

# Fundamental Principles of American Constitutional Law and Government.

A Memorandum Document which Explains  
the Fundamental Principles of  
Anglo/American Constitutional Law and Government,  
in Deep Historical Context;  
and explaining the modern Divergences there-from;  
and with applicability in every State in the American Union,  
and in every Nation on Earth.



*Council of German chiefs, from the victory column of Marcus Aurelius*

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**“Let Justice be Done, though the Heavens may Fall”.**

“Fiat justitia ruat caelum”.

(An Ancient Latin “Maxim of Law”,  
as quoted from: Black's & Bovier's Law Dictionaries.)

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## **Introduction:**

The available evidence indicates that, since the very beginning of ancient efforts by common people to organize them-selves into consent-based and mutually-respectful “Self-Governing Communities”, there have been “Dis-Honorable People” who have sought to Infiltrate and Subvert those Communities. The Purpose behind this Effort at Subversion has been to Dis-Able the other-wise “Natural Instinct” of these other-wise Independent Communities to Identify Parasitical Individuals and Classes within their Communities, and to Defend them-selves there-from. The result of any such successful efforts at Subverting these other-wise Independent Communities, has all-ways been to allow the Parasite-Class to coercively impose their will over the more simple and honest Common People who naturally make-up the larger part of the community; and there-after to allow that Parasite-Class to Pillage and Plunder the Community, as they see fit.

Over the thousands of years that the Parasite-Classes have been practicing this Subversion of other-wise sovereign and independent communities, the Techniques for such Subversive Process has ben Reduced to a “Precise Science”. These “Subversive Techniques” have been Passed-Down, form Generation to Generation of Parasite Class Members, with each generation constantly making minor improvements in the efficiency of their evil, subversive, and parasitical process. Historically; that Subversive/Parasitical Process has Captured the vast Majority of human Communities all over the planet, and reduced them to their obedient Slaves. Modernly, that Subversive/Parasitical Process has become Very Efficient, it has achieved approximately 95 % Dominance in American and British National Culture, and it will not be exorcized there-from without significant sacrifice and pain among the good individual and smaller community members of our respective national organic bodies-politic. These negative concerns are more fully explained later in this document

That unpleasant but necessary problem now being briefly out-lined, it is very pleasant to find hope in the fact that, since those very early ancient years or the first occurrences of that Despotism, there have been Honorable People who have dreamed of and sought to Engineer “Modes of Governing” which were capable of Immunizing their own localized organic Bodies-Politic from Infiltration by the Criminal Parasite-Classes which constantly surrounded them and attempted to Subvert their collective ability to Defend them-selves from Hostile Pillage and Plunder. These ideas of a System of Government which can truly Defend it-self from Pillage and Plunder from Parasite-Classes are not new. Many honorable people over multitudes of generations have spent countless hours contemplating these concepts. Although modern fashionable opinion seems to be to the contrary, the result has been, that, **at a number of times and places through-out history, "Free Government" has actually been established, and has actually functioned in manners which successfully Defended their entire Communities from Pillage and Plunder from Parasite Classes, and which there-by facilitate the ability of those communities to exist and organically-function in impressive levels of Harmony with what might be termed as “Sociological Natural-Law”.**

Here-under, the First Concern of this memorandum/document is to show that **True American "Constitutional-Law", correctly comprehended; is firmly based on a few Fundamental Principles of "Natural-Law".** These Fundamental Principles of "Natural Law" have become solidified through eons of time of Voluntary Practice and Implementation, in the nations of Israel, England, most of Northern Europe, perhaps by some American Indians, and seemingly in some other nations. All Honorable People who have become fully aware of this Process have Unanimously “Consented to be Governed” by them. These ancient practices have slowly solidified into that specific set of "Step-by-Step Procedures" which have become known as “Due Process of Law”, as enshrined in the “Fifth Amendment” of the written “U.S. Constitution” document. **Because All of the Common People affected there-by had Voluntarily and "Commonly" "Consented to be Governed"<sup>1</sup> by this specific Process, this Process has also become known under the different name of the “Common-Law”, as enshrined in the Seventh Amendment.** Through this tried and true practice over these eons of time, these Communities of People have honorably and responsibly sought to Advance their Community's Collective Reasoning Capabilities and Consciences, in their own efforts to "Responsibly Self-Govern".

They usually considered this effort at “Responsible Self-Government” to be their “Duty before "God", how-ever each of those communities conceived God.

Here-under; this memorandum/document will show that the Primary Mechanical Constitutional Tool for Enabling our American People to Organize Our-Selves Harmoniously with this Sociologically-based "Natural-Law"; is that specific, ancient, traditional, already-existing, and "Originally Intended" set of "Step-by-Step Procedures" which has been written into our "U.S. Constitution" document under our "Fifth Amendment" as "Due Process of Law", and under our "Seventh Amendment" as the "Rules of the Common-Law".

Further here-under; this document will seek to prove that, as the phrase is properly comprehended and applied in its sociological sense with-in our collectively living-breathing American National Community of People and Organic Body-Politic; that **True American "Constitutional-Law" is devoted to the Singular 'End Goal' of achieving 'Harmony' amongst the People of this nation, with this pre-existing and universal form of "Natural-Law".** This necessarily implies, that, any legislative statute, judicial case-law-precedent, or administrative or executive command, that does Not "Harmonize" with this American Sociological "Natural-Law", is there-fore "Un-Constitutional", and there-by "Null and Void". In fact, this word "Harmony", as used in this communitarian or social sense; has No-Meaning out-side of a Frame-Work of this "Natural-Law". This is true because, as shown more fully here-in; these "Natural-Laws" are "Necessary Guidelines" for every member of every community of people every-where to follow, in order for them to Harmoniously achieve and maintain Justice, Safety, Peace, and Liberty, in their own responsibly self-governing communities.<sup>2</sup>

**The study of this Sociological "Natural Law" is necessarily "Philosophical"; and so it is based on Fundamental far-reaching "Principles", rather than on strict statutory or other-wise written mandates.** This is true because no individual on this planet can plausibly claim to know everything about this sociological "Natural-Law"; yet every honest person will admit that **Every man or woman in the community Must Comply with this “Sociological Natural-Law”, in order for Natural Social Harmony and Peace to be maintained in that community.** Most people will also admit that, given opportunity for un-rushed rational-discussion with others of similar honorable concern, Every Honorable Individual Can Make fairly Accurate "Judgements" concerning whether or not any specific individual has Violated one of these "Fundamental Principles" of this Sociological "Natural Law".

To illustrate the importance of firmly grasping these "Fundamental Principles" of our American System of Constitutional-Law and Government, this author opens by citing a quote, which seems to me to illustrate this point very well. This passage appears in a number of State Constitutions, including the Washington State's Constitution's "Bill of Rights" at "Article 1 Section 32"; which reads as follows:

**"A frequent recurrence to fundamental principles is essential to the security of individual right and the perpetuity of free government."**

This author has seen almost identical statements in numerous other American State Constitutions. All reputable American constitutional law scholars will admit that **our written state and national constitutions mandate that all public-servants in our national and smaller jurisdictions consistently check to be sure that every action taken by them in harmonious with and supportive of these fundamental principles** of our American system of constitutional law and government. It is "Essential" that all of the public-servants in our American nation frequently focus on our nation's "Fundamental Constitutional Principles"; because, as shown in the quote above, this very process is "Essential" to the continued existence of our American Constitutional System of "Free Government". Our American constitutional word of "Law" clearly implies this Singularly-Focused and Strictly-Disciplined Close-Adherence to these "Fundamental Principles". These are constitutionally-mandated and natural-law based “Norms of Behavior”, and they are very closely and solidly linked to our natural human capacity for Reasoning and Logical Thinking about the General Welfare of the Common People of our nation.<sup>3</sup>

**Here-under; every individual with a Functional Conscience and Minimal Intelligence,**

including all public-servants, should be quite capable of Instinctively Harmonizing with these sociologically Natural-Law based norms of behavior.

Further here-under; all honorably concerned Americans should clearly realize that: anyone who says that they are concerned about American Constitutional-Law, but who refuses to also discuss the "Fundamental Principles" embodied there-in, is speaking Falsely. No individual can correctly claim to be speaking about "Constitutional-Law", unless he focuses clearly on these "Fundamental Principles". This is precisely where every serious student of American Constitutional-Law needs to start and finish his examination of this critically-important subject. All cases and controversies in all true and Constitutional "Courts of Law" Must be decided through exhaustive examination and discussion of how that community can most effectively Resolve that Case through Harmonizing with these "Fundamental Principles" of Constitutional-Law.

Under applicable American Constitutional-Law; any knowing or willful Obstruction of these "Fundamental Principles", by any Public-Servant, including judges and executive personnel; will render those individual Public-Servants lawfully "Un-Protected", and subject to Criminal Complaint and Prosecution. "Obstruction of Justice" and "Jury Tampering" are "Crimes" under our American Constitution, and (as will be show here-in and in accompanying documents), these Crimes are Routinely Committed against Innocent Common Americans by Corrupted Judges and other Public-Servants all across this once grand nation. The fact that it is modernly very un-common for any such corrupted Public-Servant to be Prosecuted Criminally for these Crimes, merely underscores the fact that our nations modern "Machinery of Government" has strayed very far from these Fundamental Principles of our American Constitutional-Law.

In order to more fully appreciate America's Constitution's "Fundamental Principles", serious students of this subject are asked to imagine a picture in their minds, where they have just newly observed a partially hidden and disturbingly noisy machine, which is of critical importance to their continued welfare. Clearly, they must discover as much information as possible about the basic mechanical operations of this machine, in order to judge for them-selves whether or not the noise coming there-from is an indication of the machine's proper or dangerously mal-functioning operation.

By the same token; it is of critical importance for serious students of the subject to grasp the Fundamental Principles of our American System of Constitutional Law and Government, so that they may discern from the noises coming from the public-offices which compose that machinery of that government, whether or not those noises are indicators of efficiently balanced mechanical "Harmony", or whether those governmental noises are indicators of dangerous friction and looming disasters.

Through such studies as these, the serious student will become empowered to Judge for Himself (and to advise those seeking his guidance and direction), whether or not the noises coming from these different governmental offices are proceeding in Harmony with Higher "American Constitutional-Law". This is a critically-important issue; and the knowledge presented here-in for diagnosing these organic body-politic machinery-of-government problems, is very powerful and rare.<sup>4</sup>

There are basically two categories of study covered in this document, consisting of the Reasoning and Philosophy which under-lies these concepts of Natural-Law and Common-Law, and the History of how our American nation's "Common-Law" has become Obligatory over every one of our nation's organic body-politic's members, and especially over our public-servants. The "Reasoning" discussion focuses primarily on "Philosophy" and the "Fundamental Principles" which are to be found in this "Natural-Law" and "Common-Law". The "History" discussion is cited in efforts to show that the Courage of the Heroes of our American Revolution only Fought and Died for this Grand Cause of "Liberty and Justice for All", because they Firmly Knew that such "Liberty and Justice" Was "Mechanically Obtainable", if only, their posterity (children, us) would Adhere to the "Fundamental Principles" of our American Nation's System of "Constitutional Government", as then had already been very solidly crystallized into the specific "Rules of the Common-Law", and as "Due Process of Law". This "History" discussion will make passing reference to the Natural-Law and Philosophical issues, in efforts to illustrate how many of our American People are "Justified" in Demanding that our people's ancient body of "Common-Law Jurisprudence" is to be Respected and Observed by the

Public-Servants who are entrusted with responsibly and lawfully operating the Machinery of our American Government.

The men who fought and died to make this nation Free, generally believed in a Philosophy based on "Natural-Law" and "Natural-Rights", and which they then frequently referred to simply as "God-Given Rights", because almost every-one back then did not question the existence of a supreme spiritual being. Most of those early American heroes saw No Conflict between this "Natural-Law" philosophy, and the "Laws of God"; and they "Originally Intended" for their Posterity to be Governed under a Harmoniously Merged Philosophy based on both of these ideals. This 'History' under-lying our American system of Constitutional-Law and Government can logically be seen as consistently and repeatedly promoting this very same Natural-Law Philosophy.

This repeated history of seeking Harmony with the Principles and Philosophy of this "Natural-Law" will be shown here-in to be the 'Primary Goal' of the Honorable Men involved in the Framing of our American Constitutional System of Government. Through a close examination of these general Natural-Law based "Principles" and "Philosophy" on which our American Constitutional System of Government is based; here-by will be seen the broadest and most complete picture possible of the subject of American Constitutional-Law.

An important point here is that, this documents main subject of the "Fundamental Principles of American Constitutional Law and Government", may be described by many different words and phrases, all of which mean essentially the same thing. A fairly complete list of these synonymous words and phrases would include the following: "Federalism", "Constitutional-Law", "Natural-Law", "Justice", "Liberty", "Common-Law", "Due Process of Law", "Due Course of Law", the "Law of the Land", "Maxims of Law", "Public-Law", "General-Law", "Organic-Law", "Republicanism", "Democracy", "Malum In Se", and at least two religious phrases, which will be largely ignored in this document.<sup>5</sup> The similar and also related Latin words of "Lex" and "Jus" form the basis of our modern Anglo/American definitions of the words "Law" and "Justice". Many of these terms are more fully explained from the "Black's Law Dictionary" quotations which are quoted later in this document. Please refer to them now, if you feel so motivated. The phrase "Maximizing Local Responsible Sovereign Self-Governing Authority", is a slightly longer phrase which might convey the same basic meaning with a bit more detail.

Unfortunately; many of these terms are also purposefully used by the parasite classes which infect our modern organic body-politic, in their efforts to falsely imply Dis-Harmony and Differences between these generally positive words and phrases. This is done so that these powerful terms can not be effectively merged into a common argument to compel public-servants to respect their Duties to Defend our organic body-politic/communities from the parasitical classes which so routinely seek to pillage and plunder us. By such adulteration of our ancient Anglo/American "Words of Law", these subversive and parasitical classes have confused, divided, and conquered, the vast majority of the students of our American System of Constitutional Law and Government. And because most serious students of this subject have there-by become hopelessly confused; there-by, these subversive and parasitical classes have driven wedges and "Factionalized" the people who organically compose our entire modern American nation.

But when, through such detailed explanations of them each as are presented here-in, the true socially organic root-definition of each of these phrases is fully comprehended, then the student can be in the Firm Possession of such Solid and Powerful "Knowledge" of the matter, that he can No Longer be "Bamboozled" into accepting any "False Belief-System" by those Malicious and Parasitical Classes who so routinely seek to use those False-Definitions of these generally good terms, in their malicious and habitual efforts to Pillage and Plunder these students, and all other members of our American organic body-politic.

These are the main basic concepts which will be explained in much greater detail in this memorandum/document. With this general out-line of what is intended to be covered in this document now completed, it is now logical to proceed to examining the more specific Details which support the largely un-orthodox and un-fashionable propositions contained in this general out-line. Here-under;

specific historical Definitions of words; and specific, well-settled and historical “Due-Process” and “Common-Law” concepts, can all be used to “fill-in the blank spaces” which still remain from this brief and general out-line. Here-by; this author will more completely “fill-in the details” of this larger picture of the Sociological "Natural-Laws" of our American-National Body-Politic, and of the Due-Process and Common-Law “Immune System” concepts up-on which it is so dependant for its continuing collective “Health”; all of which may collectively be referred to as “the Fundamental Principles of our American System of Constitutional Law and Government”.

## The “Single Voice” of “Natural-Law”:

**“Reasoning”, through Finding the “Single Voice” of True “Law”.**

Un-fortunately, and as more fully shown later here-in and in accompanying documents; there were many "Coercive" elements written into the general body of the so-called "U.S. Constitution" document. Those "Coercive" elements written into the "U.S. Constitution" document are "In Conflict" with the more Fundamental Principles which are also generally Mandated in that very same document's own "Preamble", and its own "Bill of Rights". It is Universally Conceded among Honest Scholars who have studied these less coercive sections of this document, that these sections are Clearly Designed to Promote the perpetuation of the True Natural and Organic Laws of Justice, Peace, Safety, Liberty, and a "More Perfect Union", amongst "We the People".

Here-under: it should be clear, that, from with-in that documents general body of “Conflicting Messages”, Only the words which there-in articulate "Good Principles" of Governmental Policy, and which are based clearly on "Natural Law", may Accurately be referred to as "American Constitutional-Law", in its true, Fundamental and Organic sense. And since True Constitutional "Law" can Not be "In-Conflict" with it-self, something must give. This means that, when-ever a "Conflict" arises, that the Lesserly Important and Non-Fundamental Provisions must be “Disregarded”; and there-under, they must be recognized to be considered “lawless”, and of “Zero Importance”.

