The County Sheriff's Common Law Handbook

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COUNTY SHERIFF'S Common Law HANDBOOK

"*Government is not reason; it is not eloquent; it is force. Like fire, it is a dangerous servant and a fearful master.*"

George Washington

"*In matters of Power, let no more be heard of confidence in men, but bind him down from mischief by the chains of the Constitution.*"

Thomas Jefferson

"*Timid men prefer the calm of despotism to the tempestuous sea of liberty.*"

Thomas Jefferson

COUNTY SHERIFF HANDBOOK

JOHN DARASH

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www.NationalLibertyAlliance.org
3979 Albany Post Road
Hyde Park, NY. 12538

COVER DESIGN: – John Darash

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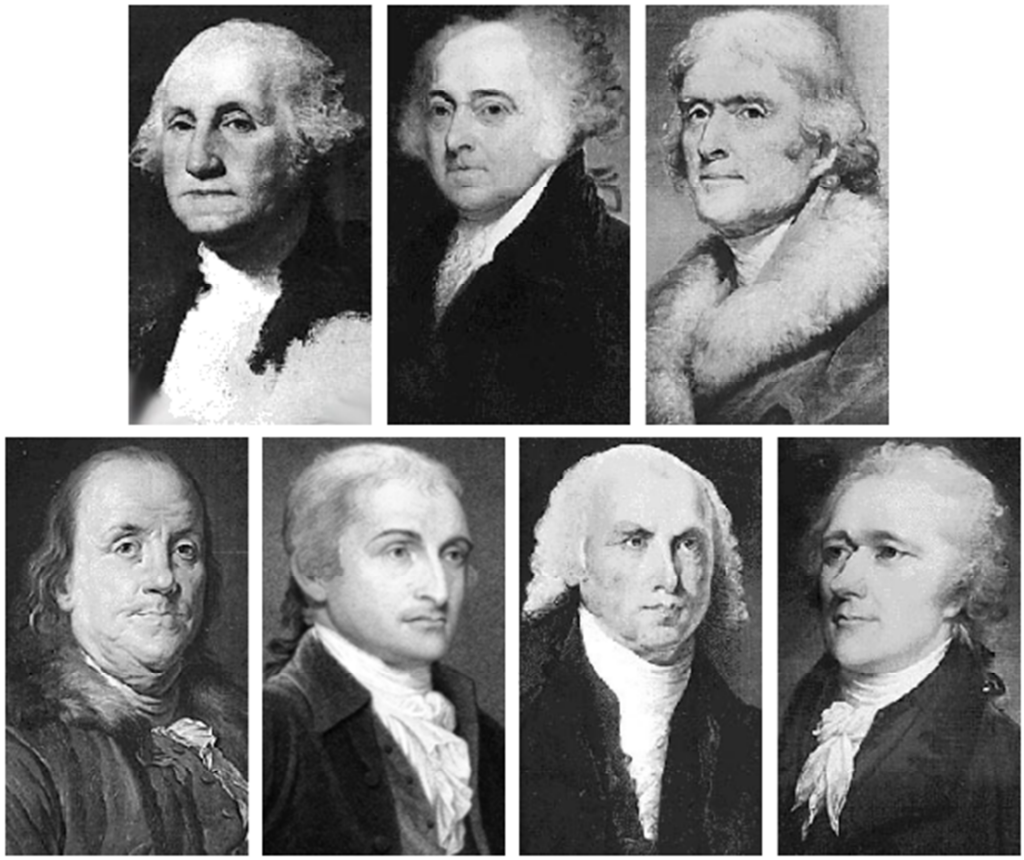
(1) Common Law (2) American History (3) Ethics (4) Science of Natural Law

<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.*



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INTRODUCTION

The purpose of this handbook is to "fully inform" the American County Sheriffs, Deputies and Bailiffs as to their authority, duty and the Law. This handbook is an endeavor to concisely and completely cover the aforesaid in a topical style to make it easy for reference. A further education, online courses, and many pertinent documents are available at www.NationalLibertyAlliance.org.

CONSTITUTION FOR THE UNITED STATES OF AMERICA ARTICLE VI: *The Senators and Representatives before mentioned, and the members of the several state legislatures, and all executive and judicial officers, both of the United States and of the several states, shall be bound by oath or affirmation, to support this Constitution.* Sheriffs are judicial officers.

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.*"

COMMON SENSE: Don't be deceived, the Law is not complex. Thomas Jefferson said that "*Common sense is the foundation of all authorities, of the laws themselves, and of their construction*," a/k/a maxims.

The Law of the Land consists of: (1) the Constitution, written by We the People, under the authority of God, to empower, control and restrict government servants. (2) Common Law which is written by God in the hearts of men; and, (3) Constitutional Codes, Statutes, and Regulations which are written by Legislators for government agents and commercial activities, not the People!

Codes, statutes and regulations are not applicable upon the People. We the People did not, nor could we, give authority to legislators to write law controlling the behavior of the People. Samuel Adams said it clearly, "*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.*"

If a Sheriff must depend upon a lawyer to determine the Law, it's no different than giving up their responsibility and breaking their oath. BAR lawyers are not trained in Law they are trained in equity. Whereas "*equity*" is manmade law, a/k/a legislative law, and "*Law*" is derived from natures God, a/k/a "*Common Law.*"

Village, town, city, and state police are primarily code enforcement agents and not law enforcement agents. They are trained to identify code violations written for government agents and persons engaged in commercial activities, and applying said code violations upon the People.

There is a covert Marxist conspiracy by enemies foreign and domestic to destroy our "*Natural Law Republic*" by substituting "*Common Law*" with "*civil law.*" Today it is becoming more and more evident to the common person that many conspiracy theories are in fact conspiracies.

In 1934, Congress unlawfully replaced the "*Rules of Common Law*" with "*rules of civil law*" via the "*Rules enabling Act.*" As a result, the traitorous BAR Association wrote the rules of civil law and the United States Supreme Court claimed authorship in 1938 and thereby abrogated the "*Law of the Land*" claiming that natural law was unjust and that the enabling act of 1934 via "*rule 2*" combined "Law and Equity" under the heading "*civil law,*" a/k/a municipality law, law of the city, or Babylonian law.

In order to overthrow the "*Law of the Land,*" barristers, a/k/a lawyers, trained in civil law infiltrated and took control of our legislative and judicial branches of government via the "Deep State" as they train swarms of "*code enforcement officers*" to enforce statutes as law upon the People. These BAR lawyers control the law narrative among our legislators, judiciary, and code enforcement agents. They have also been successful in removing civics and constitutional studies from our education, setting the stage for a Marxist takeover of our Republic, which is what we are witnessing today. All of this will become more and more obvious as we look at the "Law of the Land" in this handbook.

In order for statutes to become Law, the legislators must first be given authority by We the People which is found under Article I. Section 8 which is restrained by Article I. Section 9 and the Bill of Rights. **This is where the Sheriff's attention should be**. If Congress writes statutes outside of Article I. Section 8 or statutes that violate Section 9 the Bill of Rights, or code enforcers, prosecutors, or judges apply statutes upon the People, the following "General Rule" of the United States Supreme Court quoting "American Jurisprudence" is to be applied, and herein is the Power of the County Sheriff. Obviously this also applies to state constitutions.

"*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.*" – Bonnett v. Vallier, 116 N.W. 885, 136 Wis. 193 (1908); NORTON v. SHELBY COUNTY, 118 U.S. 425 (1886).

Show us a County Sheriff that does not know the Law and we will show you a Lawless County. Because it is in the nature of unrestrained government servants to seize more and more power and control over the People and this is precisely why we need a true Lawman who takes pride in the knowledge of the Law.

The office of the Sheriff is not to blindly enforce codes, rules and statutes but to enforce the Law and constitutional statutes that prevent lawless servants from injuring the People. It is up to the Sheriff to "*bind the government servant down from mischief by the chains of the Constitution*." – Thomas Jefferson.

The primary purpose of the Sheriff is to protect the "*sovereign People*" from abusive government agents. What separates the Sheriff from the police is the fact that police are code enforcement officers that answer to a political servant who has the power to fire them. And if the political servant is lawless, so are the police! Whereas, the Sheriffs' are Law enforcement officers, that answer to the People directly at the ballot box. Therefore, the Sheriff will be as Lawful as his knowledge of the same. There are only four ways a Sheriff can be removed from office, anything in the Constitution or laws of any State to the contrary notwithstanding, (1)

the People can vote them out, (2) recall, (3) impeachment and (4) indictment by the Grand Jury.

The County Sheriff also has a duty to enforce the Common Law which is written by God in the hearts of men. There are two Common Law Principles that guide us in knowing the Common Law, (1) In order for there to be a crime, there must be an injured party and the government in general cannot be the injured party. (2) For every injury there must be a remedy. This is the simplicity of God's Law, do not kill, do not steal, do not injure, do not trespass, etc.... We all know this, we do not need codes and statutes to define a crime!

There are four things the Sheriff needs in order to arrest lawless elected or appointed servants, including lawless judges, with impunity and fearlessness. They are:

1) Knowledge of the Law.
2) Knowledge that no agency or elected or appointed servant can remove a Sheriff from office nor can a Sheriff be arrested unless they violate the Common Law such as stealing, killing, etc.
3) The People supporting him/her, and
4) Access to the Grand Jury to get an indictment.

The Sheriffs should not be going to the prosecutor for an indictment as all too often they are gatekeepers for the lawless, nor does the prosecutor have any common law authority to approach the Grand Jury. Prosecutors should be bringing their cases to the Sheriff and if the Sheriff finds merit in the cases then the he is obligated to bring the case before the Grand Jury.

It is imperative that the Sheriff have the active support of the People. The best place for the Sheriff to find that is in locally controlled citizen and liberty groups. Go out and talk to them often, ask for their support to help you protect their unalienable rights, because they are the most active and will show up to support you when you need them.

Sheriffs should keep their eye out for Committees of Safety (COS) which are exploding across the Nation. All 56 signers of the Declaration of Independence were members of Committees of Safety. Committees of Safety are the most powerful tool the Sheriff can have because they are We the People; learn about them! To see if there are Committees of Safety in your County, you can go to https://www.nationallibertyalliance.org/state-groups. If there are no Committees of Safety in your County, you can contact the National Committee of Correspondence Director whose job is to help connect to and or start Independent Grassroots Committees of Safety in your County.

