifically provided that “the jury shall be judges of law, as well as fact.” In Pennsylvania, Supreme Court Justice James Wilson noted, in his Philadelphia law lectures of 1790, that when “a difference in sentiment takes place between the judges and jury, with regard to a point of law,... The jury must do their duty, and their whole duty; they must decide the law as well as the fact.” In 1879, the Pennsylvania Supreme Court noted that “the power of the jury to be judge of the law in criminal cases is one of the most valuable securities guaranteed by the Bill of Rights.”

John Jay, the first Chief Justice of the U. S. Supreme Court stated in 1789, “The jury has the right to judge both the law as well as the fact in controversy.” Samuel Chase, US. Supreme Court Justice and signer of the Declaration of Independence, said in 1796: “The jury has the right to determine both the law and the facts.” U.S. Supreme Court Justice Oliver Wendell Holmes said in 1902: "The jury has the power to bring a verdict in the teeth of both law and fact." Harlan F. Stone, the 12th Chief Justice of the U.S. Supreme Court, stated in 1941: “The law itself is on trial quite as much as the cause which is to be decided.”

In a 1972 decision (U.S. v Dougherty, 473 F 2nd 1113, 1139), the Court said: "The pages of history shine on instances of the jury's exercise of its prerogative to disregard instructions of the judge."

Likewise, the U.S. Supreme Court in Duncan v Louisiana implicitly endorsed the policies behind nullification when it stated, “If the defendant preferred the common-sense judgment of the jury to the more tutored but less sympathetic reaction of the single judge, he was to have it.”

In recent times, the courts have tried to erode the nullification powers of juries. Particular impetus for this was given by the fact that all-white juries in the southern states refused to convict whites of crimes against blacks. As a result, there is a practice of judges to incorrectly instruct the jury that the judge determines the law, and that the jury is limited to determining the facts. Such an instruction defeats the purpose of the jury, which is to protect the defendant from the tyranny of the state. The purpose of the jury is to protect the defendant from the tyranny of the law.

The problem with the all-white juries that refused to convict whites that committed crimes against blacks was not in jury nullification, but in jury selection. The jury was not representative of the community and would not provide a fair and impartial trial.

In recent years, jury nullification has played a role in the trials of Mayor Marion Barry of Washington, DC for drug use, Oliver North for his role in the Iran-Contra Affair, and Bernhard Goetz for his assault in a New York City subway.

In Les Miserables, Victor Hugo highlighted the difference between justice and law. The jury's responsibility is to deliver justice, not to uphold the law. Judges in Maryland and Indiana are required by law to inform the jury of its right to nullification. Article 23 of the Maryland Bill of Rights states:

“In the trial of all criminal cases, the Jury shall be the judge of Law, as well as of fact, except that the Court may pass upon the sufficiency of the evidence to sustain a conviction.”

Nullification applies just as much in other states, including Pennsylvania. Article I of the Constitution of the Commonwealth of Pennsylvania states in Section 6, “Trial by jury shall be as heretofore (emphasis mine), and the right thereof remain inviolate.” Section 25 states: “To guard against transgressions of the high powers which we have delegated, we declare that everything in this article is excepted out of the general powers of government and shall forever remain inviolate.” Taken together, these two sections mean that juries shall have the powers that they had “heretofore”, i. e. when the Constitution was adopted.

Judges usually do not inform the jury of this right. Even worse, some judges instruct the jury that it does not have the right to interpret or nullify the law, but only to determine the facts. Near the end of alcohol prohibition, juries refused to convict for alcohol violations. Has the time arrived for juries to do the same for marijuana violations?

NULLIFICATION WAS NEVER MOOT

"It would be an 'absurdity' for jurors to be required to accept the judge's view of the law, against their own opinion, judgment, and conscience" John Adams

"It is useful to distinguish between the jury's right to decide questions of law and its power to do so. The jury's power to decide the law in returning a general verdict is indisputable. The debate of the nineteenth century revolved around the question of whether the jury had a legal and moral right to decide questions of law."[20]

"Underlying the conception of the jury as a bulwark against the unjust use of governmental power were the distrust of 'legal experts' and a faith in the ability of the common people. Upon this faith rested the prevailing political philosophy of the constitution framing era: that popular control over, and participation in, government should be maximized. Thus John Adams stated that 'the common people...should have as complete a control, as decisive a negative, in every judgment of a court of judicature' as they have, through the legislature, in other decisions of government."[21]

"Since natural law was thought to be accessible to the ordinary man, the theory invited each juror to inquire for himself whether a particular rule of law was consonant with principles of higher law. This view is reflected in John Adams' statement that it would be an 'absurdity' for jurors to be required to accept the judge's view of the law, 'against their own opinion, judgment, and conscience.'"[22]

"During the first third of the nineteenth century,...judges frequently charged juries that they were the judges of law as well as the fact and were not bound by the judge's instructions. A charge that the jury had the right to consider the law had a corollary at the level of trial procedure: counsel had the right to argue the law, its interpretation and its validity to the jury."[23]

[20] ANON (Note in "The Changing Role of the Jury in the Nineteenth Century, Yale Law Journal, 74, 170, 1964):
[21] ANON (Note in "The Changing Role of the Jury in the Nineteenth Century, Yale Law Journal, 74, 172, 1964):
[22] ANON (Note in "The Changing Role of the Jury in the Nineteenth Century, Yale Law Journal, 74, 172, 1964):
[23] ANON (Note in "The Changing Role of the Jury in the Nineteenth Century, Yale Law Journal, 74, 174, 1964).

NULLIFICATION THE UNALIENABLE RIGHT OF THE PEOPLE
THIS IS GOVERNMENT BY CONSENT

"The pages of history shine on instances of the jury's exercise of its prerogative to disregard instructions of the judge"[24]. "It is presumed, that the juries are the best judges of facts; it is, on the other hand, presumed that the courts are the best judges of law. But still, both objects are within your power of decision. You have a right to take upon yourselves to judge of both, and to determine the law as well as the fact in controversy."[25]

- Thomas Jefferson[26] – "*I consider trial by jury as the only anchor ever yet imagined by man, by which a government can be held to the principles of its constitution.*"

- John Adams[27] – "*It's not only ….(the juror's) right, but his duty, in that case, to find the verdict according to his own best understanding, judgement, and conscience, though in direct opposition to the direction of the court.*"

- John Jay[28] – "*The jury has a right to judge both the law as well as the fact in controversy*."

- Alexander Hamilton[29] – Jurors should acquit even against the judge's instruction…. "*if exercising their judgement with discretion and honesty they have a clear conviction that the charge of the court is wrong*."

- Samuel Chase[30] – "*The jury has the right to determine both the law and facts.*"

- Justice Thurgood Marshall[31] – "*Illegal and unconstitutional jury selection procedures cast doubt on the integrity of the whole judicial process. They create the appearance of bias in the decision of individual cases, and they increase the risk of actual bias as well.*"

- Chief Justice Mathew[32] – "*…it was impossible any matter of law could come in question till the matter of fact were settled and stated and agreed by the jury, and of such matter of fact they [the jury] were the only competent judges.*"

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[24] " U.S. v. Dougherty, 473 F.2d. 1113, 1139 (1972).
[25] US Supreme Court State of Georgia v. Brailsford, 3 DALL. 1,4.
[26] Thomas Jefferson (1789).
[27] John Adams (1771).
[28] John Jay (1794).
[29] Alexander Hamilton (1804).
[30] Samuel Chase (1804): (Justice, U. S. Supreme Court and signer of the Declaration of Independence).
[31] Justice Thurgood Marshall (1972) Peters v. Kiff, 407 US 493, 502.
[32] Chief Justice Mathew Hale 2 Hale P C 312 1665.

- Sir John Vaughan[33] – "*...without a fact agreed, it is impossible for a judge or any other to know the law relating to the fact nor to direct [a verdict] concerning it. Hence it follows that the judge can never direct what the law is in any matter controverted.*"

- Lysander Spooner[34] – "*The bounds set to the power of the government, by the trial by jury, as will hereafter be shown, are these -- that the government shall never touch the property, person, or natural or civil rights of an individual, against his consent, except for the purpose of bringing them before a jury for trial, unless in pursuance and execution of a judgment, or decree, rendered by a jury in each individual case, upon such evidence, and such law, as are satisfactory to their own understandings and consciences, irrespective of all legislation of the government.*"

- John Adams[35] – "*It is not only his right, but his duty...to find the verdict according to his own best understanding, judgment, and conscience, though in direct opposition to the direction of the court.*"

- William Kunstler[36] – "*Unless the jury can exercise its community conscience role, our judicial system will have become so inflexible that the effect may well be a progressive radicalization of protest into channels that will threaten the very continuance of the system itself. To put it another way, the jury is...the safety valve that must exist if this society is to be able to accommodate its own internal stresses and strains...[I]f the community is to sit in the jury box, its decision cannot be legally limited to a conscience-less application of fact to law.*"

- Lysander Spooner[37] – "*For more than six hundred years--that is, since Magna Carta, in 1215, there has been no clearer principle of English or American constitutional law, than that, in criminal cases, it is not only the right and duty of juries to judge what are the facts, what is the law, and what was the moral intent of the accused; but that it is also their right, and their primary and paramount duty, to judge of the justice of the law, and to hold all laws invalid, that are, in their opinion, unjust or oppressive, and all persons guiltless in violating, or resisting the execution of, such laws.*"

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[33] Sir John Vaughan, Lord Chief Justice ("Bushell's Case, 124 Eng Reports 1006; Vaughan Reports 135, 1670).
[34] Lysander Spooner (An Essay on the Trial by Jury, 1852).
[35] John Adams (Second President of U.S.) (1771) (Quoted in Yale Law Journal 74 (1964): 173).
[36] William Kunstler (quoted in Franklin M. Nugent, "Jury Power: Secret Weapon Against Bad Law," revised from Youth Connection, 1988).
[37] Lysander Spooner (An Essay on the Trial by Jury, 1852, p. 11).

- Morisette v. United States[38] – "*But juries are not bound by what seems inescapable logic to judges*."

- Oregon Constitution[39] – "the jury shall have the right to determine the law, and the facts"

- Indiana Constitution[40] – "*In all criminal cases whatsoever, the jury shall have the right to determine the law and the facts*."

- New York Constitution[41] – "*the jury shall have the right to determine the law and the fact*."

- Constitution of Maryland[42] – "*In the trial of all criminal cases, the Jury shall be the Judges of Law, as well as of fact*"

- Alexander Hamilton[43] – "*That in criminal cases, nevertheless, the court are the constitutional advisors of the jury in matter of law; who may compromise their conscience by lightly or rashly disregarding that advice, but may still more compromise their consciences by following it, if exercising their judgments with discretion and honesty they have a clear conviction that the charge of the court is wrong*."

- Alan Scheflin and Jon Van Dyke[44] – "*When a jury acquits a defendant even though he or she clearly appears to be guilty, the acquittal conveys significant information about community attitudes and provides a guideline for future prosecutorial discretion in the enforcement of the laws. Because of the high acquittal rate in prohibition cases during the 1920s and early 1930s, prohibition laws could not be enforced. The repeal of these laws is traceable to the refusal of juries to convict those accused of alcohol traffic*."

- Clarence Darrow[45] – "*Why not reenact the code of Blackstone's day? Why, the judges were all for it -- every one of them -- and the only way we got rid of those laws was because juries were too humane to obey the courts. "That is the only way we got rid of punishing old women, of hanging old women in New England --*

[38] Justice Robert H. Jackson (Morisette v. United States, 342 U.S. 246).
[39] Oregon Constitution, Article I bill of rights 16
[40] Indiana Constitution Article 1, Section 19:
[41] New York Constitution Article I - Bill of Rights §8:
[42] Constitution of Maryland Article XXIII:
[43] Alexander Hamilton (as defense counsel for John Peter Zenger, accused of seditious libel, 7 Hamilton's Works (ed. 1886), 336-373):
[44] ("Jury Nullification: the Contours of a Controversy," Law and Contemporary Problems, 43, No.4, 71 1980):
[45] Clarence Darrow, (Debate with Judge Alfred J. Talley, Oct. 27, 1924):

because, in spite of all the courts, the juries would no longer convict them for a crime that never existed."

- Hansen v. U.S.[46] – "*Within six years after the Constitution was established, the right of the jury, upon the general issue, to determine the law as well as the fact in controversy, was unhesitatingly and unqualifiedly affirmed by this court, in the first of the very few trials by jury ever had at its bar, under the original jurisdiction conferred upon it by the Constitution.*"

- U.S. v. DATCHER[47] – "*Judicial and prosecutorial misconduct still occur, and Congress is not yet an infallible body incapable of making tyrannical laws*."

- U.S. v. WILSON[48] – "*In criminal cases, a jury is entitled to acquit the defendant because it has no sympathy for the government's position*."

JURY TAMPERING

> Thomas Jefferson - "*To consider the judges as the ultimate arbiters of all constitutional questions is a very dangerous doctrine indeed, and one which would place us under the despotism of an oligarchy*."

- Theophilus Parsons[49] – "*If a juror accepts as the law that which the judge states then that juror has accepted the exercise of absolute authority of a government employee and has surrendered a power and right that once was the citizen's safeguard of liberty, -- For the saddest epitaph which can be carved in memory of a vanished liberty is that it was lost because its possessors failed to stretch forth a saving hand while yet there was time*."

- C.J. O'Connel v. R.[50] – "*Every jury in the land is tampered with and falsely instructed by the judge when it is told it must take (or accept) as the law that which has been given to them, or that they must bring in a certain verdict, or that they can decide only the facts of the case*."

- Taylor v. Louisiana[51] – "*The purpose of a jury is to guard against the exercise of arbitrary power -- to make available the commonsense judgment of the community*

[46] Justices Gray and Shiras, United States Supreme Court (Sparf and Hansen v. U.S., 156 U.S. 51, 154-155 (1894)).
[47] Judge Wiseman U.S. v. DATCHER 830 F.Supp. 411, 413, M.D. Tennessee, 1993.
[48] U.S. v. WILSON (629 F.2d 439, 443 (6th Cir. 1980).
[49] Theophilus Parsons (2 Elliot's Debates, 94; 2 Bancroft's History of the Constitution, p. 267).
[50] Lord Denman, (in C.J. O'Connel v. R. ,1884).
[51] Justice Byron White (1975): Taylor v. Louisiana, 419 US 522, 530.

as a hedge against the overzealous or mistaken prosecutor and in preference to the professional or perhaps over conditioned or biased response of a judge."

- U.S. v. DATCHER[52] – "A *defendant's right to inform the jury of that information essential to prevent oppression by the Government is clearly of constitutional magnitude.*"

UNALIENABLE RIGHT OF THE JURY IN SENTENCING

"There is no statutory proscription against making the jury aware of possible punishment. Instead, courts that have disallowed juror awareness of sentencing contingencies have peremptorily resorted to the fact finding - sentencing dichotomy to justify this denial. For example, the Eighth Circuit, in United States v. Goodface, merely stated that 'the penalty to be imposed upon a defendant is not a matter for the jury' and so it was proper not to inform the jury of a mandatory minimum term.[53] No further justification is given. In making this facile distinction, the courts have created an artificial, and poorly constructed, fence around the jury's role." "The Supreme Court has not mandated that juries be in the dark on the issue of sentence. Those courts so ruling have done so on unconvincing grounds. The power of jury nullification historically has extended to sentencing decisions, and it rightfully should extend to such decisions. This court finds no precedential rationale for rejecting the defendant's motion."[54]

PROPER INSTRUCTIONS TO THE JURY

Instruction to Jurors in criminal cases in Maryland,[55] "Members of the Jury, this is a criminal case and under the Constitution and the laws of the State of Maryland in a criminal case the jury are the judges of the law as well as of the facts in the case. So that whatever I tell you about the law while it is intended to be helpful to you in reaching a just and proper verdict in the case, it is not binding upon you as members of the jury and you may accept or reject it. And you may apply the law as you apprehend it to be in the case."

United States v. Moylan,[56] "If the jury feels the law is unjust, we recognize the undisputed power of the jury to acquit, even if its verdict is contrary to the law as given by a judge, and contrary to the evidence...If the jury feels that the law under which the defendant is accused is unjust, or that exigent circumstances justified the actions of the

[52] Judge Wiseman (U.S. v. DATCHER 830 F.Supp. 411, 415, M.D. Tennessee, 1993).
[53] *See 835 F.2d at 1237.*
[54] Judge Wiseman (U.S. v. DATCHER 830 F.Supp. 411, 417 M.D. Tennessee, 1993).
[55] Instruction to Jurors in criminal cases in Maryland (Quoted by Alan Scheflin and Jon Van Dyke, "Jury Nullification: the Contours of a Controversy," Law and Contemporary Problems, 43, No.4, 83, 1980).
[56] 4th Circuit Court of Appeals (United States v. Moylan, 417F.2d1006, 1969).

accused, or for any reason which appeals to their logic or passion, the jury has the power to acquit, and the courts must abide by that decision."

Alan Scheflin and Jon Van Dyke ("Jury Nullification: the Contours of a Controversy," Law and Contemporary Problems, 43, No.4, 1980) - "The arguments for opposing the nullification instruction are, in our view, deficient because they fail to weigh the political advantages gained by not lying to the jury...What impact will this deception have on jurors who felt coerced into their verdict by the judge's instructions and who learn, after trail, that they could have voted their consciences and acquitted? Such a juror is less apt to respect the legal system."

JURY DECISION IS FINAL
THIS IS GOVERNMENT BY CONSENT

- Justice Kent[57] - "*The true criterion of a legal power is its capacity to produce a definitive effect, liable neither to censure nor review. And the verdict of not guilty in a criminal case, is, in every respect, absolutely final. The jury are not liable to punishment, nor the verdict to control. No attaint lies, nor can a new trial be awarded. The exercise of this power in the jury has been sanctioned, and upheld in constant activity, from the earliest ages.*"

- H.G. Wells - "*The Jury is the Achilles heel of tyrants.*"

THE FINAL ARBITRATOR OF ALL THINGS

"The decisions of a superior court may only be challenged in a court of appeal. The decisions of an inferior court are subject to collateral attack. In other words, in a superior court one may sue an inferior court directly, rather than resort to appeal to an appellate court. Decision of a court of record [trial by jury] may not be appealed. It is binding on ALL other courts. However, no statutory or constitutional court (whether it be an appellate or Supreme Court) can second guess the judgment of a court of record. The judgment of a court of record [trial by jury], whose jurisdiction is final, is as conclusive on all the world as the judgment of this court would be. It is as conclusive on this court as it is on other courts. It puts an end to inquiry concerning the fact, by deciding it."[58]

[57] Justice Kent (New York Supreme Court 3 Johns Cas., 366-368 (1803)):; Quoted in Sparf and Hansen v. U.S., 156 U.S.51, 148-149. (1894), Gray, Shiras dissenting.
[58] Ex parte Watkins, 3 Pet., at 202-203. [cited by SCHNECKLOTH v. BUSTAMONTE, 412 U.S. 218, 255 (1973).

We the People are the most qualified to make and decide law because we are the author of the Law and we vested Congress with statute making powers[59] that We the People in our courts of Justice reserve the right to consent or deny by nullification according to the facts of the case as we see fit. Furthermore, as a Nation, we called upon our Creator in our founding document to be the King of our courts of Justice and not man whereas we read:

> When in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.
>
> We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.--That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed... - Declaration of Independence

And by His Grace and Holy Will, We the People in 1789, were gifted with His Liberty[60] to "be what man was meant to be, Free and Independent." "A consequence of this prerogative is the legal ubiquity of the king. His majesty in the eye of the law is always present in all his courts, though he cannot personally distribute justice."[61] "His judges [We the People as Jury both grand and petit] are the mirror by which the king's image [natures God] is reflected."[62]

Since then (1789), we have been engaged in a battle against the rulers of darkness over the control of our courts as the final day of leviathan draws nigh.[63] We the People [64]

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[59] *We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America*. Preamble.

[60] **Leviticus 25:10** And ye shall hallow the fiftieth year, and proclaim liberty throughout all the land unto all the inhabitants thereof: it shall be a jubilee unto you; and ye shall return every man unto his possession, and ye shall return every man unto his family.

[61] (Fortesc.c.8. 2Inst.186).

[62] 1 Blackstone's Commentaries, 270, Chapter 7, Section 379.

[63] **Isaiah 27:1-4** In that day the LORD with his sore and great and strong sword shall punish leviathan the piercing serpent, even leviathan that crooked serpent; and he shall slay the dragon that [is] in the sea. In that day sing ye unto her, A vineyard of red wine. I the LORD do keep it; I will water it every moment: lest any hurt it, I will keep it night and day. Fury is not in me: who would set the briers and thorns against me in battle? I would go through them, I would burn them together. **Isaiah 14:1-4** For the LORD will have mercy on Jacob, and will yet choose Israel, and set them in their own land: and the strangers shall be joined with them, and they shall cleave to the house of Jacob. And the people shall take them, and bring them to their place: and the house of Israel shall possess them in the land of the LORD for servants and handmaids: and they shall take them captives, whose captives they were; and they shall rule over their oppressors. And it shall come to pass in the day that the LORD shall give thee rest from thy sorrow, and

sit on the Kings bench (King of kings'[65] bench) and are able to reflect His holy will as we read in His Word:

> "This shall be the covenant that I will make with the house of Israel; After those days, saith the LORD, I will put my law in their inward parts, and write it in their hearts; and will be their God, and they shall be my people." God, Jeremiah 31:33.
>
> "This is the covenant that I will make with them after those days, saith the Lord, I will put my laws into their hearts, and in their minds will I write them." - God, Hebrews 10:16.

Therefore, to permit the servant to rule the master is absurd, and as recent years have proven, the control of our courts by BAR members throughout the last quarter of the twentieth century has brought We the People under the rule of despotism of an oligarchy as Jefferson had warned.

HEREIN IS THE EPITOME OF GOVERNMENT BY CONSENT - We the People of the Kings bench (jury), being the source and arbiter of the law, have a duty and an unalienable right to judge and decide in all things, which includes the declaring of the Law as we see fit, reserve the unalienable right to nullify as we see fit, and reserve the unalienable right to sentencing with an eye on restitution, as the tribunal of all lawful courts. To deny our unalienable right of consent in these things is to war against the Law and We the People; thereby, our word is final.

The United States Supreme Court in Schneckloth v. Bustamonte said: "The decisions of a superior court may only be challenged in a court of appeal. The decisions of an inferior court are subject to collateral attack. In other words, in a superior court one may sue an inferior court directly, rather than resort to appeal to an appellate court. Decision of a court of record may not be appealed. It is binding on ALL other courts. However, no statutory or constitutional court (whether it be an appellate or supreme court) can second guess the judgment of a court of record. "The judgment of a court of record

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from thy fear, and from the hard bondage wherein thou wast made to serve, That thou shalt take up this proverb against the king of Babylon, and say, How hath the oppressor ceased! the golden city ceased!

[64] **Exodus 4:22 -** And thou shalt say unto Pharaoh, Thus saith the LORD, Israel is my son, even my firstborn:

[65] **1 Tim 6:14-17** That thou keep this commandment without spot, unrebukeable, until the appearing of our Lord Jesus Christ: Which in his times he shall show, who is the blessed and only Potentate, the King of kings, and Lord of lords; Who only hath immortality, dwelling in the light which no man can approach unto; whom no man hath seen, nor can see: to whom be honor and power everlasting. Amen. **Rev 19:11-16** And I saw heaven opened, and behold a white horse; and he that sat upon him was called Faithful and True, and in righteousness he doth judge and make war. His eyes were as a flame of fire, and on his head were many crowns; and he had a name written, that no man knew, but he himself. And he was clothed with a vesture dipped in blood: and his name is called The Word of God. And the armies which were in heaven followed him upon white horses, clothed in fine linen, white and clean. And out of his mouth goeth a sharp sword, that with it he should smite the nations: and he shall rule them with a rod of iron: and he treadeth the winepress of the fierceness and wrath of Almighty God. And he hath on his vesture and on his thigh a name written, KING OF KINGS, AND LORD OF LORDS.

whose jurisdiction is final, is as conclusive on all the world as the judgment of this court would be. It is as conclusive on this court as it is on other courts. It puts an end to inquiry concerning the fact, by deciding it."[66]

Through Amendments V, VI, and VII We the People codified the jurisdiction for criminal and sovereign civilian cases to be heard in Natural Law Courts which provides that twelve witnesses, being peers of the accused decide the facts, the law and the remedy, NOT THE JUDICIARY!

[66] Ex parte Watkins, 3 Pet., at 202-203. cited by SCHNECKLOTH v. BUSTAMONTE, 412 U.S. 218, 255 (1973)

COMMON LAW
PETIT JURY HANDBOOK

"Governments are instituted among Men,
deriving their Just powers from the consent of the governed"

COMMON LAW PETIT JURY HANDBOOK

JOHN DARASH

THE COMMON LAW PETIT JURY HANDBOOK

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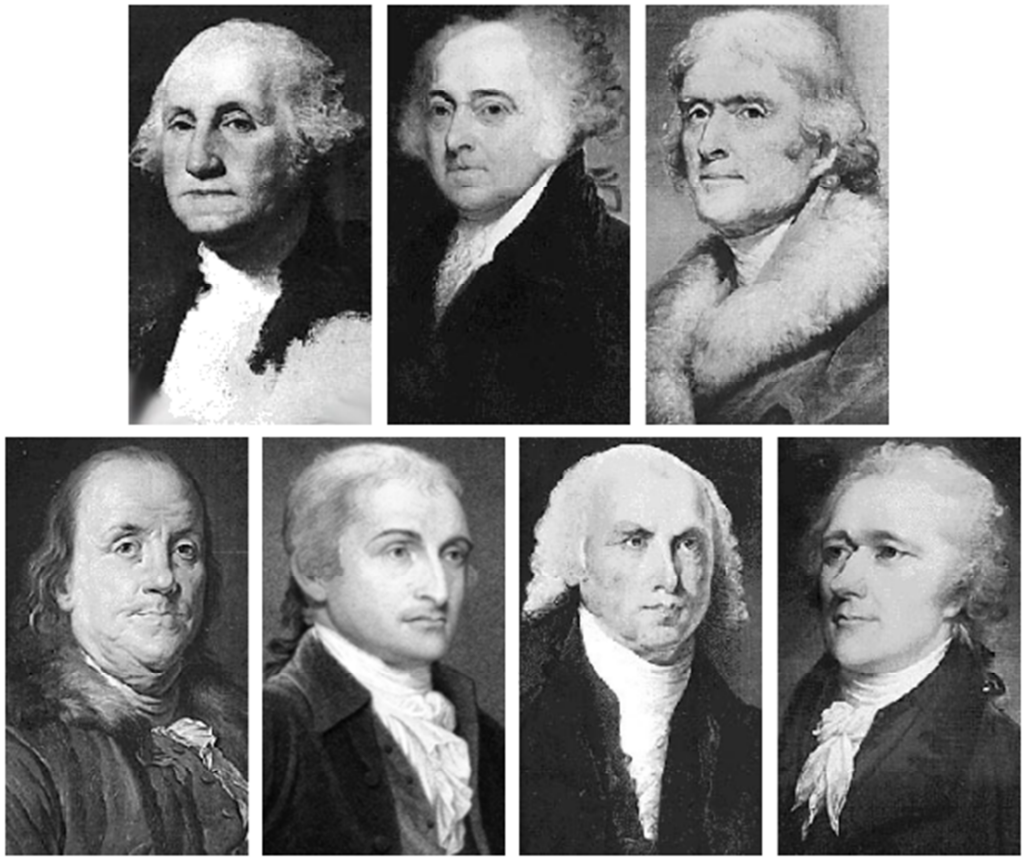
TAKE NOTE: *The content of this book are not the interpretation or the opinion of the author. But is documented history of the words of our Founders and decisions in Courts of Justice by the States and United States Supreme Courts.*



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PURPOSE OF THIS HANDBOOK:

This Handbook will acquaint persons who have been selected to serve as Common Law Petit Jurists with the general nature and importance of their roles as jurists. It explains some of the terms that jurors will encounter during their service and offers some suggestions helpful to them in performing this important public service. It is intended that this Handbook will, to a degree, provide a permanent record of much of the information presented in the Jury orientation. Jurors are encouraged to refer to this Handbook periodically throughout their service to reacquaint themselves with their duties and responsibilities.