This fact, that True "Law" can Not be in Conflict with it-self, is illustrated well through one of this authors favorite quotations, which reads as follows:

**Professor Hart; 54 Columbia Law Review, 489-497; 1954:**

**“The law which governs daily living in the United States is a single system of law; it speaks in relation to any particular situation with only one ultimately authoritative voice, however difficult it may be on occasion to discern in advance which of two or more conflicting voices really carries authority. In the long run and in the large, this must be so. People repeatedly subjected, like Pavlov’s dogs, to two or more inconsistent sets of directions, without means of resolving the inconsistencies, could not fail in the end to react like the dogs did. The society, collectively, would suffer a nervous breakdown.” \* \* \***

**“In any system of government, responsibility for doing these things is divided among the governments various branches. In the federal system, it is further divided among the government and the governments of the states and their political subdivisions. \* \* \***

**“Nowhere is the theory and practice of American federalism more significantly revealed than in the constitutions of the states. These constitutions assume responsibility for dealing, and claim authority to deal, with the whole gamut of problems cast up out of the flux of everyday life in the state, save only in the particular respects in which the Federal Constitution or statutes deprive the states of any competence whatever or provide for an overriding or displacing federal law. They announce clearly, in Madison’s words, that whereas the powers of the federal government ‘consist of special grants taken from the general mass of power [we the state governments] possess the general mass with special exceptions only.’”**

**This scholarly law article** from “Professor Hart”, as he wrote for the “Columbia Law Review”; clearly Explains that there is a “Single System of Law” which “Governs Daily Living in the United States”. **This is how "Law" is Suppose to Work in our Constitutional Republic.** Multitudes of other similar sources all say basically the same thing, all from a myriad of interesting different angles and schools of thought; and all of which center around a central philosophy of what can be referred to as Sociological “Natural-Law”. These concepts are discussed much more fully in the following sub-sections of this document. But the main point here is, that, like the different “State Constitutions” mentioned above; there are Many Voices which collectively “Speak ... with Only One Ultimately Authoritative Voice”; just as Professor Hart above so declares. Here-under, the central proposition is, that; in American society, All Honorable People can be brought to Unanimously Recognize True and Universally-Applicable "Law". Just like the "Law of Gravity" is a Universally Recognizable by all

honorable scholars of the physical sciences, so similarly will “Sociological Natural-Law” be Recognized Universally among All Serious Students of Social-Justice. From the opposite angle, anyone who Speaks Against what might be called this Sociological “Natural-Law” philosophy, should be recognized by his opponents to be “Speaking Law Falsely”. And because it is necessary that the well-balanced “Rule of Law” be Maintained in the Community, if this man’s Dis-Harmonious and Un-Lawful Voice Repeatedly Appears, after fair warnings; then his Un-Lawful Voice Must be Ostracized from the discussion, because he and his voice are “Out-Side” of the true sociologically natural/organic “Constitutional-Law”. It is this precise sociologically natural-organic concept which has resulted in the traditional Anglo/American declarations that some problematic people are “Out-Laws”. A close examination of Professor Hart’s words, above, clearly implies that this traditional “Common-Law Process” for Firmly Judging between “Lawful” and “Lawless” Voices and People, has been Preserved and Prioritized in our American System of “Constitutional-Law”.<sup>6</sup>

Modernly and unfortunately; this "Single System of Law" is Seldom Used, mostly because, almost all modern Americans simply have no idea how to either articulate True “Law”, or to access it. And most bar-member attorneys are suffering under the same affliction, because these originally-intended, organic, people-empowering, constitutional-concepts, are Not Taught in their orthodox/civil “Law-Schools”.

Unfortunately, in the natural universe of human societies, there frequently exists great Difficulty in discovering the true "Single Voice of the Law". Frequently, it is only people of minor social influence who seem inspired to Correctly Discern and Speak the true "Single Voice of the Law". Fortunately, how-ever; our American Constitutional System Demands that Allowances be Continuously Made for these "Minority Voices" to at least be heard. One particular but generally obscured citation, which this author finds very supportive of this un-orthodox assertion, reads as follows:

**“Jurisdiction: ‘Jurisdiction’ in courts is the power and authority to declare the law. The very word in it’s origin imports as much. It is derived from ‘Juris’ and ‘dicto’ -- ‘I speak the law.’ And that sentence ought to be inscribed in living light on every tribunal of criminal power. It is the right of administering justice through the laws, by the means which the law has provided for that purpose. ...” (Words and Phrases)<sup>7</sup>**

When this citation is combined with the "Freedom of Speech" Rights of Every American, as recognized in the "First Amendment"; then, this citation seems to indicate that: exercising a True Constitutional “Jurisdiction” can be done by "Any Person" who merely Accurately Speaks True American "Constitutional-Law". Where-as fashionable American notions about "Jurisdiction" might render the practical application of this proposition a bit difficult, in the light of previous discussion surrounding Professor Hart's citation; it is clear that Any Person who Accurately "Speaks Constitutional-Law", will Not be in "Competition" with any others who are also Speaking True "Constitutional-Law"; but rather that they will All Unanimously be Saying precisely the "Same Thing".

So; Any individual American has the Lawful Right to Exercise His Own “Jurisdiction” to “Speak Law”, at least so long as he or she does it Accurately. For example, at the Local Government level; if a "bag-lady", from sleeping under a bridge or directly off of the street, attempts to "Speak Law" for the local governing authorities; she should have nothing to fear from the honest and conscience-bound local public-office-holders. This is true, because, All Persons Surrounding that local public-office-holder who are Accurately Speaking such "Constitutional-Law" will be Saying what amounts to the "Same Thing". Here-under; logic and reason will dictate that they should appreciate the added weight of the bag-lady’s voice in joining with theirs, as opposed to being critical of it. There Should Be "No Competition" there, among all those who are Accurately Speaking True American "Constitutional-Law". There is absolutely zero reason for any such competition, conflict, or concern.

Here-under; the First Task at hand is to Discover "Which Voice" among the many conflicting and confusion-generating voices "Really Carries Ultimate Authority"; just as Professor Hart has so insightfully declared, as quoted above. At its first examination, the task of discovering precisely which among this chaotic multitude of voices in our Nation's People is Accurately "Speaking True Law" for our National Organic Body-Politic, may seem to be an insurmountable task. Yet, because the True Organic Sources of our Body-Politic's Anglo-American Constitutional-Law are so very "Ancient", honorably-concerned students of this critically-important study have numerous "Guide-Posts", especially from with-in the previously-mentioned English "Common-Law", to direct us in this effort.

### **Connection of "Sociological Natural-Law" with "Common-Law":**

This notion, that the Common People Can Accurately and Unanimously "Speak Law", and even Speak Constitutional-Law"; Is all In "Complete Harmony" with our Nations ancient Anglo/American "Common-Law". All of human history reveals very few other "Bodies of Law" which place such grass-roots based Power in the Common People; and there are No Other similar bodies of "Law" of any Significant Influence on our modern planet; and there are No Other "Bodies of Law" of Any Influence At All in the Entire History of the Government of these United States of America.

There is a Large Body of older "Maxims of Law" which have been slowly distilled into this "Common-Law", and which have provided these ancient "Guide-Lines" for modern Anglo/Americans. It is through the responsible discussion of Local Jurors about how to most Conscionably Apply these general "Guide-Lines" to the current social Controversy before them, that every conceivable controversy facing every local community on the planet may be Resolved in a Socially Responsible Manner. The most important point to recognize here is that this ancient tradition of these "Maxims of Common-Law" are firmly in place in our American Constitutional System of Government, and that they clearly place this Authority to "Speak-Law" in the very Small and Local Communities of American Government, called "Townships", "Precincts", and "Counties". Under True Original "Common-Law" as practiced in early America, prior to the Civil War; and in old England, especially prior to the so-called "Norman Conquest" of 1066-ad; Common-Law "Juries" were nothing more than reputable members of local communities who "Spoke Law" for each of their Local Communities. This happened formally in "Common-Law Courts", held mostly at the Precinct and County Jurisdictional Levels.<sup>8</sup>

In these ancient Local Peoples "Common-Law Courts"; American Constitutional "Due Process of Law" was to be followed, by All Twelve Members of the Jury, until they reached a "Unanimous Verdict". Everyone who knows anything about American Constitutional Jury-Trial Process will admit this is true. The people who compose the Jury were to be selected from the "Reputable Members of the Community", usually at the Precinct level, of about 100 households. These Jurors are to be selected by the Elected Chief "Justice of the Peace", aka: "JoP", there-in, and his advisors, who all know each-other by their "Reputation". Keep in mind please that this "Justice of the Peace" is Locally "Elected", and that he can be removed from office and replaced by his local electors, at any time they decide to remove him. This means that his decisions about who is Qualified to sit as a local Juror should be presumed to reflect the general "Consensus" of the Local Community regarding Who is so locally Qualified to sit as Jurors. In fact, a close examination of the process which the JoP has actually followed in Selecting the local "Jurors" should reveal that the entire local community has developed "Consensus" that these Jurors are the Best Qualified to resolve the controversy then before their community.

These Jurors need to be "Fully Informed" of that traditional Anglo/American "Course" of Step-by-Step Procedures which has been anciently referred to as both "Due Process of Law", as recognizable under the "Fifth-Amendment"; and as the "Rules of the Common-Law", as set forth in the "Seventh-Amendment". These Jurors are to Openly Deliberate, with-out any meddling from any

civil-judge; and when they there-by use their "Consciences" and "Reasoning" abilities to voluntarily arrive at a "Unanimous" Verdict, Then Harmony with Sociological "Natural-Law" has been Achieved. As "Originally Intended" in our American Constitutional System of Government, this "Trial by Jury" process is fairly well explained in a law-school "Hornbook" entitled "Civil Procedure", which is available through "West Publishing Company"; and as authored by Friedenthal, Kane and Miller, in 1985. On pages 476 and 477, it states as follows:

**"In America ... (t)he right of juries to decide questions of law was widely accepted in the colonies, especially in criminal cases. Prior to 1850, the judge and jury were viewed as partners ... . The jury could decide questions of both law and fact, ... Legal theory and political philosophy emphasized the importance of the Jury in divining natural law, which was thought to be a better source for decision than the 'authority of black letter maxim.' Since natural law was accessible to lay people, it was held to be the duty of each juror to determine for himself whether a particular rule of law embodied the principles of the higher natural law. Indeed, it was argued that the United States Constitution embodied a codification of natural rights so that "the reliance by the jury on a higher law was usually viewed as a constitutional judgement \* \* \*."**

This is how "Natural Law" is Unanimously "Divined" among communities of honorable people. Once the fundamentals are comprehended, it is not all that complex. **It is very difficult to get Twelve People to Unanimously Agree on anything. Once that difficult task is finally accomplished, especially among people of honorable reputation in their communities; then it is reasonable to presume that Sociological "Natural-Law" has there-by been discovered and applied.** Here-in, and under our above example; our bag-lady would be authorized to sit on the jury, and to articulate "Applicable Law" for the case then before them. She would have the Lawful Right to argue her position until All Other Eleven Jurors (of good reputation) either Confronted her by Challenging the Responsibility of her views; or they Recognized the true Merit and Wisdom of what she was saying, and formed a "Consensus" with her. Please note that, under the complete "Common-Law" System which this author advocates; if this bag-lady, or any other member of the local community, are "Falsely Speaking Law", after Repeated "Fair Warnings"; then the more responsible Community Members should move to Formally Purge her voice from further discussion at their "Local Level". Such habitual "False Speakers of Law" would soon Loose their Status as "Qualified Electors" in such a Lawfully Run Local Jurisdiction. Here-by, and from the very start; the potential for Chaos and Confusion to reduce the entire governmental deliberations into lawless anarchy and/or despotism (same thing), will be "Eliminated". Further here-under; bag-ladies or any others who do not have "Good Reputations" in these smaller communities for Accurately "Speaking Law", would Justifiably be "Stone-Walled" at that Local Jurisdictional Level, and there-by the chaos and confusion which they are transmitting would never be allowed to distract the discussions at the larger organic body-politic jurisdictional levels.

This is all how the "Single-Voice" of True "Law" was "Originally Intended" to be "Defined" with-in Local Communities all across our early American Nation. This is how America was originally "Constitutionally Designed" to be run. In these smaller localized "Common-Law Communities" of Government, our very profoundly inspired bag-lady or other generally disenfranchised individuals would have the Right to Demand that Their Voice be Heard, and that the Merits of Their Versions of applicable "Law" would be rightfully Discussed, Openly and Completely. Such Discussions were and are Obligated to Continue until they are Lawfully Recognized either as the profound source of Wisdom which they are; or, alternatively and unfortunately, until they are recognized as nothing more than sources of chaos and confusion. Andy such knowingly Habitual Offenders as this should have their "Qualified Elector" Status Removed from them, because they are generating confusion and chaos in their local community, as opposed to any beneficial insight. Such Offences are in Violation of Supreme "Organic Constitutional-Law" and "Sociological Natural-Law" (same thing); and if the Community is going to Survive, long-term, then it must firmly separate it-self from such self-

destructive influences.

To summarize; it is only through this "Common-Law" System of Smaller Localized "Jury Trials", that the "Single Voice" of True Constitutional-Law can be Spoken, Unanimously; and where the natural individualized implications of the word "Juris-Diction" can be given it's True Meaning. This "Common-Law" would be a very Good Choice to use as a modern "Guide-Post" in Charting the Course of the modern American "Ship of State". This is true for at least three reasons, as follows: 1: Common-Law was Very "Highly Respected" by the Common People in Early America, and it was in popular use among them from the smallest to the largest levels of government; 2: Common-Law was Powerfully Supported in the written "U.S. Constitution" document, especially through the Profoundly Powerful Wording of the "Seventh Amendment" contained there-in; 3: Common-Law was the main decision-making process Embodied In our American Nations First Written "Constitution" document, entitled as the "Articles of Confederation", al of which functioned quite well to enable our ancestors to organize with sufficient efficiency to Throw Off the Tyranny of the most Powerful Military Force on the Planet at that time; 4: Common-Law was functioning at least for many centuries as "Supreme Governing Law", in pre-1066-ad/pre-Norman-Conquest England; and even earlier in numerous other countries, including Germany and ancient Israel.<sup>9</sup>

### **Obstacles to the "Single-Voice" of True "Law".**

Unfortunately; this idea of the Lawful Right of the "Common People" to "Speak Law" is also In "Bold Conflict" with the modernly Fashionable Belief that Only "Public-Servants" can "Speak Law" for the American People. That False but fashionable idea is derived from the Roman "Civil Law", where-in all power and authority flows from the "Emperor", who was at minimum considered to Speak the "Voice of God", and frequently to actually Be "God". In that Roman Empire, "Slave Trading" was the "Driving Force" that Sustained that Entire Social-Governing System; and the "Common People" could hardly be allowed to "Speak Law" there-in, or their Entire Authoritarian Governmental Structure would be in very dangerous risk of totally Collapsing, from any sudden natural manifestation of "Public Conscience" from among the common populace.

As shown later in this document; the so-called Roman "Civil-Law" and English "Common-Law" are the Only Two Bodies of "Law" which have any significant influence in these United States of America. Admiralty-Law, Maritime, Contract, Commercial, Military, Administrative-Law; these are all derived from Roman-based "Civil-Law". This fact will be proven through reputable citations presented later in this document, and some briefer citations supporting this fact can be gleaned from the "Black's Law Dictionary" Citations presented later here-in.

This existence of "Civil-Law" in our American Constitutional System of Government raises another significant concern. As Professor Hart above indicated; there are multitudes of Other "Conflicting Voices", which, Falsely, but publicly, also declare them-selves to be Speaking "Law" Accurately. These "Conflicting Voices" are frequently articulated by National "Public-Servants" of very high position. Presidential "Executive Orders", and numerous other "Administrative Decisions" from within the Executive Department are excellent examples here. This modern phenomenon closely resembles the dictates of the ancient Emperors of Rome. However; the Judiciary, along with even the Legislature, are also frequently quite Guilty of Contributing to the Chaos and Confusion of what is True "Constitutional Law" for "We the People" who organically compose our American Nation.

But the blame does not stop here. Many people in significant Private positions of influence over our national body-politic consciousness also contribute to the chaos and confusion which is so modernly epidemic there-in. Examples of these Private National Social-Confusion Generating People would be Law-School Professors, Corporate Attorneys, Corporate Media Executives and their Spokes-People, and the very important "Church Leaders". And the Bankers and Insurance Executives who Knowingly and Willfully Feed these "Voices of Confusion" through their Control the Flow of Capital to them, and their Obstruction of that very same "Flow of Capital" to the "True Voices of the American People", also share a very significant part of the blame. Campaign-Financing and

Lobbying, in particular, places tremendous pressure from these Private Controllers of our Nation's Financial-Capital on our Nation's Public-Servants, to Confuse our Nation's People's Public-Consciousness in Discovering, Articulating, and Obeying, our National Organic Body-Politic's Single and True "Voice of Constitutional-Law".