Sheriffs need to have a "*proper education*" and the support of other "*properly educated*" Sheriffs standing with them and, rarely, if necessary, an armed posse, especially if they are going up against a federal or state agency or lawless government servants.

Most importantly, the Sheriff must have "Grand Jury Access"! The Sheriff has been around for 100's of years, and like the Coroner, has always had direct access to the Grand Jury without a monitor (prosecutor). The only purpose of a gatekeeper is to protect the guilty, and the only reason they can get away with having all powerful gatekeepers is because of the Sheriff's and the Peoples' ignorance of the Law of the Land.

Just because there are rules and statutes that provide for prosecutors to call the Grand Jury, which is necessary to empower them to do so, it does not make it lawful for them to do so. Neither history nor the Constitution provides for prosecutors to have access to the Grand Jury. The Sheriff and the Coroner have always had and still have the authority to call the Grand Jury themselves.

The major problem with prosecutors is that they think that after they get an indictment, they have the power to add or remove chargers or make deals. Only the Grand Jury can add or remove charges and make a deal with the accused, but they can only make a deal if they have the consent of the injured party. That is because another Common Law Principle states, "*for every injury there must be a remedy*" and only a Trial Jury can render a remedy without the consent of the injured. This is all Common Sense. This is Common Law, so called because it is common onto all!

Prosecutors usually throw the book at the accused thereby inflating jail sentences and then later offer the accused less time if they plead guilty; that's called extortion!

The Sheriffs should always know when the Grand Jury is in session so that if they want to ask the People for an indictment against a person or an elected or appointed official or maybe even the prosecutor or a judge, the Sheriff can go to the court and talk to the Grand Jury directly. He need not explain himself to anyone, and, if necessary, can arrest anyone who gets in his way for obstruction of justice. Once the Sheriff gets an indictment, the prosecutor cannot reduce or change the charges because that's a crime!

"*One single object… will merit the endless gratitude of society: that of restraining the judges from usurping legislation.*" – Thomas Jefferson to Edward Livingston, 1825. ME 16:113.

Sheriffs, whether they be a democrat or republican, liberal or conservative should not indulge in party favors, only the Law. That's your oath! This Comprehensive Handbook was written to fully inform the Sheriff and deputies of their powers and authorities that they took an oath to perform. Thereby, supporting and defending the Constitution for the United States of America. For a higher education go to www.NationalLibertyAlliance.org

DUTY OF THE COUNTY SHERIFF

We are a nation governed by the common laws of God which makes our Law superior and more Just than any other nation's law. Therefore, the Oath of the County Sheriff is a Sacred Oath, which, when violated, is a direct assault upon God whose judgement will not rest forever.[1] Thomas Jefferson professed America's covenant between God and We the People when he penned the following: "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."

[1] "*I tremble for my country when I reflect that God is just; that his justice cannot sleep forever.*" – Thomas Jefferson

SHERIFF AND THE COURT

The court belongs to the sovereign people. The United States Supreme Court defines the Court as: "An agency of the sovereign [the People] created by it [the People] directly or indirectly under its [the People's] authority, consisting of one or more officers, [magistrate, sheriff, coroner and prosecutor] 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."[2]

State and County Courts are Courts of Record. In some cases, city courts are Courts of Record. For instance, New York City Courts are Courts of Record, but all other city courts in New York State are Not Courts of Record. To find out what courts are Courts of Record, look in your State Constitution which will list these courts. All other courts are called nisi prius courts, also called administrative courts. These courts are not Courts of Record. Unless your State Constitution says differently all city, town and village courts are not Courts of Record. Bouvier's Law defines nisi prius courts: "Where courts bearing this name exist in the United States, they are instituted by statutory provision (not Constitutional)." Nisi prius is a Latin term Black's Law states: "Prius means first. Nisi means unless. A nisi prius procedure is a procedure to which a party FIRST agrees UNLESS he objects. A rule of procedure in courts is that if a party fails to object to something, then it means he agrees to it. A nisi procedure is a procedure to which a person has failed to object A "nisi prius court" is a court which will proceed unless a party objects. The agreement to proceed is obtained from the parties first."

The United States Supreme Court said concerning "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. 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]

The Sheriff has a duty to provide Law Enforcement officers who are a Sheriff's Deputy, often called Bailiffs which means guardian or steward, in all courts of Record. Like the Sheriff, Deputies are to have a "proper education." It is the duty of the Sheriff to make sure that his Deputies have a "proper education."

The Bailiff is not in the Courtroom as a private body guard for the judge, he is there to protect the People and the judge who is also one of the People. He is there to keep the peace by making sure the Law of the Land is being adhered to and that unalienable rights are not being violated. Remember the Sheriff's duty is to protect the sovereign (People) and ensure Justice.

If the Sheriff perceives that the judge, or any other elected or appointed official for that matter, is breaking the law, the best way to proceed is to get an indictment before making an arrest. Don't trust the prosecutor, because he is likely to help the judge. Judges and prosecutors are both elected or appointed, both political, both BAR members, both lawyers and have a close working relationship and are therefore ~~are~~ likely to share a comradery. Go see the Grand Jury directly and secure an indictment.

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[2] Isbill v. Stovall, Tex.Civ.App., 92 S.W.2d 1067, 1070.

[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

COURT DUTIES – Sheriffs are responsible for maintaining the safety and security of the court. A Bailiff is required to attend all court sessions, to take charge of juries whenever they are outside the courtroom, to serve court papers, to extradite prisoners, and to perform other court-related functions.

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.*"

According to Black's Law Dictionary, the word oath, in its broadest sense, includes "all forms of attestation by which a party signifies that (s)he is bound in conscience by "a solemn and formal declaration or asseveration that an affidavit is true.

No warrant, including a federal warrant, is 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 county pass constitutional scrutiny. IRS warrants rarely if ever 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 the wet ink signature is not executable.

SHERIFF AND THE COUNTY JAIL

Sheriffs' offices maintain and operate county jails or other detention centers, 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.

Before the Sheriff is to accept any prisoner, he is to make sure that due process has been exercised. If a court sends a prisoner sentenced to be incarcerated and there was no indictment and petit jury (*trial by 12 jurists*) before the sentencing, the prisoner is now a victim who was not given due process. The Sheriff cannot accept that prisoner. Unfortunately, because of ignorance, County Jails are filled with such prisoners. Black's Law defines an "*infamous crime*" as a crime punishable by imprisonment.

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.*"

Amendment VI: "*In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury…*"

The Sheriff cannot accept any prisoners that were tried in Courts "Not of Record" because they are nisi prius courts and do not have the power to fine or incarcerate. "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."[4] If an individual has not been (1) indicted and then (2) tried by jury in a (3) court of record by a (4) free and independent common law grand jury, protected by the 5th 6th and 7th Amendments he is being held unlawfully and may sue all involved in his incarceration. If any of the aforesaid four steps is missing then the person did not receive due process and the Sheriff must release the prisoner or he violates his oath and the law becoming complicit with the officers of an unjust court.

SHERIFF IS THE CHIEF LAW ENFORCEMENT OFFICER OF THE COUNTY

"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; such as serving process, summoning juries, executing judgments, holding judicial sales and the like. He is also the chief conservator of the peace within his territorial jurisdiction."[5]

Justice Scalia, writing for the majority in a 1997 decision 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 went even further in this landmark decision, one in which two small-town sheriffs headed the Feds "*off at the pass*" and sent them on their way. Scalia, in his infinite obligation to the Constitution, took this entire ruling to the tenth power when he 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.

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. This is why the new mission of the Indiana Sheriffs' Association and their slogan is "Building Communities of Trust in ALL 92 Indiana Counties."

As the sheriffs' 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.)

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[4] 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.
[5] Harston v. Langston, Tex.Civ. App., 292 S.W. 648, 650. When used in statutes, the term may include a deputy sheriff. Lanier v. Town of Greenville, 174 N.C. 311, 93 S.E. 850, 853

JUST COURTS OF LAW REST UPON SIX FOUNDATIONAL TRUTHS

(1) Truths are self-evident, (2) All men are created equal, (3) We are endowed (gifted) by the Creator, (4) We have unalienable Rights, (5) To secure these rights we have a right to institute governments, (constitution), (6) Governments that derive their just powers from the consent of the People wherein we ordained and established the following:

> "*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 TO THE CONSTITUTION FOR THE UNITED STATES OF AMERICA

Therefore, by the Powers vested in We the People by God, We the People did "*Ordain & Establish*" vested powers to our government servants who are bound by the chains of the Constitution[6] thru their oaths, to the following six ends, alone: (1)Form a more perfect union, (2)Establish justice, (3)Insure domestic tranquility, (4)Provide for the common defense, (5)Promote the general welfare and (6)Secure the blessings of liberty to ourselves and our posterity. No legislation is to pass that does not in the end serve one or more of the aforesaid six ends, any legislation to the contrary is "null and void"[7] and the Sheriff is bound to treat it as such under the following General Rule:

THE GENERAL RULE

"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."[8]

Any Sheriff unable to understand and enforce "The General Rule" violates his oath of office and wars against God and We the People. For the Sherriff to correct this error, there are

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[6] "Put not your faith in men, but bind them down with the chains of the constitution." – Thomas Jefferson.
[7] "All laws, rules and practices which are repugnant to the Constitution are null and void." – Marbury v. Madison, 5th US (2 Cranch) 137, 180; "Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them." – Miranda v. Arizona, 384 U.S. 436, 491; "... 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.
[8] Bonnett v. Vallier, 116 N.W. 885, 136 Wis. 193 (1908); NORTON v. SHELBY COUNTY, 118 U.S. 425 (1886).

only two choices: (1) study and show thyself approved by your oath or (2) resign the office of Sheriff. It is also the duty of every Sherriff to train their Deputies in the Law of the Land. This is the very purpose of this book; to train our Sheriffs and deputies in the way they should conduct themselves.

It has become agonizingly obvious through communicating with many Sheriffs and their deputies across the Nation, that the majority of them are not properly educated and, do not understand their oath and authority.

LAW OF THE LAND

Law: "*That which is laid down, ordained, or established.*" – Koenig v. Flynn, 258 N.Y. 292, 179 N. E. 705.

U.S. Constitution 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.*"

In conclusion; Law is all about the securing of unalienable rights. We do not need a PhD to know and understand the Law. We need not yield our understanding to statutory lawyers, a/k/a BAR attorneys.