Thomas Jefferson said, "*The purpose of government is to enable the People of a nation to live in safety and happiness. Government exists for the interests of the governed, not for the governors. The tax which will be paid for the purpose of education is not more than the thousandth part of what will be paid to kings, priests and nobles who will rise up among us if we leave the People in ignorance. Educate and inform the whole mass of the People... They are the only sure reliance for the preservation of our liberty. I know no safe depositary of the ultimate powers of the society but the People themselves; and if we think them not enlightened enough to exercise their control with a wholesome discretion, the remedy is not to take it from them, but to inform their discretion by education. This is the true corrective of abuses of constitutional power. An enlightened citizenry is indispensable for the proper functioning of a republic. Self-government is not possible unless the citizens are educated sufficiently to enable them to exercise oversight. It is therefore imperative that the nation see to it that a suitable education be provided for all its citizens.*"

INTRODUCTION

This handbook will remind People what they may have forgotten or what they have never learned and to teach and prepare them to exercise their unalienable rights as jurists. This is Government by Consent! This requires an understanding of how our "Natural Law Republic" was established by the providence of nature's God and how it works. This can only be accomplished by a proper education. Therefore this handbook will prepare the jurist with the essential principles and understanding necessary to exercise their jural duty. For an advance education and understanding of Common Law go to www.NationalLibertyAlliance.org.

GOVERNMENT BY CONSENT: "Under our system of government upon the individuality and intelligence of the citizen, the state does not claim to control him, except as his conduct to others, leaving him the sole judge as to all that affects himself."[1] "Every man is independent of all laws, except those prescribed by nature, a/k/a Common Law, and "is not bound by any institutions formed by his fellowman without his consent."[2] "The sovereignty of a state does not reside in the persons who fill the different departments of its government, but in the People, from whom the government emanated; and they may change it at their discretion. Sovereignty, then in this country, abides with the constituency, and not with the agent; and this remark is true, both in reference to the federal and state governments."[3]

"In the United States, sovereignty resides in people. Congress cannot invoke the sovereign power of the People to override their will."[4] Therefore, "sovereignty itself is, of course, not subject to law, for it is the author and source of law; but in our system, while sovereign powers are delegated to the agencies of government, sovereignty itself remains with the people, by whom and for whom all government exists and acts. And the law (Declaration of Independence, US Constitution and the Bill of Rights) is the definition and limitation of power."[5] In the preamble to our United States Constitution, the People stated, "We the people

of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America."

Thereby, "ordaining" the Constitution as the Law of the Land declared in Article VI, clause 2 where We the People stated, "This Constitution, and the Laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the Authority of the United States, shall be the Supreme Law of the Land; and the Judges in every State shall be bound thereby; anything in the Constitution or Laws of any State to the Contrary notwithstanding."

In Article III Section 2 clause 1, We the People said, "The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States." In Article I Section 1 We the Sovereign People herein, "vested all legislative powers in Congress," and we defined that legislative power in Article I section 8.

EQUITY: Congress wrote fifty-seven (57) US Codes that govern 'courts of equity,' presided over by appointed or elected judges. These codes are statutes and regulations that govern government agencies and commercial activities. For example, USC Title 2 governs Congress, USC Title 3 governs the President, USC Title 6 governs Homeland Security, USC Title 7 governs Agriculture, USC Title 10 governs the Armed Forces, USC Title 12 governs Banks and Banking, USC Title 14 governs the Coast Guard, USC Title 34 governs the Navy, USC Title 39 governs the Postal Service, etc. Therefore, "all codes, rules, and regulations are for government authorities only, not human/Creators in accordance with God's laws."[6]

LAW: We the People wrote the Common Law Declaration of Independence, the foundation of all American Law where we covenanted with God declaring, "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.-- That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed."

Thereby, We the Sovereign People created a Republic and ordained in Article IV Section 4 that; "The United States shall guarantee to every state in this union a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature cannot be convened) against domestic violence."

"A Republican government is one in which the powers of sovereignty are vested in the people and are exercised by the people, either directly, or through representatives chosen by the people, to whom those powers are specially delegated."[7] "For, the very idea that man may be compelled to hold his life, or the means of living, or any material right essential to the enjoyment of life, at the mere will of another, seems to be intolerable in any country where freedom prevails, as being the essence of slavery itself."[8]

The United States is the second "Lawful Republic" in history. The first was Israel about 1400 BC. This is why our founding fathers referred to America as "New Israel." For, like Israel, We the People in 1789; placed ourselves under the same Law that Israel lived under, a/k/a "Common Law." It is in this "Court of Law" alone where People are judged by a jury of their peers, "the People" and not the government. "His majesty [natures God] in the eye of the law is always present in all his courts, though he cannot personally distribute justice.[9] His judges [Jury] are the mirror by which the King's image [Justice] is reflected."[10]

A lawful Republic receives its powers from "Natures God" who through our covenant with Him [The Declaration of Independence], in a desire to be ruled by God and not man, blessed

us with liberty and the unalienable right to have government by consent. Under that authority "We the People" wrote the Constitution and its capstone Bill of Rights to bind down government. And one of the ways we consent or not to government is in the courts via the Grand and Petit Juries. Two other ways are through the "Committees of Safety" and the militia.

CRIMINAL CASES

The person charged with a violation of the law is the defendant. The charge against the defendant is brought by means of an indictment. An indictment is a written accusation by a grand jury that charges the defendant with committing an offense against the law. Each offense charged will usually be set forth in a separate count of the indictment.

After the indictment is filed, the defendant appears in open court where the court advises the defendant of the charge and asks whether the defendant pleads "guilty" or "not guilty." This procedure is called the arraignment.

No trial is needed if the defendant pleads guilty and admits to committing the crime. Nevertheless a petit jury is to be called to hear the victim and the guilty pleading for consideration of the penalty designed to restore the injured party. But if the defendant pleads not guilty, he or she will then be placed on trial.

The magistrate in criminal cases is not to address the jury as to the Law the jury will decide both facts and the Law. The magistrate provides order, ensures due-process, and executes the final judgment of the jury. The magistrate is not to make judgments. And if the jury finds the defendant guilty they then decide the penalty with an eye on restitution, jail is not the answer to all criminal actions. The jury must determine what the true facts are and then make judgments.

The jury must consider separately each of the charges against the defendant, after which it may find the person: not guilty of any of the charges, guilty of all the charges, or guilty of some of the charges and not guilty of others.

An "*Affidavit Information*" is the name given to a written charge against the defendant filed by the United States Attorney, a county prosecutor, or one of the People with the Sheriff within its respective county. If the Sheriff fines sufficient proof then he will call a Grand Jury and ask for an indictment.

VOIR DIRE EXAMINATION

To begin a jury trial, a panel of prospective jurors is called into the courtroom. This panel will include a number of persons from whom a jury will be selected to try the case. In criminal trials, alternate jurors may be chosen to take the place of jurors who become ill during the trial.

The panel members are sworn to answer questions about their qualifications to sit as jurors in the case. This questioning process is called the voir dire. This is an examination conducted by the magistrate and sometimes includes participation by counsel. A deliberately untruthful answer to any fair question could result in serious punishment to the person making it.

The voir dire examination opens with a short statement about the case. The purpose is to inform the jurors what the case is about and to identify the parties and their lawyers.

Questions are then asked to find out whether any individuals on the panel have any personal interest in the case or know of any reason why they cannot render an impartial verdict. The court also wants to know whether any member of the panel is related to or

personally acquainted with the parties, their lawyers, or the witnesses who will appear during trial. Other questions will determine whether any panel members have a prejudice or a feeling that might influence them in rendering a verdict. Any juror having knowledge of the case should explain this to the magistrate.

Parties on either side may ask that a member of the panel be excused or exempted from service on a particular jury. These requests, or demands, are called challenges.

A person may be challenged for cause if the examination shows he or she might be prejudiced. The magistrate will excuse an individual from the panel if the cause raised in the challenge is sufficient. There is no limit to the number of challenges for cause, which either party may make.

ARGUMENTS OF COUNSEL

After presentation of the evidence is completed, the lawyers have the opportunity to discuss the evidence in their closing arguments. This helps the jurors recall testimony that might have slipped their memory.

The chief purpose of the argument is to present the evidence in logical and comprehensible order. The lawyers fit the different parts of the testimony together and connect up the facts.

Each attorney presents the view of the case that is most favorable to his or her own client. Each lawyer's side appears to be right to that lawyer. Each lawyer's statement may be balanced by the statement of the lawyers on the other side.

TWO COURTS

There are two courts that operate within each courthouse; they are "*Courts of Law*" and "*Courts of Equity*." A very simple way to tell which court you are in is if a jury of 12 has been summoned to hear the case, then you are in a "*Court of Law*." If there is a judge and no jury, you are in a "*Court of Equity*."

Courts of Law do not have a "*servant judge*" the People are the judge, a/k/a the tribunal or the jury. Courts of Law have a magistrate. Since all judges are magistrates, judges may participate in the capacity of a magistrate, they can make no judicial rulings! Magistrates are similar to a traffic cop. They keep the trial moving along in an orderly and just manner. Magistrates certify the will of the jury by processing a court order representing the will of the jury. The Sheriff then executes its judgment. The magistrate, the bailiff and all other court officers are to guard the "*unalienable rights*" of all in the court room, without exception.

Magistrates[11] are inferior judicial officers, such as justices of the peace and police justices having power to issue a warrant for the arrest of a person charged with a public offense. Magistrates do not exercise any judicial functions but is an officer clothed with power of as a public civil officer entrusted with the authority to administrate and validate the will of a jury.

Equity courts do not have the power to fine or incarcerate. They apply statutes, codes, and regulations that provide lawful penalties. If the charges in an equity court are criminal then the court calls for a jury and the equity court becomes a court of Law governed to some degree by legislation that applies to the accused.

The petit jury must judge the case as a contract dispute applying the codes and regulations that the accused has agreed to abide by when they participated in the commercial or government agency activity. But, the petit jury, being the "*Sovereigns of the Court,*" has the power of "*Jury Nullification*." This means that the jury can nullify a code, regulation or

statute that they think is not Constitutional or they think is too harsh, unjust under the circumstances, or is just out right wrong. The petit jury decides the facts, the law, and the judgment to be applied. The petit jury's findings are final and no court in the land can overturn that decision. The one exception being if evidence comes forward proving the innocence of the convicted.

Here is a simple example where "*maxims,*" a/k/a "*common sense,*" can assist the jury after careful consideration of the facts. Let's consider "*statutory rape*" in a state where 18 years of age is considered the age of consent. If an 18 or 19 year old boy is having a sexual relationship with a 17 year old consenting girl, this cannot be considered rape. In contrast if a 45 year old man has a sexual relationship with a 16 or 17 year old girl, consenting or not, that would be statutory rape. Furthermore, what if this 18 year old boy had a sexual relationship with this same girl when he was 16 or 17 and the girl then would have been 14 or 15? It's clearly not "rape" because they both were consenting and it cannot be statutory rape because they were both under age. And if we carry that logic forward 2 or 3 years, there could be a potential life long relationship, or it may have just been puppy love. There is no injured party. The parents may not be too happy about the situation but that is for them to work out. In a case like this, we need to remember what it was like when we were going through "*adolescence*" and dating. We are all human beings and we have different mentalities when we were adolescents. So we must be careful how we judge.

THE AUTHOR & SOURCE OF LAW

It is important for all Americans to understand and be convinced that the People, being the author and source of law, have the unalienable right as jurists to judge the law as well as the facts in controversy, to exercise their prerogative of nullification, sentencing, and to disregard instructions of the magistrate/judge. It is the Jury that is the final arbitrator of all things, not the magistrate/judge. If the Jury is not unshackled from a magistrate/judge, it's not a free and independent jury. This is government by consent that we established in our Common Law founding document the "*Declaration of Independence*" which is the foundation of American law.

Any magistrate/judge who forces his will upon the jury is guilty of jury tampering. It would be an 'absurdity' for jurors to be required to accept the magistrate/judge's view of the law against their own opinion, judgment, and conscience. Since natural law was thought to be accessible to the ordinary man, the theory invited each juror to inquire for himself whether a particular rule of law was consonant with principles of higher law.

We the People, in the writing of the "Preamble" to the US Constitution, a/k/a Law of the Land, clearly established that the People "Ordained the Law" and therefore are the "Authors of the Law" placing the People above the Constitution, while all our government servants are under the Constitution.

We the People ordained Article IV's "Full Faith and Credit Clause" that the laws and processes of the states are to be harmonious and if one state has a law that favors the People, it must be accepted as law in another state whether such a law exists or not.

US Constitution Article IV Section 1: "Full faith and credit shall be given in each state to the public acts, records, and judicial proceedings of every other state. And the Congress may by general laws prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof. Section 2: The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states."

We the People ordained the "Supremacy Clause" establishing that any law, including a state constitution that conflicts with the US Constitution, the US Constitution is to prevail.

US Constitution Article VI clause 2: "This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding."

We the People in Article I gave Legislative Powers to Congress. We did not empower them to write law to regulate our behavior. In Article II, we established Executive Power. Article III gave "Judicial Power" in Law and equity within equity courts and not courts of Law. Courts of Law are "Natural Law" courts where the tribunal is the People themselves. We did not give any judge the ability to judge the People in criminal cases. Article IV secures Full Faith and Credit between the states and guarantees to every state a Republican Form of Government. Article V established the Law of the Land being our founding documents common law and secures equal suffrage by every state in the Senate. Article VII proclaims the ratification of the Constitution. In conclusion, "We the People," being the author and source of law, are sovereign.

"Sovereignty itself is, of course, not subject to law, for it is the author and source of law; but in our system, while sovereign powers are delegated to the agencies of government, sovereignty itself remains with the people, by whom and for whom all government exists and acts, And the law is the definition and limitation of power…"[12] "'Sovereignty' means that the decree of sovereign makes law, and foreign courts cannot condemn influences persuading sovereign to make the decree."[13] "The people of this State, as the successors of its former sovereign, are entitled to all the rights which formerly belonged to the King by his prerogative."[14] And "the state cannot diminish the rights of the people."[15] "Supreme sovereignty is in the people and no authority can, on any pretense whatsoever, be exercised over the citizens of this state, but such as is or shall be derived from and granted by the people of this state."[16]

Thomas Jefferson said, "The constitutions of most of our states assert that all power is inherent in the people, that they may exercise it by themselves, in all cases to which they think themselves competent, as in electing their functionaries executive and legislative, and deciding by a jury of themselves, both fact and law, in all judiciary cases in which any fact is involved."[17]

Samuel Adams said, "The natural liberty of man is to be free from any superior power on Earth, and not to be under the will or legislative authority of man, but only to have the law of nature for his rule."

The United States Supreme Court said,[18] "The decisions of a superior court: may only be challenged in a court of appeal. The decisions of an inferior court are subject to collateral attack. In other words, in a superior court one may sue an inferior court directly, rather than resort to appeal to an appellate court. Decision of a court of record may not be appealed. It is binding on ALL other courts. However, no statutory or constitutional court (whether it be an appellate or Supreme Court) can second guess the judgment of a court of record. "The judgment of a court of record, whose jurisdiction is final, is as conclusive on all the world as the judgment of this court would be. It is as conclusive on this court as it is on other courts. It puts an end to inquiry concerning the fact, by deciding it."

James Madison the 4th President, hailed as the Father of the Constitution said; "We have staked the whole future of American civilization, not upon the power of government, far from it. We have staked the future of all of our political institutions upon the capacity of mankind for self-government; upon the capacity of each and all of us to govern ourselves, to control ourselves, to sustain ourselves according to the Ten Commandments of God."

In the case Bonnett v. Vallier in 1886,[19] the United States Supreme Court said, "In Common Law, the general rule is that an unconstitutional statute, though having the form and name of law, is in reality no law, but is wholly void and ineffective for any purpose, since its unconstitutionality dates from the time of its enactment... In legal contemplation, it is as inoperative as if it had never been passed... Since an unconstitutional law is void, the general principles follow that it imposes no duties, confers no right, creates no office, bestows no power or authority on anyone, affords no protection and justifies no acts performed under it... A void act cannot be legally consistent with a valid one. An unconstitutional law cannot operate to supersede any existing law. Indeed insofar as a statute runs counter to the fundamental law of the land, (the Constitution) it is superseded thereby. No one is bound to obey an unconstitutional law and no courts are bound to enforce it."

In a stunning 6 to 3 decision Justice Antonin Scalia in the case "United States -v- Williams," writing for the majority, confirmed that "the American grand jury is neither part of the judicial, executive nor legislative branches of government, but instead belongs to the people. It is in effect a fourth branch of government "governed" and administered to directly by and on behalf of the American people, and its authority emanates from the Bill of Rights."

Thomas Jefferson, the founder of our "Natural Law Republic" said; "If a nation expects to be ignorant and free in a state of civilization, it expects what never was and never will be. ... I know no safe depositary of the ultimate powers of the society but the people themselves; and if we think them not enlightened enough to exercise their control with a wholesome discretion, the remedy is not to take it from them, but to inform their discretion by education. This is the true corrective of abuses of constitutional power. ... Educate and inform the whole mass of the people; they are the only sure reliance for the preservation of our liberty. ... An enlightened citizenry is indispensable for the proper functioning of a republic. Self-government is not possible unless the citizens are educated sufficiently to enable them to exercise oversight. It is therefore imperative that the nation see to it that a suitable education be provided for all its citizens."

In Article I Section 1 of the United States Constitution We the People "vested Congress with legislative powers" to write law, in equity only, which is a body of jurisprudence, or field of jurisdiction, differing in its origin, theory, and methods from the common law.[20] Equity is governed by American Jurisprudence, which is the science of the principles of equity and legal relations under the "Rules of Common Law." Nowhere in our founding documents can you find any authority for Congress to write "positive law," a/k/a "equity" to control the behavior of the People and therefore they have no such "powers!"

"Equity" only lawfully governs commercial and government agencies. When criminal charges are levied against government agents or individuals participating in commercial activities or any person unlawfully trafficking in commercial activities they "MUST" be first indicted by a "Common Law Grand Jury" and then judged by a "Common Law Petit Jury." An "Information" by a prosecutor and a ruling by a Judge is not lawful.

In conclusion, "We the People" ordained and established the Constitution for the United States of America.[21] We the People vested Congress with statute making powers.[22] We the People defined and limited that power of statute making.[23] We the People limited law making powers to ourselves alone.[24] We the People did not vest the Judiciary with law making powers. We the People are the "Judicial Tribunal" (Jury) having attributes and exercising functions independently of the person of the magistrate designated generally to hold it, and proceeding according to the course of Natural Law."[25]

ESSAY ON THE TRIAL BY JURY

By Lysander Spooner

Section I: "It is the unalienable right of the People, and their primary and paramount duty, to judge the justice of the law, and to hold all laws invalid, that are, in their opinion, unjust or oppressive, and all persons guiltless in violating, or resisting the execution of, such laws. Unless such be the right and duty of jurors, it is plain that, instead of juries being a 'palladium of liberty' --- a barrier against the tyranny and oppression of the government --- they are really mere tools in its hands, for carrying into execution any injustice and oppression it may desire to have executed.

But for their right to judge of the law, and the justice of the law, juries would be no protection to an accused person, even as to matters of fact; for, if the government can dictate to a jury any law whatever, in a criminal case, it can certainly dictate to them the laws of evidence. That is, it can dictate what evidence is admissible, and what inadmissible, and also what force or weight is to be given to the evidence admitted, [as they do in the 'Federal Rules of Civil Procedure']. And if the government can thus dictate to a jury the laws of evidence, it can not only make it necessary for them to convict on a partial exhibition of the evidence rightfully pertaining to the case, but it can even require them to convict on any evidence whatever that it pleases to offer them.

That the rights and duties of jurors must necessarily be such as are here claimed for them, will be evident when it is considered what the trial by jury is, and what is its object. The trial by jury, then, is a trial by the country --- that is by the people as distinguished from a trial the government.

It was anciently called trial per pais that is, trial by the country. And now, in every criminal trial, the jury are told that the accused has, for trial, put himself upon the country; which country you (the jury) are. The object of this trial by the country, or by the people, in preference to a trial by the government, is to guard against every species of oppression by the government. In order to effect this end, it is indispensable that the people, or "the country," judge of and determine their own liberties against the government; instead of the government's judging of and determining its own powers over the people. How is it possible that juries can do anything to protect the liberties of the people against the government; if they are not allowed to determine what those liberties are?

Any government, that is its own judge of, and determines authoritatively for the people, what are its own powers over the people, is an absolute government of course. It has all the powers that it chooses to exercise. There is no other --- or at least no more accurate --- definition of despotism than this.

On the other hand, any people, that judge of, and determine authoritatively for the government, what are their own liberties against the government, of course retain all the liberties they wish to enjoy. And this is freedom. At least, it is freedom to them; because, although it may be theoretically imperfect, it, nevertheless, corresponds to their highest notions of freedom.

To secure this right of the people to judge of their own liberties against the government, the jurors are taken, (or must be, to make them lawful jurors,) from the body of the people, by lot, or by some process that precludes any previous knowledge, choice, or selection of them, on the part of the government. This is done to prevent the government's constituting a jury of its own partisans or friends; in other words, to prevent the government's packing a jury, with a view to maintain its own laws, and accomplish its own purposes.

It is supposed that, if twelve men be taken, by lot, from the mass of the people, without the possibility of any previous knowledge, choice, or selection of them, on the part of the

government, the jury will be a fair epitome of "the country" at large, and not merely of the party or faction that sustain the measures of the government; that substantially all classes, of opinions, prevailing among the people, will be represented in the jury; and especially that the opponents of the government, (if the government have any opponents,) will be represented there, as well as its friends; that the classes, who are oppressed by the laws of the government, (if any are thus oppressed,) will have their representatives in the jury, as well as those classes, who take sides with the oppressor --- that is, with the government.

It is fairly presumable that such a tribunal will agree to no conviction except such as substantially the whole country would agree to, if they were present, taking part in the trial. A trial by such a tribunal is, therefore, in effect, "a trial by the country." In its results it probably comes as near to a trial by the whole country, as any trial that it is practicable to have, without too great inconvenience and expense. And, as unanimity is require for a conviction, it follows that no one can be convicted, except for the violation of such laws as substantially the whole country wish to have maintained. The government can enforce none of its laws, (by punishing offenders, through the verdicts of juries,) except such as substantially the whole people wish to have enforced. The government, therefore, consistently with the trial by jury, can exercise no powers over the people, (or, what is the same thing, over the accused person, who represents the rights of the people,) except such as substantially the whole people of the country consent that it may exercise. In such a trial, therefore, "the country," or the people, judge of and determine their own liberties against the government, instead of the government's judging of and determining its own powers over the people.

But all this trial by the country" would be no trial at all "by the country," but only a trial by the government, if the government could either declare who may, and who may not, be jurors, or could dictate to the jury anything whatever, either of law or evidence, that is of the essence of the trial.

If the government may decide who may, and who may not, be jurors, it will of course select only its partisans, and those friendly to its measures. It may not only prescribe who may, and who may not, be eligible to be drawn as jurors; but it may also question each person drawn as a juror, as to his sentiments in regard to the particular law involved in each trial, before suffering him to be sworn on the panel; and exclude him if he be found unfavorable to the maintenance of such a law.

So, also, if the government may dictate to the jury what laws they are to enforce, it is no longer a trial by the country," but a trial by the government; because the jury then try the accused, not by any standard of their own --- by their own judgments of their rightful liberties --- but by a standard dictated to them by the government. And the standard, thus dictated by the government, becomes the measure of the people's liberties. If the government dictates the standard of trial, it of course dictates the results of the trial. And such a trial is no trial by the country, but only a trial by the government; and in it the government determines what are its own powers over the people, instead of the people's determining what are their own liberties against the government. In short, if the jury have no right to judge of the justice of a law of the government, they plainly can do nothing to protect the people, against the oppressions of the government; for there are no oppressions which the government may not authorize by law.

The jury is also to judge whether the laws are rightly expounded to them by the court. Unless they judge on this point, they do nothing to protect their liberties against the oppressions that are cable of being practiced under cover of a corrupt exposition of the laws. If the judiciary can authoritatively dictate to a jury any exposition of the law, they can dictate to them the law itself, and such laws as they please; because laws are, in practice, one thing or another, according as they are expounded. The jury must also judge whether there really be

any such law, (be it good or bad,) as the accused is charged with having transgressed. Unless they judge on this point, the people are liable to have their liberties taken from them by brute force, without any law at all.

The jury must also judge of the laws of evidence. If the government can dictate to a jury the laws of evidence, it can not only shut out any evidence it pleases, tending to vindicate the accused, but it can require that any evidence whatever, that it pleases to offer, be held as conclusive proof of any offence whatever which the government chooses to allege.

It is manifest, therefore, that the jury must judge of and try the whole case, and every part and parcel of the case, free of any dictation or authority on the part of the government. They must judge of the existence of the law; of the true exposition of the law; of the justice of the law; and of the admissibility and weight of all the evidence offered; otherwise the government will have everything its own way; the jury will be mere puppets in the hands of the government; and the trial will be, in reality, a trial by the government, and not a "trial by the country." By such trials the government will determine its own powers over the people, instead of the people's determining their own liberties against the government; and it will be an entire delusion to talk, as for centuries we have done, of the trial by jury, as a "palladium of liberty," or as any protection to the people against the oppression and tyranny of the government.

The question, then, between trial by jury, as thus described, and trial by the government, is simply a question between liberty and despotism. The authority to judge what are the powers of the government, and what the liberties of the people, must necessarily be vested in one or the other of the parties themselves the government, or the people; because there is no third party to whom it can be entrusted. If the authority be vested in the government, the government is absolute, and the people have no liberties except such as the government sees fit to indulge them with. If, on the other hand, that authority be vested in the people, then the people have all liberties, (as against the government,) except such as substantially the whole people (through a jury) choose to disclaim; and the government can exercise no power except such as substantially the whole people (through a jury) consent that it may exercise."

Section II: "It is plain that if the people have invested the government with power to make laws that absolutely bind the people, and to punish the people for transgressing those laws, the people have surrendered their liberties unreservedly into the hands of the government. Neither is it of any avail to say, that, if the government abuse its power, and enact unjust and oppressive laws, the government may be changed by the influence of discussion, and the exercise of the right of suffrage. Discussion can do nothing to prevent the enactment, or procure the repeal, of unjust laws, unless it be understood that the discussion is to be followed by resistance.

Any government, that can, for a day, enforce its own laws, without appealing to the people, (or to a tribunal fairly representing the people,) for their consent, is, in theory, an absolute government, irresponsible to the people, and can perpetuate its power at pleasure. The trial by jury is based upon a recognition of this principle, and therefore forbids the government to execute any of its laws, by punishing violators, in any case whatever, without first getting the consent of "the country," or the people, through a jury. In this way, the people, at all times, hold their liberties in their own hands, and never surrender them, even for a moment, into the hands of the government. The trial by jury authorizes all this, or it is a sham and a hoax, utterly worthless for protecting the people against oppression. If it does not authorize an individual to resist the first and least act of injustice or tyranny, on the part of the government, it does not authorize him to resist the last and the greatest. If it does not authorize individuals to nip tyranny in the bud, it does not authorize them to cut it down when its branches are filled with the ripe fruits of plunder and oppression.

Resistance to the injustice of the government is the only possible means of preserving liberty; it is indispensable to all legal liberty that this resistance should be legalized. It is perfectly self-evident that where there is no legal right to resist the oppression of the government, there can be no legal liberty. And here it is all-important to notice, that, practically speaking, there can be no legal right to resist the oppressions of the government, unless there be some legal tribunal, other than the government, and wholly independent of, and above, the government, to judge between the government and those who resist its oppressions; in other words, to judge what laws of the government are to be obeyed, and what may be resisted and held for naught. The only tribunal known to our laws, for this purpose, is a jury. If a jury has not the right to judge between the government and those who disobey its laws, and resist its oppressions, the government is absolute, and the people, legally speaking, are slaves. Like many other slaves they may have sufficient courage and strength to keep their masters somewhat in check; but they are nevertheless known to the law only as slaves. That this right of resistance was recognized as a common law right, when the ancient and genuine trial by jury was in force, is not only proved by the nature of the trial itself, but is acknowledged by history.