### **Lawful Superiority of Common-Law Decision-Making Process:**

But here-under; it is self-evident and probably universally agreed, that, there are many voices seeking the authority to "speak law" for our nation; and that our modern American political (legislative, judicial, and executive) system, is presently acting very "Chaotic"; and that our Nation can probably accurately be described, by applying to it, Professor Harts phrase about "Suffering a Nervous Break-down". Obviously, in order to insure the Health of our American National Organic Body-Politic, some form of "Remedy" must be found to alleviate this Sickness of "Confusion in the Laws" which Govern our National Body-Politic. Under the True Un-Written Organic "Constitutional-Law" of our American People; All modern Elected Public-Servants have a "Prioritized Constitutional-Duty" to do what-ever is with-in their power to Steer the Machinery of the Governmental Offices which they hold, along the "Well-Charted Course" embodied with-in the here-in expressed and ancient "Fundamental Principles of our Anglo/American System of Constitutional Law and Government". While observing this "Well Charted Course", these Elected Public-Servants are Obligated to Use Their "Conscience" and their "Reasoning" Process, so-as-to Seek Natural/Organic Truth, Justice, Safety, and Peace; for our American Body-Politic of Common People. This is true, because, the ancient Fundamental Anglo/American Principles of our Nation's "Constitutional-Law" Require that our National "Ship of State" be Piloted and Steered Precisely along this course, With-in these Strict Parameters, in order that these Prioritized "End Goals" of our Legitimate American Government, of Truth, Justice, Safety, and Peace; may be finally Secured for our American People.

Here-under, and with All Due Deference to our nations present written "U.S. Constitution" document; if a "Unanimous Jury" declares that "Just Cause is Shown" under the Natural-Law based "Higher-Law" of our nation's ancient "Fundamental Principles" of our Organic "Constitutional-Law", to Adjust the Course of our American "Ship of State", Out-Side of the Parameters specified in the so-called "U.S. Constitution" document; then certainly, and with-out any un-due delay, the Single-Voice of our True American Constitutional-Law Requires All Public-Servants to Immediately Adjust the Course of the Governmental Machinery of the "Public-Offices" which They are entrusted to Control, so that our national Ship of State will feel the inclination from Their Public-Office to also Adjust its Course along this "More Constitutional" Pathway.

This powerful Deference to "Jury Verdicts" is the Clear "Intent" under-lying the "Seventh Amendment", which reads as follows:

**" ... 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."**

This wording clearly implies that **our American Constitutional Common-Law "Trial-by-Jury" process, is the "Highest Decision-Making" process available in our nation's Constitutional System of Government.** That is what these words clearly imply. Please take the time here to meditate on these words, if this point continues to elude you. It is a critically-important point.

Under conclusions more fully presented later, but drawn through the study of our American Constitutional "Trail by Jury" Process; and also in light of this documents early quotation from Professor Hart, and perhaps a few other sources set forth previously here-in; **a bold and powerful "Fundamental Principle of American Constitutional Government" becomes clear: True Governmental Declarations of "Law" may Only be "Spoken" by the Single "Unanimous" Voice of a "Common-Law Jury".** Everything else is "Provisional", or temporary; waiting around until a proper common-law jury decides to take the controversy into consideration.

In more natural-law and common-law terms; these Juries are the Only "Law Declaring" or

"Law Finding" power; because, as shown else-where here-in, Sociological "Natural-Law" is the Only True, Essential Definition of "Law" in our American Nation. This is true because this Natural form of "Law" is Already "Pre-Existing"; and it can Not be "Made" by any human or group of humans. It can only be "Found" or "Discovered", through the Unanimous Agreement of the People of Good Reputation in Their Communities. Here-under; the Only Process which even pretends to be Capable of Accomplishing this significantly burdensome task, is our nations ancient Common-Law "Trial by Jury" process. Here-in; Sociological "Natural-Law" has Already Been "Discovered, in multitudes of previous and ancient jury trials; and it is available in our modern law books under our nation's traditional concept of "Maxims of Law", and as "the Rules of the Common-Law", and as our traditional Anglo/American "Due Process of Law". Once the quasi-modern roman-law based confusion is filtered-out, and there-after a clear picture of the true fundamental principles of this entire process is firmly grasped; then, under our written national "U.S. Constitution" document, it is easy to conclude that our Anglo/American Constitutional "Juries" Are the Only True "Law-Making Power" of this nation.

All public-servant office-holders who Refuse to lend the weight of their voices to such a Correct "Speaking-of-Law", are in direct Violation of their Oath to up-hold the Constitution of these United States of America. That very same "Law" provides that those Delinquent Public-Servants may be directly and forcibly Removed from the Public-Offices which they hold, for Dereliction of Their Duties to the American People. And mere bag-ladies can Lawfully be placed in charge there-in, if that seems to those honorably concerned that she is the one person in their community who is capable of "Speaking-Law" Correctly for that entire Community. There-after; the only task remaining to preform is for the Executive Personnel to promptly Implement that New and more Correct Jurisdictional "Speaking of Law".

At this point, it is good to lay a broader foundation for further discussion, by citing a number of reputable definitions for basic but also important words, as follows:

### **De-Centralization and Federalism:**

#### **"Federalism", Confederation, Republicanism, and Democracy:**

To try to bring this broad subject together into a more sharply-defined focus, it is good to focus again on the powerful American Constitutional Concept of "Federalism". This specific term is an immensely rewarding study, and it can be argued that a clear comprehension of this word will be the single most productive term for study in producing powerfully usable insight into the Fundamental Principles of our American Constitutional System of Law and Government. Remember please how, earlier in this document, Professor Hart was quoted as declaring that the "Constitutions of the States" are where one must look in order to find "Revealed" the "Theory and Practice of American Federalism". Those words indicate that, under this concept of "Federalism", America's "State Constitutions" are not obsolete/archaic documents, as some would infer. While most scholars admit that there are numerous Flaws in our nation's various written State and National "Constitution" documents, citations such as Professor Hart's clearly indicate that these documents unanimously at least Profess to Seek Harmony with our American National Community's Higher "Natural-Organic Law". Another powerful citation which really brings this point home nicely, and which is one of this author's favorites, and which is from very large, scholarly, and reputable book, reads as follows:

**"Encyclopedia of the American Constitution"; (1986) <sup>10</sup>**.

**"Federalism (History): ... Prior to 1787, the term "federalism" had been used to signify confederation, a system in which the Sovereignty remained with the constituent states ... in which the central authority's legislature merely could propose measures to the states for approval. ...**

**Federalism (Theory): Federal democracy is the authentic American contribution to**

democratic thought and republican government. Its conception represents a synthesis of the Puritan idea of the covenant relationship as the foundation of all proper human society and the constitutional ideas of the English natural rights school of the seventeenth & early eighteenth centuries. Contractual noncentralization - the structured dispersion of power among many centers whose legitimate authority is constitutionally guaranteed - is the key to the widespread and entrenched diffusion of power that remains the principle characteristic of and argument for federal democracy.

Federal democracy is a composite notion that includes a strong religious component. The religious expression of federalism was brought to the United States through the theology of the Puritan, who viewed the world as organized through binding covenants that God had made with mankind, binding God and man into a lasting union and partnership to work for the redemption of the world ... .

According to federal theology, all social and political relationships are derived from that original covenant. This theological perspective found its counterpart in congregationalism as the basis of church polity and the town meeting as the basis of civil polity. Thus communities of believers were required to organize themselves by covenant into congregations just as communities of citizens were required to organize themselves by covenant into towns. The entire structure of religious and political organization in New England reflected this application of a theological principle to social and political life.

... The behavioral pattern resurfaced on every frontier ... in the wagon trains that crossed the plains, whose members compacted together to provide for their internal governance during the long trek westward. ...

In strictly governmental terms, federalism is a form of political organization that unites separate polities within an overarching political system, enabling all to maintain their fundamental political integrity and distributing power among general and constituent governments so that they all share in the system's decision-making and executing processes. In a larger sense, federalism represents the linking of free people and their communities through lasting but limited political arrangements to protect certain rights or liberties and to achieve specific common ends while preserving their respective integrities. To reverse the order, federalism has to do, first and foremost, with a relationship among the entities, and then with the structure that embodies that relationship and provides the means for sustaining it. Originally federalism was most widely recognized as a relationship to which structural questions were incidental; but since the creation of the American federal system, in which a new structure was invented ... federalism has become increasingly identified in structural terms. This usage in turn has contributed to a certain emphasis on legal and administrative relations between the units and to the neglect of the larger question of the relationships federalism is designed to foster throughout the polity."

As indicated in this above citation, one very important Fundamental Principle of our "Federal" system of American Constitutional Law and Government; is that Power is to be "De-Centralized" down to the smaller jurisdictions as much as is reasonably possible. Here-under; unless there has been some out-side threat, and out-side help has been formally requested; then every law-enforcement related task is to be accomplished in the Counties, or in their smaller Precinct and/or Township jurisdictions. This is how all of this was actually working among the Anglo/Saxons of England, prior to the "Norman Conquest" of 1066-ad; and it is not hard to visualize how it was working in the also previously described ancient nation of Israel, reaching back in time at least as far as 3400 years. That is what the above-mentioned "Puritans" believed.

Another very insightful citation has been rendered publicly by Ex- President Clinton, on the 4th of August, 1999; in his "Executive Order 13132". Here-in Mr Clinton clearly affirms that the general American Constitutional Principle of "De-Centralization of Power" applies even to the to the

Federal Government. Mr Clinton's powerfully insightful words read as follows:

**Sec. 2. Fundamental Federalism Principles. ... Federalism is rooted in the belief that issues that are not national in scope or significance are most appropriately addressed by the level of government closest to the people. The people of the States created the national government and delegated to it enumerated governmental powers. All other sovereign powers, save those expressly prohibited the States by the Constitution, are reserved to the States or to the people. ... The people of the States are free, subject only to restrictions in the Constitution itself or in constitutionally authorized Acts of Congress, to define the moral, political, and legal character of their lives. The Framers recognized that the States possess unique authorities, qualities, and abilities to meet the needs of the people and should function as laboratories of democracy. The nature of our constitutional system encourages a healthy diversity in the public policies adopted by the people of the several States according to their own conditions, needs, and desires. In the search for enlightened public policy, individual States and communities are free to experiment with a variety of approaches to public issues. One-size-fits-all approaches to public policy problems can inhibit the creation of effective solutions to those problems. Acts of the national government - whether legislative, executive, or judicial in nature - that exceed the enumerated powers of that government under the Constitution violate the principle of federalism established by the Framers. Policies of the national government should recognize the responsibility of - and should encourage opportunities for - individuals, families, neighborhoods, local governments, and private associations to achieve their personal, social, and economic objectives through cooperative effort. The national government should be deferential to the States when taking action that affects the policymaking discretion of the States and should act only with the greatest caution where State or local governments have identified uncertainties regarding the constitutional or statutory authority of the national government.**

This is truly a very precious declaration from Ex-President Clinton. Most American State Constitutions repeat this General Fundamental Principle of Encouraging even Smaller Jurisdictional "Local Self-Government", in a number of specific provisions. One of the most specific provisions is in the "Hands Off" Prohibition upon the Legislature's Authority to Legislate upon "Special or Local Laws"; which is set forth in most State Constitutions, in the chapter there-in, regulating the Constitutional Authority of their State's "Legislative Assembly". Here-under; it is clear that each State's Counties, Cities, Precincts, Townships, Households, Churches, Trade-Unions, and other responsible organizations; were all Originally Constitutionally Intended to retain the "Liberty" to "Self-Govern". Most such state constitutions declare this fairly clearly, but the original version of Oregon's Constitution, declares it especially well at Article 4 Section 23, as follows:

**"Certain local and special laws prohibited. The Legislative Assembly shall not pass special or local laws in any of the following enumerated cases, that is to say: Regulating the jurisdiction, and duties of justices of the peace, and of constables; For the punishment of Crimes, and Misdemeanors; Regulating the practice in Courts of Justice; Providing for changing the venue in civil, and Criminal cases; Granting divorces; Changing the names of persons; For laying, opening, and working on highways, and for the election, or appointment of supervisors; Vacating roads, Town plats, Streets, Alleys, and Public squares; Summoning and empanelling grand, and petit jurors; For the assessment and collection of Taxes, for State, County, Township, or road purposes; Providing for supporting Common schools, and for the preservation of school funds; In relation to interest on money; Providing for opening, and conducting the elections of State, County, and Township officers, and designating the places of voting; Providing for the sale of real estate, belonging to minors, or other persons laboring under legal disabilities, by executors, administrators, guardians, or trustees."**

<http://landru.leg.state.or.us/ors/>

Here-in is clearly shown a large number of very powerful governmental functions, which are originally constitutionally intended to be protected from meddling from the legislature of the State's Civil Government. All reasonable people will immediately recognize that the obvious "Original Intent" of the Framers of this Constitutional Provision, is to De-Centralize the Power of the Government of this State as Much as is Reasonably Possible. These "Special and Local" State Constitutional Provisions Support the above quoted "Principles of Federalism", just as do the Ninth and Tenth Amendments on the National Level. That Ninth Amendment is of particular importance regarding any accompanying "Quo-Warranto Criminal-Complaints".

The above citation clearly shows that these "Local and Special" Jurisdictions, especially such as the Counties and Precincts, are all Suppose To Be much more "Primary Sources" for Governing the Behavior of the individual members of our American communities, than are the State and Federal Governments. As is shown in the above citation; these smaller "Local and Special" Communities have the Constitutionally-Guaranteed Right (and Duty) to set-up their own "Courts of Justice"; to Select Their Own "Juries", who can try even Criminal Cases before them, all with reference to nothing more than "Common-Law", and all as supported by the Sixth and Seventh Amendments. And these smaller communities can elect their own "Peace Officers" who have full power to Make "Arrests", and to use "What-Ever Force is Necessary", in order to "Keep the Peace" with-in their own special or local communities. The Statutes of Oregon and many other States make these powerful governmental power de-centralizing concepts even more clear. Recent Federal Court Decisions have affirmed that Local "County Sheriffs" have the Constitutionally-Lawful Authority to tell Federal IRS, FBI, BATF, and other officers, to "Stay Out" of their Counties, or to put serious restrictions on these federal officers if they are allowed to operate there-in<sup>11</sup>.

This author believes that every state in the union has similar constitutional provisions, as the one cited above from Oregon; although most are not so explicitly detailed. Here-by; this Fundamental Principle of "Federalism" is brought home to each and every State, and to its smaller County, Precinct, and Township communities. With regard to this citation, please note that under our American and various State Civil-Governments, that the "Legislators" are the "Single Source" of what passes as "Law" there-in. And so, under such State Constitutional "Prohibitions" as quoted above, these Legislators are Prohibited from Passing Legislation which does not concern the "General Welfare" of the Common People who form the Public Body-Politic of each State. Here-under; the State's Legislative Assembly is Prohibited from Passing Statutory-Laws which Micro-Manage the Issues which can be Responsibly Addressed at those Smaller Levels of Government which are known as "Local" or "Special". The "Local" Governmental Jurisdictions mentioned there-in, would be such as Counties, Precincts, Townships, and perhaps even Households; and from the Federal Level, the States. On the other hand, "Special Government" Jurisdiction would be such non-geographical associations as Religious Organizations; Fraternal Organizations such as the Masons, Elks, and Lions; and Trade-Associations, such as the Lawyers "American Bar Associations", and the Doctors "American Medical Association".

This means that, if every smaller local jurisdiction is functioning at such Efficient Levels of Common-Law Self-Governing, that there are "No Needs" in any of them; then governmental process at the larger State level, could be entirely "Shut-Down", at least until someone might sound an alarm, at some possible future date. And of course, the same principle would apply at the National level, as the above quotes from the "Seventh Amendment" so implies.

In contemplating the above constitutional provision, it must be kept in mind that "General Law" is the Polar Opposite of the "Special Law" referred to there-in. Both of these terms have been clearly Defined in the "Blacks Law Dictionary" Citations further above. Here-under, these Legislators are Restricted in the forms of Legislation which they can Lawfully Pass. Here-under; they can Only enact "General Laws" for the Governing of the "General Public"; and all with-out working any interference with the smaller county and precinct jurisdictions rights to responsibly self-govern there-

in. For larger context, please remember: General-Law = Public-Law = Common-Law. These facts are shown by the "Black's Law Dictionary" Citations, above.

And because the Federal and State Civil "Judicial" and "Executive" Officers Can Not "Legislate"; here-under, All National and State "Civil-Officers" and "Agents", whether they derive their color of authority from the Executive, Judicial or Legislative departments; are Constitutionally "Prohibited" from Interfering with these "Local and Special" Powers and Authorities being Exercised Directly by any such of these Formally Organized and "Responsibly-Self-Governing" Smaller "Local and Special" Governmental Jurisdictions and Bodies-Politic. Here-under; All Federal and State Civil Executive and Judicial Officers and/or Agents, have No Constitutionally-Lawful Authority to Direct the Administration of Force with-in these smaller jurisdictions. And if, through stupidity or corruption, they trespass, or conspire to trespass there-in; then They immediately Loose All forms of "Immunity"; and the officers and members of that local self-governing local or special jurisdictions have the Constitutionally-Secured Right and Duty to Arrest all such Trespassing and/or Conspiring Public-Servants with "What-Ever-Force is Necessary".