The Bible tells us that lawyers reject the counsel of God[9], they lay upon men grievous burdens[10] and take away the key of knowledge[11]. It tells us that God has written his laws in the hearts of all men. We the People can know right from wrong. We do not need legislators and lawyers to tell us. That is precisely why We the People never gave our servant legislators authority to write statutes that govern our behavior. Nor did we give judges and prosecutors the authority to indict or judge We the People; that authority we reserved to ourselves via untainted Juries with the power of nullification.

Common Law is built upon logic and reason through "maxims" and "principles." Maxims are self-evident truths such as: "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." "For every injury there must be a remedy" and "for there to be a crime there must be an injured party." Principles are a state of mind that always needs to be considered such as Honor, Justice and Mercy.

Likewise, we need not yield our trust in understanding law to BAR attorneys. Thomas Jefferson told us: "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."[12]

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[9] Luke 7:30 But the Pharisees and lawyers rejected the counsel of God against themselves, being not baptized of him.

[10] Luke 11:46 And he said, Woe unto you also, ye lawyers! for ye lade men with burdens grievous to be borne, and ye yourselves touch not the burdens with one of your fingers.

[11] Luke 11:52 Woe unto you, lawyers! for ye have taken away the key of knowledge: ye entered not in yourselves, and them that were entering in ye hindered.

[12] Thomas Jefferson to William Johnson, 1823. ME 15:450.

"The purpose of a written constitution is entirely defeated if, in interpreting it as a legal document, its provisions are manipulated and worked around so that the document means whatever the manipulators wish." Jefferson recognized this danger and spoke out constantly for careful adherence to the Constitution as written, with changes to be made by amendment, not by tortured and twisted interpretations of the text. A rule of thumb concerning the constitutionality of any legislation or interpretation of the Constitution is to ask if the conclusion violates any of our unalienable rights and if it does its "Null and Void."

THE LAWS OF NATURE AND OF NATURE'S GOD

The judicial power shall extend to all cases, in law and equity… U.S. Constitution, Article III, Section 2.[13]

The Laws of nature and of nature's God is called Natural Law or Common Law because the Law is common onto all men and no one can escape its judgment which will be applied either in True Courts of Justice or on the last day.[14] According to Black's Law 4th edition, the key phrase "in law" means in the intendment or contemplation of the law; existing in law or by force of law. It is in fact actual real as distinguished from implied or inferred.; "Philosophically, it seems more correct to say that the word "land" means, in law, as in the vernacular, the soil … The term "land" may be used interchangeably with "property;" it may include anything that may be classed as real estate or real property."[15] Law of the land lifted from the Magna Carta means due process = process due and owing to all concerned, sometime called the paths of the law.

Therein, the constitutional phrase "Law of the Land"[16] (property) for it is God who created all things[17] for His pleasure![18] and said, "The world is mine[19], all men are mine[20], all souls are

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[13] Jurisdiction of law as distinct from jurisdiction of equity; law here is short for common law as distinct from equity

[14] 2 Pet 3:6-7 "Whereby the world that then was, being overflowed with water, perished: But the heavens and the earth, which are now, by the same word are kept in store, reserved unto fire against the day of judgment and perdition of ungodly men."

[15] Law of the land lifted from Magna Carta means due process = process due and owing to all concerned, sometime called the paths of the law.; Reynard v. City of Caldwell, 55 Idaho 342, 42 P.2d 292, 297

[16] US Constitution 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.

[17] Eph 3:9 And to make all men see what is the fellowship of the mystery, which from the beginning of the world hath been hid in God, who created all things by Jesus Christ.

[18] Rev 4:11 Thou art worthy, O Lord, to receive glory and honour and power: for thou hast created all things, and for thy pleasure they are and were created.

[19] Psa 50:12 … the world is mine, and the fulness thereof.; Exo 19:3-6 And Moses went up unto God, and the LORD called unto him out of the mountain, saying, Thus shalt thou say to the house of Jacob, and tell the children of Israel; Ye have seen what I did unto the Egyptians, and how I bare you on eagles' wings, and brought you unto myself. Now therefore, if ye will obey my voice indeed, and keep my covenant, then ye shall be a peculiar treasure unto me above all people: for all the earth is mine: Job 41:11 … whatsoever is under the whole heaven is mine. And ye shall be unto me a kingdom of priests, and an holy nation. These are the words which thou shalt speak unto the children of Israel.

[20] Exo 13:1-2 And the LORD spake unto Moses, saying, Sanctify unto me all the firstborn, whatsoever openeth the womb among the children of Israel, both of man and of beast: it is mine.; Exo 34:19 All that openeth the womb is mine.

mine[21] and all gold and silver is mine."[22] We the People and all of creation are God's property. God is the Lawgiver and Judge[23] who gave us the Law of Liberty[24] via unalienable rights thereby making us free[25] and We the People through the Jurys (grand and petit) sit as the Tribunal[26] on the King's Bench[27] to exercise the Law of the Land and no man by way of legislation or decree can take We the Peoples' Liberty without consequence.[28]

Black's Law states that 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. "*Law is that which is laid down, ordained, or established.*"[29] Thomas Jefferson was a student of Lord Bolingbroke. He first began studying Bolingbroke's writings at the age of fourteen, and he read them again at the age of twenty-three as he was preparing for a career as a lawyer. Jefferson's Literary Commonplace Book contains more quotations from Bolingbroke than from any other author, and all historians have given Bolingbroke the credit for Jefferson's famous phrase regarding "*the Laws of Nature and of Nature's God.*" In a renowned letter to Alexander Pope, Lord Bolingbroke wrote the following words which were to become the basis for Jefferson's opening paragraph of the Declaration of Independence:

"You will find that it is the modest, not the presumptuous enquirer, who makes a real, and safe progress in the discovery of divine truths. One follows nature, and nature's God; that is, he follows God in his works, and <u>in his word</u>."

Here we find a definition from the very individual that all scholars recognize as the source of Jefferson's phrase. According to Lord Bolingbroke, the law of nature's God is the Law which is found in God's Word. This was the definition which was intended by Jefferson, and

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[21] Ezek 18:4 Behold, all souls are mine; as the soul of the father, so also the soul of the son is mine: the soul that sinneth, it shall die.

[22] Hag 2:8 The silver is mine, and the gold is mine, saith the LORD of hosts.

[23] LAWGIVER: Isa 33:22 For the LORD is our judge, the LORD is our lawgiver, the LORD is our king; he will save us.

[24] LAW OF LIBERTY: James 2:12 So speak ye, and so do, as they that shall be judged by the law of liberty.; James 1:25 But 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.; Gal 5:13-14 For, brethren, ye have been called unto liberty; only use not liberty for an occasion to the flesh, but by love serve one another. For all the law is fulfilled in one word, even in this; Thou shalt love thy neighbour as thyself.; Gal 4:31-Gal 5:1 So then, brethren, we are not children of the bondwoman, but of the free. Stand fast therefore in the liberty wherewith Christ hath made us free, and be not entangled again with the yoke of bondage.

[25] FREEDOM: John 8:36 If the Son therefore shall make you free, ye shall be free indeed.

[26] TRIBUNAL: Bouvier's Law, 1856 Edition - The seat of the whole body of judges who compose a jurisdiction sometimes it is taken for the jurisdiction which they exercise. (2). This term is Latin, and derives its origin from the elevated seat where the tribunes administered justice.

[27] BEFORE THE KING HIMSELF the old name of the court of king's bench, which was originally held before the king in person. 3 Bl.Comm. 41. "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." 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.; Black's Law - Before us ourselves, (the king, i. e., in the king's or queen's bench.) [tribunal pre-trial] CORAM NOBIS. [Black's Law] 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. See Writ of Error.

[28] VENGEANCE: Rom 12:19 Dearly beloved, avenge not yourselves, but rather give place unto wrath: for it is written, Vengeance is mine; I will repay, saith the Lord.

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

this was the manner in which his words were understood by our forefathers. The law of nature's God upon which our nation was founded is nothing less than the Bible itself.

"The laws of nature are most perfect and immutable; but the condition of human law is an unending succession, and there is nothing in it which can continue perpetually. Human laws are born, live, and die." – 7 Coke, 25.

As one might expect, the Bible is fairly clear on the subject of the supremacy of God and his law. It indicates that there is no God except the Lord God.[30] God is the God of creation and He is the Creator of all things visible and invisible.[31] God impressed his laws upon creation and he governs its operation accordingly.[32] God gave his law so that people would seek after God and know what God requires of every person.[33] Of course, the laws of God are right, perfect, and eternal.[34] They apply over the entire globe and are written in God's creation because God is the Creator of all the earth.[35] These rules also apply to all people and are written within each man, woman and child because God is the Creator of all people.[36] God also reiterated the basic elements of his rules of right and wrong in the Bible.[37]

The implications of this situation are straightforward. Since God created all things, he also has the right to rule them according to his laws.[38] He rules the nations according to his laws.[39] His laws rule the nations irrespective of whether a given nation believes in God or recognizes his laws.[40] This does not mean that the nations are perfect nor does it mean that people who do not worship God cannot rule.[41] Nor does it mean that God will judge lawbreakers according to our timetables of justice.

It does mean, however, that God will not let a corrupt government rule forever.[42] God judges justly on the earth and punishes lawless leaders and nations.[43] Nations which forget God may completely perish.[44] Nations which honor God and try to follow his laws, however, can expect to receive his care and protection.[45]

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[30] Isa 45:22-23 Look unto me, and be ye saved, all the ends of the earth: for I am God, and there is none else. I have sworn by myself, the word is gone out of my mouth in righteousness, and shall not return, That unto me every knee shall bow, every tongue shall swear. Rev 22:13 I am Alpha and Omega, the beginning and the end, the first and the last.

[31] Gen 1:1 In the beginning God created the heaven and the earth.; Rom 1:20 For the invisible things of him from the creation of the world are clearly seen, being understood by the things that are made, even his eternal power and Godhead; so that they are without excuse:; **Col 1:16** For by him 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.

[32] Psalm 19:1-3,7-9,11.

[33] Genesis 2:16-17. See also, Acts 17:24-28.

[34] Psalms 119:128a [right], 142,151 [perfect], 160 [eternal].