This right of resistance is recognized by the constitution of the United States, as a strictly legal and constitutional right. It is so recognized, first by the provision that "the trial of all crimes, except in cases of impeachment, shall be by jury" --- that is, by the country --- and not by the government; secondly, by the provision that "the right of the people to keep and bear arms shall not be infringed." This constitutional security for "the right to keep and bear arms, implies the right to use themes much as a constitutional security for the right to buy and keep food would have implied the right to eat it. The constitution, therefore, takes it for granted that the people will judge of the conduct of the government, and that, as they have the right, they will also have the sense, to use arms, whenever necessity justifies it. And it is a sufficient and legal defense for a person accused of using arms against the government, if he can show, to the satisfaction of a jury, or even any one of a jury, that the law he resisted was an unjust one.

In the American State constitutions also, this right of resistance to the oppressions of the government is recognized, in various ways, as a natural, legal, and constitutional right. In the first place, it is so recognized by provisions establishing the trial by jury; thus requiring that accused persons shall be tried by "the country," instead of the government. In the second place, it is recognized by many of them, as, for example, those of Massachusetts, Maine, Vermont, Connecticut, Pennsylvania, Ohio, Indiana, Michigan, Kentucky, Tennessee, Arkansas, Mississippi, Alabama, and Florida, by provisions expressly declaring that, the people shall have the right to bear arms. In many of them also, as, for example, those of Maine, New Hampshire, Vermont, Massachusetts, New Jersey, Pennsylvania, Delaware, Ohio, Indiana, Illinois, Florida, Iowa, and Arkansas, by provisions, in their bills of rights, declaring that men have a natural, inherent, and inalienable right of "defending their lives and liberties." This, of course, means that they have a right to defend them against any injustice on the part of the government, and not merely on the part of private individuals; because the object of all bills of rights is to assert the rights of individuals and the people, as against the government, and not as against private persons. It would be a matter of ridiculous supererogation to assert, in a constitution of government, the natural right of men to defend their lives and liberties against private trespassers.

Many of these bills of rights also assert the natural right of all men to protect their property --- that is, to protect it against the government. It would be unnecessary and silly indeed to assert, in a constitution of government, the natural right of individuals to protect

their property against thieves and robbers. The constitutions of New Hampshire and Tennessee also declare that "The doctrine of non-resistance against arbitrary power and oppression is absurd, slavish, and destructive of the good and happiness of mankind." The legal effect of these constitutional recognitions of the right of individuals to defend their property, liberties, and lives, against the government, is to legalize resistance to all injustice and oppression, of every name and nature whatsoever, on the part of the government.

But for this right of resistance, on the part of the people, all governments would become tyrannical to a degree of which few people are aware. Constitutions are utterly worthless to restrain the tyranny of governments, unless it be understood that the people will, by force, compel the government to keep within the constitutional limits. Practically speaking, no government knows any limits to its power, except the endurance of the people. But that the people are stronger than the government, and will resist in extreme cases, our governments would be little or nothing else than organized systems of plunder and oppression. All, or nearly all, the advantage there is in fixing any constitutional limits to the power of a government, is simply to give notice to the government of the point at which it will meet with resistance. If the people are then as good as their word, they may keep the government within the bounds they have set for it; otherwise it will disregard them --- as is proved by the example of all our American governments, in which the constitutions have all become obsolete, at the moment of their adoption, for nearly or quite all purposes except the appointment of officers, who at once become practically absolute, except so far as they are restrained by the fear of popular resistance.

The bounds set to the power of the government, by the trial by jury are these --- that the government shall never touch the property, person, or natural or civil rights of an individual, against his consent, (except for the purpose of bringing them before a jury for trial,) unless in pursuance and execution of a judgment, or decree, rendered by a jury in each individual case, upon such evidence, and such law, as are satisfactory to their own understandings and consciences, irrespective of all legislation of the government."

Chapter VI: "It may probably be safely asserted that there are, at this day, no legal juries, either in England or America. And if there are no legal juries, there is, of course, no legal trial, nor "judgment," by jury. In saying that there are probably no legal juries, I mean that there are probably no juries appointed in conformity with the principles of the common law.

The term jury is a technical one, derived from the common law; and when the American constitutions provide for the trial by jury, they provide for the common law trial by jury; and not merely for any trial by jury that the government itself may chance to invent, and call by that name. It is the thing, and not merely the name, that is guaranteed. Any legislation, therefore, that infringes any essential principle of the common law, in the selection of jurors, is unconstitutional; and the juries selected in accordance with such legislation are, of course, illegal, and their judgments void.

Since Magna Carta, the legislative power in England (whether king or parliament) has never had any constitutional authority to infringe, by legislation, any essential principle of the common law in the selection of jurors. All such legislation is as much unconstitutional and void, as though it abolished the trial by jury altogether. In reality it does abolish it.

What, then, are the essential principles of the common law, controlling the selection of jurors? They are two.

1) That all the freemen shall be eligible as jurors.

2) Any legislation which requires the selection of jurors to be made from a less number of freemen than the whole, makes the jury selected an illegal one. If a part only of the freemen, or members of the state, are eligible as jurors, the jury no longer represent "the country," but only a part of "the country." If the selection of jurors can be restricted to any less number of

freemen than the whole, it can be restricted to a very small proportion of the whole; and thus the government be taken out of the hands of " the country," or the whole people, and be thrown into the hands of a few. That, at common law, the whole body of freemen were eligible as jurors, is sufficiently proved, not only by the reason of the thing, but by the following evidence:

a. Everybody must be presumed eligible, until the contrary be shown. We have no evidence of a prior date to Magna Carta, to disprove that all freemen were eligible as jurors, unless it be the law of Ethelred, which requires that they be elderly men. Since no specific age is given, it is probable that this statute meant nothing more than that they be more than twenty-one years old. If it meant anything more, it was probably contrary to the common law, and therefore void.

b. Since Magna Carta, we have evidence showing quite conclusively that all freemen, above the age of twenty-one years, were eligible as jurors.

In order that the juries in the United States may be legal that is, in accordance with the principles of the common law it is necessary that every eligible person of the state should have his name in the jury box, or be eligible as a juror."

FEDERAL RULES OF CIVIL PROCEDURE

An Act of Treason

The Rules Enabling Act of 1934 passed by Congress gave the Supreme Court the power to make rules of procedure and evidence for federal courts as long as they did not "abridge, enlarge, or modify any substantive right." According to the Federal Judicial Center,[26] a government agency, on September 16, 1938, pursuant to its fictional authority under the repugnant Rules Enabling Act of 1934, "the Supreme Court enacted uniform rules of procedure for the federal courts. Under the new rules, suits in equity and suits at common law were grouped together under the term "civil action," claiming that "rigid application of common-law rules brought about injustice." This was an Act of Treason whereas the Supreme Court and Congress under the teachings and guidance of the treacherous subversive American Bar Association, in an Act of Treason, a silent coup, claiming the abrogation of Common Law, a/k/a "Natural Law," with its unalienable rights that were endowed by our Creator covertly substituted them with civil rights legislated by lawless men. Thereafter all fifty states, their counties, cities, towns, and villages having incorporated thereby becoming municipalities which wrote "municipal law" a/k/a "civil law."

"Civil Law,"[27] "Roman Law," and "Roman Civil Law" are exchangeable phrases more properly called "municipal law" to distinguish it from the "law of nature." Because the People have been kept ignorant of the law and are not taught civics or constitutional studies in school, they have no idea what their heritage is, "being Liberty under Common Law." Nor do they know what "civil law" is which is used to control the behavior of the masses and fleece them of their property.

Neither Congress nor the Judiciary had the authority to abrogate "Common Law" and it's "Common Law Rules." That was an act of treason. Only We the People can overturn the treasonous act via "education" and "nullification" and it starts right here with a fully informed jury. Furthermore Congress does not have the authority to pass their powers of legislation to another agency. Only Congress can legislate and they can only legislate within the criteria we ordained. Common Law and its rules are the Law of the Land and neither Congress nor the Supreme Court can abrogate the Law any attempt to do so is treason.

RULES OF COMMON LAW

We did not give Congress or the Judiciary power to legislate or enforce civil and criminal statutes which are disguised as law and written by tyrants to conceal the Common Law and control the behavior of the people. They have been deluded into believing we are their subjects. All judges are bound by their oath to the Supreme Law of the Land, a/k/a the US Constitution, under Article VI Clause 2.

"This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding." "Any judge who does not comply with his oath to the Constitution of the United States wars against that Constitution and engages in acts in violation of the supreme law of the land. The judge is engaged in acts of treason."[28]

Rules are an established standard, guide, or regulation; a principle or regulation set up by authority, prescribing or directing action or restraint. Under Common Law "Common Sense" set up by "Nature's God" are the rules of Common Law.

"Common law as distinguished from equity law is a body of rules and principles, written or unwritten, which are of fixed and immutable authority, and which must be applied to controversies rigorously and in their entirety, and cannot be modified to suit the peculiarities of a specific case, or colored by any judicial discretion, and which rests confessedly upon custom or statute, as distinguished from any claim to ethical superiority."[29]

"COMMON LAW" ELUDES DEFINITION because it is NOT a list of laws; it is NOT built upon precedents or a collection of equity court rulings. Common Law is written into our hearts and minds being naturally common onto all men.[30] For even the godless having not the law, do by nature the things contained in the law, showing the work of the law written in their hearts, their conscience also bearing witness.[31]

Common Law is the Laws of Nature and of Nature's God that proceed upon two self-evident truths, called maxims: (1) for every injury there must be a remedy and (2) in order for there to be a crime there must be an injured party, without which no court may proceed. Maxims are brief statements of self-evident truth that control our Common Law courts. They provided discernment in the writing of our founding documents. It is an adviser to our legislatures, and every consideration of mankind that seeks what's fair and best for all.

MAXIMS

COURTS THAT DO NOT HONOR OR CONSIDER THESE MAXIMS ARE NOT "JUST." Indeed, whether and to what extent these common law maxims are honored by public leaders is how we test the way they administer the law to govern. Our courts were established to enforce these principles of common law, the word Justice is synonymous with virtue, and virtue is a biblical principle that emanates from Jesus Christ alone.[32] Maxims are the laws that never change. These statements set essential limits on truth and are essential to the fair and efficient administration of justice according to the common law of mankind. No right-thinking person can disagree with a maxim. Every court is bound by the common law rules of equity established by the never-changing maxims. Maxims test those who judge and put an absolute limit on those who rule.

Maxims are self-evident indisputable truths that are the result of human reason and experience used to adjudicate common law cases. Maxims are our common law heritage and bind us together as a people. If everyone knew the maxims of common law, our world would

be a far better place. The following is a short list of Maxims, a/k/a self-evident truths or just common sense:

MAXIMS ON PRINCIPLES OF COMMON LAW

- All men are created equal.
- Men are endowed by their Creator with certain unalienable Rights.
- Liberty to all but preference to none.
- The safety of the people is the supreme law.
- The safety of the people cannot be judged but by the safety of every individual.
- To lie is to go against the mind.
- The only one who has any capacity or right or responsibility or knowledge to rebut your Affidavit of Truth is the one who is adversely affected by it. It's his job, his right, his responsibility to speak for himself.
- No one else can know what your truth is or has the free-will responsibility to state it. This is YOUR job.
- Each of us is entitled to equal treatment under law.
- Workman is worthy of his hire.
- Nothing ventured, nothing gained.

MAXIMS ON THE LEGITIMACY OF GOVERNMENT

- Just Governments derive their just powers from the consent of the governed.
- Unjust is State power where the law is either uncertain or unknown.
- The State should be subject to the law, for the law creates the State.
- The judge who decides a case without hearing both parties, though his decision be just, is himself unjust.
- Courts of justice are for the common people to command the power of the State.

MAXIMS ON TESTIMONY AND EVIDENCE

- Words should be considered only as commonly understood and not with a meaning others construe to their own purpose.
- No one should be believed in court except upon his oath.
- Courts should not believe water runs upward of its own accord nor that impossibilities exist.
- The certainty of a thing in court arises only from making the thing certain in court.

MAXIMS ON CIVIC DUTY OF CITIZENS

- Whenever any Form of Government becomes destructive, it is the Right of the People to alter or to abolish it, and to institute a new Government.
- Each should use his own powers and property so as NOT to unjustly injure others.

MAXIMS ON PRIVATE PROPERTY

- There is nothing more sacred, more inviolate, than the house of every citizen.
- Every home is a castle; though the winds of heaven blow through it, officers of the State cannot enter.
- Title is the right to enjoy possession of that which is our own.

MAXIMS ON UNALIENABLE RIGHTS

- The Bill of Rights is a list of self-evident truths.
- None has a greater claim to live free.
- No one should be required to betray himself, i.e., no one should be made to testify against himself.
- The right of the People to keep and bear arms is necessary for the security of a free state.
- Everyone should be presumed innocent until his guilt is established beyond a reasonable doubt.
- Liberty to all but preference to none.
- None is entitled to any privilege denied to others … absolutely none!
- It is against justness for freemen not to have the free disposal of their own property.
- No king, no priest, no celebrity, no judge, not any person has any greater right to walk free than any lowly carpenter, plumber, or law-abiding street minstrel.

MAXIMS ON CRIME AND PUNISHMENT

- He who acts in pure defense of his own life or limb is justified.
- Crimes are more effectually prevented by the certainty than by the severity of punishment.
- Perjured witnesses should be punished for perjury and for the crimes they falsely accuse against others.
- For a crime to exist, there must be an injured party, Corpus Delicti (*body of the crime*)
- There can be no sanction or penalty imposed on one because of this Constitutional right.
- With no injured party, a complaint is invalid on its face.
- For every injury there must be a remedy.

MAXIMS ON JUDICIAL REASONING

- The burden of proof lies on him who asserts the fact, not on him who denies it, because from the very nature of things a negative cannot be proof.
- No one should be twice harassed for the same offense.
- We are all equals in the sight of our law.
- Maxims test those who judge.
- Maxims put an absolute limit on those who rule.
- He who slices the pie should be last to take a piece.
- Servant judges cannot judge sovereigns.
- A thing similar is not exactly the same thing.
- Innocent until proven guilty.
- No one is above the law.
- Words should be considered only as commonly understood and not with a meaning others construe to their own purpose.
- All are equal under the law.
- Truth is expressed in the form of an affidavit.
- An unrebutted affidavit stands as truth.
- He who leaves the battlefield first loses by default.
- Sacrifice is the measure of credibility.
- A lien or claim can be satisfied only through rebuttal by affidavit point by point, resolution by jury, or payment.
- He who bears the burden ought also to derive the benefit.
- If the plaintiff does not prove his case, the defendant is absolved.

- No court and no judge can overturn or disregard or abrogate somebody's Affidavit of Truth.
- Words should be interpreted most strongly against him who uses them.

You can find Maxims of Law from Bouvier's 1856 Law Dictionary – The Lawful Path and Sir Edward Coke Maxims at www.nationallibertyalliance.org/

In conclusion, there are 1000's of Maxims and many yet to be discovered. They are simply pure logic and justness clearly seen by any reasonable person, also known as "*Common Sense.*" Maxims are only denied by the lawless and tyrants!

THE EIGHT STAGES OF TRIAL

The trial proceeds when the jury has been orientated in Natural Law and sworn in. There are usually eight stages of trial in civil cases. They are:

1) Both sides present opening statements.
2) The plaintiff calls witnesses and produces evidence to prove its case.
3) The defendant may call witnesses and produce evidence to disprove the plaintiffs' case and to prove the defendant's claims.
4) The plaintiff may call rebuttal witnesses to disprove what was said by the defendant's witnesses.
5) The defendant may call rebuttal witnesses to disprove what was said by the plaintiff's witnesses.
6) Closing arguments are made by each side.
7) The jury retires to deliberate.
8) The jury reaches its verdict and decides the penalty with an eye for restitution.

During the trial, witnesses called by either side may be cross-examined by the other side. After presentation of the evidence is completed, both sides have the opportunity to discuss the evidence in their closing arguments. This helps the jurors recall testimony that might have slipped their memory. The chief purpose of the argument is to present the evidence in logical and comprehensible order fitting the different parts of the testimony together and connect up the facts. It is the jury's duty to reach its own conclusion based on the evidence. The verdict is reached without regard to what may be the opinion of the magistrate as to the facts or the law. The magistrate is not to give their opinion to the jury that would be jury-tampering!

CONDUCT DURING THE TRIAL

Common courtesy and politeness are safe guides as to the way jurors should act. Of course, no juror will be permitted to read a newspaper or magazine in the courtroom. Nor should a juror carry on a conversation with another juror in the courtroom during the trial.

Jurors will be treated with consideration for their comfort and convenience. They should bring to the attention of the Jury Administrators any matter affecting their service and should notify the court of any emergencies. In the event of a personal emergency, a juror may send word to the magistrate through any court personnel, or may ask to see the magistrate privately.

Jurors should give close attention to the testimony and disregard their prejudices and render a verdict according to their best judgment. Each juror should keep an open mind. Human experience shows that once persons come to a preliminary conclusion as to a set of facts, they hesitate to change their views. Therefore, it is wise for jurors not to even attempt to make up their mind on the facts of a case until all the evidence has been presented to them. Similarly, jurors should not discuss the case even among themselves until it is concluded.

The mere fact that a lawsuit was begun is not evidence in a case. The opening and closing statements of the lawyers are not evidence. A juror should disregard any statements made by a lawyer in argument that have not been proved by the evidence.

Jurors are expected to use all the experience, common sense, and common knowledge they possess. But they are not to rely on any private source of information. Thus, they should be careful during the trial not to discuss the case at home or elsewhere. Information that a juror gets from a private source may be only half true, or biased or inaccurate. It may be irrelevant to the case at hand. At any rate, it is only fair that the parties have a chance to know and comment on all the facts that matter in the case.

If during the trial a juror learns elsewhere of some fact about the case, he or she should inform the court. The juror should not mention any such matter in the jury room. Individual jurors should never inspect (either in person or via Internet websites) the scene of an accident or of any event in the case. If an inspection is necessary, the magistrate will have the jurors go as a group to the scene.

Jurors must not talk about the case with others not on the jury, even their spouses or families, including via electronic communications and social networking on computers, netbooks, tablets, and smart phones. Jurors must not read about the case in the newspapers or on the Internet. They should avoid radio, television, and Internet broadcasts that might mention the case. Jurors should not conduct any outside research, including but not limited to, consulting dictionaries or reference materials, whether in paper form or on the Internet. Jurors may not use any of the following to obtain information about the case, about case processes or legal terms, or to conduct any research about the case: any electronic device or media, such as a telephone, cell phone, smart phone, or computer; the Internet, any Internet service, or any text or instant messaging service, RSS feed, or other automatic alert that may transmit information regarding the case to the juror; or any Internet chat room, blog, or website, to communicate to anyone information about the case. The Sixth Amendment's guarantee of a trial by an impartial jury requires that a jury's verdict must be based on nothing else but the evidence presented to them in court. The words of Supreme Court Justice Oliver Wendell Holmes from over a century ago apply with equal force to jurors serving in this advanced technological age: "The theory of our system is that the conclusions to be reached in a case will be induced only by evidence and argument in open court, and not by any outside influence, whether of private talk or public print." Breaking these rules is likely to confuse a juror. It may be hard to separate in one's mind the court testimony and reports coming from other sources.

Jurors should not loiter in the corridors or vestibules of the courthouse. Embarrassing and/or improper contacts may occur there with persons interested in the case. Juror identification badges are provided; they should be worn in the courthouse at all times.

If any outsider attempts to talk with a juror about a case in which he or she is sitting, the juror should do the following:

1) Tell the person it is improper for a juror to discuss the case or receive any information except in the courtroom.
2) Refuse to listen if the outsider persists.
3) Report the incident at once to the court.

Jurors have the duty to report to the court any improper behavior by any juror. They also have the duty to inform the court of any outside communication or improper conduct directed at the jury by any person. Jurors on a case should refrain from talking on any subject—even if it is not related to the matter being tried—with any lawyer, witness, or party in the case. Such contact may make a new trial necessary, at significant additional expense to the parties, the

court, and ultimately, taxpayers. Some cases may arouse much public discussion. In that event, the jury may be kept together until the verdict is reached. This procedure is used to protect the jurors against outside influences.

THE JURY DECIDES LAW AND FACTS

The trial of all crimes …shall be by jury.[33] "A trial is the judicial examination, in accordance with the law of the land, of a cause, either civil or criminal, of the issues between the parties, whether of law or fact, before a court that has jurisdiction over it."[34] "For the purpose of determining such issue"[35] "it includes all proceedings from time when issue is joined, or, more usually, when parties are called to try their case in court, to time of its final determination."[36] "And in its strict definition, the word "trial" in criminal procedure means the proceedings in open court after the pleadings are finished and the prosecution is otherwise ready, down to and including the rendition of the verdict."[37]

- Kentucky Resolutions – A series of resolutions drawn up by Jefferson, and adopted by the legislature of Kentucky in 1799, protesting against the "alien and sedition laws…" declaring their illegality, announcing the strict constructionist theory of the federal government, and declaring "nullification" to be "the rightful remedy."

- NY Constitution Article I §8 – "the jury shall have the right to determine the law and the fact."
- Marbury v. Madison – "All laws, rules and practices which are repugnant to the Constitution are null and void."
- Miranda v. Arizona – "Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them."

FINAL ARBITRATOR OF ALL THINGS

"The decisions of a superior court may only be challenged in a court of appeal. The decisions of an inferior court are subject to collateral attack. In other words, in a superior court one may sue an inferior court directly, rather than resort to appeal to an appellate court. Decision of a court of record [trial by jury] may not be appealed. It is binding on ALL other courts. However, no statutory or constitutional court (whether it be an appellate or Supreme Court) can second guess the judgment of a court of record. The judgment of a court of record [trial by jury], whose jurisdiction is final, is as conclusive on all the world as the judgment of this court would be. It is as conclusive on this court as it is on other courts. It puts an end to inquiry concerning the fact, by deciding it."[38]

We the People are the most qualified to make and decide law because we are the author of the Law and we vested Congress with statute making powers[39] that We the People in our courts of Justice reserve the right to consent or deny by nullification according to the facts of the case as we see fit. Furthermore, as a Nation, we called upon our Creator in our founding document to be the King of our courts of Justice and not man whereas we read: When in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation. We hold these truths to be self-evident, that all men are created

equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.--That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed… – Declaration of Independence

And by His Grace and Holy Will, We the People in 1789, were gifted with His Liberty[40] to "be what man was meant to be, Free and Independent." "A consequence of this prerogative is the legal ubiquity of the king. His majesty in the eye of the law is always present in all his courts, though he cannot personally distribute justice."[41] "His judges [We the People as Jury both grand and petit] are the mirror by which the king's image is reflected."[42]

Since then (1789), we have been engaged in a battle against the rulers of darkness over the control of our courts as the final day of leviathan draws nigh.[43] We the People [44] sit on the Kings bench and are able to reflect His holy will as we read in His Word: "This shall be the covenant that I will make with the house of Israel; After those days, saith the LORD, I will put my law in their inward parts, and write it in their hearts; and will be their God, and they shall be my people."[45] "This is the covenant that I will make with them after those days, saith the Lord, I will put my laws into their hearts, and in their minds will I write them."[46]

Therefore, to permit the servant to rule the master is absurd, and as recent years have proven the control of our courts by BAR members throughout the last half of the twentieth century has brought the People under the rule of despotism of an oligarchy as Jefferson had warned.

We the People of the Kings bench (jury), being the source and arbiter of the law, have a duty and an unalienable right to judge and decide in all things, which includes sentencing with an eye on restitution, as the tribunal of all lawful courts. To deny our unalienable right of consent in these things is to war against We the People; thereby, our word is final.

THE JURY'S DECISION IS FINAL

This Is The Exercise Of Government By Consent

The jury's decision is final and no court in the land can overturn the decision. It is solely the jury's duty to decide both the facts and the law in harmony with their conscience and their sense of justice. In common law, the law is written in the hearts of men. We can all discern when an injury has taken place and how the injured party can best be restored and compensated for their injuries. Common Law requires that for every injury there must be a remedy, a prison sentence should only be considered in violent cases, and at the end of the day, mercy should always be considered.

IN THE JURY ROOM

The Administrator will assist the jurors in the election of their foreperson. The foreperson presides over the jury's deliberations and must give every juror a fair opportunity to express his or her views. Jurors must enter the discussion with open minds. They should freely exchange views. They should not hesitate to change their opinions if the deliberations have convinced them they were wrong initially. In all criminal and civil cases, all jurors must agree on the verdict. Jurists are to proceed with a sense of Honor, Justice, and Mercy and if necessary, remind each other from time to time.

The jurors have a duty to give full consideration to the opinion of their fellow jurors. They have an obligation to reach a verdict. However, no juror is required to give up any opinion which he or she is convinced is correct. The members of the jury are sworn to pass judgment on the facts in a particular case. They have no concern beyond that case. They violate their

oath if they render their decision on the basis of the effect their verdict may have on other situations.

Petit jurists are obligated to bring in a verdict and are not to be released from their duty until they meet that obligation. A unanimous decision must be met to render a "guilty" verdict. If the petit jury believes that they are deadlocked and agree that they cannot come to an agreement on a verdict, they must return a verdict of not guilty.

JURY'S RESPONSIBILITY IS TO DELIVER JUSTICE NOT UPHOLD THE LAW

"It would be an 'absurdity' for jurors to be required to accept the judge's view of the law, against their own opinion, judgment, and conscience." – John Adams

RIGHT OF THE JURY IN SENTENCING

"There is no statutory proscription against making the jury aware of possible punishment. Instead, courts that have disallowed juror awareness of sentencing contingencies have peremptorily resorted to the fact finding - sentencing dichotomy to justify this denial. For example, the Eighth Circuit, in United States v. Goodface, merely stated that 'the penalty to be imposed upon a defendant is not a matter for the jury' and so it was proper not to inform the jury of a mandatory minimum term.[47] No further justification is given. In making this facile distinction, the courts have created an artificial, and poorly constructed, fence around the jury's role." "The Supreme Court has not mandated that juries be in the dark on the issue of sentence. Those courts so ruling has done so on unconvincing grounds. The power of jury nullification historically has extended to sentencing decisions, and it rightfully should extend to such decisions. This court finds no precedential rationale for rejecting the defendant's motion."[48]

The Jury is to consider sentencing with an eye on restitution. There is a common law maxim that states "for every injury there must be a remedy. Additionally jail is not necessarily the answer to all crimes. The jury can also sentence an individual to house arrest this will allow the guilty party to work and pay restitution. Today we have the technology monitor people's comings and goings. There is also the consideration of work release from prison where the individual can leave only for work again allowing for restitution.

AFTER THE TRIAL AND SENTENCING

After the jurors return their verdict and sentence they are dismissed by the magistrate, they are free to go about their normal affairs. They are under no obligation to speak to any person about the case and may refuse all requests for interviews or comments. Nevertheless, the court may enter an order in a specific case that during any such interview, jurors may not give any information with respect to the vote of any other juror.

THE JUROR'S OATH

A JUROR'S OATH, given by the magistrate usually states something to the effect of, "Do you and each of you solemnly swear that you will well and truly try and a true deliverance make between the People and _____, the defendant and a true verdict render according to the evidence, so help you God."

If the magistrate/judge instructs the jurist beyond the oath, the jurist has a duty to ignore the magistrate/judge, follow their conscience as they see it and not the opinion of a magistrate. If a Magistrate instructs the jurist claiming that "you must not substitute or follow your own notion or opinion as to what the law is or ought to be and that it is your duty to apply the law as I explain it to you, regardless of the consequences," that would be "jury tampering" and you should report it to the Jury Administrators immediately.