This is how this entire "Republican" and "Federal" system of American Constitutional Government is Suppose to Operate. At least so long as their separate responsibly self-governing jurisdictions are at all functional; then all of these above-mentioned concerns are "Constitutionally Required" to be handled at these "Local or Special" Levels of Government. And the officers of the State and Federal Governments have Duties to Assist in this "Responsible Self-Governing" process, by these various smaller "local and special" jurisdictions.

Each of these "Local and Special" Jurisdictions have the Constitutionally-Lawful Authority to "Responsibly Self-Govern"; and there-in they should insure to all other communities that their members will Not engage in any Public-Law Crime involving any Malum-In-Se based Common-Law Trespass against any other Real/Natural Person. Please remember, from the above citations, that: "Common-Law" Is "General Law"; and that "Common-Law Crimes" are "General-Law Crimes"; and that both of the phrases refer to "Public Crimes" and to "Constitutional Crimes".

This raises another issue concerning the "Lawful" functioning of the National and State "Legislative Assemblies". Due to such Constitutional provisions as cited above; the "Legislative Assemblies" of this Nation and our "States", can Only Lawfully Enact Legislation which seeks to Prohibit "Malum-In-Se" based "Common-Law Crimes". Here-by; all Public-Servants are directed by the "Single Voice of the Law" (which Professor Heart spoke of before) to Seek "Peace". This Higher-Law Mandate of "Peace" is Constitutionally-Required by the Prioritized Mandate set forth in the "Preamble" of the written Federal Constitution, which commands "Domestic Tranquility". The various State "Constitution" documents similarly prioritize Keeping the "Peace" in those documents respective "Preambles".

Here-under; Governmental Officers are Not Constitutionally Allowed to become a "Source" for any "Breach of the Peace". Those Officer must Wait, Patiently, for a "Breach of the Peace" to occur; and if one never occurs, well then, the Constitutional Goal of "Peace" has adequately been Secured, and everyone is suppose to be happy.

This Prioritized Mandate for "Keeping the Peace" is Essential to keep in mind when-ever one is seeking to correctly Define an American Constitutional "Crime". These American Constitutional Definitions of "Crime" are firmly based on a ancient and related Common-Law idea known as "Malum-In-Se"; as quoted previously in "Black's Law Dictionary". These concepts are Essential Elements of not only our "Republican" forms of National and State Governments; they are also necessary in order to preserve an organically-healthy "Democracy". This is true, because, unless the Common People are empowered to "Responsibly Self-Govern", and there-by, to become Liberated from un-welcome out-side authoritarian meddling in their lives; then their democratic votes will systematically be coercively manipulated by the "powers that be", and Representatives chosen will be compromised in their loyalties, and there-under accountability in government will there-by be reduced to an elusive dream.

The results of any community focusing exclusively on this common-law/malum-in-se based definition for "Crime", is that, here-under; the previously referenced and very desirable "Single Voice of the Law" will be clearly heard in every community. When the only issue of controversy before the decision-making forum is whether or not a "Breach of the Peace" has occurred; then traditional Anglo/American Principles of "Due Process of Law" will be invoked, all so-as-to focus sharply, with this harmonious "single-voice"; possibly from multiple sources, but still speaking with such harmony as to amount to that "single-voice".

It should be clear to the reader that this process harmonizes well with the previously cited text from "Principles of Business Law", where-in is stated that: Natural Law is "for the benefit of mankind and the establishment of the good community", and that this is true because: "Man as a reasonable being is able to distinguish between good and evil." Under this enlightening perspective, a clear and idealistic picture can be formed of how our modern Anglo-American Constitutional Jurisprudence may be resuscitated so-as-to conform with the "More Perfect Union" ideal set forth in the Preamble, as well as more precisely with the un-known ideals of our ancestors in the ancient world, from whence its history is clearly derived.

In Conclusion here-under; it should now be very clear that "Federalism", upon which is based the Fundamental Principles of our American system of Constitutional-Law, Requires that our various Governmental Jurisdictions "De-Centralize" as much as reasonably possible, so that they may there-by Seek Harmony with Sociological "Natural-Law". This author believes that this point has now been made fully clear. It is now appropriate to delve fully into the tools which have been provided by our Anglo/American Constitutional-Law System of Government for holding Public-Servants to an Accountability.

### **De-Centralization of American Government:**

**Examining how Common-Law produces a truly workable and honorable plan for responsibly De-Centralizing the Authority of the National and State Governments.**

Regardless of the apparent adoption of a "Civil" form of American national Government; the Framers of our nations 1789 written "U.S. Constitution" document, unanimously agreed that the smaller jurisdictions, of the States, Counties, Precincts, and Townships; were all basically to remain in place, all basically under then already pre-existing and well-settled modes of local responsible self-governing, and subject only to revision by the free-choices of the people residing there-in. And although it seems also that most of the States also adopted "Civil" forms of governing; it remains undeniable that the even smaller jurisdictions, especially concerning the Counties, Precincts, and Townships; were firmly rooted in the entirely Different "Common-Law" Model of Self-Governing. This point is well illustrated by the following partially-repeated citation, from 'Black's Law Dictionary'; as follows:

**"State: A people permanently occupying a fixed territory bound together by common-law habits and custom into one body politic, exercising, through the medium of an organized government, independent sovereignty and control over all persons and things within its boundaries, ... The organization of social life which exercises sovereign power on behalf of the people. ..."**

As can be seen above, with-in our American Constitutional system of Government, the People who organically compose the "State" are suppose to be "bound together by common-law habits and customs". This is what Black's Law Dictionary Clearly Says, and numerous other citations (here-in and else-where) firmly support this modernly un-fashionable proposition. This is a Powerful 'Fundamental Principle' of our American Constitutional Form of Government; and those who profess to support the Fundamental Constitutional Ideas of what America is suppose to be all about, need to either embrace and conform with these true Fundamental Constitutional Principles, which are derived

from our Anglo/American "Common-Law", or they need to prepare themselves for prosecution and ostracism from our American organic body-politic.

Here-under; it is important to keep in mind the earlier quoted citation from "Professor Hart", where-in he said:

**"The law which governs daily living in the United States is a single system of law; it speaks in relation to any particular situation with only one ultimately authoritative voice, ..."**.

When readers consider that American Constitutional-Law must "Speak with Only One Ultimately Authoritative Voice", and that: "Constitutions Must be Construed with Reference to the Common-Law, since ... federal and state constitutions ... Cherished the established Common Law and ... without reference to this common law, the language of the Federal Constitution could not be understood"; then, if and when sincere American Patriots finally decide to focus tightly on "Specific Terms or Labels" which "Precisely Define" the Core Issues and Fundamental Principles of our American Constitutional System of Government, then the Simplest Summarizing Label to place on our True American Constitutional System of Government is "Common-Law".

To drive this point home further, please contemplate the profound implications of the "Seventh Amendment" to the written "U.S. Constitution" document; which, again quoted, reads as follows:

**" ... 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."**

This powerful wording clearly indicates that the "Rules of the Common-Law" were Originally Intended to be very Commonly Practiced in the Courts of the Federal Government of these United States of America; and the implication is clear there-under that many State and Local Courts were similarly designed to operate in accord with these "Rules of the Common-Law".

Further; the terminology used here-in, indicates that there are "Less Lawful Modes of Procedure" available in the federal courts, and perhaps in other courts; but that these "Rules of the Common-Law" seem to be the Most Powerful kind of "Rules of Procedure" which these Federal Courts are capable of following. This wording indicates that if a "Fact" which has Not been "tried by a jury", but then comes before a federal court; that this "Fact" may be tried by any among a possibly very large number of modes of procedure. But if that "Fact" Has been "Tried by a Jury", then the only procedure which is lawful for those federal courts to follow, in re-examining that case; is that specifically narrow procedure which follows "The Rules of the Common-Law".

This wording clearly indicates that these "Rules of the Common-Law" are very Powerful Rules, which place serious Constraints on the discretion which the judges of the federal courts can exercise during their administration of the affairs of that court. In fact, this Seventh-Amendment wording clearly recognizes the the ability of the Common-Law Juries of this nation to Try Every Case In This Nation, and there-by to Shut-Down and Displace All Summary forms of Jurisdiction exercised by the "Judicial Department" of the Civil United States Government. They would have to entirely Abandon All Proceedings under Civil, Equity, Administrative, Commercial, Admiralty, and Maritime Jurisdiction. This would cause the United States Supreme Court to either "Cease to Exist"; or to Adjust its Organization and Procedures so as to function exclusively as a "Common-Law Court".<sup>12</sup>

If the wording of this "Seventh Amendment" is examines closely, this dynamic will be clear. The aristocrats who conspired to subvert our nations original "Articles of Confederation" were in such a mad rush to vehemently oppose true organic/constitutional "Common-Law Juries" deciding this nation's judicial cases and controversies; that, they left this very conspicuous "Gaping Hole" in their Civil Judiciary, as reflected in this wording of the "Seventh Amendment". In their mad Rush to Gain the Support of the Other and More Honorable Convention Delegates in colorably enacting the so-called written "U.S. Constitution" document over our people's American organic body-politic; they were forced into this compromise, and into leaving this very wide and powerful Hole in their obedience-commanding lex-scripta based oppressive scheme.<sup>13</sup>

## Private/Man-Made-Law Vs Public/Natural-Law:

Human History has produced only basically “Two Modes” for Governing Human Conduct; both of which have been in Conflict with each-other, probably since their very beginning. One of these Modes of Governing Encourages the Common People to “Responsibly Self-Govern”, through seeking to Non-Coercively promote Social Harmony with Fundamental Principles of “Natural-Law”, as descended from the ancient Torah-Laws of Israel, and as preserved through the old “Malum-In-Se” -based English “Common-Law”. The other Mode of Governing seeks to “Coercively” Impose a Confusion-Generating Body of “Malum-Prohibitum” -based (so-called) “Law”, as Implemented through-out the Babylonian-Empire, and later through the “Roman-Empire”, for the more effective Governing of the many Slaves which they Conquered, and which has modernly become known as “Municipal-Law”, or “Civil- Law”.

In efforts of this author to paint a complete picture of American Constitutional-Law, I must refer to a citation which is painfully long; but which also provides precious insight into the importance of this "Common-Law" as the Constitutionally-Preferred Method of Dispute-Resolution in our American Constitutional System of Government. This citation also points out well that there is an Opposing Body of so-called "Laws" in place, which are battling against the Common-Law, from behind the scenes, and with powerful supporters; all of which is derived from the very powerful and ancient system Roman System of so-called "Civil -Law", and which is more accurately called "Municipal-Law".

This is a "Conflict of Laws", and it is very ancient, reaching back literally for thousands of years. It has so Profoundly Influenced our modern American concepts of "Constitutional-Law"<sup>14</sup>, and the study of this "Conflict" can not be avoided in any document which purports to speak authoritatively on this subject of American Constitutional-Law. This "Conflict" between the so-called "Civil-Law", and the "Common-Law"; is also between Individual People who advocate that our American People view one or the other of those diametrically-opposed bodies of law as "Constitutional". These points are quoted here-in, through this rather long quotation, from text composed in 1871 under the title of "Of the Civil-Law and the Common-Law", by a Professor of Law at Columbia College, named Samuel Tyler II, D.<sup>15</sup>. This text reads as follows:

**“There have grown up in the history of nations only two great systems of law, the civil law of ancient Rome, and the common law of England. All the most civilized nations in the world are governed by either of these two great schemes of justice. Though the civil law and the common law have much in common, yet in many important particulars they are the opposites of each other. In the course of his studies, the student of law finds so much said, in an incidental way, about the civil law, that is calculated to mislead his judgment in regard to the true character of that scheme of justice, that it is important, at the outset of his walks over the fields of the common law, to give him some account of the civil law, and point out in what it differs essentially from the common law. This is a matter of much importance to every student who aspires to a comprehensive and enlightened knowledge of jurisprudence. ...**

**... it was under the empire, when the glory of the republic was gone, that the jurists attained their eminence, and in fact became the architects of the great system of Roman law. ... Oratory was no longer, as it had been during the glorious period of the republic, the great art by which men rose to eminence in the state. Its voice was now silent; when to speak of the rights of Roman citizens was treason. ...**

**The administration of the law, too, was subordinate to the imperial authority, not only in theory but in practice, the courts being organized accordingly. Under the republic, the courts were open to the public in both civil and criminal trials. Under the empire, open courts disappeared, and an appeal lay in all cases to the emperor in his imperial court. Thus a perfect system of despotism, disguised under forms of law, was built up on the ruins of the republic. ...**

If we now turn to the common law of England, we will find that, as far as administrative

principles and forms of procedure are concerned, it is the opposite of the Roman civil law as it was molded under the empire. The principle which, in the practical administration of the two systems, marks the primary essential distinction between them, is the relative obligatory force under them of precedent or former decisions. Under the common law, former decisions control the court unconditionally. It is deemed by the common law indispensable that there should be a fixed rule of decision, in order that rights and property may be stable and certain, and not involved in perpetual doubts and controversies.

Under the civil law the principles is different. Former decisions have not so fixed and certain an operation, but are considered as only governing the particular case, without establishing as a settled rule the principle involved in it. When a similar case occurs, the judge may decide it according to his personal views of the law, or according to the opinion of some eminent jurist. ...

Let anyone, who wishes to examine a specimen of this perplexity in regard to a fundamental classification which the civilians make of laws into personal statutes and real statutes, refer to the opinion of the supreme court of Louisiana, by Mr. Justice Porter, in *Saul v. His Creditors*, in 17 Martins' Reports. After referring to the jurists of the different European countries who have treated of this distinction, Justice Porter says:

"The moment we attempt to discover from these writers what statutes are real and what personal, the most extraordinary confusion is presented. Their definitions often differ; and, when they agree in their definitions, they dispute as to their application."

And Mr. Justice Story, in his "Conflict of Laws," when speaking of the civilians who have treated of the subject of his book, says:

"The civilians of continental Europe have examined the subject in many of its bearings with a more comprehensive philosophy, if not with a more enlightened spirit. Their works, however, abound with theoretical distinctions, which serve little purpose than to provoke idle discussions and metaphysical subtleties, which perplex, if they do not confound the inquirer. \* \*

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Precedents, too, have not, either in the courts of continental Europe or in the judicial discussions of eminent jurists, the same force and authority which we, who live under the influence of the common law, are accustomed to attribute to them; and it is unavoidable that many differences of opinion will exist amongst them, even in relation to leading principles." Such is the fluctuating wind of doctrine with which the judicial mind is liable to veer under the civil-law institutions where precedents have but little force. ...

The common law, in broad contrast to the civil law, has always wholly repudiated anything as authority but the judgments of courts deliberately given in causes argued and decided. "For (says Lord Coke, in the preface to his 9th Report) it is one amongst others of the great honors of the common law that cases of great difficulty are never adjudged or resolved in tenebris or sub silentio suppressis reationibus, but in open court: and there upon solemn and elaborate arguments, ... where they argue ... seriatim, upon certain days openly and purposely prefixed, delivering at large the authorities, reasons, and causes of their judgments and resolutions in every such particular case, ... a reverend and honorable proceeding in law, a grateful satisfaction to the parties, and a great instruction and direction to the attentive and studious hearers."

Nothing less elaborately learned and cautiously considered than such a judgment of a court has a legitimate place in the common law. By such adjudication has that great system of jurisprudence been built up. The opinion of no lawyer has a place in the system of common law. And this wise principle of the common law is never lost sight of by those bred in its spirit. When Lord Coke wrote his commentaries upon certain statutes of England, from Magna Charta to Henry VIII, which are called his II Institutes, he did not give his personal opinions of their meaning, but gave the judicial interpretations of them, which had been made. In the conclusion

of the preface to the II Institutes he says:

"Upon the text of the civil law there be so many glosses and interpretations, and again upon those so many commentaries, and all written by doctors of equal degree and authority, and therein so many diversities of opinions, as they rather increase than resolve doubts and uncertainties, and the professors of that noble science say that it is like see full of waves."

"The difference, then, between those glosses and commentaries are written by doctors, and which be advocates, and so in a great manner private interpretations; and our expositions or commentaries upon Magna Charta and other statutes are resolutions of judges in courts of justice in judicial courses of proceeding, either related and reported in our books or extant in judicial records, or in both, and therefore, being collected together, shall ... produce certainty, the mother and nurse of repose and quietness."

Such is the doctrine of the common law! Nothing but the solemn voice of the law itself, speaking through its constituted tribunals, is of any judicial authority. And how august is that authority, reposing as it does upon the solemn decisions of courts which have administered justice in the very same halls for nearly eight hundred years! In vain shall we search the history of nations for a parallel to this stability of law amidst the fluctuating vicissitudes of empire. It is this stability of law, ruling over the prerogative of the crown and administering equal justice to the high and the low through so many centuries, that vindicates the "frame and ordinary course of the common law" to the consideration of the present times.