[35] Genesis 1:1-2:3 [Account of creation of heavens and earth]. Acts 4:24 & 14:15; [Affirmation that God made the heavens, earth, the sea and all therein]. Acts 17:24 [God made the world and dwells in heaven, not in man-made temples].

[36] Romans 2:14-15.

[37] Exodus 20:1-17, Matthew 22:36-40, Romans 5:20 and 13:8-10.

[38] Psalm 24:1, 29:10, 90:2. See also, Psalm 2:10.

[39] Psalm 2:1-4.

[40] 1 Chronicles 29:11-12. Compare Exodus 5:2 with Exodus 9:27-28. See also, Exodus 12:31-32.

[41] Jeremiah 27:4-8.

[42] Jeremiah 25:9 and Daniel 4:30-37.

[43] Psalm 58:11, 82:1-8, Ezekiel 14:12-14, Job 12:17-24.

[44] Jeremiah 12:14-17.

[45] Daniel 4:30-37, Deuteronomy 11:26-29.

LEGISLATIVE LAW IS VESTED LAW

Neither the US Congress nor any State Congress has the authority to write statutes that control Peoples' behavior. It's up to the People to control their own behavior and if they injure someone, the common law has remedies. Vested authority in our Legislators is found in Article I. Section 8. Congress absolutely has no authority to legislate outside of Article I. Section 8.

THE REAL LAW: "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. Legislated statutes enforced upon the people in the name of law are a fraud. They have no authority and are without mercy. Justice without mercy is Godless and therefore, repugnant to our United States Constitution. Lawmakers were given authority by the people to legislate codes, rules, regulations, and statutes which are policies, procedures, and "law" to control the behavior of bureaucrats, elected and appointed officials, municipalities and agencies. However, they were never given authority to control the behavior of the people as we read in the US Supreme court decision, "All laws, rules and practices which are repugnant to the Constitution are null and void."[46]

Legislators simply do not have the authority to rule make. "Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them."[47] God breaks down the law as follows: "And Jesus answered him, The first of all the commandments is, Hear, O Israel; The Lord our God is one Lord: And thou shalt love the Lord thy God with all thy heart, and with all thy soul, and with all thy mind, and with all thy strength: this is the first commandment. And the second is like, namely this, Thou shalt love thy neighbour as thyself. There is none other commandment greater than these."[48] Although it is a sin, punishable only by the Judge of the Universe, to break the commandment to love in your mind, words, and deeds. It does not become a crime, punishable by man, until your words and deeds are expressed in "actions" injuring another.

Thomas Jefferson said, "*I would rather be exposed to the inconveniences attending too much liberty than those attending too small a degree of it*." If one of the people exercises his free will to carry a weapon, travel, practice law, park without depositing money in a meter, use hemp, pharmaceuticals, alcohol, vitamins, minerals or any other substance for medicinal or recreational purposes, the legislators do not have the authority to impose a fine, license or make a right a crime.

SHERIFF AND STATUTES

An important point that all judicial officers should know is that lawful statutes are written to govern elected, appointed and hired government servants. The United States Constitution Article 1 Section 8 empowers congress with the following power to write laws:

(1) To tax and pay debts and provide for the common defense and general welfare of the United States; (2) To Borrow money; (3) To make regular commerce with foreign nations, and the states; (4) To establish a uniform rule of naturalization, and bankruptcy laws; (5) To

[46] Marbury -v-Madison, 5th US (2 Cranch) 137, 174, 176, (1803).
[47] Miranda v. Arizona, 384 U.S. 436, 491.
[48] Mark 12:29-31.

coin money, and fix the standard of weights and measures; (6) To provide for the punishment of counterfeiting; (7) To establish post offices and post roads; (8) To promote the progress of science and useful arts; (9) To constitute district courts inferior to the Supreme Court; (10) To define and punish piracies; (11) To declare war; (12) To raise and support armies; (13) To provide and maintain a navy; (14) To make rules for land and naval forces; (15) To provide for calling forth the militia; (16) To provide for organizing, arming, and disciplining, the militia; (17) To exercise exclusive legislation in Washington DC and forts, magazines, arsenals, dockyards, and other needful buildings; (18) 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.

TAKE NOTE: Congress was not given the power to write statutes to control the behavior of "We the People," nor can they without violating our unalienable rights. Therefore, that power to control our own behavior belongs to each one of us and we are responsible for our own actions "to do no harm," this is the Great American Experiment.

COLOR OF LAW: "The appearance or semblance, without the substance, of legal right."[49] "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."[50]

The following codes, a/k/a statutes, are examples of legislation that protect the Peoples' unalienable rights and impose fines and prison sentences upon elected and appointed servants who abuse their powers under the color of law. The Jury has the Power and Authority to change fines into restitution, and they should because currently the fines are simply used to enrich the state. They also have the Power and Authority to make the restitution or punishment greater or lesser. If the convicted is placed on probation or house arrest, they may and should be required to pay for said services.

18 USC §241 – CONSPIRACY AGAINST RIGHTS: If two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State, Territory, Commonwealth, Possession, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or if two or more persons go in disguise (*police officer acting under color of law*) on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured – They shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, they shall be fined under this title or imprisoned for any term of years or for life, or both, or may be sentenced to death.

18 USC §242 – DEPRIVATION OF RIGHTS UNDER COLOR OF LAW: Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such person being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined under this title or imprisoned not more than one year, or both; and if bodily

[49] State v. Brechler, 185 Wis. 599, 202 N.W. 144, 148
[50] Atkins v. Lanning, 415 F. Supp. 186, 188

injury results from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title, or imprisoned for any term of years or for life, or both, or may be sentenced to death.

18 USC §645 – COURT OFFICERS GENERALLY: Whoever, being a United States marshal, clerk, receiver, referee, trustee, or other officer of a United States court, or any deputy, assistant, or employee of any such officer, retains or converts to his own use or to the use of another or after demand by the party entitled thereto, unlawfully retains any money coming into his hands by virtue of his official relation, position or employment, is guilty of embezzlement and shall, where the offense is not otherwise punishable by enactment of Congress, be fined under this title or not more than double the value of the money so embezzled, whichever is greater, or imprisoned not more than ten years, or both; but if the amount embezzled does not exceed $1,000, he shall be fined under this title or imprisoned not more than one year, or both. It shall not be a defense that the accused person had any interest in such moneys or fund.

18 USC §654 – OFFICER OR EMPLOYEE OF UNITED STATES CONVERTING PROPERTY OF ANOTHER: Whoever, being an officer or employee of the United States or of any department or agency thereof, embezzles or wrongfully converts to his own use the money or property of another which comes into his possession or under his control in the execution of such office or employment, or under color or claim of authority as such officer or employee, shall be fined under this title or not more than the value of the money and property thus embezzled or converted, whichever is greater, or imprisoned not more than ten years, or both; but if the sum embezzled is $1,000 or less, he shall be fined under this title or imprisoned not more than one year, or both.

18 USC §872 – EXTORTION BY OFFICERS OR EMPLOYEES OF THE UNITED STATES: Whoever, being an officer, or employee of the United States or any department or agency thereof, or representing himself to be or assuming to act as such, under color or pretense of office or employment commits or attempts an act of extortion, shall be fined under this title or imprisoned not more than three years, or both; but if the amount so extorted or demanded does not exceed $1,000, he shall be fined under this title or imprisoned not more than one year, or both.

18 USC §1001 – STATEMENTS OR ENTRIES GENERALLY: (a) Except as otherwise provided in this section, whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully (1) falsifies, conceals, or covers up by any trick, scheme, or device a material fact; (2) makes any materially false, fictitious, or fraudulent statement or representation; or (3) makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry; shall be fined under this title, imprisoned not more than 5 years or, if the offense involves international or domestic terrorism (as defined in section 2331), imprisoned not more than 8 years, or both. If the matter relates to an offense under chapter 109A, 109B, 110, or 117, or section 1591, then the term of imprisonment imposed under this section shall be not more than 8 years.

18 USC §1503 – INFLUENCING OR INJURING OFFICER OR JUROR GENERALLY: (a) Whoever corruptly, or by threats or force, or by any threatening letter or communication, endeavors to influence, intimidate, or impede any grand or petit juror, or officer in or of any court of the United States, or officer who may be serving at any examination or other proceeding before any United States magistrate judge or other committing magistrate, in the discharge of his duty, or injures any such grand or petit juror in his person or property on account of any verdict or indictment assented to by him, or on account of his being or having been such juror, or injures any such officer, magistrate judge, or other committing magistrate in his person or property on account of the performance of his official duties, or corruptly or by threats or force, or by any threatening letter or communication, influences, obstructs, or impedes, or endeavors to influence, obstruct, or impede, the due administration of justice, shall be punished as provided in subsection (b). If the offense under this section occurs in connection with a trial of a criminal case, and the act in violation of this section involves the threat of physical force or physical force, the maximum term of imprisonment which may be imposed for the offense shall be the higher of that otherwise provided by law or the maximum term that could have been imposed for any offense charged in such case.

18 USC §1512B – ENGAGES IN MISLEADING CONDUCT: (b) Whoever 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; (C) evade legal process summoning that person to appear as a witness, or to produce a record, document, or other object, in an official proceeding; or (D) be absent from an official proceeding to which such person has been summoned by legal process; or (3) hinder, delay, or prevent the communication to a law enforcement officer or judge of the United States of information relating to the commission or possible commission of a Federal offense or a violation of conditions of probation [1] supervised release, [1] parole, or release pending judicial proceedings; shall be fined under this title or imprisoned not more than 20 years, or both.

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. As used in this subsection, the term "office" does not include the office held by any person as a retired officer of the Armed Forces of the United States.

18 USC §2076 – CLERK IS TO FILE: 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.

26 USC §7214 – OFFENSES BY OFFICERS AND EMPLOYEES OF THE UNITED STATES: (a) Unlawful acts of revenue officers or agents Any officer or employee of the United States acting in connection with any revenue law of the United States - (1) who is guilty of any extortion or willful oppression under color of law; or (2) who knowingly demands other or greater sums than are authorized by law, or receives any fee, compensation, or reward, except as by law prescribed, for the performance of any duty; ... shall be dismissed from office or discharged from employment and, upon conviction thereof, shall be fined not more than $10,000, or imprisoned not more than 5 years, or both. The court may in its discretion award out of the fine so imposed an amount, not in excess of one-half thereof, for the use of the informer, if any, who shall be ascertained by the judgment of the court. The court also shall render judgment against the said officer or employee for the amount of damages sustained in favor of the party injured, to be collected by execution. ...