THE JUROR'S VOW

JUROR'S VOW, given by the Jury Administrators, I vow to the Governor of the Universe, in my capacity as Jurist, to insure that all public servants uphold the Declaration of Independence, US Constitution and Bill of Rights; and to carry out all of my deliberating under Natural Law; principled under Justice, Honor, and Mercy; And to strictly adhere to the following two legal maxims: (1) Every right when with-held must have a remedy, and every injury it's proper redress, and (2) In the absence of a victim there can be no crime "corpus delecti"; the State cannot be the victim.

Numbers 30:2 "If a man vow a vow unto the LORD, or swear an oath to bind his soul with a bond; he shall not break his word, he shall do according to all that proceedeth out of his mouth"

JURY TAMPERING & PROPER INSTRUCTIONS TO THE JURY

"To consider the judges as the ultimate arbiters of all constitutional questions is a very dangerous doctrine indeed one which would place us under the despotism of an oligarchy." – Thomas Jefferson

- Theophilus Parsons[49] – "If a juror accepts as the law that which the judge states then that juror has accepted the exercise of absolute authority of a government employee and has surrendered a power and right that once was the citizen's safeguard of liberty, -- For the saddest epitaph which can be carved in memory of a vanished liberty is that it was lost because its possessors failed to stretch forth a saving hand while yet there was time."
- C.J. O'Connel v. R.[50] – "Every jury in the land is tampered with and falsely instructed by the judge when it is told it must take (or accept) as the law that which has been given to them, or that they must bring in a certain verdict, or that they can decide only the facts of the case."
- Taylor v. Louisiana[51] – "The purpose of a jury is to guard against the exercise of arbitrary power -- to make available the commonsense judgment of the community as a hedge against the overzealous or mistaken prosecutor and in preference to the professional or perhaps over conditioned or biased response of a judge."
- U.S. v. DATCHER[52] – "A defendant's right to inform the jury of that information essential to prevent oppression by the Government is clearly of constitutional magnitude."

Instruction to Jurors in criminal cases in Maryland,[53] "Members of the Jury, this is a criminal case and under the Constitution and the laws of the State of Maryland in a criminal case the jury are the judges of the law as well as of the facts in the case. So that whatever I tell you about the law while it is intended to be helpful to you in reaching a just and proper verdict in the case, it is not binding upon you as members of the jury and you may accept or reject it. And you may apply the law as you apprehend it to be in the case."

United States v. Moylan,[54] – "If the jury feels the law is unjust, we recognize the undisputed power of the jury to acquit, even if its verdict is contrary to the law as given by a

judge, and contrary to the evidence…If the jury feels that the law under which the defendant is accused is unjust, or that exigent circumstances justified the actions of the accused, or for any reason which appeals to their logic or passion, the jury has the power to acquit, and the courts must abide by that decision."

Alan Scheflin and Jon Van Dyke ("Jury Nullification: the Contours of a Controversy," Law and Contemporary Problems, 43, No.4, 1980) – "The arguments for opposing the nullification instruction are, in our view, deficient because they fail to weigh the political advantages gained by not lying to the jury…What impact will this deception have on jurors who felt coerced into their verdict by the judge's instructions and who learn, after trail, that they could have voted their consciences and acquitted? Such a juror is less apt to respect the legal system."

"The Jury is the Achilles heel of tyrants." - H.G. Wells

Justice Kent[55] – "The true criterion of a legal power is its capacity to produce a definitive effect, liable neither to censure nor review. And the verdict of not guilty in a criminal case, is, in every respect, absolutely final. The jury is not liable to punishment, or the verdict to control. Neither attaint lies, nor can a new trial be awarded. The exercise of this power in the jury has been sanctioned, and upheld in constant activity, from the earliest ages."

JURY NULLIFICATION

By Dr. Julian Heicklen

Jury nullification was introduced into America in 1735 in the trial of John Peter Zenger, Printer of The New York Weekly Journal. Zenger repeatedly attacked Governor William Cosby of New York in his journal. This was a violation of the seditious libel law, which prohibited criticism of the King or his appointed officers. The attacks became sufficient to bring Zenger to trial. He clearly was guilty of breaking the law, which held that true statements could be libelous. However Zenger's lawyer, Andrew Hamilton, addressed himself to the jury, arguing that the court's law was outmoded. Hamilton contended that falsehood was the principal thing that makes a libel. It took the jury only a few minutes to nullify the law and declare Zenger not guilty. Ever since, the truth has been a defense in libel cases.

Several state constitutions, including the Georgia Constitution of 1777 and the Pennsylvania Constitution of 1790 specifically provided that "the jury shall be judges of law, as well as fact." In Pennsylvania, Supreme Court Justice James Wilson noted, in his Philadelphia law lectures of 1790, that when "a difference in sentiment takes place between the judges and jury, with regard to a point of law, the jury must do their duty, and their whole duty; they must decide the law as well as the fact." In 1879, the Pennsylvania Supreme Court noted that "the power of the jury to be judge of the law in criminal cases is one of the most valuable securities guaranteed by the Bill of Rights."

John Jay, the first Chief Justice of the U. S. Supreme Court stated in 1789, "The jury has the right to judge both the law as well as the fact in controversy." Samuel Chase, US Supreme Court Justice and signer of the Declaration of Independence, said in 1796, "The jury has the right to determine both the law and the facts." U.S. Supreme Court Justice Oliver Wendell Holmes said in 1902, "The jury has the power to bring a verdict in the teeth of both law and fact." Harlan F. Stone, the 12th Chief Justice of the U.S. Supreme Court, stated in 1941, "The law itself is on trial quite as much as the cause which is to be decided."

In a 1972 decision (U.S. v Dougherty, 473 F 2nd 1113, 1139), the Court said, "The pages of history shine on instances of the jury's exercise of its prerogative to disregard instructions of the judge." Likewise, the U.S. Supreme Court in Duncan v Louisiana implicitly endorsed the policies behind nullification when it stated, "If the defendant preferred the common-sense

judgment of the jury to the more tutored but less sympathetic reaction of the single judge, he was to have it."

In recent times, the courts have tried to erode the nullification powers of juries. Particular impetus for this was given by the fact that all-white juries in the southern states refused to convict whites of crimes against blacks. As a result, there is a practice of magistrate/judges to incorrectly instruct the jury that the magistrate/judge determines the law, and that the jury is limited to determining the facts. Such an instruction defeats the purpose of the jury, which is to protect the defendant from the tyranny of the state and the tyranny of the law.

The problem with the all-white juries that refuse to convict whites that committed crimes against blacks is not in jury nullification, but in jury selection. The jury was not representative of the community and would not provide a fair and impartial trial.

In recent years, jury nullification has played a role in the trials of Mayor Marion Barry of Washington, DC for drug use, Oliver North for his role in the Iran-Contra Affair, and Bernhard Goetz for his assault in a New York City subway.

In Les Miserables, Victor Hugo highlighted the difference between justice and law. The jury's responsibility is to deliver justice, not to uphold the law. Judges in Maryland and Indiana are required by law to inform the jury of its right to nullification. Article 23 of the Maryland Bill of Rights states; "In the trial of all criminal cases, the Jury shall be the judge of Law, as well as of fact, except that the Court may pass upon the sufficiency of the evidence to sustain a conviction."

Nullification applies just as much in other states, including Pennsylvania. Article I of the Constitution of the Commonwealth of Pennsylvania states in Section 6, "Trial by jury shall be as heretofore (emphasis mine), and the right thereof remain inviolate." Section 25 states: "To guard against transgressions of the high powers which we have delegated, we declare that everything in this article is accepted out of the general powers of government and shall forever remain inviolate." Taken together, these two sections mean that juries shall have the powers that they had "heretofore," i. e. when the Constitution was adopted to the present.

Judges usually do not inform the jury of this right. Even worse, some judges instruct the jury that it does not have the right to interpret or nullify the law, but only to determine the facts. Near the end of alcohol prohibition, juries refused to convict for alcohol violations. Has the time arrived for juries to do the same for marijuana violations?

"It is useful to distinguish between the jury's right to decide questions of law and its power to do so. The jury's power to decide the law in returning a general verdict is indisputable. The debate of the nineteenth century revolved around the question of whether the jury had a legal and moral right to decide questions of law."[56]

"Underlying the conception of the jury as a bulwark against the unjust use of governmental power was the distrust of 'legal experts' and a faith in the ability of the common people. Upon this faith rested the prevailing political philosophy of the constitution framing era: that popular control over, and participation in, government should be maximized. Thus John Adams stated that, "the common people…should have as complete a control, as decisive a negative, in every judgment of a court of judicature' as they have, through the legislature, in other decisions of government."[57]

"Since natural law was thought to be accessible to the ordinary man, the theory invited each juror to inquire for himself whether a particular rule of law was consonant with principles of higher law. This view is reflected in John Adams' statement that it would be an 'absurdity' for jurors to be required to accept the judge's view of the law, 'against their own opinion, judgment, and conscience.'"[58]

"During the first third of the nineteenth century, magistrate/judges frequently charged juries that they were the judges of law as well as the fact and were not bound by the

magistrate/judge's instructions. A charge that the jury had the right to consider the law had a corollary at the level of trial procedure: counsel had the right to argue the law, its interpretation and its validity to the jury."[59] "The pages of history shine on instances of the jury's exercise of its prerogative to disregard instructions of the judge."[60] "It is presumed, that the juries are the best judges of facts; it is, on the other hand, presumed that the courts are the best judges of law. But still, both objects are within your power of decision. You have a right to take upon yourselves to judge of both, and to determine the law as well as the fact in controversy."[61]

- Thomas Jefferson[62] – "I consider trial by jury as the only anchor ever yet imagined by man, by which a government can be held to the principles of its constitution."
- John Adams[63] – "It's not only ….(the juror's) right, but his duty, in that case, to find the verdict according to his own best understanding, judgement, and conscience, though in direct opposition to the direction of the court."
- Alexander Hamilton[64] – Jurors should acquit even against the judge's instruction, "if exercising their judgement with discretion and honesty they have a clear conviction that the charge of the court is wrong."
- Justice Thurgood Marshall[65] – "Illegal and unconstitutional jury selection procedures cast doubt on the integrity of the whole judicial process. They create the appearance of bias in the decision of individual cases, and they increase the risk of actual bias as well."
- Chief Justice Mathew[66] – ."..it was impossible any matter of law could come in question till the matter of fact were settled and stated and agreed by the jury, and of such matter of fact they [the jury] were the only competent judges."
- Sir John Vaughan[67] – ."..without a fact agreed, it is impossible for a judge or any other to know the law relating to the fact nor to direct [a verdict] concerning it. Hence it follows that the judge can never direct what the law is in any matter controverted."
- Lysander Spooner[68] – "The bounds set to the power of the government, by the trial by jury, as will hereafter be shown, are these -- that the government shall never touch the property, person, or natural or civil rights of an individual, against his consent, except for the purpose of bringing them before a jury for trial, unless in pursuance and execution of a judgment, or decree, rendered by a jury in each individual case, upon such evidence, and such law, as are satisfactory to their own understandings and consciences, irrespective of all legislation of the government."
- John Adams[69] – "It is not only his right, but his duty…to find the verdict according to his own best understanding, judgment, and conscience, though in direct opposition to the direction of the court."
- William Kunstler[70] – "Unless the jury can exercise its community conscience role, our judicial system will have become so inflexible that the effect may well be a progressive radicalization of protest into channels that will threaten the very continuance of the system itself. To put it another way, the jury is…the safety valve that must exist if this society is to be able to accommodate its own internal stresses and strains…[I]f the community is to sit in the jury box, its decision cannot be legally limited to a conscience-less application of fact to law."
- Lysander Spooner[71] – "For more than six hundred years--that is, since Magna Carta, in 1215, there has been no clearer principle of English or American constitutional law, than that, in criminal cases, it is not only the right and duty of juries to judge what are the facts, what is the law, and what was the moral intent of the accused; but that it is also their right, and their primary and paramount duty, to judge of the justice of the law, and to hold all laws

invalid, that are, in their opinion, unjust or oppressive, and all persons guiltless in violating, or resisting the execution of, such laws."

- Alexander Hamilton[72] – "That in criminal cases, nevertheless, the court are the constitutional advisors of the jury in matter of law; who may compromise their conscience by lightly or rashly disregarding that advice, but may still more compromise their consciences by following it, if exercising their judgments with discretion and honesty they have a clear conviction that the charge of the court is wrong."
- Alan Scheflin and Jon Van Dyke[73] – "When a jury acquits a defendant even though he or she clearly appears to be guilty, the acquittal conveys significant information about community attitudes and provides a guideline for future prosecutorial discretion in the enforcement of the laws. Because of the high acquittal rate in prohibition cases during the 1920s and early 1930s, prohibition laws could not be enforced. The repeal of these laws is traceable to the refusal of juries to convict those accused of alcohol traffic."
- Clarence Darrow[74] – "Why not reenact the code of Blackstone's day? Why, the judges were all for it -- every one of them -- and the only way we got rid of those laws was because juries were too humane to obey the courts. "That is the only way we got rid of punishing old women, of hanging old women in New England -- because, in spite of all the courts, the juries would no longer convict them for a crime that never existed."
- Oregon Constitution[75] – ."..the jury shall have the right to determine the law, and the facts…"
- Indiana Constitution[76] – "In all criminal cases whatsoever, the jury shall have the right to determine the law and the facts."
- New York Constitution[77] – ."..the jury shall have the right to determine the law and the fact."
- Constitution of Maryland[78] – "In the trial of all criminal cases, the Jury shall be the Judges of Law, as well as of fact…"
- Hansen v. U.S.[79] – "Within six years after the Constitution was established, the right of the jury, upon the general issue, to determine the law as well as the fact in controversy, was unhesitatingly and unqualifiedly affirmed by this court, in the first of the very few trials by jury ever had at its bar, under the original jurisdiction conferred upon it by the Constitution."
- Morisette v. United States[80] – "But juries are not bound by what seems inescapable logic to judges."
- U.S. v. DATCHER[81] – "Judicial and prosecutorial misconduct still occur, and Congress is not yet an infallible body incapable of making tyrannical laws."
- U.S. v. WILSON[82] – "In criminal cases, a jury is entitled to acquit the defendant because it has no sympathy for the government's position."

THERE'S NO CRIME ABSENT INTENT

In the essay on the "Trial by Jury" Lysander Spooner, in Chapter IX; The Criminal Intent wrote: "It is a maxim of the common law that there can be no crime without a criminal intent. And it is a perfectly clear principle, although one which judges have in a great measure overthrown in practice, that jurors are to judge of the moral intent of an accused person, and hold him guiltless, whatever his act, unless they find him to have acted with a criminal intent; that is, with a design to do what he knew to be criminal.

This principle is clear, because the question for a jury to determine is, whether the accused be guilty, or not guilty. Guilt is a personal quality of the actor, not necessarily involved in the act, but depending also upon the intent or motive with which the act was done. Consequently,

the jury must find that he acted from a criminal motive, before they can declare him guilty. There is no moral justice in, nor any political necessity for, punishing a man for any act whatever that he may have committed, if he have done it without any criminal intent. There can be no moral justice in punishing for such an act, because, there having been no criminal motive, there can have been no other motive which justice can take cognizance of, as demanding or justifying punishment. There can be no political necessity for punishing, to warn against similar acts in future, because, if one man has injured another, however unintentionally, he is liable, and justly liable, to a civil suit for damages; and in this suit he will be compelled to make compensation for the injury, notwithstanding his innocence of any intention to injure. He must bear the consequences of his own act, instead of throwing them upon another, however innocent he may have been of any intention to do wrong. And the damages he will have to pay will be a sufficient warning to him not to do the like act again.

A case in point, recently a prosecutor convinced an uninformed Grand Jury to indict a woman who had forgotten that she left her young child in her vehicle and the child died. Clearly there was no criminal intent and one would think that the loss of her child is more than enough penance for her indiscretion.

This necessity for a criminal intent, to justify conviction, is proved by the issue which the jury is to try, and the verdict they are to pronounce. The "issue" they are to try is, guilty, or not guilty. And those are the terms they are required to use in rendering their verdicts. But it is a plain falsehood to say that a man is "guilty," unless he has done an act which he knew to be criminal. This necessity for a criminal intent -- in other words, for guilt -- as a preliminary to conviction, makes it impossible that a man can be rightfully convicted for an act that is intrinsically innocent, though forbidden by the government; because guilt is an intrinsic quality of actions and motives, and not one that can be imparted to them by arbitrary legislation. All the efforts of the government, therefore, to "make offences by statute," out of acts that are not criminal by nature, must necessarily be ineffectual, unless a jury will declare a man "guilty" for an act that is really innocent.

The corruption of judges, in their attempts to uphold the arbitrary authority of the government, by procuring the conviction of individuals for acts innocent in themselves, and forbidden only by some tyrannical statute, and the commission of which therefore indicates no criminal intent, is very apparent.

To accomplish this object, they have in modern times held it to be unnecessary that indictments should charge, as by the common law they were required to do, that an act was done "wickedly," "feloniously," "with malice aforethought," or in any other manner that implied a criminal intent, without which there can be no criminality; but that it is sufficient to charge simply that it was done "contrary to the form of the statute in such case made and provided." This form of indictment proceeds plainly upon the assumption that the government is absolute, and that it has authority to prohibit any act it pleases, however innocent in its nature the act may be. Judges have been driven to the alternative of either sanctioning this new form of indictment, (which they never had any constitutional right to sanction,) or of seeing the authority of many of the statutes of the government fall to the ground; because the acts forbidden by the statutes were so plainly innocent in their nature, that even the government itself had not the face to allege that the commission of them implied or indicated any criminal intent.

To get rid of the necessity of showing a criminal intent, and thereby further to enslave the people, by reducing them to the necessity of a blind, unreasoning submission to the arbitrary will of the government, and of a surrender of all right, on their own part, to judge what are their constitutional and natural rights and liberties, courts have invented another idea, which they have incorporated among the pretended maxims, upon which they act in criminal trials,

viz., that "ignorance of the law excuses no one." As if it were in the nature of things possible that there could be an excuse more absolute and complete. What else than ignorance of the law is it that excuses persons under the years of discretion, and men of imbecile minds? What else than ignorance of the law is it that excuses judges themselves for all their erroneous decisions? Nothing. They are every day committing errors, which would be crimes, but for their ignorance of the law. And yet these same judges, who claim to be learned in the law, and who yet could not hold their offices for a day, but for the allowance which the law makes for their ignorance, are continually asserting it to be a "maxim" that "ignorance of the law excuses no one;" (by which, of course, they really mean that it excuses no one but themselves; and especially that it excuses no unlearned man, who comes before them charged with crime.)

This preposterous doctrine that "ignorance of the law excuses no one," is asserted by courts because it is an indispensable one to the maintenance of absolute power in the government. It is indispensable for this purpose, because, if it be once admitted that the people have any rights and liberties which the government cannot lawfully take from them, then the question arises in regard to every statute of the government, whether it be law, or not; that is, whether it infringe, or not, the rights and liberties of the people. Of this question every man must of course judge according to the light in his own mind. And no man can be convicted unless the jury find, not only that the statute is law, -- that it does not infringe the rights and liberties of the people, -- but also that it was so clearly law, so clearly consistent with the rights and liberties of the people, as that the individual himself, who transgressed it, knew it to be so, and therefore had no moral excuse for transgressing it. Governments see that if ignorance of the law were allowed to excuse a man for any act whatever, it must excuse him for transgressing all statutes whatsoever, which he himself thinks inconsistent with his rights and liberties. But such a doctrine would of course be inconsistent with the maintenance of arbitrary power by the government; and hence governments will not allow the plea, although they will not confess their true reasons for disallowing it.

A Case In Point

Recently a woman left her child in a car and while going about her business forgot that the baby was in the car and the baby died. The woman was charged with man slaughter found guilty and was given a jail sentence. This was a miscarriage of justice because there was no criminal intent. Furthermore the loss of her child caused by her bad judgment and forgetfulness is something she will have to live with for the rest of her life. There can be no punishment greater then that.

CONCLUSION: To decide cases correctly, grand and petit jurors must be honest and open minded. They must have both integrity and good judgment. The continued vitality of the jury system depends on these attributes. To meet their responsibility, jurors must decide the facts and apply the law impartially. They must not favor the rich or the poor. They must treat alike all individuals. Justice should be rendered to all persons without regard to race, color, religion, sex, or the legislated law.

The performance of jury service is the fulfillment of a high civic obligation. Conscientious service brings its own reward in the satisfaction of an important task well done. There is no more valuable work that the average citizen can perform in support of Justice than the full and honest discharge of jury duty. The effectiveness of our Natural Law system itself is largely measured by the integrity and justness of the jurors who serve in the Peoples courts.

BILL OF RIGHTS

AMENDMENT I: Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

AMENDMENT II: A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

AMENDMENT III: No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

AMENDMENT IV: The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

AMENDMENT V: No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

AMENDMENT VI: In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense.

AMENDMENT VII: In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any Court of the United States, than according to the rules of the common law.

AMENDMENT VIII: Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

AMENDMENT IX: The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

AMENDMENT X: The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, ARE RESERVED TO THE STATES RESPECTIVELY, OR TO THE PEOPLE.

THE DECLARATION OF INDEPENDENCE
IN CONGRESS, JULY 4, 1776

The unanimous Declaration of the thirteen united States of America, When in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. -- That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, -- That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to affect their Safety and Happiness. Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly all experience hath shewn, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security.--Such has been the patient sufferance of these Colonies; and such is now the necessity which constrains them to alter their former Systems of Government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute Tyranny over these States. To prove this, let Facts be submitted to a candid world.

He has refused his Assent to Laws, the most wholesome and necessary for the public good.

He has forbidden his Governors to pass Laws of immediate and pressing importance, unless suspended in their operation till his Assent should be obtained; and when so suspended, he has utterly neglected to attend to them.

He has refused to pass other Laws for the accommodation of large districts of people, unless those people would relinquish the right of Representation in the Legislature, a right inestimable to them and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public Records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved Representative Houses repeatedly, for opposing with manly firmness his invasions on the rights of the people.
He has refused for a long time, after such dissolutions, to cause others to be elected; whereby the Legislative powers, incapable of Annihilation, have returned to the People at large for their exercise; the

State remaining in the meantime exposed to all the dangers of invasion from without, and convulsions within.

He has endeavored to prevent the population of these States; for that purpose obstructing the Laws for Naturalization of Foreigners; refusing to pass others to encourage their migrations hither, and raising the conditions of new Appropriations of Lands.

He has obstructed the Administration of Justice, by refusing his Assent to Laws for establishing
Judiciary powers.

He has made Judges dependent on his Will alone, for the tenure of their offices, and the amount and
payment of their salaries.

He has erected a multitude of New Offices, and sent hither swarms of Officers to harass our people, and eat out their substance.

He has kept among us, in times of peace, Standing Armies without the Consent of our legislatures.

He has affected to render the Military independent of and superior to the Civil power.

He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his Assent to their Acts of pretended Legislation:

For quartering large bodies of armed troops among us:

For protecting them, by a mock Trial, from punishment for any Murders which they should commit on
the Inhabitants of these States:

For cutting off our Trade with all parts of the world:

For imposing Taxes on us without our Consent:

For depriving us in many cases, of the benefits of Trial by Jury:

For transporting us beyond Seas to be tried for pretended offences

For abolishing the free System of English Laws in a neighboring Province, establishing therein an arbitrary government, and enlarging its Boundaries so as to render it at once an example and fit instrument for introducing the same absolute rule into these Colonies:

For taking away our Charters, abolishing our most valuable Laws, and altering fundamentally the Forms of our Governments:

For suspending our own Legislatures and declaring themselves invested with power to legislate for us in all cases whatsoever.

He has abdicated Government here, by declaring us out of his Protection and waging War against us.

He has plundered our seas, ravaged our Coasts, burnt our towns, and destroyed the lives of our people.

He is at this time transporting large Armies of foreign Mercenaries to complete the works of death, desolation and tyranny, already begun with circumstances of Cruelty & perfidy scarcely paralleled in the
most barbarous ages, and totally unworthy the Head of a civilized nation.

He has constrained our fellow Citizens taken Captive on the high Seas to bear Arms against their Country, to become the executioners of their friends and Brethren, or to fall themselves by their Hands.

He has excited domestic insurrections amongst us, and has endeavored to bring on the inhabitants of our frontiers, the merciless Indian Savages, whose known rule of warfare, is an undistinguished destruction of all ages, sexes and conditions.

In every stage of these Oppressions We have Petitioned for Redress in the most humble terms: Our repeated Petitions have been answered only by repeated injury. A Prince whose character is thus marked by every act which may define a Tyrant, is unfit to be the ruler of a free people.

Nor have We been wanting in attentions to our British brethren. We have warned them from time to time of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred to disavow these usurpations, which, would inevitably interrupt our connections and correspondence. They too have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity, which denounces our Separation, and hold them, as we hold the rest of mankind, Enemies in War, in Peace Friends.

We, therefore, the Representatives of the united States of America, in General Congress, Assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the Name, and by Authority of the good People of these Colonies, solemnly publish and declare, That these United Colonies are, and of Right ought to be Free and Independent States; that they are Absolved from all Allegiance to the British Crown, and that all political connection between them and the State of Great Britain, is and ought to be totally dissolved; and that as Free and Independent States, they have full Power to levy War, conclude Peace, contract Alliances, establish Commerce, and to do all other Acts and Things which Independent States may of right do. And for the support of this Declaration, with a firm reliance on the protection of divine Providence, we mutually pledge to each other our Lives, our Fortunes and our sacred Honor.

The 56 signatures on the Declaration appear in the positions indicated:

Georgia: Button Gwinnett, Lyman Hall, George Walton

North Carolina: William Hooper, Joseph Hewes, John Penn

South Carolina: Edward Rutledge, Thomas Heyward, Jr.. Thomas Lynch, Jr., Arthur Middleton

Massachusetts: John Hancock

Maryland: Samuel Chase, William Paca, Thomas Stone, Charles Carroll of Carrollton

Virginia: George Wythe Richard Henry Lee, Thomas Jefferson, Benjamin Harrison, Thomas Nelson, Jr., Francis Lightfoot Lee,

Pennsylvania: Robert Morris, Benjamin Rush, Benjamin Franklin. John Morton, George Clymer, James Smith, George Taylor, James Wilson, George Ross

Delaware: Caesar Rodney, George Read, Thomas McKean

New York: William Floyd, Philip Livingston, Francis Lewis, Lewis Morris

New Jersey: Richard Stockton, John Witherspoon, Francis Hopkinson, John Hart, Abraham Clark

New Hampshire: Josiah Bartlett, William Whipple

Massachusetts: Samuel Adams, John Adams, Robert Treat Paine, Elbridge Gerry

Rhode Island: Stephen Hopkins, William Ellery

Connecticut: Roger Sherman, Samuel Huntington, William Williams, Oliver Wolcott

New Hampshire: Matthew Thornton

GLOSSARY OF TERMS

Accused: The person accused of the commission of a crime. Use of this term does not imply the person under investigation is guilty of any crime. After a person is indicted by the grand jury, that person is referred to as the "defendant."
Charge to the Grand Jury: Given by the Jury Administrator presiding over the selection and organization of the grand jury, the charge is the court's instructions to the grand jury as to its duties, functions, and obligations, and how to best perform them.
Deliberations: The discussion by the grand jury members as to whether or not to return an indictment on a given charge against an accused. During deliberations no one except the grand jury members or an interpreter for a hearing or speech impaired juror may be present.
District: The geographical area over which a federal district court where the grand jury sits and the grand jury itself have jurisdiction. The territorial limitations of the district will be explained to the grand jury by the district judge.
Evidence: Testimony of witnesses, documents, and exhibits as presented to the grand jury by the Sheriff or otherwise properly brought before it. In some instances, the person under investigation may also testify.
Federal: The national government as distinguished from the state governments.
Grand Jurors' Immunity: Immunity is granted to all grand jurors for their authorized actions while serving on a grand jury and means that no grand juror may be penalized for actions taken within the scope of his or her service as a grand juror.
Indictment: The written formal charge of a crime by the grand jury, returned when 12 or more grand jurors vote in favor of it.
Information: The written formal charge of crime by the prosecutor to the Sheriff, filed against an accused who, if charged with a serious crime, must have knowingly waived the requirements that the evidence first be presented to a grand jury.
"No Bill": Also referred to as "not a true bill," the "no bill" is the decision by the grand jury not to indict a person.
Petit Jury: The trial jury composed of 12 members that hears a case after indictment and renders a verdict or decision after hearing the prosecution's entire case and whatever evidence the defendant chooses to offer.
Probable Cause: The finding necessary in order to return an indictment against a person accused of a crime. A finding of probable cause is proper only when the evidence presented to the grand jury, without any explanation being offered by the accused, persuades 12 or more grand jurors that a crime has probably been committed by the person accused.
True Bill: A true bill is a **written decision**, handed down by a grand jury that the evidence presented by the prosecution is sufficient to believe that the accused person likely committed the crime, and should be indicted.