It is this primary difference in the principles of practice, under the two systems of law, which gives to the common law its great superiority over the civil law, as a practical jurisprudence regulating the affairs of society. It has the great advantage of producing certainty in regard to all rights and obligations which are regulated by law. But, above all, it excludes private interpretations and controls the arbitrary discretion of judges. In the common law the principles of interpretation are fixed and certain. Rules of interpretation were early adopted, and have never been departed from. Other rules from time to time have been adopted, but when once introduced into practice they become precedents."

Note-worthy points to summarize here-from are that: "Common-Law" is said to produce a process where "rights and property may be Stable and Certain, and not involved in perpetual doubts and controversies"; and that the opposing Roman-based "Civil-Law" seems Purposefully Designed to generate "Confusion" and "Despotism". Modernly; the point of view expressed in this citation is certainly un-fashionable, and many modern readers, and even scholars, might refuse to admit its truthfulness. However; if one reviews the sections of this text which cite quotations from "Black's Law Dictionary", one will see that "Common-Law" is Harmonious with "Natural-Law", and "Civil-Law" is Opposed to that "Natural Law". Particular citations to review are ""Malum In Se", "Common-Law", "Natural Rights", "Civil-Action", "Civil-Law", "Mancipium", "Municipal Function", and "Municipality". Keep in mind please, that "Civil-Law" is defined as the equivalent of "Municipal-Law"; and that the latter here is based on the word "Mancipium", which is defined as a "Slave". Here-under; these modern "Black's Law Dictionary" citations, strongly indicate that the words contained in Mr Tyler's citation, above, are very true.

### **Religion, Theology, and Natural-Law:**

At the outer-fringes of its secular discussion, the complete "Natural-Law Philosophy" study which must be examined in order to clearly identify the "Fundamental Principles of our American System of Constitutional Law and Government", Necessarily Includes a very broad diversity of "Religious Views". Yet, at the very moment of the first examination of the Wide Diversity of "Religious Views"; our American People's already very emotionally-charged subject of our "Constitution" suddenly turns into possibly the single most mutually dis-respectful, and potentially

violent "Heated Debate" on the planet. Why these "Religious Views" engender such "Heat", is a question which can at least temporarily be considered a "Mystery". For the vast majority of this document's discussion, these "Religious Views" will be purposefully avoided. They will probably be addressed in a future document.<sup>16</sup>

In order for this study to progress in addressing all Secular American Constitutional Issues a pragmatic, efficient, and secularly workable manner; some citations with at least a few strong "Religious Views" will need to be referenced here-in. Thus, in this short section here, all Religious or Theological concerns which at all need to be addressed in this document, will be addressed here in this "Religious" section. And these will not be addressed in detail, but merely for the limited purpose of clearly defining the gate-ways between the religious and the secular realms.

It is necessary to make at least passing reference to these "Religious Views" because of the existence of the phrase "the Laws of Nature and of Nature's God", as it is used in the opening sentence of our nations "Declaration of Independence". Mr Blackstone also used similar wording, clearly "Linking" "Natural Law" with his concept of "God", as is shown by quotations presented from him later here-in. These very reputable sources clearly affirmed that some concept of "God" was involved in all honorable forms of "Constitutional Law and Government" during our nations constitutional inception.

This "Linkage" between "Religion" and "Natural Law" in our American System of Constitutional Law and Government, is reflected in the ages-old and very physical, earthly, and secular Battle between "Good vs Evil". At its more intense levels of discussion, this can be seen in how every nation on the planet professes to be filling a "Natural Law" concern, when-ever they direct the force of their nation/state to Separate those whom they identify as "Criminals" from the more Honorable People who responsibly involving them-selves in their national communities. As a specific example, the policies of the British monarch and his red-coats who pointed guns at our American Founders during our nations "Revolutionary War", were "Evil". That Evil is precisely Why our early American Founders were "Justified" in killing them. Every red-coat who was killed, then, was so killed through "Justifiable Homicide". This is true because, just like the world-war two Nazis at Nuremberg those red-coats were knowingly and willfully participating in "Evil Activities". Both the lower-level Nazis and the red-coats made their spiritually-fatal moral-mistakes when they decided to mindlessly obey the orders of the evil occupant of either Britain's throne or the Chancellorship of Germany.

To focus more tightly on the Fundamental Principles of "Natural-Law" involved in this concern, unless there is a clearly-identified "Evil", then there is No "Justification" for authorizing the guns of the nation/state to be pointed against any individual or group of people. "Evil" is the Only clear "Justification" for pointing the guns of the nation/state at any living/breathing human-being. America's Founders Sacrificed their Lives to Separate them and us (as their posterity) from those "Evil" red-coats, and the other mindless and conscienceless drones of their corrupted British monarch.

As our nation's "Declaration of Independence" clearly indicates, our early American Founders looked to these "Laws of Nature and of Natures God" for their personal guidance and direction, as they courageously risked and frequently literally Sacrificed their very Lives, all so that our American Constitutional concept of "Free Government" would be preserved for our modern society. Please note the obviously similar root-meaning between the words "Sacrifice" and the religious word "Sacred". Because the then-acting British Monarch, as the chief officer of their "Church of England" commanded them to do so, some British red-coats believes that his commands were "Sacred". There-under; those red-coats "Sacrificed" their lives, for their religious monarch. Conversely; our American Founders also "Sacrificed" their lives, in their efforts to establish a better nation which they "Originally Intended" to operate under their concept of "Natural Law". As the "Declaration" so clearly indicates, through the words in its opening sentence of "and of Nature's God", the concept of America's Founders of "Natural Law", was almost universally considered to be a "Religious" concept. And in the broader picture, there is no reason why these heroic early Americans would "Sacrifice" their very Lives, unless they had some form of "Sacred" or "Religious" Reason for doing so.

Through these words, this author believes that he has adequately shown to all conscience-bound secular-humanists, atheists, or agnostics; that at least very powerful arguments can be made in support of the proposition that the Founders of our once grand American Nation "Originally Intended" our American Nation to exist in such a state of Harmony with supreme "Natural-Law" as to amount to a "Religious" Ideal; and that, at least in very large part, that these "Religious Ideals" were preserved with-in our nations written "U.S. Constitution" document.

Please note that the "First Amendment" was designed to prohibit favoritism from the civil government towards any particular religious denomination. That First Amendment was not designed to obstruct those particular Religious Institutions which might be very effective at Promoting "Natural-Law based Social-Harmony" from influencing or even stepping into the complete vacuum of control of our American Government. The ability of Natural-Law based Religious-Institutions to Positively Influence American Constitutional Government was Purposefully Left "Wide Open". The specific wording of the First Amendment is very clear on this point. The only possible grounds for objecting to "Religious Influence" over our American Constitutional Government, is if that Religious-Institution is so influencing our national government in an "Un-Natural" or socially dis-harmonious manner.<sup>17</sup> Other-wise, the "Establishment of Religion" prohibition in the First Amendment poses absolutely No Bar against Organized "Religious Institutions" Influencing American Governmental Policy.

Having said this, there are two other points this author wishes to make before concluding this section. First, probably all of the issues necessary to raise in order to lay an adequate legal foundation for moving forward in pursuit of the goals sought though this and accompanying documents, have been adequately covered through this brief discussion of these "Religious Issues", and through the remaining and much more secularly focused larger body of the text of this document. Second, because all such goals can be achieved through this largely secular focus of this document, there is no reason left to risk alienating the conscience-bound secular-humanists, atheists, or agnostics, who in many ways can be seen to be quite justified in their hatred of all things "Religious", because of the epidemic of corruption and hypocrisy in most of the larger religious organizations. Indeed; many of these secular-humanists, atheists, and agnostics, are actually more conscience-bound and more harmonious with supreme "Natural-Law" than are a great many people who profess "Religion".

And so, in efforts to seek consensus with conscience-bound and reasonable people who identify them-selves as secular-humanists, atheists, or agnostics; this author will vigorously seek to avoid all further discussion of religious or theological concepts in this document. So please, all secular-humanists, atheists, and agnostics, who possess functional-consciences; please indulge this author as he attempts to lay a very broad-based foundation for this discussion. This document will seek to responsibly address absolutely all of your legitimate concerns in terms harmonious with your solid secular/earthly firmly-footed, pragmatic real-world foundation. It is you who are framing approximately 96% of this discussion. If you have a functional "Conscience", then the remaining heated "Religious Issues" will not be brought in to the discussion until we have formed "Consensus" with you to move forward.

### **Natural-Law Philosophy and Principles:**

It is best to start this "Constitutional Law and Government" study, by first defining the outer-parameters of its foundation along the clear lines of the firm Principles and Philosophy under which this entire subject must operate. Clearly; "Constitutional-Law" is a form of "Law". These words clearly indicate that there are specific "Guide-Lines" which intelligent people may use as Tools for clearly Comprehending how these words have already been firmly Defined, by the Original Framers of our American Constitutional System of Government; and earlier, by those preceding them, and up-on whom the Framers relied.

Also; it is good here to note, that, this documents general search for "Fundamental Principles of American Constitutional-Law", may be further simplified; because its wording is actually "Redundant". What we are really searching for, are the still un-clearly-defined "Fundamental

Principles of American Law". This search can easily be completed without any un-necessary reference to the word "Constitution"; because the words 'Law' and "Constitution" actually mean the same thing. Of even more pressing concern is that the Word "Constitution" is routinely Modernly Construed Wrongfully as meaning that monumentally distracting written document, which presumptuously declares itself to be the "United States Constitution".<sup>18</sup> How-ever, in this document, and unless specifically noted other-wise; the word "Constitution" will be defined by default as the "Un-Written Natural and Organic Law" of Honorable Communities and Societies of People.

Here-under; and as numerous of the above quotations from "Black's Law Dictionary" clearly show, true American "Constitutional Law" is designed to address the "Organic Needs" of the Body-Politic or Community of People in question. Here-under; Properly Defined "Constitutional Law" should enable the Collective Reasoning Capabilities, Conscience, and Spirit, of these People to "Come Together", in a Natural "General Assembly" to Collectively Address the Organic Needs of the "Constituent Members" of their larger collective Organic "Body-Politic". This True form of "Organic Constitutional-Law" is "Universally Applicable" to every nation on earth, including our own USA. Here-under; it is important to note that this True "Constitutional-Law" is not to be "Provided For" the People which it governs, from any out-side source. This is true, because, as the words "Organic" and "Body-Politic" clearly indicate, this "Constitutional-Law" will Naturally manifest from among the intelligent and concerned members of each such community in question, if they are but given a free-hand and a bit of encouragement in assuming their local duties to "Responsibly Self-Govern". This will necessitate the honorably elected and faithfully accountable Representatives of the smallest communities of these common people following their natural instincts to solemnly and generally assemble in un-rushed manners to discuss all government related concerns for their respective communities.

Please note here-under, that: the terms "Consent", "Constituent", "Conscience", and "Consensus", are all directly Related to the word "Constitution". "Constituents" are the Common People who actually compose the Natural, living-breathing, Organic "Body-Politic" in question. Like a quilt, patched together from different component parts; the strong and self-sufficient integrity of each of the individual pieces, is absolutely necessary in order for the larger item to be healthy and strong. Here-under; it should be clearly recognizable that for any community of people to have a "Constitutional Government", then that government must have some form of machinery in place in the smaller local and private communities, which Enabling the Common People there-in to "Responsibly Self-Govern".

This author particularly enjoys basing his arguments on out-side sources, citations, and quotations; and one particularly insightful citation regarding the general Principles and Philosophy which underlies the "Fundamental Principles of our American System of Constitutional Law and Government", is from a reputable law book called "Principles of Business Law"<sup>19</sup>; and this text reads as follows:

**"Law is 'a rule of conduct arising out of the natural relations of human beings established by the Creator, existing prior to any positive precept, discovered by right, reason and the rational intelligence of man.' (Kant) ... This definition gives significance to the idea that man by nature seeks an ideal of absolute right and justice as a higher law by which to measure all other rules of conduct.**

**Law, when set against a background of divine principles, becomes a rule of reason, pronounced by reasonable men for the benefit of mankind and the establishment of the good community. Man as a reasonable being is able to distinguish between good and evil. Above him there exists law resting on reason and divine authority, which validates man-made law. Thus, when the state by legislation or by judicial process lays down rules of conduct that are unfair, unreasonable, or inimicable to the common good, they are in violation of natural or divine law."**

Such citations as this do shed sufficient light so as to make it self-evident (to everyone with

minimal reasoning capacity), that this general concept of “Natural Law” is the most Fundamental Body of Principles of Law known to mankind. These words clearly imply that, for all people who are sufficiently patient to study the secular/earthly problems facing humanity, if they have ears to hear and eyes to see the light of these Sociological "Natural Laws"; then Answers to all of these profound concerns will be made available to them. Even without making the above reference to "Divine Authority"; from words such as the above; our American People may find Reason for “Hope”, and perhaps even for “Faith”, that through close adherence to such Sociological “Natural Laws” as described in this citation, our American People can obtain that "Justice", "Domestic Tranquility" (Peace), and "More Perfect Union"; all as so eloquently framed in the "Preamble" to our 1789 written "U.S. Constitution" document. In fact; perhaps the singular most powerful mainstream argument which can be made in support of this Sociological Natural/Organic Law proposition; is that, through compromise achieved in the composition of the written "Constitution" document, the Principle-based Natural-Law 'History' of our more ancient Anglo/American Common-Law Jurisprudence was incorporated into that document. Without referencing the Common-Law; this "Natural-Law" Linkage to our "Constitution" Document is most easily recognizable through that documents "Preamble" and Original Ten "Bill of Rights" provisions. That “Preamble” reads as follows:

**"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."**

This is a very good “Working Statement” for summarizing the “Fundamental Principles of our American Constitutional Law and Government”. All of the convoluted process of bi-cameral legislative-assemblies and complicated "checks and balances" were allegedly “Intended” by that document’s Framers, to Secure this “Justice”, “Liberty”, and “More Perfect Union” for "We the People". The words of this "Preamble" are clearly Intended to Securing for "We the People" a Society based on this Sociological "Natural-Law". These words clearly have no meaning out-side of expressing ideas for Fulfilling the Natural/Organic Needs of "We the People" who organically compose this nation. And this view all merges very Harmoniously as a "Single-Voice" with the pre-1789 “History” of our nations Anglo-American "Common-Law" Jurisprudence. This Preamble, and various portions of the "Bill of Rights" are about all that this author will cite here-in from the written "U.S. Constitution" document.<sup>20</sup>

Here this author desires to emphasize the point that: for a long period of time before 1787, before when the so-called “Constitutional Convention” occurred; the words “Constitution” and “Constitutional-Law” were firmly in common use, with these “Pre-Existing Definitions”, for clearly identifying Natural-Law based Modes for Governing and Regulating social/community affairs. Further; the men who framed that written "Constitution" document, affirmed at least token approval of the Pre-Existing Idea that this Sociological “Natural Law” is Supreme over all other man made Rules and Regulations.

In order to illustrate this fact, it is good to examine a single yet profound and far-reaching citation, from one "William Blackstone", who wrote his famous “Commentaries on the Laws of England”, in the 1750's or so (just a few years before the American Revolutionary War), as follows:

**"This then, is the general signification of law, ... laws ... denote the rules ... of human action or conduct, that is, the precepts by which man, the noblest of all sublunary beings, a creature endowed with both reason and free will, is commanded to make use of those faculties in the general regulation of his behavior. ..."**

**Law of Nature. This will of his Maker is called the law of Nature. “When He (God) created man, and endued him with free will ... He laid down certain immutable laws of human nature whereby that free will is in some degree regulated and restrained, and gave him also the faculty of reason to discover the purport of those laws. “Considering the Creator” ... “is also a**

being of infinite *wisdom*, He has laid down only such laws as were founded in those relations of justice, that existed antecedent ... to any positive precept. These are the eternal immutable laws of good and evil, to which the Creator Himself in all His dispensations conforms; and which He has enabled human reason to discover, so far as they are necessary for the conduct of human actions. Such, among others, are these principles: that we should live honestly, should hurt nobody, and should render to everyone his due; to which three precepts Justinian has reduced the whole doctrine of law. ...