42 USC §1983 – CIVIL ACTION FOR DEPRIVATION OF RIGHTS: Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.

42 USC §1985(3) – CONSPIRACY TO INTERFERE WITH CIVIL RIGHTS: Depriving persons of rights or privileges: If two or more persons in any State or Territory conspire or go in disguise on the highway or on the premises of another, for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws; or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to all persons within such State or Territory the equal protection of the laws; or if two or more persons conspire to prevent by force, intimidation, or threat, any citizen who is lawfully entitled to vote, from giving his support or advocacy in a legal manner, toward or in favor of the election of any lawfully qualified person as an elector for President or Vice President, or as a Member of Congress of the United States; or to injure any citizen in person or property on account of such support or advocacy; in any case of conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States, the party so injured or deprived may have an action for the recovery of damages occasioned by such injury or deprivation, against any one or more of the conspirators.

42 USC §1986 – ACTION FOR NEGLECT TO PREVENT - Every person who, having knowledge that any of the wrongs conspired to be done, and mentioned in section 1985 of this title, are about to be committed, and having power to prevent or aid in preventing the commission of the same, neglects or refuses so to do, if such wrongful act be committed, shall be liable to the party injured, or his legal representatives, for all damages caused by such wrongful act, which such person by reasonable diligence could have prevented; and such

damages may be recovered in an action on the case; and any number of persons guilty of such wrongful neglect or refusal may be joined as defendants in the action; and if the death of any party be caused by any such wrongful act and neglect, the legal representatives of the deceased shall have such action therefor, and may recover not exceeding $5,000 damages therein, for the benefit of the widow of the deceased, if there be one, and if there be no widow, then for the benefit of the next of kin of the deceased. But no action under the provisions of this section shall be sustained which is not commenced within one year after the cause of action has accrued.

OATH: "*Any form of attestation by which a person signifies that he is bound in conscience to perform an act faithfully and truthfully.*"[51] "*A solemn appeal to the Supreme Being in attestation of the truth of some statement.*"[52] "*An external pledge or asseveration, made in verification of statements made, or to be made, coupled with an appeal to a sacred or venerated object, in evidence of the serious and reverent state of mind of the party, or with an invocation to a supreme being to witness the words of the party, and to visit him with punishment if they be false.*"[53]

POLITICAL: "*Pertaining to the exercise of the functions vested in those charged with the conduct of government; relating to the management of affairs of state; as political theories; of or pertaining to exercise of rights and privileges or the influence by which individuals of a state seek to determine or control its public policy; having to do with organization or action of individuals, parties, or interests that seek to control appointment or action of those who manage affairs of a state.*"[54]

POLITICS: "*The science of government; the art or practice of administering public affairs.*" [Comment: Unfortunately empty campaign promises along with exaggeration and lies launched against ones political opponent seems to have robbed the said term of its true meaning and when compounded by the "so called news" media has made it impossible for the general public to discern the truth. This is why our government is occupied by mostly sleazy lawless servants who act as our masters and abuse the People, not unlike the King of Great Britain in 1776.]

RIGHTS AND SOVEREIGNTY

SOVEREIGN is defined in Blacks Law as: "*A person, body* [jury]*, or state in which independent and supreme authority is vested; a chief ruler with supreme power; a king or other ruler with limited power.*" Whereas sovereign authority was vested in We the People through unalienable rights by natures God and sovereign authority was vested in the state through the Constitution by We the People.[55]

Only people are sovereign, subject onto God alone and have rights vested by God.

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[51] Vaughn v. State, 146 Tex.Cr.R. 586, 177 S.W.2d 59, 60.

[52] State v. Jones, 28 Idaho 428, 154 P. 378, 381; Tyler, Oaths 15.

[53] June v. School Dist. No. 11, Southfield Tp., 283 Mich. 533, 278 N.W. 676, 677, 116 A.L. R. 581.

[54] State ex rel. Maley v. Civic Action Committee, 238 Iowa 851, 28 N.W.2d 467, 470.

[55] *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 of the Constitution.

Rom 13:1–2 "Let every soul be subject unto the higher powers. For there is no power but of God: the powers that be are ordained of God. Whosoever therefore resisteth the power, resisteth the ordinance of God: and they that resist shall receive to themselves damnation."

Sovereignty is superlative and thus admits to no degrees of sovereignty by definition. Sovereignty resides only in that one (God) deriving no authority from another – Romans 13: 1–2. In earth, men are ordained sovereign and subject only to God. Bureaucrats, in their capacity, are not sovereign and have no rights. They have authority given by the people, subject to the Constitution and have a duty to speak when demanded by the People to give an account. "The state cannot diminish rights of the people."[56]

"The assertion of federal rights [Bill of Rights], when plainly and reasonably made, is not to be defeated under the name of local practice."[57]

"Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them."[58]

"There can be no sanction or penalty imposed upon one because of this exercise of constitutional rights."[59]

"Sovereignty itself is, of course, not subject to law, for it is the author and source of law;"[60] Undersigned is Sovereign and no court has challenged that status/standing.

Thus man, being no source or spring of law, is no sovereign. Therefore, God is Sovereign and man is vested by God to self-govern and thereby the author of the Constitution, the Law of the Land by which all government servants are bound. This is what makes the United States of America different than any other Nation. If we lose these truths, we lose our Liberty.

LICENSING LIBERTY

"No state shall convert a liberty into a license, and charge a fee therefore."[61] "If the State converts a right (liberty) into a privilege, the citizen can ignore the license and fee and engage in the right (liberty) with impunity."[62]

A REMEDY FOR EVERY INJURY

William Blackstone – a legal maxim – Every right when with-held must have a remedy, and every injury its proper redress. In the third volume of his Commentaries, page 23, Blackstone states two cases in which a remedy is afforded by mere operation of law. "In all other cases," he says, "it is a general and indisputable rule that where there is a legal right, there is also a legal remedy by suit or action at law whenever that right is invaded." And afterwards, page 109 of the same volume, he says, "I am next to consider such injuries as are cognizable by the Courts of common law. And herein I shall for the present only remark that all possible injuries whatsoever that did not fall within the exclusive cognizance of either the

[56] Hurtado v. People of the State of California, 110 U.S. 516.
[57] Davis v. Wechsler, 263 US 22, 24.
[58] Miranda v. Arizona, 384 US 436, 491.
[59] Sherer v. Cullen, 481 F 946.
[60] Yick Wo v. Hopkins, 118 US 356, 370
[61] Murdock v. Pennsylvania, 319 U.S. 105.
[62] Shuttlesworth v. City of Birmingham, Alabama, 373 U.S. 262.

ecclesiastical, military, or maritime tribunals are, for that very reason, within the cognizance of the common law courts of justice, for it is a settled and invariable principle in the laws of England that '*every right, when withheld, must have a remedy, and every injury its proper* redress."[63] "The Government of the United States has been emphatically termed a government of laws, and not of men. It will certainly cease to deserve this high appellation if the laws furnish no remedy for the violation of a vested legal right."[64]

"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."[65]

The right to be let alone the most comprehensive of rights and the right most valued by civilized men. To protect that right, every unjustifiable intrusion by the government upon the privacy of the individual, whatever the means employed, must be deemed a violation of the Fourth Amendment."[66]

CONGRESS CANNOT ALTER RIGHTS

"On the other hand it is clear that Congress cannot by authorization or ratification give the slightest effect to a state law or constitution which is in conflict with the Constitution of the United States."[67]

RIGHTS DO NOT COME IN DEGREES

"Although it is manifested that an unconstitutional provision in the statute is not cured because included in the same act with valid provisions and that there is no degree of constitutionality."[68]

STATES CANNOT LICENSE RIGHTS

"A state may not impose a charge for the enjoyment of a right granted by the Federal Constitution and that a flat license tax here involves restraints in advance the constitutional liberties of Press and Religion and inevitably tends to suppress their existence. That the ordinance is non-discriminatory and that is applies also to peddlers of wares and merchandise is immaterial. The liberties granted by the first amendment are and in a preferred position. Since the privilege in question is guaranteed by the Federal Constitution and exists independently of the state's authority, the inquiry as to whether the state has given something for which it cannot ask a return, is irrelevant. No state may convert any secured liberty into a privilege and issue a license and a fee for it."[69]

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[63] 5 U.S. 137, Marbury v. Madison.
[64] Marbury v. Madison, 5 U.S. 137 (1803).
[65] Hoke vs. Henderson,15, N.C.15,25 AM Dec 677
[66] Olmstead v. U.S., 277 U.S. 438, 478 (1928)
[67] 16Am Jur 2d., Sec. 258
[68] 16Am Jur 2d., Sec. 260.
[69] Mudook v. Penn. 319 US 105:(1943)

"If the state does convert your right into a privilege and issue a license and a fee for it, you can ignore the license and a fee and engage the right with impunity."[70]

INTERPRETATION IN FAVOR OF THE PEOPLE

Any constitutional provision intended to confer a benefit should be liberally construed in favor in the clearly intended and expressly designated beneficiary. "Then a constitution *should receive a literal interpretation in favor of the Citizen, is especially true, with respect* to those provisions which were designed to safeguard the liberty and security of the Citizen in regard to person and property."[71]

"Various facts of circumstances extrinsic to the constitution are often resorted to, by the courts, to aid them and determining its meaning, as previously noted however, such extrinsic aids may not be resorted to where the provision in the question is clear and unambiguous in such a case the courts must apply the terms of the constitution as written and they are not at liberty to search for meanings beyond the instrument."[72]

THE BILL OF RIGHTS

The Congress of the United States begun and held at the City of New York, on Wednesday the fourth of March, 1789 one thousand seven hundred and eighty nine.

The Conventions of a number of the States, having at the time of their adopting the Constitution, 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. RESOLVED by the Senate and House of Representatives of the United States of America, in Congress assembled, two thirds of both Houses concurring, that the following Articles be proposed to the Legislatures of the several States, as amendments to the Constitution of the United States, all, or any of which Articles, when ratified by three fourths of the said Legislatures, to be valid to all intents and purposes, as part of the said Constitution; viz.

ARTICLES in addition to, and Amendment of the Constitution of the United States of America, proposed by Congress, and ratified by the Legislatures of the several States, pursuant to the fifth Article of the original Constitution.