END NOTES

[1] Mugler v. Kansas, 123 U.S. 623, 659-60.
[2] Cruden v. Neale, 2 N.C. 338 (1796) 2 S.E.
[3] Spooner v. McConnell, 22 F 939 @ 943.
[4] Perry v. US, 294 U.S330.
[5] Yick Wo v. Hopkins 118 US. 356.
[6] Rodriques v. Ray Donavan, (U.S. Department of Labor) 769 F. 2d 1344, 1348 (1985).
[7] In re Duncan, 139 U.S. 449, 11 S.Ct. 573, 35 L.Ed. 219; Minor v. Happersett, 88 U.S. (21 Wall.) 162, 22 L.Ed. 627." Black's Law Dictionary, Fifth Edition, p. 626.
[8] Yick Wo v. Hopkins, 118 US 356, 370
[9] Fortesc.c.8. 2Inst.186.
[10] 1 Blackstone's Commentaries, 270, Chapter 7, Section 379.
[11] **MAGISTRATE:** Person clothed with power as a public civil officer. State ex rel. Miller v. McLeod, 142 Fla. 254, 194 So. 628, 630.; a person intrusted with the commission of the peace, and, in America, one of the class of inferior judicial officers, such as justices of the peace and police justices. Martin v. State, 32 Ark. 124; Ex parte White, 15 Nev. 146, 37 Am.Rep. 466; State v. Allen, 83 Fla. 655, 92 So. 155, 156; Merritt v. Merritt, 193 Iowa 899, 188 N.W. 32, 34.; A magistrate is an officer having power to issue a warrant for the arrest of a person charged with a public offense. Pen. Code Cal. § 807.; The word "magistrate" does not necessarily imply an officer exercising any judicial functions, and might very well be held to embrace notaries and commissioners of deeds. Schultz v. Merchants' Ins. Co., 57 Mo. 336.
[12] Yick Wo v. Hopkins, 118 US 356, 370 Quotiens dubia interpretatio libertatis est, secundum libertatem respondendum erit.
[13] Moscow Fire Ins. Co. of Moscow, Russia v. Bank of New York & Trust Co., 294 N.Y.S. 648, 662, 161 Misc. 903.
[14] Lansing v. Smith, 4 Wend. 9 (N.Y.) (1829), 21 Am. Dec. 89 10C Const. Law Sec. 298; 18 C Em.Dom. Sec. 3, 228; 37 C Nav.Wat. Sec. 219; Nuls Sec. 167; 48 C Wharves Sec. 3, 7.
[15] Hurtado v. People of the State of California, 110 U.S. 516.
[16] NEW YORK CODE - NY CVR LAW § 2: NY Code – Section
[17] Thomas Jefferson, letter to John Cartwright; June 5, 1824.
[18] Ex parte Watkins, 3 Pet., at 202-203. cited by SCHNECKLOTH v. BUSTAMONTE, 412 U.S. 218, 255 (1973).
[19] Bonnett v. Vallier, 116 N.W. 885, 136 Wis. 193 (1908); NORTON v. SHELBY COUNTY, 118 U.S. 425 (1886).
[20] Blacks Law, Laird v. Union Traction Co., .2 08 Pa. 574, 57
[21]. Us Constitution Preamble
[22] **Article I Section 1:** ALL LEGISLATIVE POWERS herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.
[23] **Article I Section 8:** To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.
[24] "Sovereignty itself is, of course, not subject to law, for it is the author and source of law; but in our system, while sovereign powers are delegated to the agencies of government, sovereignty itself remains with the people, by whom and for whom all government exists and acts And the law is the definition and limitation of power..." Yick Wo v. Hopkins, 118 US 356, 370 Quotiens dubia interpretatio libertatis est, secundum libertatem respondendum erit.
[25] Jones v. Jones, 188 Mo.App. 220, 175 S.W. 227, 229; Ex parte Gladhill, 8 Metc. Mass., 171, per Shaw, C.J. See, also, Ledwith v. Rosalsky, 244 N.Y. 406, 155 N.E. 688, 689.
[26] **The Federal Judicial Center** is the research and education agency of the judicial branch of the United States Government. The Center supports the efficient, effective administration of justice and judicial independence. Its status as a separate agency within the judicial branch, its specific missions, and its specialized expertise enable it to pursue and encourage critical and careful examination of ways to improve judicial administration. The Center has no policy-making or enforcement authority; its role is to provide accurate, objective information and education and to encourage thorough and candid analysis of policies, practices, and procedures. https://www.fjc.gov/history/timeline/federal-rules-civil-procedure-merge-equity-and-common-law
[27] **CIVIL LAW:** "Civil Law," "Roman Law" and "Roman Civil Law" are convertible phrases, meaning the same system of jurisprudence. That rule of action which every particular nation, commonwealth, or city has established peculiarly for itself; more properly called "municipal" law, to distinguish it from the "law of nature," and from international law. See Bowyer, Mod. Civil Law, 19; Sevier v. Riley, 189. Cal. 170, 244 P. 323, 325.
[28] Cooper v. Aaron, 358 U.S. 1, 78 S. Ct. 1401 (1958)
[29] Black's Law; Klever v. Seawall, C.C.A.Ohio, 65 F. 395, 12 C.C.A. 661.
[30] Heb 10:16 This is the covenant that I will make with them after those days, saith the Lord, I will put my laws into their hearts, and in their minds will I write them.
[31] Rom 2:14-15 For when the Gentiles, which have not the law, do by nature the things contained in the law, these, having not the law, are a law unto themselves: Which show the work of the law written in their hearts, their conscience also bearing witness, and their thoughts the mean while accusing or else excusing one another.
[32] Luke 6:17-19 And he came down with them, and stood in the plain, and the company of his disciples, and a great multitude of people out of all Judaea and Jerusalem, and from the sea coast of Tyre and Sidon, which came to hear him, and to be healed of their diseases; And they that were vexed with unclean spirits: and they were healed. And the whole multitude sought to touch him: for there went virtue out of him, and healed them all.
[33] Article III; Section 1.
[34] People v. Vitale, 364 Ill. 589, 5 N.E. 2d 474, 475. Gulf, C. & S. F. Ry. Co. v. Muse, 109 Tex. 352, 207 S.W. 897, 899, 4 A.L.R. 613; State v. Dubray, 121 Kan. 886, 250 P. 316, 319; Photo Cines Co. v. American Film Mfg. Co., 190 I1l.App. 124, 128.
[35] City of Pasadena v. Superior Court in and for Los Angeles County, 212 Cal. 309, 298 P. 968, 970; State ex rel. Stokes v. Second Judicial Dist. Court, in and for Washoe County, 55 Nev. 115, 127 P.2d 534.
[36] Molen v. Denning & Clark Livestock Co., 56 Idaho 57, 50
[37] Thomas v. Mills, 117 Ohio St. 114, 157 N.E. 488, 489, 54
[38] Ex parte Watkins, 3 Pet., at 202-203. [cited by SCHNECKLOTH v. BUSTAMONTE, 412 U.S. 218, 255 (1973).
[39] *We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America*. Preamble.

[40] Leviticus 25:10 And ye shall hallow the fiftieth year, and proclaim liberty throughout all the land unto all the inhabitants thereof: it shall be a jubilee unto you; and ye shall return every man unto his possession, and ye shall return every man unto his family.
[41] (Fortesc.c.8. 2Inst.186).
[42] 1 Blackstone's Commentaries, 270, Chapter 7, Section 379.
[43] **Isaiah 27:1-4** In that day the LORD with his sore and great and strong sword shall punish leviathan the piercing serpent, even leviathan that crooked serpent; and he shall slay the dragon that [is] in the sea. In that day sing ye unto her, A vineyard of red wine. I the LORD do keep it; I will water it every moment: lest any hurt it, I will keep it night and day. Fury is not in me: who would set the briers and thorns against me in battle? I would go through them, I would burn them together. Isaiah 14:1-4 For the LORD will have mercy on Jacob, and will yet choose Israel, and set them in their own land: and the strangers shall be joined with them, and they shall cleave to the house of Jacob. And the people shall take them, and bring them to their place: and the house of Israel shall possess them in the land of the LORD for servants and handmaids: and they shall take them captives, whose captives they were; and they shall rule over their oppressors. And it shall come to pass in the day that the LORD shall give thee rest from thy sorrow, and from thy fear, and from the hard bondage wherein thou wast made to serve, That thou shalt take up this proverb against the king of Babylon, and say, How hath the oppressor ceased! the golden city ceased!
[44] Exodus 4:22 - And thou shalt say unto Pharaoh, Thus saith the LORD, Israel is my son, even my firstborn.
[45] God, Jeremiah 31:33
[46] God, Hebrews 10:16.
[47] *See 835 F.2d at 1237.*
[48] Judge Wiseman (U.S. v. DATCHER 830 F.Supp. 411, 417
[49] Theophilus Parsons (2 Elliot's Debates, 94; 2 Bancroft's History of the Constitution, p. 267).
[50] Lord Denman, (in C.J. O'Connel v. R. ,1884).
[51] Justice Byron White (1975): Taylor v. Louisiana, 419 US 522, 530.
[52] Judge Wiseman (U.S. v. DATCHER 830 F.Supp. 411, 415, M.D. Tennessee, 1993).
[53] Instruction to Jurors in criminal cases in Maryland (Quoted by Alan Scheflin and Jon Van Dyke, "Jury Nullification: the Contours of a Controversy," Law and Contemporary Problems, 43, No.4, 83, 1980).
[54] 4th Circuit Court of Appeals (United States v. Moylan, 417F.2d1006, 1969).
[55] Justice Kent (New York Supreme Court 3 Johns Cas., 366-368 (1803)): Quoted in Sparf and Hansen v. U.S., 156 U.S.51, 148-149. (1894), Gray, Shiras dissenting.
[56] ANON (Note in "The Changing Role of the Jury in the Nineteenth Century, Yale Law Journal, 74, 170, 1964):
[57] ANON (Note in "The Changing Role of the Jury in the Nineteenth Century, Yale Law Journal, 74, 172, 1964):
[58] ANON (Note in "The Changing Role of the Jury in the Nineteenth Century, Yale Law Journal, 74, 172, 1964):
[59] ANON (Note in "The Changing Role of the Jury in the Nineteenth Century, Yale Law Journal, 74, 174, 1964).
[60] " U.S. v. Dougherty, 473 F.2d. 1113, 1139 (1972).
[61] US Supreme Court State of Georgia v. Brailsford, 3 DALL. 1,4.
[62] Thomas Jefferson (1789).
[63] John Adams (1771).
[64] Alexander Hamilton (1804).
[65] Justice Thurgood Marshall (1972) Peters v. Kiff, 407 US 493, 502.
[66] Chief Justice Mathew Hale 2 Hale P C 312 1665.
[67] Sir John Vaughan, Lord Chief Justice ("Bushell's Case, 124 Eng Reports 1006; Vaughan Reports 135, 1670).
[68] Lysander Spooner (An Essay on the Trial by Jury, 1852).
[69] John Adams (Second President of U.S.) (1771) (Quoted in Yale Law Journal 74 (1964): 173).
[70] William Kunstler (quoted in Franklin M. Nugent, "Jury Power: Secret Weapon Against Bad Law," revised from Youth Connection, 1988).
[71] Lysander Spooner (An Essay on the Trial by Jury, 1852, p. 11).
[72] Alexander Hamilton (as defense counsel for John Peter Zenger, accused of seditious libel, 7 Hamilton's Works (ed. 1886), 336-373):
[73] ("Jury Nullification: the Contours of a Controversy," Law and Contemporary Problems, 43, No.4, 71 1980).
[74] Clarence Darrow, (Debate with Judge Alfred J. Talley, Oct. 27, 1924).
[75] Oregon Constitution, Article I bill of rights 16.
[76] Indiana Constitution Article 1, Section 19.
[77] New York Constitution Article I - Bill of Rights §8.
[78] Constitution of Maryland Article XXIII.
[79] Justices Gray and Shiras, United States Supreme Court (Sparf and Hansen v. U.S., 156 U.S. 51, 154-155 (1894)).
[80] Justice Robert H. Jackson (Morisette v. United States, 342 U.S. 246).
[81] Judge Wiseman U.S. v. DATCHER 830 F.Supp. 411, 413, M.D. Tennessee, 1993.
[82] U.S. v. WILSON (629 F.2d 439, 443 (6th Cir. 1980).

MEMORANDUM OF LAW CONCERNING JURY ORIENTATION

"The Jury is the Achilles heel of tyrants." – HG Wells

The purpose of this memorandum is to establish the fact that the orientation of both grand and petit juries belongs to the People and not the government. The People have the unalienable right to empanel their own grand and petit juries; As much as they have the unalienable right to indite or not indite; To decide both the facts and the law; To decide the penalty with an eye on restitution; and to choose their own sheriff with no ties to any authority, save the Common Law. We the People are free and independent, "the people of this state do not yield their sovereignty to the agencies which serve them.[1]

THE STATE CANNOT DIMINISH RIGHTS OF THE PEOPLE, WE RETAIN ALL THE RIGHTS WHICH FORMERLY BELONGED TO THE KING BY HIS PREROGATIVE

"'Sovereignty' means that the decree of sovereign makes law, and foreign courts cannot condemn influences persuading sovereign to make the decree."[2] "Sovereignty itself is, of course, not subject to law, for it is the author and source of law; but in our system, while sovereign powers are delegated to the agencies of government, sovereignty itself remains with the people, by whom and for whom all government exists and acts and the law [Constitution] is the definition and limitation of power."[3] "The people of this State, as the successors of its former sovereign, are entitled to all the rights which formerly belonged to the King by his prerogative."[4] And, "the state cannot diminish rights of the people."[5] "Supreme sovereignty is in the people no authority can, on any pretense whatsoever, be exercised over the citizens of this state, but such as is or shall be derived from and granted by the people of this state."[6] "The doctrine of Sovereign Immunity is one of the Common-Law immunities and defenses that are available to the Sovereign."[7] "A consequence of this prerogative is the legal omnipresence of the King. His majesty (Jesus Christ) in the eye of the law is always present in all his courts, though he cannot personally distribute justice. His judges (the People) are the mirror by which the King's Image (Jesus Christ) is reflected."[8] We the People never gave government the power to orientate the juries, they stole it just like they legislated themselves without authority to override the Sheriff's authority to approach the jury directly. "In the United States,

[1] CHISHOLM v. GEORGIA (US) 2 Dall 419, 454, 1 L Ed 440, 455 @DALL (1793) pp471-472.
[2] Moscow Fire Ins. Co. of Moscow, Russia v. Bank of New York & Trust Co., 294 N.Y.S. 648, 662, 161 Misc. 903.; American Banana Co. v. United Fruit Co., 29 S.Ct. 511, 513, 213 U.S. 347, 53 L.Ed. 826, 19 Ann.Cas. 1047.;
[3] Yick Wo v. Hopkins, 118 US 356, 370.
[4] Lansing v. Smith, 4 Wend. 9 (N.Y.) (1829), 21 Am. Dec. 89 10C Const. Law Sec. 298; 18 C Em.Dom. Sec. 3, 228; 37 C Nav.Wat. Sec. 219; Nuls Sec. 167; 48 C Wharves Sec. 3, 7.
[5] Hurtado v. People of the State of California, 110 U.S. 516.
[6] NEW YORK CODE - N.Y. CVR. LAW § 2 : NY Code - Section 2.
[7] Yick Wo v. Hopkins, 318 US 356, 371 and Terry v. Ohio, 392 US 1, 40.
[8] Blackstone's Commentaries, 270, Chapter 7, Section 379

sovereignty resides in people. The Congress cannot invoke the sovereign power of the People to override their will as thus declared."[9] "It will be admitted on all hands that with the exception of the powers granted to the states and the federal government through the Constitutions, the people of the several states are unconditionally sovereign within their respective states."[10] Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them.[11]

COURTS OF LAW IN AMERICA BELONG TO THE PEOPLE, NOT THE GOVERNMENT

Law courts in America belong to the People and not the government, this is "*Government by Consent*." Once the government is given an inch, they take a yard and today they have taken the whole mile. Government today choose and orientate the juries; they deceitfully sway the Grand Jury and stack the Petit Jury; They decide the law and the penalty; They removed the Sheriff from the whole process. They unlawfully abrogated the common law and the common law rules. Replacing it with de-facto civil law and de-facto self-serving rules. America's entire judicial system is controlled by chancellors and prosecutors and not the People!

BLACKS LAW DEFINES "DE FACTO COURT" as, "One established, organized, and exercising its judicial functions under authority of a statute apparently valid, though such statute may be in fact unconstitutional and may be afterwards so adjudged; or a court established and acting under the authority of a de facto government.[12]

BLACKS LAW DEFINES "COURTS OF LAW" as, "a court proceeding according to the course of the common law and governed by its rules and principles, as contrasted with a "court of equity."

BLACKS LAW DEFINES "COURTS OF CHANCERY" as, "a court possessing general equity powers, distinct from the courts of common law."[13] The terms "equity" and "chancery," "court of equity" and "court of chancery," are constantly used as synonymous in the United States. It is presumed that this custom arises from the circumstance that the equity jurisdiction which is exercised by the courts of the various states is assimilated to that possessed by the English courts of chancery. Indeed, in some of the states it is made identical therewith by statute.[14]

BLACKS LAW DEFINES COMMON LAW COURTS as, "The person and suit of the sovereign; the place where the sovereign sojourns with his regal retinue, wherever that may be. An

[9] Perry v. US, 294 U.S330
[10] Lansing v. Smith, 4 Wendell 9, (NY) 6 How416, 14 L. Ed. 997
[11] Miranda v. Arizona, 384 US 436, 491.
[12] 1 Bl. Judgm. § 173; In re Manning, 139 U.S. 504, 11 S.Ct. 624, 35 L.Ed. 264; Gildemeister V. Lindsay, 212 Mich, 299, 180 N.W. 633, 635.
[13] Parmeter v. Bourne, 8 Wash. 45, 35 P. 586; Bull v. International Power Co., 84 N.J.Eq. 209, 93 A. 86, 88.
[14] Wagner v. Armstrong, 93 Ohio St. 443, 113 N.E. 397, 401.

agency of the sovereign created by it directly or indirectly under its authority, consisting of one or more officers, established and maintained for the purpose of hearing and determining issues of law and fact regarding legal rights and alleged violations thereof, and of applying the sanctions of the law, authorized to exercise its powers in the course of law at times and places previously determined by lawful authority."[15]

"Courts may be classified and divided according to several methods, the following being the more usual: Courts of record and courts not of record. The former being those whose acts and judicial proceedings are enrolled, or recorded, for a perpetual memory and testimony, and which have power to fine or imprison for contempt. Error lies to their judgments, and they generally possess a seal. Courts not of record are those of inferior dignity, which have no power to fine or imprison, and in which the proceedings are not enrolled or recorded."[16] "A court of record is a judicial tribunal having attributes and exercising functions independently of the person of the magistrate designated generally to hold it, and proceeding according to the course of common law, its acts and proceedings being enrolled for a perpetual memorial.[17]

Therefore, all courts in America that are controlled by statutes are not courts of law they are de-facto civil law courts operating without constitutional authority and have been fining and incarcerating people unlawfully for more than eighty years. History recalls that in a "Court of Law" the People decide what cases they will hear or not through the Sheriff that the People elected. The People orientate the juries and the People decides both facts and the law unbridled by any statute or government. The Government cannot legislate themselves any powers. The common law grants the People ALL THE POWER in the Peoples courts of Law.

THE FOX & THE HEN HOUSE

An Essay on the Trial by Jury, 1852, by Lysander Spooner
The government cannot advise the jury only the People can advise the jury

"The authority to judge what are the powers of the government, and what are the liberties of the people, must necessarily be vested in one or the other of the parties themselves the government, or the people; because there is no third party to whom it can be entrusted. If the authority be vested in the government, the government is absolute, and the people have no liberties except such as the government sees fit to indulge them with."[18]

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[15] Isbill v. Stovall, Tex.Civ.App., 92 S.W.2d 1067, 1070;
[16] 3 Bl. Comm. 24; 3 Steph. Comm. 383; The Thomas Fletcher, C.C.Ga., 24 F. 481; Ex parte Thistleton, 52 Cal. 225; Erwin v. U. S., D.C.Ga., 37 F. 488, 2 L.R.A. 229; Heininger v. Davis, 96 Ohio St. 205, 117 N.E. 229, 231.
[17] Jones v. Jones, 188 Mo.App. 220, 175 S.W. 227, 229; Exparte Gladhill, 8 Metc., Mass., 171, per Shaw, C. J. See, also, Ledwith v. Rosalsky, 244 N.Y. 406, 155 N.E. 688, 689.
[18] An Essay on the Trial by Jury, 1852, by Lysander Spooner

"There can be no legal right to resist the oppressions of the government, UNLESS THERE BE SOME LEGAL TRIBUNAL, OTHER THAN THE GOVERNMENT, AND WHOLLY INDEPENDENT OF, AND ABOVE, THE GOVERNMENT, TO JUDGE BETWEEN THE GOVERNMENT AND THOSE WHO RESIST ITS OPPRESSIONS. "If the government can select the jurors, it will, of course, select those whom it supposes will be favorable to its enactments [*like they do now*]. And an exclusion of any of the freemen from eligibility is a selection of those not excluded [*like they do now*]. It will be seen, from the statutes cited, that the most absolute authority over the jury box that is, over the right of the people to sit in juries has been usurped by the government;[19]

ADDRESSING THE GRAND JURY

PROSECUTORS ARE NOT EMPOWERED BY THE COMMON LAW they are empowered by statutes. Whereas sheriffs, coroners, and jury administrators are empowered by the Common Law; there sole purpose is to serve "True Justice" via the rules of Common Law. The Common Law Grand Jury is the Peoples and are NOT to be controlled by the government. Only the People,[20] Sheriff, and Coroner can summons and present before the "Common Law Grand Jury." The ABA controlled legislators and courts stole our "Courts of Records" by codifying procedures to call the Grand Jury and over time expelled the People, Sheriff, and Coroner from participation, thereby hijacking the Grand Jury carrying them away to jurisdictions unknown, as they covertly conceal the common law court via the 1934 Rules Enabling Act that claims to have abrogated Common Law

A famous modern legal term that a prosecutor, jesting inappropriately, can get a grand jury to "indict a ham sandwich**"** was immortalized in the Tom Wolfe novel, Bonfire of the Vanities (1987). But it was Sol Wachtler, Chief Judge of the New York State Court of Appeals who in 1985, said:

> "*District attorneys now have so much influence on grand juries that "by and large" they could get them to "indict a ham sandwich.*"

This is an insult and a caricature to both Justice and the American People, displaying "proof positive" the unlawful influence government prosecutors have over our Grand Juries. As noted earlier and deserving reiteration: "The authority to judge what are the powers of the government, and what are the liberties of the people, must necessarily be vested in one or the other of the parties themselves—the government, or the people; because there is no third party to whom it can be entrusted. If the authority be vested in the government, the government is absolute, and the people have no liberties except such as the government sees fit to indulge them with."[21] "If the government can select the jurors, it will, of course, select those whom it supposes will be favorable to its enactments

[19] Lysander Spooner, Trial by Jury, page 92, 1852
[20] The first recorded grand jury was established by the People through the Magna Carta
[21] An Essay on the Trial by Jury, 1852, by Lysander Spooner

[like they do now]. And an exclusion of any of the freemen from eligibility is a selection of those not excluded [like they do now]. It will be seen, from the statutes cited, that the most absolute authority over the jury box that is, over the right of the people to sit in juries has been usurped by the government;"[22]

We the Sovereign People never gave the legislators, judges or prosecutors any authority to call or address the "Common Law Grand Jury" directly. If the government wants to ask for an indictment of the People they need to bring their evidence, including exculpatory evidence, to the Sheriff who will then summons the Grand Jury, through the Jury Administrators, and then address the Grand Jury. If the People want to bring criminal charges before the Grand Jury they should address their case by sworn affidavit to the Sheriff who will bring it to the Grand Jury.

THE PEOPLE HAVE THE UNBRIDLED RIGHT TO EMPANEL THEIR OWN GRAND JURIES

In the U.S. Supreme Court case of United States v. Williams,[23] Justice Antonin Scalia, writing for the majority, confirmed that; "The American grand jury is neither part of the judicial, executive nor legislative branches of government, but instead belongs to the people. It is in effect a fourth branch of government "governed" and administered to directly by and on behalf of the American people, and its authority emanates from the Bill of Rights. Thus, [People] have the unbridled right to empanel their own grand juries and present "True Bills" of indictment to a court, which is then required to commence a criminal proceeding. Our Founding Fathers presciently thereby created a "buffer" the people may rely upon for justice, when public officials, including judges, criminally violate the law."

"The People have the unbridled right to empanel and preside over their own proceedings unfettered by technical rules and to investigate merely on suspicion." It is the Grand Jury's function to consider criminal charges whereas prosecutors have no authority to change or negotiate away the Grand Jury's indictments. Indictments are final and any additional charges cannot be added without the consent of the grand jury.

"Although the grand jury normally operates, of course, in the courthouse and under judicial auspices, its institutional relationship with the judicial branch has traditionally been, so to speak, at arm's length."[24] The "Grand jury is [an] investigative body acting independently of either prosecutor or judge whose mission is to bring to trial those who may be guilty and clear the innocent."[25]

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[22] Lysander Spooner, Trial by Jury, page 92, 1852
[23] 112 S.Ct. 1735, 504 U.S. 36, 118 L.Ed.2d 352 (1992).
[24] United States v. Calandra, 414 U.S. 338, 343, 94 S.Ct. 613, 617, 38 L.Ed.2d 561 (1974); Fed.Rule Crim.Proc. 6(a).
[25] Marston's, Inc. v. Strand, 560 P.2d 778, 114 Ariz. 260)

IN CONCLUSION, THE DE-FACTO COMMISSIONER OF JURORS is a person to whom a commission is directed by the government via unlawful legislation or a de-facto court. This term denotes an officer of some bureau or agency of the government who is charged with the administration of the laws relating to jurors. They are under the control of the government through statutes and therefore are part of today's de-facto civil law courts and not part of the Common Law process.

The "Commissioner of Jurors" who is usually a ABA lawyer and owes fidelity to the BAR and the government would be the epitome of "Jury Tampering." Therefore, the People via "Jury Administrators" educated and certified in common Law by the People are the only lawful administrators of the juries. And are lawfully able to orientation and advise the jurors in the common law and their common law duties. National Liberty Alliance has accepted that responsibility to educate and certify "Jury Administrators."

Government cannot legislate themselves authority to take this unalienable right from the People for this unalienable right is the epitome of "Government by Consent." And if for no other reason, statutes are not part of the "Common Law Process" while all government agents are empowered and controlled by statutes that is authorized under the Constitution. And it is clear that Article I of the Constitution vested no such powers or authorities to do so. And if we did it would be "null and void" because it would be repugnant to the Common Law process!