As therefore, the Creator is a Being, not only of infinite *power*, and *wisdom*, but also of infinite *goodness*, He has been pleased so to contrive the constitution and frame of humanity, that we should want no other prompter to inquire after and pursue the rule of right, but only our own self-love, that universal principle of action. For he has so intimately connected, so inseparably interwoven the laws of eternal justice with the happiness of each individual, that the latter cannot be obtained but by observing the former; and if the former be punctually obeyed, it cannot but induce the latter. In consequence of which mutual connection of justice and human felicity (happiness), He has not perplexed the law of nature with a multitude of abstract rules and precepts, ... but has graciously reduced the rule of obedience to this one paternal precept, "that man should pursue his own true and substantial happiness." This is the foundation of what we call ethics, or natural law. For the several articles into which it is branched in our systems, amount to no more than demonstrating that this or that action tends to mans real happiness, and therefore very justly concluding that the performance of it is a part of the law of nature; or, on the other hand, that this or that action is destructive of mans real happiness, and therefore that the law of nature forbids it.

The law of nature, being ... dictated by God Himself, is ... superior in obligation to any other. It is binding over all the globe in all countries, and at all times: no human laws are of any validity, if contrary to this; and such of them as are valid derive their force, and all authority ... from this original. But in order to apply this to the particular exigencies of each individual, it is still necessary to have recourse to reason: whose office it is to discover ... what the law of nature directs in every circumstance of life; by considering what method will tend the most effectively to our own substantial happiness. . . ."

"The policy of our ancient constitution, as regulated and established by the great Alfred, was to bring justice home to every man's door, ..." <sup>21</sup>

Please note, Mr Blackstone's main points may be Summarized as follows:

"the several articles into which it (natural law) is branched , in our (English Constitutional Common-Law) systems, amount to no more than demonstrating that this or that action tends to mans real happiness, and therefore ... it is a part of the law of nature; or, on the other hand, that this or that action is destructive of mans real happiness, and therefore that the law of nature forbids it. The law of nature, being ... dictated by God Himself, is ... superior in obligation to any other. It is binding over all the globe in all countries, and at all times: no human laws are of any validity, if contrary to this; and such of them as are valid derive their force, and all authority ... from this original."

These fundamental principles of Sociological "Natural-Law" were firmly legally entrenched in the English Constitutional System of Government; although, in actual practice, they had significantly diverted from them, as evidenced by their provocation of our American Revolution. The main points which the serious student should glean here-from are:

- 1: The "Whole Doctrine of Law" may be "Reduced" to this concept of "Natural Law";
- 2: Conformity with this "Natural Law" "can not help but Induce" the "Happiness of each individual" in the entire nation who abides by it;
- 3: The ancient English system of Constitutional Laws "amount to no more than Demonstrating

that this or that action tends to mans real happiness", and there-fore Harmonizes with this "Natural-Law";

4: This "Law of Nature" is ... "Dictated by God Himself";

5: This "Law of Nature" is ... "Superior in Obligation to any other" Laws;

6: This "Law of Nature" is "Binding" over all the globe "In All Countries", including the U.S.A.; and "At All Times":

7: "No Human Laws are of Any Validity, if Contrary to" this "Natural-Law"; and such of them as are valid derive their force, and all authority ... from this original "Natural-Law".

This seldomly expressed summary of Blackstone's clear words, contain what are obviously very powerful, fundamental, and far-reaching Principles of Anglo/American Constitutional-Law; and they will be referred to frequently here-in, and in related documents.

Please note also (in the last sentence in the full quote further above), that the word "Constitution" is considered by Mr Blackstone to be "Ancient". Please note further that, as every student of the English system of Government is fully aware, their Constitution is is "Un-Written". This citation, in full context, clearly proves that the word "Constitution", as used in England and America, Prior to the American Revolution and prior to the formation of the "U.S. Constitution" document had a "Pre Existing Definition" based on "Un-Written-Law" and "Natural-Law". When the People from England speak of "Our Constitution", they do so Not in a "Private-Law" Sense, as if inferring that these bodies of law which supremely govern our respective nations are some-thing unique unto ourselves. Rather, they speak these words in efforts to communicate an "Ancient" and Pre-Existing body of Social-Behavior Guidelines, which their Ancestors have preserved for them, through great effort by them-selves, as leaders and loyal members of their "Ancient" English Organic Body-Politic of People. The use by the English people of this word "Constitution" simply indicated a body of sociological human behavior guidelines which was simply "More Harmonious" with the "Natural-Laws" which Mr Blackstone above indicated Must Govern All Human Societies.

Because these "Natural-Law" based concepts were so popular amongst Americas Founders, and at least respected among our Written ""United States Constitution's" Framers; here-under; the concept of a "More Perfect Union", as referenced in that document's "Preamble"; seems to clearly imply a desire by the Framers of that document to establish a Nation based on Utopian or Idealistic Principles and Philosophy. The clear implication of these words makes absolutely No Sense want-so-ever out-side of a Philosophical Frame-Work based solidly on "Natural-Law". This is true, because, it is clearly un-harmonious with the well-settled definitions of these "Utopian" or "Idealistic" words, to identify them with any kind of a society which fails to achieve significant levels Harmony amongst its members with Blackstone's above expressed definitions of "Natural-Law".

In terms which may be more assimilatable for sociologists, these are "Natural-Law 'Norms' of Behavior". It should be clear from these words that it is Only Proper to Use this critically-important word "Constitution" to Describe those "Natural-Law" based "Principles" which "Must Govern, or Limit, Human Social-Behavior". These Sociological "Natural-Law" Ideas generally articulate, that; if communities of people with minimally-functional Consciences are left to them-selves<sup>22</sup>; then These Natural-Laws Will Voluntarily Be Adopted and Followed. That is Why it is called "Natural Law".

When Blackstone's last cited and quoted sentence above is viewed in its Full Context, as set forth in the larger full Blackstone quote above; it is clear that the "Constitution" for the National Community of the People of England was a general "Body of Principles" and "Philosophy" which was Firmly Based on what can be referred to as "Sociological Natural-Law". And when that text is later viewed in light of English "Common-Law", then it quickly becomes clear that our specifically American Definition and comprehension of the word "Constitution" should more properly adhere to this same more Fluid and "Principle-Based" Definition" which our English kinsmen across the ocean use.

The so-called "Constitutional Convention", which occurred in Philadelphia in 1787, did Not purport to Change these "Pre-Existing Definitions" of the then generally esteemed and revered word "Constitution". The Framers of that document Knew Well of the Natural-Law based Principles which Mr Blackstone and numerous other prominent people had expressed during the Revolutionary period, and that our American Nation was Based Firmly on those Natural-Laws; and so, they had no choice but to at least posture as following those Natural-Law based Principles. Even though many scholars consider it irrational, the proponents of the so-called "U.S. Constitution" document argued during and after the so-called Convention, that that document was Harmonious with those Pre-Existing, Fundamental and sociologically Natural-Organic-Law based Definitions.<sup>23</sup> Further; it is from this precise Natural/Organic-Law based Foundational-Definition that our American nation's "U.S. Constitution" document has gained its popular acceptance, and every iota of its theoretical Legitimacy.

As shown by the above citations; Blackstone, and other constitution-influencing scholars prior to this time, wrote in harmony with these Pre-Existing Sociological "Natural-Law" Ideals, specifically because, similar to all other words describing "Natural Law" (such as in the realm of Physics, the description of the "Law of Gravity"); these words were and are terms which describe Social Conditions which are Absolutely Necessary to Maintain among Every Social Community of People, at least if those Communities of People are going to be able to Organically Respond to the Needs for Their Own Long-Term Survival, as living-breathing Organic Body-Politic/Communities.

Here-under; the proper Definition of the terms "Constitution" and "Constitutional-Law", should be recognized to refer to a "Pre-Existing Body of Law", which is also known as "Organic Law" and/or as "Fundamental Law". All modern reputable law dictionaries still recognize this "Linkage" to these pre-1787 definitions of the word "Constitution". The previously cited quotations from "Black's Law Dictionary" are particularly supportive of this proposition. Other citations included later in this document also confirm these words. Scholars on these subjects such as Grotius, Rousseau, Locke, and many others, had all written at great lengths about the necessity for all human societies to conform to these "Natural Laws"; simply because it seemed clear to them that such Natural Laws Must Govern All Human Affairs, in order for human Happiness, Peace, and Safety to be Secured. Their voluminous collective writings were distilled at the penning of the "Declaration of Independence", by Thomas Jefferson; who wrote:

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

**We hold these truths to be self evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed. That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness. ...**

(W)hen 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 security. ..."

These choice passages from America's "Declaration of Independence", really frame well this entire issue concerning the Truly "Fundamental" and "Organic" Laws up-on which our American National "Constitution" is based. This "Declaration" will be referred to again, and frequently, here-in.

But here-under may be recognized that, the “Primary Purpose” for the Existence of "Constitutional Government" with-in these United States of America, is to Secure “Justice”, “Safety”, “Peace”, and “Liberty”, for “We the People”. This is precisely what the above-quoted passages from our nations "Declaration" says. These Rights of our common American People are all parts of sociological "Natural-Law", as specifically declared in that "Declaration".<sup>24</sup> That Declaration was specifically "Not Repudiated" by the 1789 written "U.S. Constitution" document; and in fact, the Ninth and Tenth Amendments were specifically adopted for the express purpose of retaining the under-lying body of each and every "Fundamental Principle of Lawful Government" which was so eloquently set-forth there-in.

Here-under; the point should be clear that “Natural-Law” is that Foundational Cornerstone of greatest importance with-in our "American Constitutional-Law". Many State Constitutions have specific “Natural Rights” provisions, including Oregon. Indeed, the words specifically stated in the "Preamble" to the "U.S. Constitution" document, such as Peace, Justice, and a "More Perfect Union"; are all only coherently recognizable, if those words are viewed from with-in a frame-work of Sociological "Natural-Law". These words would be nothing more than empty noise-makings if they were to be allowed to be viewed as divorced from these concerns for these natural-laws which must govern the behavior of all classes of people in any community, if "Peace" is to be maintained there-in.

In light of this idea that properly defined “Constitutional-Law” is actually the more Fundamental “Organic Law”, for a living-breathing community of people; here-under, it is easy to grasp the Reason Why it was a "Foreign Idea" to our American Society, prior to the 1787 Philadelphia convention, that a "Written Document" could claim to be “A 'Constitution”. Prior to that date, our American Constitutional System of Government had largely descended from the nation of “England”; and that nation had no written document which made any such an arrogant claim as to be “The Constitution”. They continue on to this day with that noble policy, all firmly rooted in our mutually-shared tradition of “Common-Law”. "Common-Law" is also known as "Un-Written Law", as shown in the above definition from "Black's Law Dictionary", of "Lex Non-Scripta". Under this "Un-Written Law" policy; people have to “Think” and “Reason” about what is “Constitutional”. This policy stands in Stark Contrast to the fashionable practice of scurrying about to "Lawyers", every time an issue of "Constitutionality" is raised; and where-under Lawyers exercise their "conditioned response", like "Pavlov's dogs", to merely open statute or case-law-precedent citation-books, to read pre-determined and pre-formatted decisions regarding solutions to the current problems facing them.

This mutually-shared tradition of Anglo/American “Constitutional-Law” requires that our responsible government officials enter into Open, Public, Good-Faith Discussions, so-as-to “Reason” about how most Conscionably to administer the affairs of government.<sup>25</sup> In its true, organic body-politic sense, the word "Constitution" is Directly Related to this word "Conscience". This is Why the Elected Representatives of the People are Required to "Reason" Openly and Publicly, about what is the "Right Thing to Do"; in response to any and all given controversies. This is the "Conscionable" way to respond to all new controversies. In particular, this is the Duty of each and every one of the twelve Jurors on a "Common-Law Jury".

Here-under; true, organic, “Constitutional-Law” does have firm traditional parameters and guide-lines which may not be crossed. Yet with-in those parameters, and in response to any and all current issues which may confront them; the true representatives of the common localized people, and especially Jurors, have fully Adequate Room for “Reasoning” about how Best and most Conscionably to "Do the Right Thing".

Once this modernly unfashionable process has again become familiar to the people's delegates, it logically should be able to function in very quick and efficient manners. This is especially true in comparison with the extremely cumbersome and inefficient decision-making process used by probably all modern civil governments on the planet, and especially as practiced in the United States and in Britain.

## **"Common-Law" and "Due-Process of Law" Embodies the Most Efficient & the "Most Lawful" Governmental Decision-Making Process:**

Fortunately; the ancestors of the English/British People, from whom we derive our American Constitutional System of Government, have Developed a "Scientific" Course of "Step-by-Step" Procedures, for Clearly Identifying Specific Instances of this secularly-based "Sociological Natural-Law". That specific Sociologically "Scientific Process" was so respected by the more honorable among our nation's founders, that they battled in fierce debate to insist that it be included in the "Bill of Rights", as appended to our nations "U.S. Constitution" supreme governing document. This "Scientific Process" for Clearly Identifying this Secularly-based "Sociological Natural-Law" was here-by Insisted on being included in that "Bill of Rights" document, under its "Fifth Amendment" Mandate that "Due Process of Law" shall be preserved for every American.

This "Process" was also preserved in the "Seventh Amendment" there-in, which, quoted for a second time in this document, reads as follows:

**" ... 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."**

This is clearly a very powerful constitutional citation. This citation clearly implies that, if other common-law juries were functioning to try all cases in the USA with maximum efficiency, that here would be absolutely "Nothing Left" for the National Court System to adjudicate. That conclusion is clearly implied by this "Seventh Amendment" provision. Please meditate on this important point until it is clear in your mind.

Now this phrase, the "Rules of the Common-Law", is not really very fashionable in modern American court-room terminology; and so, a bit of further explanation is in order here, which is provided through a repeated citation from "Black's Law Dictionary", as follows:

**"Lex Terra: The law of the land. The common law, or the due course of the common law; the general law of the land. Equivalent to "due process of law". In the strictest sense, trial by oath; the privilege of making oath."**

This citation clearly shows that; the phrases: "Rules of the Common-Law" and "Due Process of Law" mean basically the same thing. There are numerous other similar citations available.

However; the important point here, is that this "Process" was and is Constitutionally "Due" to each and every American, when-ever they may be threatened in any way with any governmentally invoked deprivation of "Life, Liberty, or Property". This Process is "Due" to him, because he is a "Component Member" of our our American-National "Organic Body-Politic"; and because These Procedural Rules are the Very "Essence" of How We Distinguish Between People who have Violated the "Rules" of our "Social Compact", and those who have not. This Is "The Law" in this our American Constitutional Republic. This is How We Decide if the "Force of the Government" in Law fully Authorized to Proceed against Any Person.

Please note that this Constitutional "Due Course of Law" is a Sociologically "Scientific" Process. This is an ancient and well-settled "Course" of "Scientific Step-By-Step Procedures" which was Constitutionally "Due" to Every Individual in the Organic Body-Politic/Community. The Central Feature of this "Due Process" Required the Assembling of Twelve (12) People of "Good Reputation" in that Community, to Deliberate until they could finally arrive at a "Unanimous Judgement" as-to essentially what "Sociological Natural-Law" Required in response to the situation before them. This Scientific "Due Process" is also known as our traditional Anglo/American "Trail by Jury" process. It has been specifically Preserved for All Americans through the various wordings of the Fifth, Sixth, and Seventh Amendments to the "U.S. Constitution" document. These Twelve Jurors Swore on the Bible, Publicly, to "Do the Right Thing" before God. There-by; they were "Bound by their Consciences" to Discover and Implement what essentially amounted to this "Sociological Natural-Law".<sup>26</sup>

Please note also the obvious fact that it is Very Difficult to get Twelve People to "Unanimously Agree" on Anything. Please note also that, under "Common-Law"; Only People of "Good Reputation" in the Community were Allowed to Serve on these Juries. These people of "Good Reputation" were also known as "Qualified Electors"; and many modern statutes (including those of Oregon) still recognize these common-law based wordings. These "Common-Law Jurors" are to be people who are Concerned with the Reputations of them-selves and their neighbors in Their Community. For it is only through this natural Concern for Their Reputation in Their Community that sufficient "Peer Pressure" may naturally and conscionably be brought to bear (in response to the serious needs of the community), in order to Conscionably Motivate this fairly Large Group of Twelve People into their law fully-required and Collective "Unanimous Decision". Those who have been involved as jurors in this true common-law jury-trial process, know that it almost always takes a lot of work from all twelve of those jurors, in order to achieve that final "Unanimity". And Logic (Lawgic) makes it clear that People who are not Honorably Concerned for Their Reputation in Their Community, will not feel sufficiently this "Peer-Pressure" to do the necessary juror-work to accomplish "Doing the Right Thing" for the Fellow Members of Their Community.

Please note also that, depending on the differing cases, there were also many other ancient, and well-settled, and traditional "Maxims of Law" in place, for these Jurors to recognize as "Guide-Posts", along their Course of step-by-step Procedures, in seeking to refine this "Sociological Natural-Law" to an even finer "Razor's Edge" of Sociologically "Scientific-Precision".

In light of all of these ancient and traditional Steps along this well-settled "Course of the Law", there is here-under much "Scientific Evidence" available (to the un-biased reader), that, when these Twelve Reputable People Finally Did Agree on a "Unanimous Judgement" in their community, that their Final Judgement had Unanimously Identified a specific instance of "Sociological Natural-Law" which should be applied in this case in their community. And of course, if this "Sociological Natural-Law" is good enough for the local community; then it provides a good foundation for discussing what should be viewed as "Natural-Law" for the Larger Communities.