COMMENT: Courts are to interpret the Peoples vested rights in the understanding of the common law. Unalienable rights are the ruler that limits all statutes and all court decisions. If they don't measure up, they are null and void.

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.

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[70] Shuttlesworth v. Birmingham AI. 373 US 262:(1962)
[71] 16Am Jur 2d: Sec. 97; Bary v. United States – 273 US 128
[72] 16Am Jur 2d: Sec. 117

COMMENT: for government servants to designate areas called “Free speech zones” are absurd and must be disobeyed

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.

COMMENT: Militia Act of 1792, passed May 8, 1792, provided for the organization of the state militias. It conscripted “every free able-bodied male citizen between the ages of 18 and 45 into a local militia company.” New York State Constitution ARTICLE XII Section 1: “The defense and protection of the state and of the United States is an obligation of all persons within the state.” Therefore, it is clear that it is the right of all People to own arms and nothing is to infringe upon that. Licensing a right is an infringement, running a background check before selling a firearm is not. But background checks are infringements if one must wait for the result before being able to get his firearm.

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.

COMMENT: According to Black’s Law Dictionary, the word oath, in its broadest sense, includes “all forms of attestation by which a party signifies that (s)he is bound in conscience by “a solemn and formal declaration or asseveration that an affidavit is true.

No warrants, including federal warrants, are 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 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 the wet ink signature is not executable.

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.

COMMENT: no one can be sentenced to jail without first having due process which means being indicted and tried by a jury (12 jurists) and not trial by judge or tainted jury

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.

COMMENT: all criminal trials MUST BE BY an untainted well informed jury, it does not say Assistance of a BAR attorney it says Counsel which can be anyone the accused feels can best advise him/her.

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.

COMMENT: all Jury trials are Common Law Trials, a/k/a Courts of Record

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

COMMENT: solitary confinement, dieseling and refusal of medical needs are psychologically and physically destructive and are therefore cruel and unusual punishments

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.

COMMENT: we have many unalienable rights not mentioned above such as the right to travel without license, take medicinal or recreational drugs, deny courts not of record, carry firearms and etc.

THE CONSENT OF THE GOVERNED

That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed,

Declaration of Independence

We the People consent to government by exercising the following seven (7) unalienable rights: (1) when we freely elect committeemen who choose the candidates who will be on the ballot, (2) when we cast our vote at the ballot box, (3) when we exercise our right of recall, (4) when we exercise our right as Grand Jurists to indict or not, (5) when we exercise our right as Petit (trial) Jurists to convict or not, (6) when we exercise our right of nullification, and (7) when we exercise our right of denying Courts Not of Record.

By the aforesaid rights, We the People have total control and consent of government and the exercising of our Liberties. Any infringement upon any of these unalienable rights is an act of war against the People, against the Constitution and against God.

THE PEOPLE ARE ENTITLED TO THE LAWS OF NATURE'S GOD

"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." – Declaration of Independence

INFORMED JURORS

A Common Law Court is one that carries out the will of the tribunal, a/k/a the Jury, under the principles of the Common Law. And consists of (1) a free, untainted and fully informed Jury, (2) a Magistrate who administrates the will of the jury and not his own, (3) a Prosecutor who represents the People and not the government and (4) a Constitutional Bailiff, a/k/a sheriff's Deputy.[73] Jurist and Bailiffs must be under the Peoples control and not political control.

It is the duty of Jury administrators to fully inform jurists of the following:

1) Jurists must act with a sense of Honor,
2) Jurists must act with a sense of Justice,
3) If Jurists find the defendant guilty, they must consider Mercy,
4) People have a right to see the Grand Jury without a monitor,
5) Grand Juries must consist of 25 People,
6) Petit (trial) Juries must consist of 12 People,
7) Jurists must refuse to enforce unjust laws,
8) Jurists cannot be required to ignore their consciences,
9) Jurists cannot be punished for their verdicts,
10) Jurists have the power of nullification,
11) Jurists decide both facts and law,
12) Jurists must restore and or compensate the injured party,
13) With the exception of dangerous people, jail should be the last resort. The convicted must be able to pay restitution. If the jurists are concerned with the convicted escaping their punishment, their movements can be monitored electronically,
14) There is no such thing as a hung jury, jurists must remain in deliberation until they reach a verdict,
15) If Jurists are absolutely deadlocked, they must acquit,
16) In order to convict, it must be a unanimous decision,
17) Jurists are the King's Bench and must do their best to exercise the will of the King (God) of the court.

[73] 1 Bl.Comm. 344.

THE PEOPLE CAN FILE A CRIMINAL COMPLAINT

In order for a court to hear a criminal complaint there must first be an indictment. Only the Sheriff or Coroner can summon the Grand Jury for an indictment. A prosecutor on behalf of the government can seek an indictment by bringing evidence to the Sheriff or Coroner who may at his discretion bring the evidence before a Grand Jury for consideration of an indictment. Additionally the People can request to bring information directly to the Grand Jury through the Jury Administrators, who can first attempt to solve the people's concerns before providing a person access to the Grand Jury.

There are only three ways a court can hear a criminal complaint: (1) One or more of the people sign a sworn affidavit that they have been injured and seek a Grand Jury indictment through the Sheriff, (2) The Sheriff or Coroner can directly ask the Grand Jury for an indictment, (3) The Grand Jury, by its "own will," can investigate merely on suspicion that the law is being violated, or even because it wants assurance that it is not, and if it finds wrongdoing it can present it to the court and it must go to trial. No one can second guess the Grand Jury, unless the Grand Jury's actions violate another person's unalienable rights.

CONSENT OF AUTHORITY – We read in the 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." Any authority our servants have is by our consent, if they act outside their authority, they are subject to criminal charges under US Codes 42 and 18 and liable for damages under US Codes and common law.

CONSENT TO INDICT – The Fifth Amendment states, "No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury …" Therefore, our servant government requires the people to get an indictment (grand jury). Judges (servants) have no authority to make a ruling or a judgment on People (master) without the Peoples' consent. In legal terms, when the judge of a court not of record asks you do you understand, he means do you stand under the authority of this court? So if you say yes, you just gave him/her jurisdiction over you. Nevertheless, if the person standing before the judge is not informed of the courts intent, the judge would be subject to charges of fraud.

ONLY THE PEOPLE CAN JUDGE – Our US Constitution only authorizes "common law courts," a/k/a "courts of record." A court of record removes the power of the Judge to make a ruling. His/her role is that of the "administrator of the court." The final decision maker is the "tribunal" who is the "sovereign people," a/k/a the "jury." Remember, the servant cannot rule over the master, Can the clay rule over the potter?

"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."[74]

Therein is Liberty. If a person is accused by a court without a Grand Jury indictment, they are not in a "Court of Law, a/k/a "Court of Record" and that court has no Jurisdiction over the person!"

Judges may judge in equity courts. Equity courts are contract disputes. If the dispute is over twenty dollars, both parties must agree to an equity court. Judges in equity courts must proceed under the rules of Common Law governed by American Jurisprudence and United

[74] Cruden v. Neale

States Supreme Court decisions. All courts of record proceed under Natural Law with a Jury and a magistrate, not a judge.

COMMON LAW IS THE LAW OF THE LAND

All cases which have cited Marbury v. Madison case, to the Supreme Court have never been overturned. See Shephard's Citation of Marbury v. Madison.

The constitution was ordained and established by the people "for" the United States of America, a/k/a government. Thus government was created by an act of the people. Therefore, the creation cannot trump the creator.

"If any statement, within any law, which is passed is unconstitutional, the whole law is unconstitutional."[75] Therefore, "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."[76]

"Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them"[77]

NO EMERGENCY IS JUST CAUSE TO SUPPRESS THE CONSTITUTION

"While an emergency cannot create power and no emergency justifies the violation of any of the provisions of the United States Constitution or States Constitutions. Public emergency such as economic depression for especially liberal construction of constitutional powers and it has been declared that because of national emergency, it is the policy of the courts of times of national peril, so liberally to construed the special powers vested in the chief executive as to sustain an effectuate the purpose there of, and to that end also more liberally to construed the constituted division and classification of the powers of the coordinate branches of the government and in so far as may not be clearly inconsistent with the constitution."[78]

CONSTITUTIONS MUST BE CONSTRUED TO REFERENCE THE COMMON LAW, SUMMARY PROCEEDINGS ARE NULL & VOID

"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 and although 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

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[75] Marbury v. Madison: 5 US 137 (1803)
[76] Hoke vs. Henderson,15, N.C.15,25 AM Dec 677
[77] Miranda v. Arizona, 384 U.S. 436, 491
[78] 16Am Jur 2d., Sec. 98

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."[79]

SUPREME LAW IS THE BASIS OF ALL LAW ALL FICTION OF LAW IS NULL AND VOID

Nisi prius courts rely on statutes, which is fiction of law, which seek to control the behavior of the sovereign people, who are under common law, not statutes, and who ordained and established the law. Therefore, legislators cannot legislate the behavior of the people.