THOMAS JEFFERSON THE MAN WHO DISCOVERED AMERICAS FREEDOM FORMULA SAID, "I have so much confidence in the good sense of man, and his qualifications for self-government, that I am never afraid of the issue where reason is left free to exert her force." "Educate and inform the whole mass of the people. They are the only sure reliance for the preservation of our liberty." I know of no safe depository of the ultimate powers of the society but the people themselves; and if we think them not enlightened enough to exercise their control with a wholesome discretion, the remedy is not to take it from them but to inform their discretion." "The constitutions of most of our states assert that all power is inherent in the people; that they may exercise it by themselves, in all cases to which they think themselves competent, as in electing their functionaries executive and legislative, and deciding by a jury of themselves, both fact and law, in all judiciary cases in which any fact is involved." "Leave no authority existing not responsible to the people." "When governments fear the people, there is liberty. When the people fear the government, there is tyranny." – Thomas Jefferson

Today marks the line in the sand!
And we are here to end the tyranny and sound "Liberty's Bell again!"

WE THE PEOPLE NOW HAVE THE WATCH!!!

MEMORANDUM OF LAW CONCERNING ENGEL V. VITALE, 1963

The Supreme Court prohibited the free exercise of religion in violation of the 1st Amendment

The 1st Amendment states; "*Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof…*" Our founders who wrote the 1st Amendment prayed together and built America upon eight ancient principles derived from the Bible. Our courts are founded upon Common Law which is founded upon the Bible. Our founders believed that Liberty is a blessing from God founded in the Bible. They believed that the founding of America was by the Providence of God. They established a Court of Law and a court of equity founded upon biblical principles.

A court of equity in a Common Law Republic, such as ours, requires that its statutes, codes and regulation be legislated in harmony with the Common Law, and its courts procedures be governed by its Common Law Rules.

Black's Law Dictionary defines a Court as; The person and suit of the sovereign (King); the place where the sovereign (*King*) sojourns with his regal retinue (*Loyal/Noble Servants*), wherever that may be.; A Court of the sovereign, created by the sovereign directly or indirectly under his authority, consisting of one or more officers, established and maintained for the purpose of hearing and determining issues of law and fact regarding legal rights and alleged violations thereof, and of applying the sanctions of the law, authorized to exercise its powers in the course of law at times and places previously determined by lawful authority. – Isbill v. Stovall, Tex.Civ.App., 92 S.W.2d 1067, 1070;

Black's Law Dictionary defines a Court's Bench as; A seat of judgment or tribunal for the administration of justice; the seat occupied by judges in courts; The term, indicating originally the seat of the judges, came to denote the body of judges taken collectively, and also the tribunal (*Jury*) itself, as the King's Bench.

The King of our Common Law Court is "Jesus Christ, a/k/a Emanuel, being interpreted God with us."

> Mathew 1:23, "*Behold, a virgin shall be with child, and shall bring forth a son, and they shall call his name Emmanuel, which being interpreted is, God with us.*"
>
> Isiah 9:6,7, "*For unto us a child is born, unto us a son is given: and the government shall be upon his shoulder: and his name shall be called Wonderful, Counsellor, The mighty God, The everlasting Father, The Prince of Peace. Of the increase of his government and peace there shall be no end, upon the throne of David, and upon his kingdom, to order it, and to establish it with judgment and*

with justice from henceforth even forever. The zeal of the LORD of hosts will perform this."

John 1: 1-6, 10-14, "*In the beginning was the Word, and the Word was with God, and the Word was God. The same was in the beginning with God. All things were made by him; and without him was not anything made that was made. In him was life; and the life was the light of men. And the light shineth in darkness; and the darkness comprehended it not … He was in the world, and the world was made by him, and the world knew him not. He came unto his own, and his own received him not. But as many as received him, to them gave He the power to become the sons of God, even to them that believe on his name: Which were born, not of blood, nor of the will of the flesh, nor of the will of man, but of God. And the Word was made flesh, and dwelt among us, (and we beheld his glory, the glory as of the only begotten of the Father,) full of grace and truth.*"

Jesus Christ is the Incarnation of God and there can be no doubt that most of our founders knew Jesus Christ and through His Word were in all likelihood sons of God. And they and many other sons were blessed with his Courts of Justice and the Blessings of Liberty. Therefore, if we refuse to hold up the King of our Court in our courts and our schools our Common Law Republic will be lost along with God's Blessings of Liberty, our Founding Fathers were adamant about this, let's see why?

At the founding of our "*Natural Law Republic*," the land of America was looked upon by majority as representing a New Jerusalem and/or a City upon a Hill and/or a New Israel drawing from II Samuel 7:10 where God said:

"Moreover, I will appoint a place for my people Israel, and will plant them, that they may dwell in a place of their own, and move no more."

Declaration of Independence – We "*declared separate and equal station to which the Laws of Nature and of Nature's God entitle us.*"

US Constitution – "*Government is to secure the Blessings of Liberty.*"

Pledge of Allegiance – We are "*One Nation Under God indivisible with Liberty and Justice for all.*"

Article III Section 2 – "*America's Judicial system is under Common Law.*"

The Liberty Bell in Philadelphia proclaims Leviticus 25:10 – *"Proclaim Liberty throughout all the land unto all the inhabitants thereof.*"

The inclusion of a prayer before the opening of each session of both the House and the Senate traces its origins back to the colonial period. Since then, all sessions of the Senate have been opened with prayer, strongly affirming the Senate's faith in God as Sovereign

Lord of our Nation. The role of the chaplain as spiritual advisor and counselor has expanded over the years from a part-time position to a full-time job as one of the officers of the Senate.

By convention, incoming presidents, like all elected officials, raise their right hand and place the left on a Bible while taking the oath of office. In 1789, George Washington took the oath of office with an altar Bible borrowed from the Saint John's Church. An Oath is a solemn appeal to God, permitted on fitting occasions Deuteronomy 6:13; Jeremiah 4:2, in various forms Genesis 16:5; 2 Sam 12:5; Ruth 1:17; Hosea 4:15; Romans 1:9), and taken in different ways. Genesis 14:22; 24:2; and 2 Chr 6:22.

The Bible is our Common Law Book without which there is no Common Law. The Jury is the King's Bench and is to judge according to the King's Justice and the name of that King is Jesus Christ. And, if the people are going to judge according to the precepts of God's Son and be obliged in conscience, to temperance, frugality, and industry; to justice, kindness, and charity towards our fellow men; and to piety, love, and reverence toward Almighty God, we must know Him. And we know Him through His Words, the Bible!

The Declaration of Independence was a covenant with God in that we would live under His Law and thereby receive His Blessings of Liberty, and that includes everybody both believers and non-believers. Therefore, we must teach every child His precepts through the gospel. And for that reason, the Bible should be returned to our schools. As was the will of our founding fathers when in 1789 Congress and President George Washington passed and signed into Law the United States Annotated Code, Article III which states;

> *"Religion, morality, and knowledge, being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged*."

> George Washington said, "*It is the Duty of all Nations to acknowledge the Providence of almighty God, to obey his Will, to be grateful for his Benefits, and humbly to implore His Protection and Favor*."

> Benjamin Rush, signer of the Declaration of Independence said, "*The great enemy of the salvation of man, in my opinion, never invented a more effective means of limiting Christianity from the world than by persuading mankind that it was improper to read the Bible at schools*."

Clearly our founders, who wrote the 1st Amendment, believed that the 1st Amendment was not violated by prayer and the Bible in school, in congress, and in public life. In opposition to our founders' "resolve" concerning Americas' acknowledgment of our Creator, the BAR controlled United States Supreme Court in the case of Engel v. Vitale, 370 U.S. 421 (1962), with no Constitutional Authority and while ignoring congresses' First

Act in 1789 the United States Annotated Code, Article III and ruled that, "*school-sponsored prayer in public schools violated the establishment clause of the First Amendment*." This repugnant decision accomplished the removal of the Bible out of our schools in 1963.

For 174 years it was legal & constitutionally protected that the Bible was to be taught in American schools and it is still the common law today. The following freedoms were also legal in our schools for over 174 years. Invocations and Benedictions, prayer at athletic events, and teacher-led prayer. Now they're all illegal under the false pretense of "separation of church and state." With this unlawful decision by the United States Supreme Court keeping in mind the fact that even Congress can make no law concerning the "*free exercise*" let us read the first Amendment again.

> "***Congress shall make no law*** *respecting an establishment of religion, or prohibiting the free exercise thereof…*"

The BAR controlled Supreme Court's rule violates the 1st Amendment by legislating from the bench a contradictive law! The Bible is the foundation of American Law, it is the history of the King of our Court, it's the spring of morality and justice, it is the haven of our unalienable rights, it is the Law of the Land, it reveals who we are as a people, it makes us a moral and just people! And it is now up to the people through their "County Committees of Safety" to reinstate the teaching of our heritage and reinstate the King of our courts of Justice in schools.

For More than 58 years after the BAR controlled Supreme Court issued its repugnant landmark ruling striking down school-sponsored prayer and Bible reading, Americans continue to fight over the place of religion in public schools. Questions about religion in the classroom no longer make quite as many headlines as they once did, but the issue remains an important battleground in the broader conflict over the Bible's role in public life.

The enemy of our Natural Law Republic and many who have fallen prey to their false premises fear the teaching of the incarnation because of all the evil acts of apostate churches perpetrated upon the religious who were indoctrinated under theses false gospels of hate, torcher, division, and the suppression of freedom of people to think and believe whatever they wish. Whereas, God's children promote justice, liberty, and love; as we read in John 13:34-35 where Jesus said,

> "*A new commandment I give unto you, that ye love one another; as I have loved you, that ye also love one another. By this shall all men know that ye are my disciples, if ye have love one to another*."

And in Luke 6:29-35 God said,

> "*And unto him that smiteth thee on the one cheek offer also the other; and him that taketh away thy cloke forbid not to take thy coat also. Give to every man that asketh of thee; and of him that taketh away thy goods ask them not again. And as ye would that men should do to you, do ye also to them likewise. For if ye love them which love you, what thank have ye? for sinners also love those that love them. And if ye do good to them which do good to you, what thank have ye? for sinners also do even the same. And if ye lend to them of whom ye hope to receive, what thank have ye? for sinners also lend to sinners, to receive as much again. But love ye your enemies, and do good, and lend, hoping for nothing again; and your reward shall be great, and ye shall be the children of the Highest: for he is kind unto the unthankful and to the evil.*"

Therefore, these churches that teach evil for good are the "Churches' of Satan" and not of God, they have robbed the house of God (churches) and in His name do evil, and there is a price to be paid. God said in Mathew 7:16-19,

> "*Ye shall know them by their fruits. Do men gather grapes of thorns, or figs of thistles? Even so every good tree bringeth forth good fruit; but a corrupt tree bringeth forth evil fruit. A good tree cannot bring forth evil fruit, neither can a corrupt tree bring forth good fruit. Every tree that bringeth not forth good fruit is hewn down, and cast into the fire.*"

God said in Ephesians 6:12,

> "*We wrestle not against flesh and blood, but against principalities, against powers, against the rulers of the darkness of this world, against spiritual wickedness in high places.*"

The "*spiritual wickedness in high places*" are the churches that have fallen away so it's no surprise when we find a church that has succumb to the devices of Satan claim God as their right and power to do evil. God has already warned us concerning these rulers of darkness and commands us to shake the dust off our feet as we depart from the house of Satan (snake pit). In Genesis 3:14 "*the LORD God said unto the serpent, because thou hast done this, thou art cursed above all cattle, and above every beast of the field; upon thy belly shalt thou go, and dust shalt thou eat* [figurative of the flesh of men] *all the days of thy life*:" So these houses are Satan's houses that rule over the dead, that God refers to as the "dust." As for us who are alive in Christ, God tells us in Romans 12:21, "*Be not overcome of evil, but overcome evil with good.*"

For if we fear that evil will prevail by teaching the truth to our children, we have fallen prey to Satan's lies and "evil will prevail!" The devil has already accomplished this in our

courts in 1934, via the "*Rules Enabling Act*" because the people perish for lack of knowledge, because as children we did not learn the truth. And in our schools in 1963 as previously mentioned. Whereas, a consequence the American BAR Association (ABA) controlled Congress, relying on the ignorance of the people, without authority from the people, gave the United States Supreme Court the power to make rules of procedure and evidence for federal courts whereas congress "*cannot pass their vested powers*" to write legislation to the US Supreme Court, but ignorance is bliss and eventually deadly!

On September 16th 1938 the United States Supreme Court Justices, also steered by the subversive ABA, authored the Federal Rules of Civil Procedure thereby enacting treasonous uniform rules of procedure, particularly "*Rule 2*" whereas the federal courts claim to have "abrogated the Common Law and its Rules" and thereby committed an act of Treason, when they said;

> "*The Supreme Court enacted uniform rules of procedure for the federal courts. Under the new rules, suits in equity and suits at common law were grouped together under the term "civil action,*" claiming that "*rigid application of common-law rules brought about injustice*." – The Devil's lie, how can we be so blind!

In conclusion of these matters, as long as we come to the Word with a bent knee bringing God's Word untainted by church doctrines of man, do good and seek justice we will do well and should not fear the gospel taught in schools which brings us to my reason for this Memorandum. If we expect to "receive the Blessings of Liberty" through Common Law in our courts we must teach it to our children and our children's children. We are on safe ground as long as we do not privately interpret the gospels.

No one can deny that many of the founding fathers of the United States of America were men of deep religious convictions based in the Bible and their Christian faith in Jesus Christ. Of the 56 men who signed the Declaration of Independence, nearly half (24) held seminary or Bible school degrees. The following Christian quotes of the founding fathers will give an overview of their strong moral and spiritual convictions which helped form the foundations of our nation and our government and if we do not teach our children that we are founded upon the Word of God we will NOT be one nation under God as we pledged Allegiance to the Flag each day when we were in school!

Thomas Jefferson Said, *"God who gave us life gave us liberty. And can the liberties of a nation be thought secure when we have removed their only firm basis, a conviction in the minds of the people that these liberties are of the Gift of God? That they are not to be violated but with His wrath? Indeed, I tremble for my country when I reflect that God is just; that His justice cannot sleep forever;" … "I am a real Christian – that is to say, a disciple of the doctrines of Jesus Christ."*

George Washington Quotes – *"While we are zealously performing the duties of good citizens and soldiers, we certainly ought not to be inattentive to the higher duties of religion. To the distinguished character of Patriot, it should be our highest glory to add the more distinguished character of Christian."*

"The favorable smiles of Heaven can never be expected on a nation that disregards the eternal rules of order and right which Heaven itself has ordained."

"I am sure that never was a people, who had more reason to acknowledge a Divine interposition in their affairs, than those of the United States; and I should be pained to believe that they have forgotten that agency, which was so often manifested during our Revolution, or That they failed to consider the omnipotence of that God who is alone able to protect them."

"Let it simply be asked, where is the security for prosperity, for reputation, for life, if the sense of Religious obligation desert the oaths, which are the instruments of investigation in the Courts of Justice?"

"And let us with caution indulge the supposition, that morality can be maintained without religion."

"Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle."

"Tis substantially true, that Virtue or morality is a necessary spring of popular government."

Benjamin Franklin Quotes – *"The worship of God is a duty."*

"Only a virtuous people are capable of freedom. As nations become corrupt and vicious, they have more need of masters."

"Nothing can contribute to true happiness that is inconsistent with duty; nor can a course of action conformable to it, be finally without an ample reward. For, God governs; and he is good."

"Here is my Creed. I believe in one God, the Creator of the Universe. That He governs it by His Providence. That He ought to be worshipped. That the most acceptable service we render to him is in doing good to his other children. That the soul of man is immortal, and will be treated with justice in another life respecting its conduct in this. These I take to be the fundamental points in all sound religion, and I regard them as you do in whatever sect I meet with them. As to Jesus of Nazareth, my opinion of whom you particularly desire, I think the

system of morals and his religion, as he left them to us, is the best the world ever saw, or is likely to see."

James Madison Quotes – *"We have staked the whole future of American civilization, not upon the power of government, far from it. We have staked the future of all of our political institutions upon the capacity of mankind for self-government; upon the capacity of each and all of us to govern ourselves, to control ourselves, to sustain ourselves according to the Ten Commandments of God."*

"It is the duty of every man to render to the Creator such homage…Before any man can be considered as a member of Civil Society, he must be considered as a subject of the Governor of the Universe…" "Religion, or the duty we owe to our Creator, and manner of discharging it, can be directed only by reason and conviction, not by force or violence;"

John Adams Quotes – *"Suppose a nation in some distant Region should take the Bible for their only law Book, and every member should regulate his conduct by the precepts there exhibited! Every member would be obliged in conscience, to temperance, frugality, and industry; to justice, kindness, and charity towards his fellow men; and to piety, love, and reverence toward Almighty God … What a Eutopia, what a Paradise would this region be."*

"The general principles, on which the Fathers achieved independence, were the only Principles in which that beautiful Assembly of young Gentlemen could unite, and these Principles only could be intended by them in their address, or by me in my answer. And what were these general Principles? I answer, the general Principles of Christianity, in which all these Sects were United: And the general Principles of English and American Liberty, in which all those young Men United, and which had United all Parties in America, in Majorities sufficient to assert and maintain her Independence."

Adams in a letter to Thomas Jefferson – *"Now I will avow, that I then believe, and now believe, that those general Principles of Christianity, are as eternal and immutable, as the Existence and Attributes of God; and that those Principles of Liberty, are as unalterable as human Nature and our terrestrial, mundane System."*

Adams in a letter to his wife, Abigail – *"The second day of July, 1776, will be the most memorable epoch in the history of America. I am apt to believe that it will be celebrated by succeeding generations as the great anniversary Festival. It ought to be commemorated, as the Day of Deliverance, by solemn acts of devotion to God Almighty. It ought to be honored with pomp and parade, with shows, games,*

sports, guns, bells, bonfires and illuminations, from one end of this continent to the other, from this time forward forever."

John Hancock – *"Resistance to tyranny becomes the Christian and social duty of each individual. … Continue steadfast and, with a proper sense of your dependence on God, nobly defend those rights which heaven gave, and no man ought to take from us."*

Patrick Henry – *"It cannot be emphasized too strongly or too often that this great nation was founded, not by religionists, but by Christians; not on religions, but on the Gospel of Jesus Christ. For this very reason peoples of other faiths have been afforded asylum, prosperity, and freedom of worship here."*

John Adams Quotes – *"Our Constitution was made only for a moral and religious people. It is wholly inadequate to the government of any other."*

"Statesmen, my dear Sir, may plan and speculate for liberty, but it is religion and morality alone, which can establish the principles upon which freedom can securely stand. The only foundation of a free constitution is pure virtue; and if this cannot be inspired into our people in a greater measure than they have it now, they may change their rulers and the forms of government, but they will not obtain a lasting liberty. They will only exchange tyrants and tyrannies."

"The safety and prosperity of nations ultimately and Essentially depend on the protection and blessing of Almighty God; and the national acknowledgment of this truth is not only an indispensable duty, which the people owe to him, but a duty whose natural influence is favorable to the Promotion of that morality and piety, without which social happiness cannot exist, nor the blessings of a free government be enjoyed."

George Mason – *"Every master of slaves is born a petty tyrant. They bring the judgment of heaven upon a country. As nations cannot be rewarded or punished in the next world, they must be in this. By an inevitable chain of causes and effects, Providence punishes national sins, by national calamities."*

Noah Webster (Father of American Scholarship and Education) Quotes – *"No truth is more evident to my mind than that the Christian religion must be the basis of any government intended to secure the rights and privileges of a free people."*

"In my view, the Christian religion is the most important and one of the first things in which all children, under a free government ought to be instructed … No truth is more evident to my mind than that the Christian religion must be the basis of any government intended to secure the rights and privileges of a free people."

"The brief exposition of the constitution of the United States, will unfold to young person's the principles of republican government; and it is the sincere desire of the writer that our citizens should early understand that the genuine source of correct republican principles is the Bible, particularly the New Testament or the Christian religion."

"The religion which has introduced civil liberty is the religion of Christ and His apostles, which enjoins humility, piety, and benevolence; which acknowledges in every person a brother, or a sister, and a citizen with equal rights. This is genuine Christianity, and to this we owe our free Constitutions of Government."

"When you become entitled to exercise the right of voting for public officers, let it be impressed on your mind that. The preservation of a republican God commands you to choose for rulers just men who will rule in the fear of God government depends on the faithful discharge of this duty." "If the citizens neglect their duty and place unprincipled men in office, the government will soon be corrupted; laws will be made not for the public good so much as for the selfish or local purposes."

President Lincoln spoke of his assassination to French-Canadian ex-priest Charles Chiniquy: *"You are not the first to warn me against the dangers of assassination. My ambassadors in Italy, France, and England, as well as Professor Morse, have many times warned me against the plots of the murderers which they have detected in those different countries. But I see no other safeguard against those murderers but to be always ready to die, as Christ advises it. As we must all die sooner or later, it makes very little difference to me whether I die from a dagger plunged through my heart or from an inflammation of the lungs. Let me tell you I have lately read a passage in the Old Testament which had made a profound, and, I hope, a salutary impression on me. Here is that passage;*

Deuteronomy 3: 22.

> *"Ye shall not fear them: for the Lord your God He shall fight for you. And I besought the Lord at that time, saying, O Lord God, Thou hast begun to shew Thy servant Thy greatness and Thy mighty hand; for what God is there, in heaven or in earth, that can do according to Thy words, and according to Thy might! I pray Thee, let me go over, and see the good land that is beyond Jordan, that goodly mountain, and Lebanon. But the Lord was wroth with me for your sakes, and would not hear me: and the Lord said unto me, Let it suffice thee: speak no more unto Me of this matter. Get thee up into the top of Pisgah, and lift up thine eyes westward, and northward, and*

southward, and eastward, and behold it with thine eyes: for thou shalt not go over this Jordan."

After the President had read these words with great solemnity, he added: *"My dear Father Chiriquí, let me tell you that I have read these strange and beautiful verses several times these last five or six weeks. The more I read them, the more it seems to me that God has written them for me as well as Moses. Has He not taken me from my poor log cabin by the hand, as He did Moses in the reeds of the Nile, to put me at the head of the greatest and the most blessed of modern nations, just as He put that prophet at the head of the most blessed nation of ancient times? Has not God granted me a privilege which was not granted to any living man, when I broke the fetters of 4,000,000 of men and made them free? Has not our God given me the most glorious victories over our enemies? Are not the armies of the Confederacy so reduced to a handful of men when compared to what they were two years ago, that the day is fast approaching when they will have to surrender?"*

"Now, I see the end of this terrible conflict, with the same joy of Moses at the end of his forty years in the wilderness. I pray my God to grant me to see the days of peace, and untold prosperity, which will follow this cruel war, as Moses asked God to see the other side of Jordan and enter the Promised Land. But do you know that I hear in my soul, as the voice of God, giving me the rebuke which was given to Moses?"

So, America was born when We the People discovered that Rights come from Nature's God and decided it was high-time for men to rise up to secure these rights at any cost because it was the right thing to do. And, that the Governor of the Universe is to rule the American court. Thus, begun a radical shift in political thought, individuals are not given rights by a government or king, the power of that government or king must be justly derived from the consent of the governed. Rights would no longer be given to the people by the government; the government would be given limited powers from the people. America would be a land of freedom and opportunity, with minimal government intrusion, a limited central government that would simply protect the people and maintain a safe environment for them to pursue happiness in any way they saw fit. And so, the resolve of our founders was to free the People from tyranny in the thirteen and now fifty United States; and through that accomplishment, free the People of the world, and by the mercy of God, this could still be possible if we acknowledge the King; and ask Mat 7:7 and He will answer, for He promised that;

"*Whoso looketh into the perfect law of liberty, and continueth therein, he being not a forgetful hearer, but a doer of the work, this man shall be blessed in his deed.*" James 1:25

In this fashion the United States of America was sanctioned by God and founded upon Common Law which are self-evident truths in that all men are created equal, being endowed by their Creator with certain unalienable Rights and among these are Life, Liberty and the pursuit of Happiness, that to secure these rights, governments derive their just powers from the consent of the governed and no man is greater than another; whereas we read:

Declaration of Independence –

> *"When in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation."*
>
> *"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.–That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, –That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness.*
>
> *Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly, all experience hath shewn, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security.*

THE UNITED STATES – THE NEW ISRAEL

Our Founding Fathers used biblical metaphors and word pictures to describe the new land. On July 4, 1776, the Continental Congress instructed Benjamin Franklin, Thomas Jefferson and John Adams to design a seal for the United States. Jefferson was more ambitious and proposed designs for both sides of the seal.

Jefferson wanted an illustration of the Israelites' exodus out of slavery and bondage from Egypt for the front of his seal. Jefferson had a disdain for the institution of slavery. In Virginia the emancipation of slaves was illegal and he refused to sell his slaves. Therefore, Jefferson fought unsuccessfully to change the repugnant law in Virginia, twice as a legislator and once as Governor. In his draft of the Declaration of Independence submitted to the Continental Congress, he listed one of the crimes of the King as forcing the institution of slavery on the colonies in America. In this draft, he described slavery as a "cruel war against human nature itself, violating its most sacred right of life and liberty." For the back side of the seal, Jefferson proposed an illustration of Hengist and Horsa, 5th century Saxon warriors from Germany. They came to England as mercenaries to help the Briton tribe defend themselves against the rival tribes of the Picts and Scots.

Franklin had a similar idea to Jefferson's and wanted to illustrate a scene from the Exodus of the Israelites. The seal would show Benjamin Franklin's Design portraying Moses parting the Red Sea with Pharaoh and his chariots being overwhelmed by the waters with the motto: Rebellion to tyrants is obedience to God. Thomas Jefferson became so enamored with this motto he incorporated it for his own personal seal design.

Let us hear the conclusion of the matter, Common Law is our Heritage! Liberty is our Inheritance! We the people have been lulled asleep; we have been robbed and persuaded to sell our birth right. While it is true that there can be no religious test for People to participate in government or for the People to partake in the blessings of Liberty; government is to secure that Liberty, not suppress it. Likewise, government is not to acknowledge or require one religious' denomination over another, the duty of government is to secure freedom of religion and not freedom from religion.

The lifting up by government one denomination or another is forbidden by the first Amendment in that Congress shall make no law, but the acknowledgment of the only one true God of the Bible, Jesus Christ being His express Image, is also essential in that it must be taught to our children, without which there can be no Liberty, there would be no America!

It will be up to the People within their respective County Committees of Safety to restore prayer and the bible into their schools. We must "RESIST" all denominational

teaching of the Bible in the class rooms; The Bible should be used as a History Book concerning our King of the Court, our Heritage, our morals, and the Law.

God warns us in Hosea 4:6, – "*My people are destroyed for lack of knowledge.*" Let us therefore embrace and respond to 2 Chronicles 7:14 where God said, "*If my people, which are called by my name, shall humble themselves, and pray, and seek my face, and turn from their wicked ways; then will I hear from heaven, and will forgive their sin, and will heal their land.*" Or, if we reject God as King, He warned us in 1st Sam 8 saying in an allegory;

> *"This will be the manner of the king that shall reign over you: He will take your sons, and appoint them for himself, for his chariots, and to be his horsemen; and some shall run before his chariots. And he will appoint him captains over thousands, and captains over fifties; and will set them to ear his ground, and to reap his harvest, and to make his instruments of war, and instruments of his chariots. And he will take your daughters to be confectionaries, and to be cooks, and to be bakers. And he will take your fields, and your vineyards, and your olive yards, even the best of them, and give them to his servants. And he will take the tenth of your seed, and of your vineyards, and give to his officers, and to his servants. And he will take your menservants, and your maidservants, and your goodliest young men, and your asses, and put them to his work. He will take the tenth of your sheep: and ye shall be his servants. And ye shall cry out in that day because of your king which ye shall have chosen; and the LORD will not hear you in that day."*

Shall we continue being reigned over by Leviathan, the prince of this world! Or will we come to the knowledge of Truth and by the mercy of God, motivated by honor and mercy and a desire to restore Justice as King of our Courts. Such was the driving force of our founding fathers, and the Father of Justice is God.

Now, if it be God's will that nations will be brought to justice in time, of which chapters Isa 14, 26, 27 and Dan 7 proclaims, then nations will be brought to justice in this world! The history and formula of rule by justice is found in the Bible upon which our founding fathers built the United States of America. Any who deny this fact are simply ignorant of American history, the structure of our government, and our courts.