This Secular, Scientific, Natural-Law based "Due Process" consists of an ancient and well-settled "Course" of "Step-by-Step Procedures"; and in illustration there-of, it has been enshrined in many of our early American documents (such as Article 1 Section 10 of Oregon's State Constitution) under its alternatively-worded but identically meaning phrase of "Due Course of Law".

As shown through previous citations and discussion; there are four distinct and important phrases here, all of which have the same basic meaning. Three of them have been mentioned above, those being "Due Process of Law", "Due Course of Law", and the "Rules of the Common-Law". The fourth basically identical phrase is the "Law of the Land". From the two above quoted definitions from "Blacks Law Dictionary" of "Due Course of Law" and "Lex Terra", these phrases are all shown to share the same basic meaning. This all reaches back to 1215, where in the "Magna Charta", at Chapter 39, the original Latin text is properly translated to read as follows:

**"No free man shall be seized or imprisoned, or stripped of his rights or possessions, or outlawed or exiled, or deprived of his standing in any other way, nor will we proceed with force against him, or send others to do so, except by the lawful judgement of his peers and the law of the land".<sup>27</sup>**

Another citation which very nicely bridges the historical gaps to place all of this in a nice historical context can be found on a very reputable Web-Page called "Findlaw.com"; under their section in the "U.S. Constitution" and its "Fifth Amendment", section on "Due Process of Law". This article is actually composed in majority portion of citations from cases from the "U.S. Supreme Court"; and its lengthy web-link is in the footnote here.<sup>28</sup> The citation reads (in selected parts) as follows:

**"It is now the settled doctrine of this Court that the Due Process Clause embodies a system of rights based on moral principles so deeply embedded in the traditions and feelings of**

our people as to be deemed fundamental to a civilized society as conceived by our whole history. Due Process is that which comports with the deepest notions of what is fair and right and just." The content of due process is "a historical product" that traces all the way back to chapter 39 of Magna Carta ... The understanding which the founders of the American constitutional system, and those who wrote the due process clauses, brought to the subject they derived from Coke, who in his Second Institutes expounded the proposition that the term "by law of the land" was equivalent to "due process of law," which he in turn defined as "by due process of the common law," that is, "by the indictment or presentment of good and lawful men . . . or by writ original of the Common Law." ... It is manifest that it was not left to the legislative power to enact any process which might be devised. The article is a restraint on the legislative as well as on the executive and judicial powers of the government, and cannot be so construed as to leave congress free to make any process 'due process of law' by its mere will." All persons within the territory of the United States are entitled to its protection ...

Early in our judicial history, a number of jurists attempted to formulate a theory of natural rights--natural justice, which would limit the power of government, especially with regard to the property rights of persons. State courts were the arenas in which this struggle was carried out prior to the Civil War. ... The "vested rights" jurists thus found in the "law of the land" and the "due process" clauses of the state constitutions a restriction upon the substantive content of legislation, which prohibited, regardless of the matter of procedure, a certain kind or degree of exertion of legislative power altogether..."

It is worthy to note from this reputable citation, that, prior to the so-called "Civil War" our Anglo/American Constitutional "Due Process of Law" provisions were causing "a number of jurists" to argue that These Written Constitutional Mandates Prohibited Legislatures from Enacting Specific Forms of Legislation. The jurists making these arguments were Supporters of the very same "Natural Rights" and "Natural Justice" theories as is the central proposition of this document. As above noted, this entire line of argument suddenly became Extinct at the advent of the so-called "Civil War".<sup>29</sup>

But more importantly; this powerful citation, and the case-law precedents from the "US Supreme Court" upon which it relies; show clearly that Our American Constitutional Concept of "Due Process of Law" and "Common-Law", is So Prioritized in our American Republican Constitutional System of Government, that the supreme law-declaring power of our national civil government, the "U.S. Congress", is Not Lawfully Authorized either to Re-Define it or to Circumvent it. Similarly; the words from this citation also indicate that the "U.S. Supreme Court" is also Constitutionally Prohibited from Re-Defining "Due Process of Law", as is the Executive power, also. And because these four terms are virtually identical, as the above citations and argument show; it is true to say, that, the Common-Law is the Central and Most Important Concept and Idea in our American Constitutional System of Government. In other words; in our American Constitutional System of Government, the "Common-Law" is the "Law of the Land".

This is an extremely important point to assimilate. Please meditate on it until its full implications are clear.

This author will return to many points contained here-in again. But in attempts to "wrap-up" one significant controversy presented through this last citation, another immensely powerful, related, and critically-important citation is quoted, as follows:

"An important canon of construction is that constitutions must be construed with reference to the common-law, since, in most respects, the federal and state constitutions did not repudiate, but cherished the established common law. ... in interpreting the Federal Constitution recourse may still be had to the aid of the common law of England. ... without reference to this common law, the language of the Federal Constitution could not be understood. This is due to the fact that the instrument & the plan of the government of the United States were founded on the common law as established in England at the time of the Revolution.

**Therefore, it is a general rule that phrases in the Bill of Rights taken from the common law must be construed in reference to the latter. ... It is a cardinal rule of construction that a constitution must be construed as to give effect to the intention of the people who adopted it, and ... it will be construed with reference to the doctrines of the common law ... . ... The application of the doctrine is further subject to the qualification that the common-law rule, if and when invoked, shall be one not rejected by our ancestors as unsuited to their civil or political condition. Not all English practices prior to the American Revolution should be thought to be part of American constitutional law, for if that were so, the procedure of the first half of the 17<sup>th</sup> century would be fastened upon the American jurisprudence like a straitjacket, only to be unloosened by constitutional amendment. Further-more, many English common-law practices were exceedingly primitive, especially in the area of First Amendment freedoms ... Eighteenth century English or colonial law should never stand in the way of the Supreme Court fashioning a new rule to better reflect the more humane values of a maturing society.”**

**16 Am Jur, 2<sup>nd</sup>; SS: 114: Constitutional Law.**

This text, from this more universally-recognized reputable source, clearly indicates a very powerful place in our American System of Constitutional Government for "Common-Law". There are no such reputable sources affirming similar praise for the Roman based "Civil-Law". Another citation driving this point home, reads as follows:

**“Public Law - Finally, the common law was the basis of public law. ... royal attempts to assert arbitrary powers were challenged and checked in the common-law courts. ... When in the Tudor and Stuart periods claims were made to a mysterious “prerogative” of the crown, it was the common lawyers who resisted. When Parliament itself made exaggerated claims, usually under the cloak of “privilege” it was the common-law courts who protected the subject, and down to the time of Blackstone, they still favored Coke’s doctrine that the common law would “control” even the acts of parliament. These ideas were familiar in America, and made it easy to accept the system of fundamental constitutional law.”** **Encyclopedia Americana, 1963.**<sup>30</sup>

This citation clearly indicates that the "Public Law" of our Constitutional American Nation is firmly based on this "Common-Law". Taken together with the other above citations, these all should be sufficient to cause the most skeptical reader to pause, and to consider the merits of the fundamental proposition of this document, and of this author, to the effect that: the "Common-Law" of England forms the Central and Most Prominent Element in our American System of Constitutional Law and Government. This is a point of primary importance which this author needs to convey clearly to the reader. This point is probably the single most important point in this entire document.

To explain the point from a slightly different angle, the previously mentioned "Natural-Law" is a concept that most people can easily comprehend. Almost everyone will affirm that they support "Natural-Law", because of its very general and non-specific nature. People who routinely pillage and plunder the common people can easily affirm support of "Natural-Law", because it does not invoke any specific process for bringing them to an accountability.

However; it has been this authors experience that: when some-one advances the proposition that: the "Natural-Law" Rights of the common people are most effectively Secured through those court-room procedures traditionally known as "Common-Law", including especially the Right to Proceedings which follow traditional/constitutional "Due Process of Law" and "Trial by Jury"; there-under, suddenly a large number of professed "Natural-Law" Supporters suddenly not only break from the general consensus of the group, but they also markedly loose interest in even continuing on with the general discussion concerning practical ways for implementing "Natural-Law" in our communities. To phrase this proposition differently; so long as the discussion of securing the natural-rights of the common people remains confused, and without any constructive focus; these people make all sorts of

noise about how sincerely they are seeking natural rights of the common people. But in the very moment that these traditional American Constitutional Tools for Securing those Natural-Rights are placed on the table, these very same people take all of their resources off of the table, place them in their private ditty-bag, and head for home.

Take note please; there is only one single general body of social-behavior regulating-rules which this author has ever seen which professes to have any form of solidly workable "Process" available to the common people, where-by they may secure their Natural-Law based Rights. That process is descended mostly from the Nation of England, and it is known simply as "Common-Law". I sincerely believe that there is no other body of social-behavior regulating-rules available on this planet which makes anything close to such a bold claim as this, for being able to secure the Natural-Rights of the common people.

Because the phrases "Common-Law" and "Due Process of Law" have already been shown to mean basically the same thing; when the Seventh Amendment speaks of federal civil courts being required to follow the "Rules of the Common-Law" with regard to trying any facts which have already been "tried by a jury", they are speaking of following traditional American Constitutional "Due Process of Law".

Clearly, these "Rules of the Common-Law" are very powerful and "Fundamental" provisions with-in our American Constitutional System of Government. To explain the mechanical details of how this localized "Common-Law" Process can reasonably be expected to work to enable the smaller communities of "We the People" to "Responsibly Self-Govern"; it is good here to explain how this specific traditional American "Process" causes "Natural Law" to clearly manifest it-self in each and every one of these smaller and more Localized Jurisdictions of our American society. Under the modernly very rare circumstances where-in this Process is properly followed; Harmony with these supreme Sociological "Laws of Nature" can be Scientifically and Consistently Secured. Yet, in the minds of the average modern American, such an effort may seem totally un-obtainable.

As previously discussed in this document; this process, is nothing less than the institution of our traditional Anglo/American "Trial by Jury" process, as conducted in conformity with our American-Constitutional concept of "Due Process of Law". Under this "Due Process of Law"; the Twelve Members who are to compose the Jury are to be selected from the 'Reputable Members of the Community', usually at the Precinct level, of about 100 households. These Jurors are to be selected by the Elected Chief "Justice of the Peace" there-in, who knows them all by their reputation. Keep in mind, please, that he is locally "Elected", and that he can be removed from office and replaced at any time for "cause shown". This means that his decisions about who is qualified to sit as a local Juror should be presumed to reflect the general consensus of the local community regarding who is so locally qualified to sit as Jurors.

These Jurors should be "Fully Informed" of that traditional Anglo/American "Course" of step-by-step Procedures which has been anciently referred to as "Due Process of Law", as recognizable under the "Fifth-Amendment"; and as the "Rules of the Common-Law", as set forth in the "Seventh-Amendment".

Here-under; these Jurors are to Openly Deliberate, with-out any meddling from any civil-judge; and when they there-by use their "Consciences" and "Reasoning" abilities, to voluntarily arrive at a "Unanimous" Verdict; Then Harmony with Sociological "Natural-Law" has been Achieved. As previously cited; this "Trial by Jury" process, as "Originally Intended" in our American Constitutional System of Government, is fairly well explained in a law-school "Hornbook" entitled "Civil Procedure", which is available through "West Publishing Company"; and as authored by Friedenthal, Kane and Miller, in 1985. On pages 476 and 477, it states as follows:

**"In America ... (t)he right of juries to decide questions of law was widely accepted in the colonies, especially in criminal cases. Prior to 1850, the judge and jury were viewed as partners ... . The jury could decide questions of both law and fact, ... Legal theory and political**

philosophy emphasized the importance of the Jury in divining natural law, which was thought to be a better source for decision than the 'authority of black letter maxim.' Since natural law was accessible to lay people, it was held to be the duty of each juror to determine for himself whether a particular rule of law embodied the principles of the higher natural law. Indeed, it was argued that the United States Constitution embodied a codification of natural rights so that "the reliance by the jury on a higher law was usually viewed as a constitutional judgement \* \* \*."

This is how "Natural Law" is "Divined" among communities of honorable people. It is not all that complex, once the fundamentals are comprehended. It is very difficult to get 12 people to unanimously agree on anything. Once that difficult task is finally accomplished, among people of honorable reputation in their communities; then it is reasonable to conclude that Sociological "Natural-Law" has been discovered there-by.

With these powerful terms all placed together, and fully comprehended, it is good now attempt to fully grasp the entire picture involved here. In that spirit, this author now presents some very powerful excerpt from a very powerful book; as follows:

**"Administrative Justice and the Supremacy of Law in the United States"; John Dickenson, 1927; by the President and Fellows of Harvard College; 1955.<sup>31</sup> On pages 84-88; he writes:**

**"To the Middle Ages and the men who were the heirs of the Middle Ages ... law was a transcendental force, "the breath of God, the harmony of the world," clothed with an inherent and independent authority, and ruling the sovereign from above and without, as the sovereign in his own turn ruled from above and without the individuals and groups who were his subjects. This was the idea which had been used as a weapon against kings in the Middle Ages; one of the counts in the indictment against Richard II was that he had enforced enactments which were erroneous and repugnant to the law and to reason. And this was the idea for which Coke did battle against James.**

What was the nature and content of this law, which was not the creature of government but was above government? **The idea, as a practical force appears to have had a Teutonic and not Roman origin.** The Romans made much, of course, of natural law; but at the time of the invasions they had come to recognize positive law as deriving its authority from the will of the emperor - that is, as we should say, from the government. The Germanic conception of positive law, on the other hand, was the product of less sophisticated institutions. The law that they knew was custom - the immemorial usages which had crystallized within the tribe and were pronounced from time to time in the solemn dooms of the elders. 'It was part of the national or tribal life; it had grown with the tribe, changing, no doubt, but the people or the tribe were hardly conscious of the changes.' 'To them the law was not something made or created at all ... legislative acts were not expressions of will, but records or promulgations of that which was recognized as already binding upon men.' Law was thus naturally conceived as a permanent thing, something always existing and to be found by the elders in council, announced by them but not made. In fact, the greatest possible violation of law was to change it. Hence the clamor against progressive kings raised throughout the Middle Ages by people, demanding back their "good old laws"; every reform had to be distinguished under the appearance of a restoration of long lost legal rights. Gradually from Roman courses filtered in the idea of a law of nature, in England spoken of as simply a law of reason ... Forescure, whom Coke follows in the main on this point, says ... statute does not make new law; it promulgates, and gives greater emphasis and clarity to, what had always been law before.

It is the peculiar relation which subsisted in England between "natural law" or the "law of reason," on the one hand, and the customary law of the land on the other, that lends the English common law its distinctive flavor. Common law was essentially custom, but it was also something more: it consisted of customs which were regarded as reasonable ... . The common

law thus conceived was fused of ... custom (and) ... the “perfection of reason”. So ... was the manner in which these two elements united to form it, that it was a science ... to be known only after hard ... study. On the other hand, such was the intrinsic and independent authority of the elements themselves, natural reason and immemorial tradition, that the common law, so intimately compounded of both, was well qualified from the standpoint of the times to occupy in mens minds a position more venerable than even the sovereign power of a monarch. ... (as) described by Father Figgs:

'The Common Law is pictured invested with a halo of dignity peculiar to the embodiment of deepest principles and to the highest expression of human reason and of the law of nature implanted by God in the heart of man.... there shall be in England as system, older than Kings and Parliament, of immemorial majesty and almost divine authority. ... The Common Law is the perfect ideal of law; for it is natural reason, developed and expounded by collective wisdom of many generations.' *Divine Right of Kings*, 1<sup>st</sup> ed., pp.226-228.”

Footnotes: P. 96 97: "Jefferson indicates his belief that common law was a survival of lost enactments of the Saxon period: 'The authentic text of these enactments has not been preserved; but their substance has been committed to many ancient books and writings, so faithfully as to have been deemed genuine from generation to generation.' The other branch of Wilmont's doctrine, vis., that common law was natural justice, was adopted by Alexander Hamilton in his argument in *People v. Crosswell*, 3 Johns, Cas. App. 344: 'The common law is natural law & natural reason applied to the state & condition of society.' (Works, ed. Lodge, viii, 421.)"

23: Hooker, *Ecclesiastical Polity*, Book 1, ch. xvi; or Mr Justice Holmes has phrased it, a brooding in the sky." *Southern Pacific Co. v. Jensen*, 244 U.S. 205 at p 222.