"No provision of the Constitution is designed to be without effect, Anything that is in conflict is null and void of law, Clearly, for a secondary law to come in conflict with the supreme Law was illogical, for certainly, the supreme Law would prevail over all other laws and certainly our forefathers had intended that the supreme Law would be the basis of all law and for any law to come in conflict would be null and void of law, it would bear no power to enforce, in would bear no obligation to obey, it would purport to settle as if it had never existed, for unconstitutionality would date from the enactment of such a law, not from the date so branded in an open court of law, no courts are bound to uphold it, and no Citizens are bound to obey it. It operates as a near nullity or a fiction of law."[80]

"The common law is the real law, the Supreme Law of the land, the code, rules, regulations, policy and statutes are not the law,"[81]

NO ONE IS BOUND TO OBEY AN UNCONSTITUTIONAL LAW AND NO COURTS ARE BOUND TO ENFORCE IT

"The general rule is that a unconstitutional statute, whether Federal or State, though having the form and name of law as in reality no law, but is wholly void and ineffective for any purpose since unconstitutionality dates from the enactment and not merrily from the date of the decision so braining it. An unconstitutional law in legal contemplation is as inoperative as if it never had been passed. Such a statute lives a question that is purports to settle just as it would be had the statute not ever been enacted. No repeal of an enactment is necessary, since an unconstitutional law is void. The general principles follows that it imposes no duty, converse no rights, creates no office, bestows no power of authority on anyone, affords no protection and justifies no acts performed under it. A contract which rests on an unconstitutional statute creates no obligation to be impaired by subsequent legislation. No one is bound to obey an unconstitutional law. No courts are bound to enforce it. Persons convicted and fined under a statute subsequently held unconstitutional may recover the fines paid. A void act cannot be legally inconsistent with a valid one and an unconstitutional law cannot operate to supersede an existing valid law. Indeed, in so far as a statute runs counter to the fundamental law of the land, it is superseded thereby. Since an unconstitutional statute cannot repeal, or in any way effect an existing one, if a repealing statute is unconstitutional, the statute which it attempts to repeal, remains in full force and effect and where a statute in

[79] 16Am Jur 2d., Sec. 114
[80] 16Am Jur 2d.
[81] Self v. Rhay, 61 Wn (2d) 261

which it attempts to repeal remains in full force and effect and where a clause repealing a prior law is inserted in the act, which act is unconstitutional and void, the provision of the repeal of the prior law will usually fall with it and will not be permitted to operate as repealing such prior law. The general principle stated above applied to the constitution as well as the laws of the several states insofar as they are repugnant to the constitution and laws of the United States."[82]

DUE PROCESS

The Russian Constitution provides the following rights for their citizens, the right to work, the right to rest, the right to maintenance, the right to education, the freedom of conscience, the freedom of religion, the freedom of speech, the freedom of the press and the freedom of assembly. But, what the Russian Constitution lacks is the right of due process. Due Process is the right to be heard in courts of Justice.

Due process is the unalienable right that protects all of our rights. If "due process" is lost, the only remedy left the People is the 2nd Amendment. It is the Sheriff's duty to make sure it doesn't come to that, but it does appear to be close.

Due Process requires an indictment before being tried. Our County Jails are filled with People who were never indicted.

Due Process requires a trial in a Court of Record. City, town or village courts are not Courts of Record; our County Jails are filled with People who were never tried in a Court of Record.

"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."[83]

The United States Supreme Court said, ~~concerning~~ "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. 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."[84]

Due Process requires a trial by jury. Our County Jails are filled with People who were never tried by a jury.

Amendment VI: "In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury…"

Due Process is not a Summary Conviction, which is a summary proceeding by a judge or magistrate. Our County Jails are filled with People who were sentenced by Summary Conviction.

Summary Conviction: "The conviction of a person, (usually for a minor misdemeanor,) as the result of his trial before a magistrate or court,- without the intervention of a jury, which is authorized by statute in England and in many of the states. In these proceedings there is no intervention of a jury, but the party accused is *acquitted or condemned by the suffrage of*

[82] 16Am Jur 2d., Sec. 256
[83] Kansas Pac. Ry. Co. v. Dunmeyer 19 KAN 542
[84] 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

such person only as the statute has appointed to be his judge. A conviction reached on such a magistrate's trial is called a summary conviction."[85]

"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 and although 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."[86]

Due Process requires a lawful warrant before a person's property can be searched or property seized. Many people have been abused with unlawful 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."

Due Process requires that tax seizures have a warrant with a wet ink signature of a judge supported by a "Sworn Proof of Claim (Oath or affirmation). Many lives have been destroyed by unlawful tax seizures.

Non Judicial Foreclosures are without due process. Many homes are taken by unlawful foreclosures.

"By the law of the land is more clearly intended the general law, a law which hears before it condemns; which proceeds upon inquiry and renders judgment only after trial."[87]

"No man shall be deprived of his property without being heard in his own defense."[88]

If People are going to be incarcerated, if Peoples' homes are going to be searched, if Peoples' homes are going to be seized or if peoples' bank accounts are going to be seized, it must be done lawfully or America is no better off than any authoritarian State.

It is the sworn duty of the Sheriff, being the chief conservator of the peace within his territorial jurisdiction and chief executive and administrative officer of the county to know when the Peoples' unalienable rights are being violated and to protect them by preventing these acts of lawlessness. Let them get a Lawful warrant if they can.

IRRECONCILABLE CONFLICT BETWEEN STATUTE AND CONSTITUTION IS TO BE RESOLVED IN FAVOR OF THE CONSTITUTIONALITY AND THE BENEFICIARY

"In all instances, where the court exercises its power to invalidate legislation on constitutional grounds, the conflict of the statute, with the constitution must be irreconcilable. Thus a statute is not to be declared unconstitutional unless so inconsistent

[85] Brown; Blair v. Com., 25 Grat. (Va.) 853
[86] 16Am Jur 2d., Sec. 114
[87] Dartmouth College Case, 4 Wheat, U.S. 518, 4 ED 629
[88] Kinney V. Beverly, 2 Hen. & M(VA) 381, 336

with the constitution that it cannot be enforced without a violation thereof. A clear incompatibility between law and the constitution must exist before the judiciary is justified holding the law unconstitutional. This principle is of course in line with the rule that doubts as the constitutionality should be resolved in favor of the constitutionality and the beneficiary."[89]

LIBERTY IS A BLESSING

"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 to the Constitution for the United States of America

America has lost her way and only a virtuous people can guide her back. And, so to that end, the People, by the mercy of God, must rediscovered the common [natural] law and with His blessing, return America to her roots again.

VIRTUE: maxims of law avow that justice and virtue are synonymous; therefore justice must mirror the attributes of God. The Bible declares that virtue flows from the Lord alone (Luke 6:19) and defines virtue as whatsoever things are true, honest, just, pure, lovely, and of good report (Phil 4:8). The Lord further expounds saying the wisdom that is from above is first pure, then peaceable, gentle, and easy to be entreated, full of mercy and good fruits, without partiality, and without hypocrisy (James 3:17) and that he that follows after it establishes righteousness, and honor (Prov 21:21).

Thomas Jefferson understood this when he 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."

George Washington understood this when he said, "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."

Benjamin Franklin understood this when he said, "Only a virtuous people are capable of freedom. As nations become corrupt and vicious, they have more need of masters."

John Adams understood this when he said, "Our Constitution was made only for a moral and religious people. It is wholly inadequate to the government of any other."

Patrick Henry understood this when he said, "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."

James Madison understood this when he 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."

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[89] 16Am Jur 2d., Sec. 255

Noah Webster understood this when he said, “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.” – (Father of American Scholarship and Education)

NO GOD, NO LIBERTY
KNOW GOD, KNOW LIBERTY

“If the Son therefore shall make you free, ye shall be free indeed.” – John 8:36.

“If a nation expects to be ignorant and free… it expects what never was and never will be.” – Thomas Jefferson.

“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.” – George Washington

“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.” – Thomas Jefferson

“The worship of God is a duty.” – Benjamin Franklin

“The fate of unborn millions will now depend, under God, on the courage of this army, our cruel and unrelenting enemy leaves us only the choice of brave resistance, or the most abject submission, We have, therefore to resolve to conquer or die.” – George Washington

“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.” – George Washington

“Only a virtuous people are capable of freedom. As nations become corrupt and vicious, they have more need of masters.” – Benjamin Franklin

“Our Constitution was made only for a moral and religious people. It is wholly inadequate to the government of any other.” – John Adams

“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.”– John Adams

“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.” – John Adams

“Observe good faith and justice towards all Nations. Cultivate peace and harmony with all. Religion and Morality enjoin this conduct; and can it be that good policy does not equally enjoin it?…Can it be that Providence has not connected the permanent felicity of a Nation with its virtue?” – George Washington

"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." – Benjamin Franklin

"Happiness, whether in despotism or democracy, whether in slavery or liberty, can never be found without virtue." – John Adams

"It cannot be emphasized too strongly or too often that this great nation was founded, not by religionists, but by Gods children; 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." – Patrick Henry

"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…" – James Madison

"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" – James Madison

"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;" – James Madison

"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?" – George Washington

"And let us with caution indulge the supposition, that morality can be maintained without religion." –George Washington

"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." – George Washington

"Tis substantially true, that Virtue or morality is a necessary spring of popular government." – George Washington

"Though, in reviewing the incidents of my Administration, I am unconscious of intentional error, I am nevertheless too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be I fervently beseech the Almighty to avert or *mitigate the evils to which they may tend*." – George Washington

RELIGION IN LAW AND GOVERNMENT

Congress and President George Washington in 1789 passed 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."

"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 "Father of American Scholarship and Education." – Noah Webster

"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." – Noah Webster

"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." – Noah Webster

"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

"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." – Noah Webster

"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." –Noah Webster

"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." – George Mason, father of our Bill of Rights, 1787.

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. "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.

"My people are destroyed for lack of knowledge…" Hosea 4:6.

"Wisdom is the principal thing; therefore get wisdom: and with all thy getting get understanding." Prov 4:7.

HISTORY OF THE COMMON LAW

The following are Excerpts from *"Excellence of the Common Law" by Brent Winters*. You can find Brent and his books at *www.commonlawyer.com/*. He also teaches and answers questions every Monday night 9PM – Midnight Eastern for details to join our open forum visit *www.nationallibertyalliance.org/mondaycall*.

We in America have escaped the fascination of totalitarianism because we have in our tradition other elements – the refusal of the Hebrews to confuse God with the world … We also have, in our tradition, Christ … And we have in our tradition the Church where clearly human values were neither united nor total, and were opposed to the state.

AMERICA IS UNDER COMMON LAW

The common law tradition has neither emerged out of nor evolved from the Roman civil law. The notion that the common law evolved from the civil law is a hidden danger to common law liberties and protections. The foundations of these two legal traditions are wholly distinct, producing vastly different results; inevitably fulminating persistent conflict among nations. The common law traces its roots as far back as the Anglo-Saxon tribes. Beyond these tribes, evidence can be scant, rendering tracing of the common law's ancient principles difficult.

ISRAEL WAS THE FIRST COMMON LAW NATION

The earthly ruler as king was required to be subject – as an individual as well as king – to God and the law. Judicial supremacy, ultimately, was vested in God. The law under the guardianship of the priests at the central sanctuary was so vital to the king in Israel that he was instructed to make a written copy for himself. By his observance of this law, he would learn to fear and revere God in his own life.