This brings us to the question: Can the spiritually tattered people of today bear the truth? The very meaning of the word "Justice" is synonymous with "Virtue," according to both Blacks and Bouvier's law dictionaries. With "virtue" being the attributes of God, therefore you cannot find "just law" without first finding such a "Just Creator" whom our founding fathers found between the books of Genesis and Revelation.

And so, it follows that if a nation is to be "just," an acknowledgement of that Sovereign Creator who said;

> "*All the earth is mine, all that is born is mine, all that is under the heaven is mine, all souls are mine, all silver and gold is mine, vengeance is mine, and I will repay, must prevail*;"

And then, and only then, with a bent knee, will we have courts with liberty and justice for all. It is upon that Rock via the Declaration of Independence that America was built. If we continue to ignore that Rock, America will be no different than any other nation.

This brings us to the promise of God, whereas, He said in 2 Chr 7:14;

> *"If my people, which are called by my name, shall humble themselves, and pray, and seek my face, and turn from their wicked ways; then will I hear from heaven, and will forgive their sin, and will heal their land."*

And, only then will justice prevail, which no tyrant can overthrow. This was agreed upon by our founding fathers. As quoted earlier where Benjamin Franklin said: *"Only a virtuous people are capable of freedom."* And, in 1798, John Adams reiterated that when he said, *"Our Constitution was made only for a moral and religious people. It is wholly inadequate to the government of any other."* America will only be as just as their courts!

Once we humble ourselves and realize that we own no property, not even our bodies and souls, and that God has entrusted us, not government, to be the "stewards" of "His property," namely our bodies and souls; therein is found unalienable rights. A nation founded under that premise can never falter or succumb to tyrants so long as they continue to rest upon that Rock. A court whose bench belongs to that King will prevail. And, as the walls of Jericho fell at the sounding of the trump (voice) of God, so shall the walls of injustice fall by the sounding of Natural Law (truth) in the King's Court. If God can speak into being all things, surely His words of justice will silence the opponents of justice.

In conclusion, only the People can restore us as "One Nation Under God!" And for this reason, among many others, we are encouraging and teaching people how to learn to have "Government by Consent" through "Committees of Safety!"

2 Cor 3:17 "*Where the Spirit of the Lord is, there is Liberty*."

"Call upon me in the day of trouble: I will deliver thee, and thou shalt glorify me." Psa 50:15

"The time is now near at hand which must determine whether Americans are to be freemen or slaves; whether they are to have any property they can call their own; whether their houses and farms are to be pillaged and destroyed, and themselves consigned to a

state of wretchedness from which no human efforts will deliver them. The fate of unborn millions will now depend, under God, on the courage and conduct of the People of these United States!

> "*A nation of well-informed men, who have been taught to know and prize the rights that God has given them cannot be enslaved. It is in the region of ignorance that tyranny begins*!" – **Benjamin Franklin**

> "*God who gave us life, gave us liberty, can the liberties of a nation be thought secure when we have removed their only firm basis, a conviction in the minds of the people that these liberties are a gift from God? That they are not to be violated but with His wrath? Indeed, I tremble for my country when I reflect that God is just, that His justice cannot sleep forever….*" – **Thomas Jefferson**

> "*The reason that Christianity is the best friend of Government is because Christianity is the only religion that changes the heart*." – **Thomas Jefferson**

> *"It is impossible to rightly govern a nation without God and the Bible*." – **George Washington**

The Bible commands us to;

> "*Train up a child on how he should walk and when he is older, he will not depart from it*." – Will we train our children so?

Only the People through Committees of Safety can return the Bible to the classroom. And if we don't our posterity will not know the Creator and the "Blessings of Liberty" will be lost forever! Therefore, if we expect to receive the "Blessing of Liberty," we MUST Acknowledge Him! And, understand that,

> *"The moral principles and precepts contained in the Scriptures ought to form the basis of all of our civil constitutions and laws … All the miseries and evils which men suffer from vice, crime, ambition, injustice, oppression, slavery and war, proceed from their despising or neglecting the precepts contained in the Bible." – Noah Webster.*

CONCLUSION: Engel v. Vitale must be overturned because it is repugnant as to who we are as a People and destructive to our "*Common Law Republic*!"

John 8:36 – "*If the Son therefore shall make you free, ye shall be free indeed*!"

MEMORANDUM OF LAW NON-JUDICIAL FORECLOSURES

Securitization of Mortgages & Tax Foreclosures a white-collar swindle

The purpose of this memorandum is to reveals the fraud upon the People committed by mortgages companies and municipalities. Said fraud differs little between the two. The following conspiratorial process is essentially the same in that the home is securitized.

The Securitization of Mortgages and Tax Foreclosures has become a common and growing white collar swindle that is illegal primarily because of "Antitrust Law Violations," consisting of specific violations such as usury, fraud, conspiracy, forgery and robo-signing. When victims are robbed because State and Federal Legislators pass unconstitutional legislation and State Constitutional Courts sanction non-judicial foreclosures by looking the other way, this constitutes RICO and war against the Constitution.

Securitization is the financial practice of pooling various types of contractual debt such as residential mortgages, commercial mortgages, auto loans or credit card debt obligations (or other non-debt assets which generate receivables); and, selling their related cash flows to third party investors as securities, which may be described as bonds, pass-through securities or collateralized debt obligations (CDOs). Investors are repaid from the principal and interest cash flows collected from the underlying debt which is redistributed through the capital structure of the new financing. Securities backed by mortgage receivables are called mortgage-backed securities (MBS), while those backed by other types of receivables are asset-backed securities (ABS). It was the private, competitive mortgage securitization that played an important role in the U.S. subprime mortgage crisis.

The process is not as complicated as it might seem at first glance and might be difficult to recognize as a crime; but it should become clear to the local village, town, city and county courts and the Sheriff once they realize the process these criminal cartels, known as mortgage companies and municipalities, go through to use the Court and the Sheriff to assist in these illegal seizures of homes without their realizing that they became instruments of a robbery.

CLARIFICATION: Were these mortgage companies able to legally foreclose on the property, they would do so by filing the foreclosure in the State Court to acquire a judgment; then bring it to the Sheriff for collection. The problem is that they cannot produce proof of claim and fiduciary authority over the property and without these two affidavits, they cannot open a lawful court case to provide *"due process"* necessary for a lawful seizure of the property "*in rem*". So, the BAR, banks, municipalities and mortgage cartels devised a plan to bypass *"due process"* by lobbying and convincing state legislators, who either consciously conspired; or, because constitutional principles are unbeknownst to them, ignorantly conspired to write unconstitutional *"non-judicial foreclosure statutes"* that proceed *"in rem",* which is a process to seize properties without due process whereas the party seizing the property has a "legal" claim and fiduciary authority.

Such practice moves the presumption of law from *"innocent until proven guilty"* to *"guilty with no opportunity to defend"*. This turn American Jurisprudence[1] on its head by removing any opportunity for the victims to be heard. This Provides absolute control to defraud without consequence by nefarious mortgage holders and municipalities which there seems to be no shortage of. As well as RICO-governed de facto state courts which allow the non-judicial foreclosure filings without the signature of a judge or magistrate.

"In Rem", under international law, permits the seizure of property without notification to a property owner. This makes sense and is legal under international law at sea dealing with pirates; but, the *"Law of the Land"* a/k/a *"the Supremacy Clause of the Constitution"* requires *"Due Process"*.

> *"This Constitution, and the laws of the United States which shall be made in pursuance thereof; and, all treaties made, or which shall be made, under the authority of the United States, shall be the Supreme Law of the Land; and, the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding."* -- Constitution for the United States of America Article VI

Congress can make no law that would provide for a statutory construction which would negate the unalienable rights of the People; which is what would be required in order to make a state a *"Non-Judicial Foreclosure State"*. Therefore, no State can establish *"Non-Judicial Foreclosure Laws"*. Such Congressional and/or State actions would negate the following unalienable rights protected by the Constitution and expected to be enforced by the Sheriff:

(1) The unalienable right protected by the 4th Amendment to be secure from property seizures,
(2) The unalienable right protected by the 5th Amendment to due process,
(3) The unalienable right protected by the 7th Amendment to trial by jury, and
(4) The unalienable right protected by the 7th Amendment to common law courts.

Rights are unalienable[2] and cannot be transferred.[3] Any contract that would pass or hand over an unalienable right is null and void. The *"Burden of Proof"* is on the foreclosing party. All parties to a Non-Judicial Foreclosure cannot prove their case; nor can they prove their right to sell someone's property without progressing to a Final Judgment in a court of law. Any court that ignores these facts and/or proceeds with a Summary Judgment becomes complicit to the robbery. This violates the victim's rights under Color of Law, thereby giving a reason to move the Case for Cause to an Article III Federal District Court for both criminal and civil remedy.

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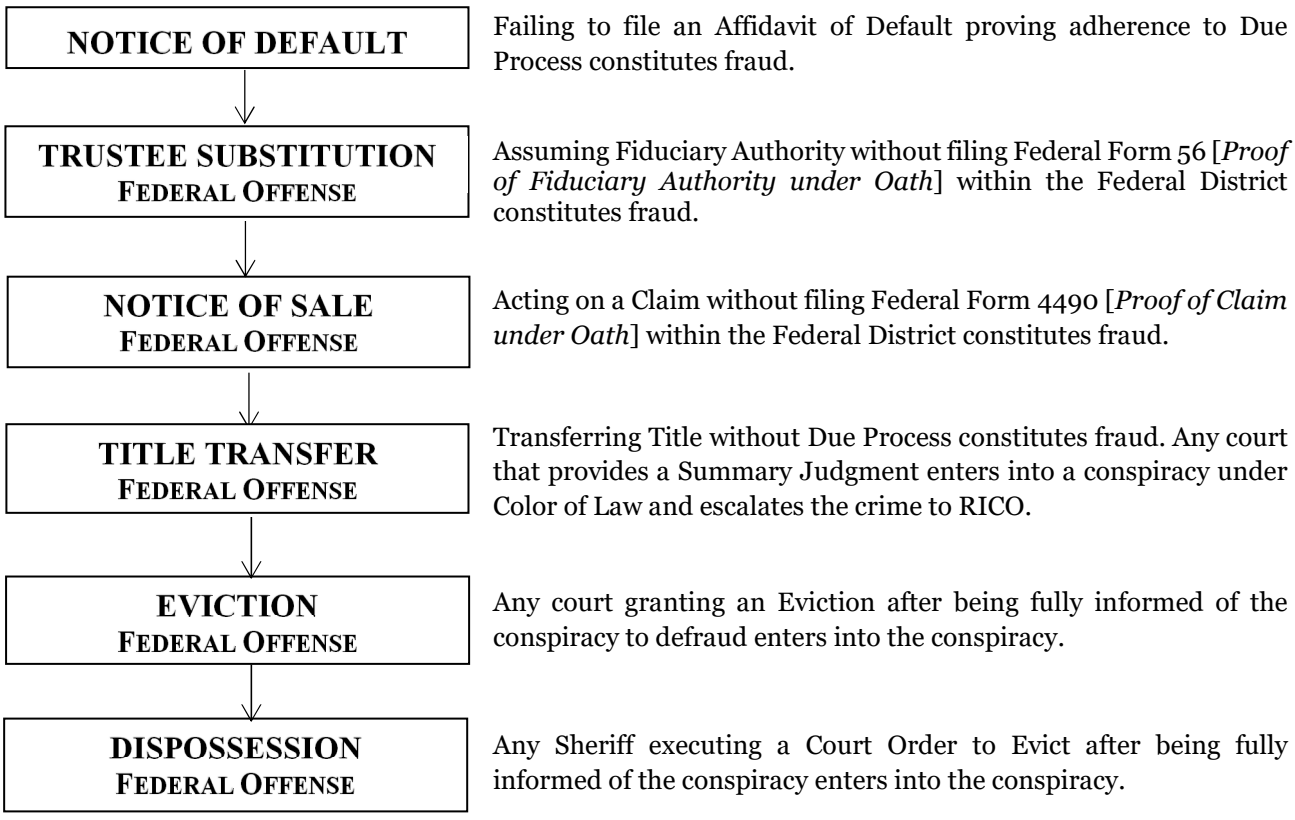
[1] **JURISPRUDENCE:** The philosophy of law, or the science which treats of the principles of positive law and legal relations; American Jurisprudence is the written law, constitution and principles every judge must obey.
[2] **UNALIENABLE:** Inalienable; incapable of being alienated, that is, sold and transferred. Black's 4th.
[3] **TRANSFER:** To convey or remove from one place, person, etc., to another; pass or hand over from one to another; specifically to make over the possession or control of (as, to transfer a title to land); sell or give. Chappell v. State, 216 Ind. 666, 25 N.E. 2d 999, 1001.

After establishing unconstitutional statutes, white-collar criminals, acting under Color of Law, devised the following *"ruse"* to manipulate our judicial system and our County Sheriffs so as to create an appearance of lawful acts while illegally seizing the property of their victims:

(1) Give Notice of Default to the victim, "without judicial process";
(2) Give Notice of Substitution of Trustee, "without judicial process";
(3) Give Notice of Sale, "without judicial process";
(4) Commence public auction, "without judicial process";
(5) Use aforesaid documents to transfer title, "without judicial process";
(6) File fraudulent eviction proceedings acting as *"landlord"* (using the fraudulent title) and calling the owner of the property *"tenant"* who owes back rent in an unsuspecting village, town or city court, "giving the appearance of judicial process"; and
(7) File the fraudulent judgement with the County Clerk to achieve a fraudulent Eviction Order for execution by the unsuspecting Sheriff.

We the People find it apparent that most of our Constitutional Officers are ignorant as to the Law of the Land as defined in the Constitution for the United States of America, Article VI. Therefore, they are often unable to determine constitutional violations which causes Sheriffs to fall prey to the minions of the subversive BAR, in jeopardy of violating their oath and We the People in jeopardy of losing our property and Liberty to tyrants.

This formal "Notification of Crimes" directs the participating courts to honor their oaths and protect the victim(s) from the following RUSE:



STATUTORY CRIMES: Under US laws, Securitized Mortgages are illegal primarily because they are fraudulent and constitute specific violations, namely:

1) RICO
2) Usury
3) Fraud
4) Conspiracy
5) Forgery
6) Robo-signing and
7) Antitrust law violations

The *"foreclosure crisis"* is a complex, interconnected series of state-sponsored crimes involving the following steps:

1) The mortgage or tax burden is created.
2) The mortgage is sold to an investor.
3) The mortgage or tax burden payments are loaded onto an international PONZI scheme a/k/a *"mortgage securitization"*.
4) Compliant judges in state and county courts look the other way, or, provide Summary Proceedings while:
    a. Mortgage companies conceal the fact that the notes and assignments were never delivered to the MBS Trusts [Mortgage-Backed Securities Trusts] while the mortgage companies disseminate false and misleading statements to the investors and the United States Government.
    b. Mortgage companies pursue foreclosure actions using false and fabricated documents, particularly mortgage assignments. The mortgage companies use Robo-signing on thousands of documents each week with no review or knowledge of the contents of the documents; thus, creating forged mortgage assignments with fraudulent titles in order to proceed with foreclosures.
    c. Mortgage companies have used these fraudulent mortgage assignments to conceal over 1,400 MBS Trusts, each with mortgages valued over $1 billion, which are missing critical documents; namely, mortgage assignments which are required to have been delivered to the Trusts at the inception of the Trust.
    d. Without lawfully executed mortgage assignments, the value of the mortgages and notes held by the Trusts is impaired; effective assignments are necessary for the Trust to foreclose on its assets in the event of mortgage defaults; and the Trusts do not hold good title to the loans and mortgages that investors have been told are secured notes.
    e. Mortgage assignments are prepared with forged signatures of individuals signing as grantors; and forged signatures of individuals signing as witnesses and Notaries.
    f. Mortgage assignments are prepared with forged signatures of individuals signing as corporate officers for banks and mortgage companies that have never employed said individuals and corporate officers.

g. Mortgage assignments are prepared and signed by individuals as corporate officers of mortgage companies that have been dissolved by bankruptcy years prior to the assignment.
h. Mortgage assignments are prepared with purported effective dates unrelated to the date of any actual or attempted transfer; and, in the case of Trusts, with purported effective dates years after the closing date of the Trusts.
i. Mortgage assignments are prepared on behalf of grantors who had never themselves acquired ownership of the mortgages and notes by a valid transfer; and, such mortgage assignments include numerous ones where the grantor was identified as *"Bogus Assignee for Intervening Assignments"*.
j. Mortgage assignments are notarized by Notaries who never witness the signatures they notarize.
k. The MBS Trusts, and their trustees, depositors and servicing companies, further misrepresent to the public the assets of the Trusts; and, issue false statements in their Prospectuses and Certifications of Compliance.
l. Securitization violates usury laws in that the resulting effective interest rate typically exceeds legally-allowable rates set by State Usury Laws.
m. All *"True-Sale"*, *"Disguised-Loan"* and *"Assignment"* securitizations are essentially tax-evasion schemes. In the United States, the applicable tax-evasion statute is the United States Internal Revenue Code, Section7201 which reads as follows: *"Any person* [corporation] *who willfully attempts in any manner to evade or defeat any tax imposed by this title, or the payment thereof, shall, in addition to other penalties provided by law, be guilty of a felony; and, upon conviction thereof, shall be fined not more than $500,000; or, imprisoned not more than 5 years; or, both; together with the costs of prosecution."*
n. Securitization undermines the United States Federal Bankruptcy Policy because it is used in lieu of secured financing as a means of avoiding certain Bankruptcy Law Restrictions. The origins of securitization in the United States can be traced directly to efforts by banks and financial institutions to avoid Bankruptcy Law Restrictions.
o. Securitization constitutes a violation of Federal RICO Section 1341: Mail Fraud; Section 1343: Wire Fraud; Section 1344: Financial Institution Fraud; Section 1957: Engaging in Monetary Transactions in Property Derived from Specified Unlawful Activity; and Section 1952: Racketeering.

CONCLUSION: Non-Judicial Foreclosures are a fraud upon the People it creates a conspiratorial process that essentially securitizes the home which is a white-collar swindle that is illegal primarily because of "Antitrust Law Violations," consisting of specific violations such as usury, fraud, conspiracy, forgery and robo-signing. Whereas, state and federal legislators have passed unconstitutional legislation and state courts sanction these non-judicial foreclosures by looking the other way, this constitutes RICO and war against the Constitution.

MEMORANDUM OF LAW
ARTICLE III COURTS -v- ARTICLE I COURTS

The purpose of this memorandum is to clarify the Jurisdictions of the Federal District Courts that are to proceed under Law or Equity under the Rules of Common Law. There is no constitutional authority for the creation of the de-facto "*Article I tax court*" which is prohibited by Article I Section 9 Clause 4: "No capitation, or other direct, tax (*tax on salary or property*) shall be laid, unless in proportion to the census or enumeration herein before directed to be taken."

De-facto USC Title 26 supports the de-facto Article I court being written to control and appear to give law and authority to the said de-facto court. Whereas de-facto Title 26 states no jurisdiction, claims to be a court of record, operates under statutes, which is an oxymoron. Whereas a "court of record" is a judicial tribunal having attributes and exercising functions independently of the person of the magistrate designated generally to hold it, and proceeds according to the course of common law, its acts and proceedings being enrolled for a perpetual memorial."[1] "Common Law is distinguished from equity law, it is a body of rules and principles, written or unwritten, which are of fixed and immutable authority, and which must be applied to controversies rigorously and in their entirety, and cannot be modified to suit the peculiarities of a specific case, or colored by any judicial discretion, and which rests confessedly upon custom or statute, as distinguished from any claim to ethical superiority."[2]

We the People via the Constitution empowered elected and appointed servants to guard the same. The Constitution cannot be altered or abolished by the legislative servants who took an oath to protect it. "Any judge who does not comply with his oath to the Constitution for the United States wars against that Constitution and engages in acts in violation of the supreme law of the land. The judge is engaged in acts of treason."[3]

CREATION OF ARTICLE III COURTS
THERE IS NO SUCH THING AS AN ARTICLE I COURT

It is Article III Section 1 where authority is given to create courts. We the People vested power in only "One Supreme Court" and empowered Congress to ordain and establish inferior courts whereas judges hold office only so long as they are in good behavior.

> Article III Section 1: *The Judicial Power of the United States, shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time*

[1] Jones v. Jones, 188 Mo.App. 220, 175 S.W. 227, 229; Ex parte Gladhill, 8 Metc. Mass., 171, per Shaw, C.J. See, also, Ledwith v. Rosalsky, 244 N.Y. 406, 155 N.E. 688, 689.
[2] Klever v. Seawall, C.C.A.Ohio, 65 F. 395, 12 C.C.A. 661.
[3] Cooper v. Aaron, 358 U.S. 1, 78 S. Ct. 1401 (1958).

to time ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behavior…

Good behavior is defined in Article VI which is obedience to the 'Law of the Land' which includes Natural Law. Any judge not in good behavior would be in bad behavior and forfeit's their office. Therefore, it is Congresses' duty to impeach judges in bad behavior if they do not stand down. And if Congress cannot find the backbone to do their duty, then we the People will remove them via extraordinary indictments.

> Article VI Clause 2: This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

Congress has been given power to create only Article III Courts of Record and equity ruled by American Jurisprudence. Equity courts proceed under USC Titles whereas Law courts a/k/a 'courts of record' are to procced under Natural Law. Both courts are governed by the Rules of Common Law.

> Article I Section 8; Clause 9: *The Congress shall have power to constitute tribunals inferior to the Supreme Court*; as referred to in Article III Section 1[4]

In other words, Article I Section 8, Clause 9 only authorizes power to Congress to create Article III courts, there is no such thing as an Article I Court. Whereas 28 USC §132 defines the nature of the created district courts as courts of record.[5]

> 28 USC §132: *Creation and composition of district courts (a) There shall be in each judicial district a district court which shall be a court of record known as the United States District Court for the district. (b) Each district court shall consist of the district judge or judges for the district in regular active service. Justices or judges designated or assigned shall be competent to sit as judges of the court. (c) Except as otherwise provided by law, or rule or order of court, the judicial power of a district court with respect to any action, suit or proceeding may be exercised by a single judge, who may preside alone and hold a regular or special session of court at the same time other sessions are held by other judges.*

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[4] **Article III Section 1:** The Judicial Power of the United States, shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish.

[5] **COURTS OF RECORD and COURTS NOT OF RECORD** - The former being those whose acts and judicial proceedings are enrolled, or recorded, for a perpetual memory and testimony, and which have power to fine or imprison for contempt. Error lies to their judgments, and they generally possess a seal. Courts not of record are those of inferior dignity, which have no power to fine or imprison, and in which the proceedings are not enrolled or recorded. 3 Bl. Comm. 24; 3 Steph. Comm. 383; The Thomas Fletcher, C.C.Ga., 24 F. 481; Ex parte Thistleton, 52 Cal 225; Erwin v. U.S., D.C.Ga., 37 F. 488, 2 L.R.A. 229; Heininger v. Davis, 96 Ohio St. 205, 117 N.E. 229, 231.

Every federal district is to have a 'court of record' a/k/a natural law court which is presided over by the People (12 jurists), 'no political judges permitted.' When a judge sits as judge, it is an equity court under statutes or contract; Amendment VI makes clear that judges cannot hear, decide, or sentence criminal cases.

> *"In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed,"*

And, Amendment VII protects the Peoples' right to common law courts according to the rules of Common Law.

> In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any Court of the United States, than according to the rules of the common law.

COURTS THAT RESIST THE CONSTITUTION: Judges have a duty by oath to support the Constitution and guarantee a Republican form of government.[6] Any judge acting upon seditious legislative-acts joins the conspiracy of subversion: "*if then the courts are to regard the constitution and the constitution is superior to any ordinary act of the legislature; the constitution, and not such ordinary act, must govern the case to which they both apply. Those then who resist the principle that the constitution is to be considered, in court, as a paramount law, are reduced to the necessity of maintaining that courts must close their eyes on the constitution, and see only the law. This doctrine would subvert the very foundation of all written constitutions. It would declare that an act, which, according to the principles and theory of our government, is entirely void, is yet, in practice, completely obligatory. It would declare that if the legislature shall do what is expressly forbidden, such act, notwithstanding the express prohibition, is in reality effectual. It would be giving to the legislature a practical and real omnipotence with the same breath which professes to restrict their powers within narrow limits. It is prescribing limits, and declaring that those limits may be passed at pleasure.*"… "*It is in these words: 'I do solemnly swear that I will administer justice without respect to persons, and do equal right to the poor and to the rich; and that I will faithfully and impartially discharge all the duties incumbent on me as according to the best of my abilities and understanding, agreeably to the constitution and laws of the United States.' Why does a judge swear to discharge his duties agreeably to the constitution of the United States, if that constitution forms no rule for his government? If it is closed upon him and cannot be inspected by him. If such be the real state of things, this is worse than solemn mockery. To prescribe, or to take this oath, becomes equally a crime.*"[7]

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[6] **Article IV Section 4:** The United States shall guarantee to every state in this union a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature cannot be convened) against domestic violence.

[7] MARBURY v. MADISON, 5 U.S. 137 (1803) 5 U.S. 137 (Cranch) 1803

CONCLUSION: Congress has been given power to constitute tribunals under Article I Section 8, clause 9, said tribunals are defined under Article III Section 1 and 2. Both Law and equity courts are called "United States District Court" and all judges are bound to the law of the land and hold office only when they are obedient to the Law of the Land. There exists no authority for Congress to create or the Judiciary to create a jurisdiction called an "Article I tax court."

USC Title 26 is NOT LAW and does not state or define a jurisdiction as it claims to be a court of record while operating under statutes, which is an oxymoron. A "court of record" proceeds according to the course of common law, not codes and statutes and cannot be modified to suit the peculiarities of a specific case, or colored by any judicial discretion, whereas A "court of record" is a judicial tribunal having attributes and exercising functions independently of the person of the magistrate designated generally to hold it and proceeds according to the rules of Common Law.

MEMORANDUM OF LAW HABEAS CORPUS

"The privilege of the writ of habeas corpus shall not be suspended." – Article I §9 Clause 2

The purpose of this memorandum is to clarify the court's duty concerning the 'Unalienable Right of Habeas Corpus.' Whereas every person unlawfully committed, detained, confined or restrained of his Liberty or Property, under any pretense whatsoever, may prosecute a Writ of Habeas Corpus to inquire into the cause of such imprisonment or restraint. And a court, judge or magistrate entertaining an application for a writ of habeas corpus shall forthwith award the writ and issue an order directing the respondent to show-cause why the writ should not be granted. And if none of the respondents return a statement of cause for the restraint, the petitioner must be released. New York State Constitution §4: "*The privilege of a writ or order of habeas corpus shall not be suspended, unless, in case of rebellion or invasion, the public safety requires it*."

FEDERALIST NO. 84 HAMILTON

"The establishments of the (1) Writ of Habeas Corpus, the (2) Prohibition of Ex-Post-Facto Laws, and of (3) Titles of Nobility, to which we have no corresponding provision in our constitution, are perhaps greater securities to liberty and republicanism than any it contains. The creation of crimes after the commission of the fact, or, in other words, the subjecting of men to punishment for things which, when they were done, were breaches of no law, and the practice of arbitrary imprisonments, have been, in all ages, the favorite and most formidable instruments of tyranny."

In the United States, habeas corpus exists in two forms; common law and statutory. The Constitution for the United States of America acknowledges the Peoples' right to the common law of England as it was in 1789. It does not consist of absolute, fixed and inflexible rules, but broad and comprehensive principles based on justice, reason, and common sense.[1]

This is the well-known remedy for deliverance from illegal confinement, called by Sir William Blackstone the most celebrated writ in the English law, and the great and efficacious writ in all manner of illegal confinement.[2] The "*Great Writ of Liberty*," issuing at common law out of courts of Chancery, King's Bench, Common Pleas, and Exchequer.[3]

HABEAS CORPUS AD RESPONDENDUM – A writ which is usually employed in civil cases to remove a person out of the custody of one court into that of another, in order that he may be sued and answer the action in the latter.[4]

[1] Miller v. Monsen, 37 N.W.2d 543, 547, 228 Minn. 400.
[2] 3 Bl. Comm. 129.
[3] Ex parte Kelly, 123 N.J.Eq. 489.
[4] 2 Sell. Pr. 259; 2 Mod. 198; 3 Bl. Comm. 129; 1 Tidd, Pr. 300.

