

To All County Sheriffs and U.S. Marshals

SHERIFF MEMO - 5



CONSTITUTIONAL LAW 101 – Summary-Proceedings

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CONSTITUTIONAL LAW 101 – SUMMARY PROCEEDINGS

What are “SUMMARY PROCEEDINGS”?

TO: All County Sheriffs and All U.S. Marshals

FROM: *We Be People*

cc: All Federal and State Elected and Appointed Servants

RE: Your Duty to Know and Enforce the Law

Many court decisions are made by judges. These are called “SUMMARY PROCEEDINGS”. These are un-constitutional. Most People in jail are there without a trial by jury; that is to say, without “DUE PROCESS”. People are losing their homes, life’s savings and other property without due process. Courts serve corporations and the BAR; not the People. Sheriffs and Marshals are derelict of their **DUTY** because of ignorance of their **DUTY**.

Many educated, sometimes frustrated, misguided people are imprisoned for contempt of court; and, labeled as sovereign citizens, a/k/a terrorists; a ploy of the controlling powers to destroy the sovereignty of “We the People”; all because We the People challenge unconstitutional court practices. Unfortunately, our elected Constitutional Officers, a/k/a Sheriffs and Marshals, are ignorant of the Constitution, a/k/a the “LAW OF THE LAND”; and, thereby participate in these crimes when they jail the People. If we are going to save the Constitution for the United States of America, it is imperative that Sheriffs, Marshals and the People educate themselves.

SUMMARY PROCEEDINGS: [Black’s 4th] “*Any proceeding by which a controversy is settled, case disposed of, or trial conducted, in a prompt and simple manner, WITHOUT THE AID OF A JURY, WITHOUT INDICTMENT, or in other respects OUT OF THE REGULAR COURSE OF THE COMMON LAW. In procedure, proceedings are said to be summary ‘when they are short and simple in comparison with regular proceedings’.*” Phillips v. Phillips, 8 N.J.L. 122.

CONSTITUTIONS MUST BE CONSTRUED TO REFERENCE THE COMMON LAW. SUMMARY PROCEEDINGS ARE NULL AND VOID: “As to the construction, with reference to Common Law, AN IMPORTANT CANON 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 [*pains*] by summary proceedings; and, it was never supposed that a constitutional provision was intended to interfere with this established principle [*even*] though there is no common law of the United States in a sense of a national customary law as distinguished from the common law of England adopted in the several states. In interpreting the Federal Constitution, RECOURSE MAY STILL BE HAD TO THE AID OF THE COMMON LAW OF ENGLAND. It has been said that WITHOUT REFERENCE TO THE COMMON LAW, THE LANGUAGE OF THE FEDERAL CONSTITUTION COULD NOT BE UNDERSTOOD.” 16Am Jur 2d., Sec. 114:

“DUE COURSE OF LAW”: This phrase is synonymous with “DUE PROCESS OF LAW” or “LAW OF THE LAND” and means law in its regular course of administration through courts of justice. Kansas Pac. Ry. Co. v. Dunmeyer 19 KA 542.

Property Seizure requires:

- FIRST:** A trial by jury with sworn Affidavits from an injured party; **NOT** summary proceedings.
- SECOND:** A Warrant with a wet-ink signature of a Judge; **NOT** a stamp or clerk’s signature.
- THIRD:** A sworn Affidavit by an injured party *and/or* witness to a crime.

Without these **THREE** (3) steps, property cannot be legally seized; and, when the Sheriff or Marshal executes a Warrant without **ALL** of the aforementioned prerequisites, the Sheriff or Marshal becomes liable; and, a conspirator in a crime.

“AMENDMENT V of the Constitution of the United States provides: ‘No person shall ... be deprived of life, liberty, or property without DUE PROCESS OF LAW.’ A similar provision exists in all the state constitutions; the phrases ‘DUE COURSE OF LAW’ and the ‘LAW OF THE LAND’ are sometimes used; but, all three (3) of these phrases have the same meaning; and, that applies conformity with the ancient and customary laws of the English people or laws indicated by parliament.” Davidson v. New Orleans 96 U.S. 97, 24, L Ed 616.

“...no man shall be deprived of his property without being heard in his own defense.” Kinney v. Beverly, 2 Hen. & M (VA).

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.**

THE QUESTION IS: WILL YOU OBEY THE LAW? or WILL YOU OBEY LAWLESS MEN? i.e. Save America? or Lose her to tyrants?