ANGLO-SAXON LIMITED GOVERNMENT

"The root idea of our Constitution is that man can be free because the state is not."[90] The Anglo-Saxon earls elected each of their kings and permitted these kings to rule only with their consent and by their advice. The modern British have abandoned these standards: the British monarchy, although relatively powerless, has become decidedly hereditary. America's Founders, on the other hand, harked back to Anglo-Saxons' ancient standard requiring election of her President and allowing his authority only within the advice and consent of the Senate. Our American common law tradition also harks back to the Saxons: we also elect sheriffs, coroners, tax assessors, and judges locally, and cast votes for state governor and national president.

History has preserved the minutes of council meetings of kings and earls during the times of Alfred the Anglo-Saxon. Consequently, we are not ignorant concerning the nature of common law principles practiced in Anglo-Saxon England. When an Anglo-Saxon king died, the assembly of earls called the Witan, often, but not always, appointed a member of the deceased king's family to succeed him. The Witan was an assembly of wise men and the precursor of the British Parliament and the United States Congress. The name Witan is the abbreviated form of the Anglo-Saxon Witanagemot: the assembly of the white-headed (wise) elders. Witan derives from the Anglo-Saxon whiten, referring to the hoary heads of the mature men. The Witan-age-mot was a board of elders and (at least in theory) wiser men.

The Anglo-Saxons called their early tribal law the Volkriht; translated into literal English, "folkright," "people's law," or "folk law." The Volkriht was held in common among the Germanic tribes; and more particularly, for purposes of the common law, the Volkriht tradition was the law of the Angles, the Saxons, the Jutes (Danes), and

[90] Dean Rostow.

even the Celts, all having migrated, at various times, from the continent.

The advent of the written Word of God among the Anglo-Saxons in England brought a desire to read and then to write. Reading was necessary in order to discern the mind of God through His written Scriptures. God's Word encouraged writing that men may copy and translate the "Scriptures." Writing also enabled the production of the Lex Salica – the earliest known record of Anglo-Saxon folk law issued on the European continent under King Clovis following his conversion to Christianity in A.D. 496. The earliest written compilation of the Anglo-Saxon Volkriht (folk law) in England was issued by Ethelbert, the Christian king of Kent, about A.D. 865.

THE COMMON LAW RECEIVES SCRIPTURAL STABILITY

The pagan Anglo-Saxons discovered and put in to practice the elements of the common law. Following their migration to the British Island, the Word of God nurtured these precepts and replaced their false gods with the God of Scripture. The mind of fallen man is dark; but even so, man can discern what is right, although he is powerless of himself to practice it persistently. C.S. Lewis observed that when men demand right behavior in others, even though they neglect to behave right themselves, they prove that the potential to know the law dwells naturally in their unregenerate nature. God has stamped the natural law upon the natural consciousness of the natural man: fallen man possesses the ability to know God's standards of law and government.

Winston Churchill observed that the American War for Independence was an extension of the English Revolution, the subsequent signing of the English Petition of Rights in 1629, and the English Bill of Rights of 1689. The English Revolution was an attempt to preserve the rights earlier sustained at Runnymede Meadow with the signing of Magna Carta; but reaching back even further, the signing of Magna Carta in 1215 reinforced common law rights as they had existed in old Anglo-Saxon England. As important as all these events are, none are the source of our common law liberties. God is sovereign over the affairs of men. He is the source of liberties that emanate, by His grace, from the fountainhead of His Person and eternal Word, with which the ideals of the common law tradition are consonant.

After the Norman invasion of 1066, Rome devised schemes and attempted to manipulate or force England to adopt civil law. Impelled by different forces, the struggle continues even today in common law jurisdictions, such as England and the United States, through persistent encroachment of administrative law.

WE ARE A CHRISTIAN NATION

The battle we fought and continue to fight today is a spiritual one. At the time of the American War of Independence, the population of the American Colonies was approximately 3,000,000 souls[91] while some 8,000,000 resided in England. Of the roughly 3,000,000 persons residing in the Colonies, about one-third were English

[91] Justice Story, apparently referring to the first census, writes "In 1790 the whole population of the United States was about three millions nine hundred and twenty nine thousand." STORY, *supra* note 347, at 242 (plural form *millions* in original).

Anglicans, Puritans, or Congregationalists; another third were Scots-Irish Presbyterians; another third were German and Dutch of Lutheran and Reformed churches. Roman Church devotees constituted approximately one and one-half percent of the colonial population; about two tenths of one-percent was Jewish. Traces of other Protestant groups made up the remaining population.

Because of Protestant culture's pervasive scriptural influence throughout the American Colonies, the Colonists held natural affinity for the common law's fundamental principles. Owing to their scriptural influence, the reformed Protestant tradition advanced a government similar in kind to the common law's Witan: a plurality of elders or assembly of men (eldership or presbyters) to which an executive or administrative officer must answer and independent judges. Moreover, both the Protestant and the common law traditions demanded adherence to law as an eternal ideal, as opposed to any contemporary and capricious decrees of mere men. Consequently, Americans have traditionally believed that the rules of law and their measured applications are discoverable through seeking them, not manufactured by the mind of man. Both traditions held that governments administered by men are limited, since only God is sovereign in the true sense of unlimited jurisdiction: i.e., they believed that opportunities for appeal must not only exist within government, but also, as a matter of individual conscience and practice, beyond the state. In other words, each individual is free and responsible to appeal directly to his Creator for justification of his intentions and actions.[92] Further, both maintained the importance of distinguishing and separating the fundamental offices of governments" and of a general decentralization and distribution of authority.

In order to understand Anglo-American common law, a tolerable under-standing of the English legal profession is necessary.[93] Leaders of the colonial American bar were English barristers trained in the English Inns of Court. At the time of American independence in 1776, approximately one hundred Americans were studying common law in the English Inns of Court:[94] more American than English students and their influence in America has been substantial. Compared with the mother country of approximately 8,000,000, the American Colonies of approximately 3,000,000 were training and bringing home common lawyers in a greater proportion. Through these men the common law exerted a significant impact upon our inception as a nation. John Rutledge, among the Justices appointed to the first United States Supreme Court in 1789, obtained his legal training in the English Inns of Court.[95]

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[92] America is founded upon the appeal of our forefathers beyond the state, directly to the personal Creator: "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 ... with firm Reliance on the Protection of divine Providence ... " THE DECLARATION OF INDEPENDENCE para. 32 (1776) (emphasis added, capitalization in original). Judging from the words, this solemn appeal and reliance-as are all acts of true faith in reliance upon divine Providence. as opposed to reliance upon self-justifying morality-is personal. 538.

[93] See generally §3.12-§3.12.5 of Excellence of the Common Law (discussing the education of the English common lawyer in the Inns of Court and the development of the English legal profession).

[94] *540 See* 17 A.B.A.J. 740.

[95] Some of the English-trained American colonial lawyers chose to be Tories, becoming refugees in the Caribbean. See 35 NOTRE DAME LAWYER 48, 76 (1959).

Twenty-five common law lawyers signed the Declaration of Independence and thirty-one of the fifty-five signers of our Constitution were common lawyers. Moreover, at least fifty-one and possibly fifty-two of these fifty-five signers were evangelical Protestants.

American Colonials were sensitive to common law dignities to a degree that some in England did not appreciate. About the time of American independence, Blackstone's Commentaries on the common law appeared, selling more copies in the American Colonies than were sold in England.

During America's eighteenth century colonial days, the common law had reached a zenith of integration and expression in conscious consonance with Scripture. The motivation inspiring the American War for Independence is attributable to the high level of American interest in common law precepts as the biblical worldview of relationships and political government. This intensity of American interest, informed and sustained by William Blackstone's Commentaries on the Laws of England, continued for many decades following her independence. Blackstone's Commentaries remain the best source available for the common law's development at the middle of the eighteenth century.

Therefore, it is the duty of the Sheriff to protect and support the "Law of the Land," a/k/a the Common Law, failure to do so is a violation of their oath.

HISTORY OF THE SHERIFF

"*America will never be destroyed from the outside. If we falter and lose our freedoms, it will be because we destroyed ourselves.*" – Abraham Lincoln.

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.

Today Liberty and our very way of life are under attack. Because We the People are ignorant to 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; there's a grassroots movement across America building Committees of Safety to restore our American way of life. And if we can reach our 3100+/- American County Sheriffs to work with the People to restore our Constitution, we can save America from self-destruction. Remember your oath!

Sheriffs took an oath to uphold and defend the Constitution, from enemies 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, both foreign AND domestic – whether it is a terrorist from Yemen or a bureaucrat from Washington, DC.

While most people in America recognize the sheriff as the chief law enforcement officer (CLEO) for the county, they would be surprised to know that the office of sheriff has a proud history that spans well over a thousand years, from the early Middle Ages to our own "high-tech" era.

THE BEGINNING THE MIDDLE AGES

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 tithing man. The next level of government was a group of ten tithing's (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 OFFICE GROWS

English government eventually became more centralized under the power of a single ruler, the king. The king distributed huge tracts of land to noblemen, who governed the land under the king's authority. The office of sheriff was no longer elected but appointed by the noblemen for the counties they controlled. In those areas not consigned to noblemen, the king appointed his own sheriffs. After the Battle of Hastings in 1066, England's rule fell to the Normans (France) who seized and centralized all power under the Norman king and his appointees. The sheriff became the agent of the king, and among his new duties was tax collection. This dictatorial rule by a series of powerful kings became intolerable, and in 1215, an army of rebellious noblemen forced the despotic King John to sign the Magna Carta. This important document restored a number of rights to the noblemen and guaranteed certain basic freedoms. The text of the Magna Carta mentioned the important role of the sheriff nine times.

THE SHERIFF CROSSES THE ATLANTIC

The first American counties were established in Virginia, and records show that the first American Sheriff was a Virginia Sheriff, beginning a continuing tradition when the Virginia House of Burgesses appointed the first eight Sheriffs in the first eight Counties of the New World in 1634, one of these counties elected a sheriff in 1651. Most other colonial sheriffs were appointed. Just as the noblemen in medieval England, large American landowners appointed sheriffs to enforce the law in the areas they controlled and to protect their lands. American sheriffs were not expected to pay extraordinary expenses, however, and some actually made money from the job. Throughout the eighteenth and nineteenth centuries, colonial and state legislatures assigned a broad range of responsibilities to the sheriff which

included the familiar role of law enforcement. Other duties were new, such as overseeing jails, houses of corrections and work houses.

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 TODAY

There are over 3,100 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 three 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 and Connecticut.

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.

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.

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

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