HABEAS CORPUS AD SUBJICIENDUM – A writ directed to the person detaining another, and commanding him to produce the body of the prisoner, (or person detained,) with the day and cause of his caption and detention, ad faciendum, sub jiciendum et recipiendum, to do, submit to, and receive whatsoever the judge or court awarding the writ shall consider in that behalf.[5]

HABEAS CORPUS AD TESTIFICANDUM – At common law, the writ, meaning "you have the body to testify", used to bring up a prisoner detained in a jail or prison to give evidence before the court.[6]

On June 12, 2008 in the case BOUMEDIENE ET AL. v. BUSH, PRESIDENT OF THE UNITED STATES, ET AL. No. 06–1195 the United States Supreme Court declared Section 7 of the Military Commissions Act of 2006 unconstitutional because it purported to abolish the writ of habeas corpus.

28 USC §2242 demands that every person unlawfully committed, detained, confined or restrained of his Liberty or Property, under any pretense whatsoever, may prosecute a Writ of Habeas Corpus to inquire into the cause of such imprisonment or restraint. In Brown v. Vasquez,[7] the court observed that the Supreme Court has "recognized the fact that [t]he writ of habeas corpus is the fundamental instrument for safeguarding individual freedom against arbitrary and lawless state action." "Therefore, the writ must be administered with the initiative and flexibility essential to insure that miscarriages of justice within its reach are surfaced and corrected.

The writ of habeas corpus serves as an important check on the manner in which state courts pay respect to federal constitutional rights. The writ is "the fundamental instrument for safeguarding individual freedom against arbitrary and lawless state action."[8] A Writ Habeas Corpus must be prosecuted if the petitioner shows in his petition that the court ordering the detention or imprisonment made one or more of the following legal and factual errors.

1) Respondents gathered a biased statutory jury; a jury not under common law; a jury under a court not of record, i.e., not at law; a jury which has no power to fine or imprison thereby jurisdiction was fraudulently acquired.
2) There was no sworn documentary evidence from a competent fact witness.
3) Petitioner is being unconstitutionally held by a court "not of record" as required and defined under Article VI clause 2.
4) Court is proceeding under statutes and jurisdictions unknown and "not under the law of the land" a/k/a common law.

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[5] 3 Bl. Comm. 131; 3 Steph. Comm. 695.
[6] Hottle v. District Court in and for Clinton County, 233 Iowa 904, 11 N.W.2d 30, 34; 3 Bl. Comm. 130; 2 Tidd, Pr. 809. Ex parte Marmaduke, 91 Mo. 250, 4 S.W. 91, 60 Am.Rep. 250.
[7] 952 F.2d 1164, 1166 (9th Cir. 1991), cert. denied, 112 S.Ct. 1778 (1992)
[8] Harris v. Nelson, 394 U.S. 286, 290-91 (1969).

5) Courts Jurisdiction was not stated.
6) Petitioner was denied due process.
7) Petitioner is a victim of barratry, maintenance and champerty.[9]
8) Custodians have engaged in prosecutorial vindictiveness therefore, the burden is upon respondents to rebut presumption

TITLE 28 OF THE UNITED STATES CODE ACKNOWLEDGES that it is not the responsibility of the petitioner to know by what claim or authority the State acts; but that the petitioner may inquire as to the cause of the restraint. If a petitioner requests an inquiry into the cause of restraint, but none of the respondents return a statement of cause of the restraint, the court must presume that there is no lawful cause of restraint.

On a petition for a writ of habeas corpus, the standard of review for a claim of prosecutorial misconduct, like the standard of review for a claim of judicial misconduct, is 'the narrow one of due process, and not the broad exercise of supervisory power.'[10] "The relevant question is whether the prosecutor's comments 'so infected the trial with unfairness as to make the resulting conviction a denial of due process.'"[11]

28 USC §2243 - ISSUANCE OF WRIT; RETURN; HEARING; DECISION: A court, justice or judge entertaining an application for a writ of habeas corpus shall forthwith award the writ or issue an order directing the respondent to show cause why the writ should not be granted, unless it appears from the application that the applicant or person detained is not entitled thereto.

- The writ or order to show cause shall be directed to the person having custody of the person detained.
- It shall be returned within three days unless for good cause additional time, not exceeding twenty days, is allowed.
- The person to whom the writ or order is directed shall make a return certifying the true cause of the detention.
- When the writ or order is returned, a day shall be set for hearing, not more than five days after the return unless for good cause additional time is allowed.
- Unless the application for the writ and the return present only issues of law the person to whom the writ is directed shall be required to produce at the hearing the body of the person detained.
- The applicant or the person detained may, under oath, deny any of the facts set forth in the return or allege any other material facts.

[9] A court system such as Family Court that has become a deceitful web of psychological destructive forces, motivated by money (RICO), taking advantage of family's vulnerability that are going through traumatic events or unexpected circumstances; as the court proceeds without due process, usurping the will of its victims under the color of law, extorting money directly from its victims and through the fraudulent unconstitutional cestui que accounts.
[10] Darden v. Wainwright, 477 U.S. 168, 181 (1986) (quoting Donnelly v. DeChristoforo, 416 U.S. 637, 642 (1974)).
[11] Id. (quoting Donnelly, 416 U.S. at 643).

- The return and all suggestions made against it may be amended, by leave of court, before or after being filed.
- The court shall summarily hear and determine the facts, and dispose of the matter as law and justice require.

CONCLUSION: The Writ Habeas Corpus is an unalienable right that 'NO' judge may deny. The petition need only allege a violation of due process. And, if none of the respondents return a statement of cause for the restraint, the petitioner must be released. The right of Habeas Corpus is defended in Federalist No. 84 Hamilton, secured by the United States Constitution Article I Section 9 Clause 2, the New York State Constitution §4 and its prosecution is demanded by 28U.S.C.§2242.

MEMORANDUM OF LAW RIGHT TO PRACTICE LAW

De-facto licenses are for de-facto civil law courts, not Courts Law or courts of equity.

The purpose of this memorandum is to bring to the attention of the court the "unalienable right" of the people to practice law in Common Law Courts of Record. Whereas de-facto civil law courts may require a license from the traitorous American BAR Association; Courts of Justice do not.

BRITISH ACCREDITED REGISTRAR

The American Bar Association *(*ABA*)* is an extension of the "*British Accredited Registrar*," a/k/a BAR.[1] The ABA was founded on August 21, 1878 and is an association of esquire-lawyers from the BAR, and was incorporated in 1909 in the state of Illinois. The state does not accredit the law schools or hold examinations and has no control or jurisdiction over the ABA or its members, the British Accredited Registrar, a foreign organization that maintains civil law does. Whereas the concealed 13th Amendment, ratified in 1819, prevents them from holding an "Office of Trust," see Memorandum of Law Original 13th Amendment.

The ABA accredits almost all law schools, holds their private examinations, selects the students they will accept in their organization, and issues them so-called licenses for a fee; but does not and cannot issue state licenses to lawyers.

The Bar is the only one that can punish or disbar a Lawyer and not the state. The ABA also selects the lawyers that they consider qualified for Judgeships and various other offices in the State. Only the Bar Association or their designated committees can remove any of these lawyers from public office. This is a tremendous amount of power for a private union to control and "the potential for the disastrous rise of misplaced power exists, and will persist."

The state bar card is not a license, it is a union dues card. The ABA is a professional Association like the actor's union, painters' union, etc. No other association, even doctors, issue their own license. All licenses are issued by the state. The American Bar Association is a private association, it cannot license anyone on behalf of the state.

N.Y. JUD. LAW §478: Practicing or appearing as attorney-at-law without being admitted and registered. Lawyers and attorneys are not licensed to practice law, the

[1] British Accreditation Registrar (BAR) is an independent institution that, assesses attests and monitors the technical competence of esquires, whose services are required. By awarding an accreditation. British Accreditation Registrar asserts that these bodies carry out their duties in accordance with applicable requirements and in a competent manner. In short: British Accreditation Registrar audits the auditors. All registered esquires are required to treat all British Accreditation Registrar information in confidence. These types of obligations are either directly set out in by-laws, procedure descriptions. If a BAR lawyer (*esquire*) violates the by-laws and procedures, they lose their de-facto license and cannot practice de-facto civil law in their de-facto courts.

"certificate" from the state supreme court: only authorizes, to practice law "in courts" as a member of the state judicial branch of government. And can only represent wards of the court,[2] infants, persons of unsound mind[3] (see corpus juris secundum, (C.J.S.) volume 7, section 4.[4]). A "certificate" is not a license to practice law as an occupation, nor to do business as a law firm. The state BAR is a non-governmental private association and dues must be current to sustain membership.

The U.S. Constitution does not give anyone the right to a lawyer or the right to counsel, or the right to any other "hearsay substitute". The 6th Amendment is very specific, that the accused only has the right to the "assistance of counsel" and this assistance of counsel can be anyone without limitations.

RIGHT TO PRACTICE LAW IS A COMMON RIGHT

"The term Liberty ... denotes not merely freedom from bodily restraint but also the right of the individual to contract, to engage in any of the common occupations of life, to acquire useful knowledge, to marry, to establish a home and bring up children, to worship God according to the dictates of this own conscience. The established doctrine is that this liberty may not be interfered with, under the guise of protecting public interest, by legislative action."[5]

"A State cannot exclude a person from the practice of law or from any other occupation in a manner or for reasons that contravene the Due Process Clause of the Fourteenth Amendment".[6] "There can be no sanction or penalty imposed upon one because of his exercise of Constitutional Rights."[7] "The practice of law cannot be licensed by any state/State."[8] "The practice of law is an occupation of common right."[9]

"The assertion of federal rights, when plainly and reasonably made, are not to be defeated under the name of local practice."[10] "... the right to file a lawsuit pro-se is one of the most important rights under the constitution and laws."[11]

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[2] Wards of court. Infants and persons of unsound mind. [Davis' Committee v. Loney, 290 Ky. 644, 162 S.W.2d 189, 190. Their rights must be guarded jealously. Montgomery v. Erie R. Co., C.C.A.N.J., 97 F.2d 289, 292.] a *ward* is someone placed under the protection of a legal guardian

[3] LUNATIC. [Black's Law 4th edition] A person of deranged or unsound mind; a person whose mental faculties are in the condition called "lunacy"; one who possessed reason, but through disease, grief, or other cause has lost it. May mean all insane persons or persons of unsound mind, sometimes including and sometimes excluding idiots. [Oklahoma Natural Gas Corporation v. Lay, 175 Okl. 75, 51 P.2d 580, 582.]

[4] If We consult the latest Corpus Juris Secundurr (C.J.S.) legal encyclopedia, volume 7, section 4, We will find that an attorney's first duty is to the courts and the public; not the client: According to Section 2 in said Section 7, we find that clients are "wards of the court:"

[5] Meyer v. Nebraska, 262 U.S. 390, 399, 400

[6] Schware v. Board of Bar Examiners, 353 U.S. 232 (1957)

[7] Sherar v. Cullen, 481 F. 2d 946 (1973)

[8] Schware v. Board of Examiners, United State Reports 353 U.S. pages 238, 239

[9] Sims v. Aherns, 271 SW 720 (1925)

[10] Davis v. Wechler, 263 U.S. 22, 24; Stromberb v. California, 283 U.S. 359; NAACP v. Alabama, 375 U.S. 449

[11] Elmore v. McCammon (1986) 640 F. Supp. 905

RIGHT TO ASSIST

"Litigants can be assisted by unlicensed laymen during judicial proceedings."[12] "A next friend is a person who represents someone who is unable to tend to his or her own interest."[13] "Members of groups who are competent non-lawyers can assist other members of the group achieve the goals of the group in court without being charged with "unauthorized practice of law."[14]

ATTORNEYS PRACTICE PRETEND LAW[15] AND ARE UNSKILLED[16] IN THE LAW OF THE LAND

"All codes, rules, and regulations are for government authorities only, not human/Creators in accordance with God's laws. All codes, rules, and regulations are unconstitutional and lacking due process..."[17] "All laws, rules and practices which are repugnant to the Constitution are null and void"[18]

"The common law is the real law, the Supreme Law of the land, the code, rules, regulations, policy and statutes are "not the law."[19] "The general rule is that an unconstitutional statute, though having the form and name of law, is in reality no law, but is wholly void and ineffective for any purpose, since its unconstitutionality dates from the time of its enactment... In legal contemplation, it is as inoperative as if it had never been passed... Since an unconstitutional law is void, the general principles follow that it imposes no duties, confers no right, creates no office, bestows no power or authority on anyone, affords no protection and justifies no acts performed under it... A void act cannot be legally consistent with a valid one. An unconstitutional law cannot operate to supersede any existing law. Indeed, insofar as a statute runs counter to the fundamental law of the land, (the Constitution) it is superseded thereby. No one is bound to obey an unconstitutional law and no courts are bound to enforce it."[20] "There, every man is independent of all laws, except those prescribed by nature. He is not bound by any institutions formed by his fellowman without his consent."[21]

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[12] Brotherhood of Trainmen v. Virginia ex rel. Virginia State Bar, 377 U.S. 1; v. Wainwright, 372 U.S. 335; Argersinger v. Hamlin, Sheriff 407 U.S. 425
[13] Federal Rules of Civil Procedures, Rule 17, 28 USCA "Next Friend"
[14] NAACP v. Button, 371 U.S. 415); United Mineworkers of America v. Gibbs, 383 U.S. 715; and Johnson v. Avery, 89 S. Ct. 747 (1969)
[15] Statutes
[16] INCOMPETENCY. Lack of ability, legal qualification, or fitness to discharge the required duty. In re Leonard's Estate, 95 Mich. 295, 54 N.W. 1082.
[17] Rodriques v. Ray Donavan (U.S. Department of Labor) 769 F. 2d 1344, 1348 (1985)
[18] Marbury v. Madison, 5th US (2 Cranch) 137, 180
[19] Self v. Rhay, 61 Wn (2d) 261
[20] Bonnett v. Vallier, 116 N.W. 885, 136 Wis. 193 (1908); NORTON v. SHELBY COUNTY, 118 U.S. 425 (1886)
[21] Cruden v. Neale, 2 N.C. 338 (1796) 2 S.E.

"Under our system of government upon the individuality and intelligence of the citizen, the state does not claim to control him/her, except as his/her conduct to others, leaving him/her the sole judge as to all that affects himself/herself."[22] "The assertion of federal rights, when plainly and reasonably made, is not to be defeated under the name of local practice."[23] "A State may not impose a charge for the enjoyment of a right granted by the Federal Constitution."[24] "The State cannot diminish rights of the people."[25]

"The Claim and exercise of a Constitutional Right cannot be converted into a crime."[26] "If the state converts a liberty into a privilege the citizen can engage in the right with impunity"[27]

BAR lawyers believe that Congress and Judiciary can abrogate the "Common Law" via the "Rules Enabling Act" and thereby change the Constitution that we the People ordained and established. They believe that only BAR lawyers can practice law; They believe that codes, rules, and regulations can be applied upon the People; They believe that civil law court precedence applies like law; They believe that the state can control the Peoples behavior; They believe we are under Roman law; They practice pretend law and are oblivious to the "*Law of the Land*" as they inadvertently destroy and suppress our Courts of Justice!

CONCLUSION: The people have an unalienable right to practice law, any officer of the court that moves to prevent plaintiffs unalienable right to do so, wars against both the State and United States Constitution, and commits violence against the People. De-facto licenses are for de-facto civil law courts, not courts of Law or courts of equity. The "unalienable right" of the people to practice law in Common Law Courts of Record cannot be abrogated. Whereas de-facto civil law courts may require a de-facto license from the traitorous American BAR Association, courts of Justice do not and cannot require a license!

[22] Mugler v. Kansas 123 U.S. 623, 659-60
[23] Davis v. Wechsler, 263 US 22, at 24
[24] Murdock v. Pennsylvania, 319 U.S. 105, at 113
[25] Hertado v. California, 110 U.S. 516
[26] Miller v. U.S. , 230 F 2d 486. 489
[27] Shuttlesworth v Birmingham , 373 USs 262

MEMORANDUM OF LAW FAMILY COURT

Our adversarial family law system is not designed to resolve the emotional/psychological issues of divorce – including "bad behavior" of an ex-partner

The purpose of this memorandum is to make the case that Family Court is destructive to the American family, it is inhumane and unconstitutional. There is a myriad of problems that must be solved. The adversarial family law system is not designed to resolve the emotional/psychological issues of divorce – including "bad behavior" of an ex-partner. An adversarial family law system just traumatizes divorcing parties. And "more importantly" family courts are incapable of solving any family issues concerning children, they just create bigger problems for the children that they claim to be helping. In Luke 17:1-2 God said,

> "*Woe unto him that offend children it were better for him that a millstone were hanged about his neck, and he cast into the sea, than that he should offend one of these little ones*."

WOE IS US IF WE CONTINUE TO IGNORE THIS PROBLEM!

In a case involving a family of three or four or even more, how can we expect three or four lawyers to agree about anything? Lawyers are all about winning and making money. Generally speaking, judges and lawyers are incapable of being sympathetic to the damages they inflict upon the children. Because if they were, they would not be able to live with themselves until they did something about the broken system, and they haven't! As Thomas Jefferson said, "that one hundred and fifty lawyers should do business together ought not to be expected." I have found this to be true even with two or three!

In dealing with a broken family more trauma is not what they need. Because, the de-facto family court is an adversarial system lawyers are so focused on finding fault one with another and often end up overreacting by separating the children from their siblings and parents and the traumatization of these children becomes tenfold worse than when they first enter this destructive de-facto civil law court. In most cases these people need counseling and understanding, NOT further injury! The current family law system requires radical reforms, woe upon us if we neglect to solve these problems!

The inherent problem with our current family law system is that it is not designed to therapeutically resolve the issues facing families in today's society. The breakup of marriages and the resultant issues arising with custody of children, financial support of children and spouses, and the behavior of all concerned are not properly addressed by our traditional confrontational legal system.

The courts are not designed to tell people how to be good or responsible parents. The Court can only throw people in jail or fine them, an evil act, which does not resolve the underlying issues, it just causes more pain. Courts with lengthy caseloads don't have the time to educate angry or upset parents on how to behave when their marriage has fallen apart.

Most people going through the divorce process are already traumatized by the breakdown of their marriage, and going through the courts only adds to that trauma. Appearing in front of a black-robed judge separated from the parties by a high bench is nerve-wracking.

The family court system across America has become the moral equivalent of a slave trade. Mothers and children have no rights at all, the Constitution is thrown out the window. Millions of dollars are being made by professionals off of denying domestic violence, sexual abuse of children, physical abuse of children, siding with the perpetrator instead. Loving mothers are having their children torn away from them when they haven't even been accused of anything; or where the only accusation is that they've tried to protect their children from an abusive father – exactly what the child needs the mother to do — and therefore are declared guilty of "parental alienation."

Family courts jail fathers who fall behind in child support payments as it is clearly a civil matter, not criminal, and lacks due process. Not to mention the fact that a civil law courts not being a court of record has "no authority to fine or incarcerate." The entire family court system is evil and should be consigned to the dust heap of history.

These monstrous courts revolve around the nexus of so-called Domestic Violence statutes. This sinister game-changer gave Big Brother carte blanche to intrude into the most personal aspects of people's lives, including their bedrooms. Family courts are the epitome of a "Star Chamber Tribunals" there is no presumption of innocence for the accused, no burden of proof for the accuser, no common law rules, no constitutional nor common law protections at all. Neither is there a right to a jury trial wherein the aggrieved true victim may seek redress nor can he file felony fraud charges against his accuser. He can try, but the wicked system will quickly "tank" them. He rapidly finds himself in a rigged game he can't win.

Allegedly formed to serve as a shield, more often than not restraining orders are used as a sword for purposes of revenge and vindictiveness. Further, for lower income people who cannot afford a private attorney (today the majority of Americans), no legal aid or legal services office in any county will refer them to a pro bono lawyer if you are a defendant in a domestic violence dispute. In fact, they won't even talk to you.

It is clear that family courts were created as another vehicle for totalitarian control of the populace and to collect revenue, period! There is no more blatant example in the legal industry of unconstitutional state power and viciousness than the family courts.

FAMILY COURTS DENY DUE PROCESS

In New York, as I expect most if not all states, claim that "de-facto family courts"[1] are "Courts of Record,"[2] they are not! De-facto family courts proceed by statutes and are in fact civil law courts, whereas civil law courts are unconstitutional because they lack due process and is not the law of the land.

The Constitution for the United States in Article III §2 that was ordained by We the People established that, "THE JUDICIAL POWER SHALL EXTEND TO ALL CASES, IN LAW AND EQUITY." Therefore, "Courts may be classified and divided according to several methods, the following being the more usual: COURTS OF RECORD AND COURTS NOT OF RECORD. The former being those whose acts and judicial proceedings are enrolled, or recorded, for a perpetual memory and testimony, and which have power to fine or imprison for contempt. Error lies to their judgments, and they generally possess a seal. Courts not of record are those of inferior dignity, which have NO POWER TO FINE OR IMPRISON, and in which the proceedings are not enrolled or recorded."[3]

As per the aforesaid, family courts are "Courts Not of Record" and therefore have no power to fine or imprison, but they do, unlawfully! And, that's a crime and creates another dilemma for the courts because every person who have suffered under these courts, and that is in the millions, have a cause of action against all the officers of the court, in a federal court of record for cause. And, because there are no statutes of limitation in a Court of Record every case where the judge and lawyers abused the plaintiffs and defendants are liable even going back ten, twenty, thirty, or more years. After all the proof necessary to win the case is in the record! There is nowhere to hide! And once the People become wise about this, the courts indeed will be over burdened with lawsuits against judges and lawyers.

AND, THINK NOT THAT JUDGES ARE IMMUNE FROM SUITS; "Generally, judges are immune from suit for judicial acts within or in excess of their jurisdiction …; the only exception being for acts done in the clear absence of all jurisdiction."[4] A judge must be acting within

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[1] De facto court: One established, organized, and exercising its judicial functions under authority of a statute apparently valid, though such statute may be in fact unconstitutional and may be afterwards so adjudged; or a court established and acting under the authority of a de facto government. 1 Bl. Judgm. § 173; In re Manning, 139 U.S. 504, 11 S.Ct. 624, 35 L.Ed. 264; Gildemeister V. Lindsay, 212 Mich, 299, 180 N.W. 633, 635.

[2] Article VI § 1.b: The court of appeals, the supreme court including the appellate divisions thereof, the court of claims, the county court, the surrogate's court, the family court, the courts or court of civil and criminal jurisdiction of the city of New York, and such other courts as the legislature may determine shall be courts of record.

[3] 3 Bl. Comm. 24; 3 Steph. Comm. 383; The Thomas Fletcher, C.C.Ga., 24 F. 481; Ex parte Thistleton, 52 Cal. 225; Erwin v. U. S., D.C.Ga., 37 F. 488, 2 L.R.A. 229; Heininger v. Davis, 96 Ohio St. 205, 117 N.E. 229, 231.

[4] Gregory v. Thompson, F.2d 59 (C.A. Ariz. 1974)

his jurisdiction as to subject matter and person, to be entitled to immunity from civil action for his acts.[5] Whereas family courts being a de-facto civil law court and a court not of record thereby lack both subject matter and person jurisdiction and are therefore liable. Furthermore, because family courts, like all civil law courts, are de-facto courts, they are unlawful and deceptive because they claim to be "courts of record" and then proceed as "civil law courts" using statutes and judges in place of a jury! For when, "An officer who acts in violation of the Constitution ceases to represent the government."[6]

SOLUTION – ARBITRATION BY CLINICAL PSYCHOLOGISTS AND OTHER MENTAL HEALTH PROFESSIONALS

Family courts should not exist these are social behavioral issues that they are not equipped to address and solve. Arbitration managed by clinical psychologists and other mental health professionals should be negotiating solutions and helping these families. Whose final decisions can be enforced by a jury if necessary. This solution will fulfill due process and justice.

The belief is that People would be more willing to comply with an expert-driven decision than a court decree from a judge who may not appreciate the effects of the complexities of divorce upon a dissolving family. Judges are not trained on how to solve family problems. If the parties have a chance to meet and discuss their issues with clinicians who have the bigger picture in mind, their experience would be more therapeutic than traumatic. And reasonable negotiations between the family members instead of hard-core court decisions will prove to be more palatable.

The ultimate goal is to shift the resolution of psychological and behavioral problems to people who know how to deal with them. The dissolution of a marriage, unlike the dissolution of a corporation or partnership, is not a legal matter, and trying to force a square peg into a round hole has not been a satisfactory experience for most divorcing couples and their children.

With this more just system, people with psychological and behavioral issues will get help or at least guidance on how society expects them to behave. Knowing that their issues will be helped by professionals with the right knowledge, experience, and skills will help countless families get through their divorce process without further trauma.

If a case involves financial irregularities or needed forensic accounting, the "Health Professional Arbitrators" could refer certain issues to an approved financial analyst. It would be assumed that only people with higher levels of assets or income would need such

[5] Davis v. Burris, 51 Ariz. 220, 75 P.2d 689 (1938)
[6] Brookfield Co. v Stuart, (1964) 234 F. Supp 94, 99 (U.S.D.C., Wash.D.C.)

an expert. This would apply to people involved in closely held businesses or complicated financial transactions.

The setting would be informal, such as a conference room under the auspices of the court. Parties will have filled out forms to ascertain assets, income, special needs, and other issues needed to be addressed. Parties would be encouraged to try and negotiate a reasonable agreement. If either party had an exception, they could discuss it with the arbitrators. We need to eliminate the climate of "win/lose" from the process. If the parties knew what to expect the results would be less traumatic. Everyone would be subject to uniform ground rules of behavior.

Children have the right of two parents and custody should be 50/50. Often one parent or the other may not be able at times or most times to fulfill 50% the parents can learn to work that out between themselves. Court-appointed counselors should be available to help guide the parents and children through this new phase of their life. The combative nature of the divorce process would be eliminated. With uniform ground rules, there would be no need for people to feel victimized by the system.

Fathers would know what to expect, mothers would know what to expect. There should be no need for lawyers for either the parents or the children. This is not a state issue it's a family issue.

The priority with these clinicians is to help the parents learn how to problem solve peacefully and respectfully. Education and parenting classes should be mandatory. Financial counseling should be mandatory if the parties fail to comply with their arbitrated decisions. In other words, people would be given help, not unlawful fines and jail sentences. If a clinicians believes that participants are willfully ignoring or failing to comply, they would be assigned to the justice court dockets for court enforcement.

CONCLUSION: The Family Court system has become a deceitful web of psychological destructive forces, motivated by money (RICO), taking advantage of family's vulnerability that are going through traumatic events or unexpected circumstances; as the court proceeds without due process, usurping the will of its victims under the color of law, extorting money directly from its victims and through the fraudulent unconstitutional cestui que accounts.

The de-facto family court is broken and unlawful the system needs to be replaced with compassionate and understanding social workers and clinicians. Most custody cases involve two safe and loving parents. These cases involve little or no risk. These cases constitute a large majority of the work. There can be no dispute in that, de-facto family courts are getting most custody cases involving possible domestic violence or child abuse dangerously wrong. Particularly troubling is that as more research has become available, the courts have not taken advantage of this knowledge.

Finally, the family court claims to be a "Court of Record," but operates under statutes and therefore it is a de-facto court because it operates under civil law. A de facto court is, "one established, organized, and exercising its judicial functions under authority of a statute apparently valid."[7] Therefore, the court is fraudulent, deceptive, evil, and unconstitutional and must cease to operate.

[7] 1 Bl. Judgm. § 173; In re Manning, 139 U.S. 504, 11 S.Ct. 624, 35 L.Ed. 264; Gildemeist