27: Discovery of the Theory of Law. This notion of law as something not made, but existing and to be found, was common to European peoples so long as their institutions remained fairly primitive. Thus it forms a part of the well-known definition of law attributed to Demosthens: 'Every law is a discovery, a gift from the Gods, a precept to wise men, a righting of intentional and unintentional wrongs, a compact between all the members of the state, in accordance with which all who are within the state should live', ... For a very early expression of the view that law is a “discovery,” coupled oddly with an anticipation of the doctrine of legislative sovereignty, see Herodotus, III, 31: (Latin) ... For a very late view, see Calvin Coolidge, *Have Faith in Massachusetts*, p.4 "Men do not make laws. They do but discover them. ... That state is most fortunate in its form of government which has the aptest instruments for the discovery of laws." For an intermediate view, which dominated the thought of the middle ages, and which identified the “immutable law” with the “law of god,” see St Augustine, *De Vera Religione*, c. 31: (Latin) ...

This text clearly illustrates how our the ancient Definition of "Law" was viewed by the common people who lived under it; as a System for Discovering Sociological "Natural-Law". That is Why they called this body of Law "Common-Law"; because Every Man of Honorable Character "Commonly" and Voluntary Consented to be Governed by it. Note please also how Mr Dickenson summarized this "Common-Law" to be a "Science ... to be known only after hard ... study". Note how this "Science" harmonizes so well with the numerous references to "Natural Reason" above made, including that of "Alexander Hamilton" him-self, who said there-in: "The common law is natural law & natural reason applied to the state & condition of society."

Further; the preceding quote from of the "Civil Procedure" text-book (by Friedenthal, Kane, and Miller); clearly indicated that our early American forefathers believed that by their using their "Trial by Jury" Process, they were accomplishing the very same "Discovery of Natural-Law". That same cite further indicated that our early American forefathers also believed that our various written State and National Constitutions "Embodied a Codification of Natural-Rights", so that 'the Reliance by

the Jury on a Higher-Law, was usually viewed as a "Constitutional-Judgement".

These citations are merely note-worthy summaries of multitudes of other very fundamental and powerful citations, and much more could be written here-in based only on those citations and texts. But this author is plagued by time constraints, and so this part of this text will conclude here.

It should now be clear that it has been a common notion that "Common-Law" is a system of social-behavior regulating capable of securing Harmony with community-based "Natural-Law". This being the recognizable claim of the Supporters of Common-Law ; the remaining task at hand does not require dis-approval of the other systems which contend that they are also Harmonious with Natural-Law, simply because there seems to be none. The only task remaining to complete, seems to be to closely examine the logic and reasoning upon which the advocates of this system of so-called "Common-Law" base such bold claims. To be clear, especially; the Advocates of Roman-based Civil-Law &/or Municipal-Law do Not Claim that their system of Jurisprudence is capable of securing Harmony with Sociological Natural-Law. To be even more clear; as shown in a citation below from one "Mr Tyler"; the argument that Romanistic "Civil-Law" is competent to secure the Natural-Rights of the people, has already been historically Exhausted; and the proponents of that Roman system have went down in flames, crashed, and burned. After those later citations have been reviewed, the only debate left on the table, in the minds of any who have studied the subject at all, is whether or not the Common-Law is truly a competent system for securing the Natural-Law based Rights of the People.

# De-Centralization and Federalism:

## "Federalism", Confederation, Republicanism, and Democracy:

To try to bring this broad subject together into a more sharply-defined focus, it is good to focus again on the powerful American Constitutional Concept of "Federalism". This specific term is an immensely rewarding study, and it can be argued that a clear comprehension of this word will be the single most productive term for study in producing powerfully usable insight into the Fundamental Principles of our American Constitutional System of Law and Government. Remember please how, earlier in this document, Professor Hart was quoted as declaring that the "Constitutions of the States" are where one must look in order to find "Revealed" the "Theory and Practice of American Federalism". Those words indicate that, under this concept of "Federalism", America's "State Constitutions" are not obsolete/archaic documents, as some would infer. While most scholars admit that there are numerous Flaws in our nation's various written State and National "Constitution" documents, citations such as Professor Hart's clearly indicate that these documents unanimously at least Profess to Seek Harmony with our American National Community's Higher "Natural-Organic Law". Another powerful citation which really brings this point home nicely, and which is one of this author's favorites, and which is from very large, scholarly, and reputable book, reads as follows:

"Encyclopedia of the American Constitution"; (1986) <sup>32</sup>.

**"Federalism (History): ... Prior to 1787, the term "federalism" had been used to signify confederation, a system in which the Sovereignty remained with the constituent states ... in which the central authority's legislature merely could propose measures to the states for approval. ...**

**Federalism (Theory): Federal democracy is the authentic American contribution to democratic thought and republican government. Its conception represents a synthesis of the Puritan idea of the covenant relationship as the foundation of all proper human society and the constitutional ideas of the English natural rights school of the seventeenth & early eighteenth centuries. Contractual noncentralization - the structured dispersion of power among many centers whose legitimate authority is constitutionally guaranteed - is the key to the widespread and entrenched diffusion of power that remains the principle characteristic of and argument for federal democracy.**

**Federal democracy is a composite notion that includes a strong religious component. The religious expression of federalism was brought to the United States through the theology of the Puritan, who viewed the world as organized through binding covenants that God had made with mankind, binding God and man into a lasting union and partnership to work for the redemption of the world ... .**

**According to federal theology, all social and political relationships are derived from that original covenant. This theological perspective found its counterpart in congregationalism as the basis of church polity and the town meeting as the basis of civil polity. Thus communities of believers were required to organize themselves by covenant into congregations just as communities of citizens were required to organize themselves by covenant into towns. The entire structure of religious and political organization in New England reflected this application of a theological principle to social and political life.**

**... The behavioral pattern resurfaced on every frontier ... in the wagon trains that crossed the plains, whose members compacted together to provide for their internal governance during the long trek westward. ...**

**In strictly governmental terms, federalism is a form of political organization that unites separate polities within an overarching political system, enabling all to maintain their fundamental political integrity and distributing power among general and constituent governments so that they all share in the system's decision-making and executing processes. In a larger sense, federalism represents the linking of free people and their communities through**

**lasting but limited political arrangements to protect certain rights or liberties and to achieve specific common ends while preserving their respective integrities. To reverse the order, federalism has to do, first and foremost, with a relationship among the entities, and then with the structure that embodies that relationship and provides the means for sustaining it. Originally federalism was most widely recognized as a relationship to which structural questions were incidental; but since the creation of the American federal system, in which a new structure was invented ... federalism has become increasingly identified in structural terms. This usage in turn has contributed to a certain emphasis on legal and administrative relations between the units and to the neglect of the larger question of the relationships federalism is designed to foster throughout the polity."**

As indicated in this above citation, one very important Fundamental Principle of our "Federal" system of American Constitutional Law and Government; is that Power is to be "De-Centralized" down to the smaller jurisdictions as much as is reasonably possible. Here-under; unless there has been some out-side threat, and out-side help has been formally requested; then every law-enforcement related task is to be accomplished in the Counties, or in their smaller Precinct and/or Township jurisdictions. This is how all of this was actually working among the Anglo/Saxons of England, prior to the "Norman Conquest" of 1066-ad; and it is not hard to visualize how it was working in the also previously described ancient nation of Israel, reaching back in time at least as far as 3400 years. That is what the above-mentioned "Puritans" believed.

Another very insightful citation has been rendered publicly by Ex- President Clinton, on the 4th of August, 1999; in his "Executive Order 13132". Here-in Mr Clinton clearly affirms that the general American Constitutional Principle of "De-Centralization of Power" applies even to the the Federal Government. Mr Clinton's powerfully insightful words read as follows:

**Sec. 2. Fundamental Federalism Principles. ... Federalism is rooted in the belief that issues that are not national in scope or significance are most appropriately addressed by the level of government closest to the people. The people of the States created the national government and delegated to it enumerated governmental powers. All other sovereign powers, save those expressly prohibited the States by the Constitution, are reserved to the States or to the people. ... The people of the States are free, subject only to restrictions in the Constitution itself or in constitutionally authorized Acts of Congress, to define the moral, political, and legal character of their lives. The Framers recognized that the States possess unique authorities, qualities, and abilities to meet the needs of the people and should function as laboratories of democracy. The nature of our constitutional system encourages a healthy diversity in the public policies adopted by the people of the several States according to their own conditions, needs, and desires. In the search for enlightened public policy, individual States and communities are free to experiment with a variety of approaches to public issues. One-size-fits-all approaches to public policy problems can inhibit the creation of effective solutions to those problems. Acts of the national government - whether legislative, executive, or judicial in nature - that exceed the enumerated powers of that government under the Constitution violate the principle of federalism established by the Framers. Policies of the national government should recognize the responsibility of - and should encourage opportunities for - individuals, families, neighborhoods, local governments, and private associations to achieve their personal, social, and economic objectives through cooperative effort. The national government should be deferential to the States when taking action that affects the policymaking discretion of the States and should act only with the greatest caution where State or local governments have identified uncertainties regarding the constitutional or statutory authority of the national government.**

This is truly a very precious declaration from Ex-President Clinton. Most American State Constitutions repeat this General Fundamental Principle of Encouraging even Smaller Jurisdictional

"Local Self-Government", in a number of specific provisions. One of the most specific provisions is in the "Hands Off" Prohibition upon the Legislature's Authority to Legislate upon "Special or Local Laws"; which is set forth in most State Constitutions, in the chapter there-in, regulating the Constitutional Authority of their State's "Legislative Assembly". Here-under; it is clear that each State's Counties, Cities, Precincts, Townships, Households, Churches, Trade-Unions, and other responsible organizations; were all Originally Constitutionally Intended to retain the "Liberty" to "Self-Govern". Most such state constitutions declare this fairly clearly, but the original version of Oregon's Constitution, declares it especially well at Article 4 Section 23, as follows:

**"Certain local and special laws prohibited. The Legislative Assembly shall not pass special or local laws in any of the following enumerated cases, that is to say: Regulating the jurisdiction, and duties of justices of the peace, and of constables; For the punishment of Crimes, and Misdemeanors; Regulating the practice in Courts of Justice; Providing for changing the venue in civil, and Criminal cases; Granting divorces; Changing the names of persons; For laying, opening, and working on highways, and for the election, or appointment of supervisors; Vacating roads, Town plats, Streets, Alleys, and Public squares; Summoning and empanelling grand, and petit jurors; For the assessment and collection of Taxes, for State, County, Township, or road purposes; Providing for supporting Common schools, and for the preservation of school funds; In relation to interest on money; Providing for opening, and conducting the elections of State, County, and Township officers, and designating the places of voting; Providing for the sale of real estate, belonging to minors, or other persons laboring under legal disabilities, by executors, administrators, guardians, or trustees."**

<http://landru.leg.state.or.us/ors/>

Here-in is clearly shown a large number of very powerful governmental functions, which are originally constitutionally intended to be protected from meddling from the legislature of the State's Civil Government. All reasonable people will immediately recognize that the obvious "Original Intent" of the Framers of this Constitutional Provision, is to De-Centralize the Power of the Government of this State as Much as is Reasonably Possible. These "Special and Local" State Constitutional Provisions Support the above quoted "Principles of Federalism", just as do the Ninth and Tenth Amendments on the National Level. That Ninth Amendment is of particular importance regarding any accompanying "Quo-Warranto Criminal-Complaints".

The above citation clearly shows that these "Local and Special" Jurisdictions, especially such as the Counties and Precincts, are all Suppose To Be much more "Primary Sources" for Governing the Behavior of the individual members of our American communities, than are the State and Federal Governments. As is shown in the above citation; these smaller "Local and Special" Communities have the Constitutionally-Guaranteed Right (and Duty) to set-up their own "Courts of Justice"; to Select Their Own "Juries", who can try even Criminal Cases before them, all with reference to nothing more than "Common-Law", and all as supported by the Sixth and Seventh Amendments. And these smaller communities can elect their own "Peace Officers" who have full power to Make "Arrests", and to use "What-Ever Force is Necessary", in order to "Keep the Peace" with-in their own special or local communities. The Statutes of Oregon and many other States make these powerful governmental power de-centralizing concepts even more clear. Recent Federal Court Decisions have affirmed that Local "County Sheriffs" have the Constitutionally-Lawful Authority to tell Federal IRS, FBI, BATF, and other officers, to "Stay Out" of their Counties, or to put serious restrictions on these federal officers if they are allowed to operate there-in<sup>33</sup>.

This author believes that every state in the union has similar constitutional provisions, as the one cited above from Oregon; although most are not so explicitly detailed. Here-by; this Fundamental Principle of "Federalism" is brought home to each and every State, and to its smaller County, Precinct, and Township communities. With regard to this citation, please note that under our American and

various State Civil-Governments, that the "Legislators" are the "Single Source" of what passes as "Law" there-in. And so, under such State Constitutional "Prohibitions" as quoted above, these Legislators are Prohibited from Passing Legislation which does not concern the "General Welfare" of the Common People who form the Public Body-Politic of each State. Here-under; the State's Legislative Assembly is Prohibited from Passing Statutory-Laws which Micro-Manage the Issues which can be Responsibly Addressed at those Smaller Levels of Government which are known as "Local" or "Special". The "Local" Governmental Jurisdictions mentioned there-in, would be such as Counties, Precincts, Townships, and perhaps even Households; and from the Federal Level, the States. On the other hand, "Special Government" Jurisdiction would be such non-geographical associations as Religious Organizations; Fraternal Organizations such as the Masons, Elks, and Lions; and Trade-Associations, such as the Lawyers "American Bar Associations", and the Doctors "American Medical Association".

This means that, if every smaller local jurisdiction is functioning at such Efficient Levels of Common-Law Self-Governing, that there are "No Needs" in any of them; then governmental process at the larger State level, could be entirely "Shut-Down, at least until someone might sound an alarm, at some possible future date. And of course, the same principle would apply at the National level, as the above quotes from the "Seventh Amendment" so implies.

In contemplating the above constitutional provision, it must be kept in mind that "General Law" is the Polar Opposite of the "Special Law" referred to there-in. Both of these terms have been clearly Defined in the "Blacks Law Dictionary" Citations further above. Here-under, these Legislators are Restricted in the forms of Legislation which they can Law fully Pass. Here-under; they can Only enact "General Laws" for the Governing of the "General Public"; and all with-out working any interference with the smaller county and precinct jurisdictions rights to responsibly self-govern there-in. For larger context, please remember: General-Law = Public-Law = Common-Law. These facts are shown by the "Black's Law Dictionary" Citations, above.

And because the Federal and State Civil "Judicial" and "Executive" Officers Can Not "Legislate"; here-under, All National and State "Civil-Officers" and "Agents", whether they derive their color of authority from the Executive, Judicial or Legislative departments; are Constitutionally "Prohibited" from Interfering with these "Local and Special" Powers and Authorities being Exercised Directly by any such of these Formally Organized and "Responsibly-Self-Governing" Smaller "Local and Special" Governmental Jurisdictions and Bodies-Politic. Here-under; All Federal and State Civil Executive and Judicial Officers and/or Agents, have No Constitutionally-Lawful Authority to Direct the Administration of Force with-in these smaller jurisdictions. And if, through stupidity or corruption, they trespass, or conspire to trespass there-in; then They immediately Loose All forms of "Immunity"; and the officers and members of that local self-governing local or special jurisdictions have the Constitutionally-Secured Right and Duty to Arrest all such Trespassing and/or Conspiring Public-Servants with "What-Ever-Force is Necessary".

This is how this entire "Republican" and "Federal" system of American Constitutional Government is Suppose to Operate. At least so long as their separate responsibly self-governing jurisdictions are at all functional; then all of these above-mentioned concerns are "Constitutionally Required" to be handled at these "Local or Special" Levels of Government. And the officers of the State and Federal Governments have Duties to Assist in this "Responsible Self-Governing" process, by these various smaller "local and special" jurisdictions.

Each of these "Local and Special" Jurisdictions have the Constitutionally-Lawful Authority to "Responsibly Self-Govern"; and there-in they should insure to all other communities that their members will Not engage in any Public-Law Crime involving any Malum-In-Se based Common-Law Trespass against any other Real/Natural Person. Please remember, from the above citations, that: "Common-Law" Is "General Law"; and that "Common-Law Crimes" are "General-Law Crimes"; and that both of the phrases refer to "Public Crimes" and to "Constitutional Crimes".

This raises another issue concerning the "Lawful" functioning of the National and State

"Legislative Assemblies". Due to such Constitutional provisions as cited above; the "Legislative Assemblies" of this Nation and our "States", can Only Lawfully Enact Legislation which seeks to Prohibit "Malum-In-Se" based "Common-Law Crimes". Here-by; all Public-Servants are directed by the "Single Voice of the Law" (which Professor Heart spoke of before) to Seek "Peace". This Higher-Law Mandate of "Peace" is Constitutionally-Required by the Prioritized Mandate set forth in the "Preamble" of the written Federal Constitution, which commands "Domestic Tranquility". The various State "Constitution" documents similarly prioritize Keeping the "Peace" in those documents respective "Preambles".

Here-under; Governmental Officers are Not Constitutionally Allowed to become a "Source" for any "Breach of the Peace". Those Officer must Wait, Patiently, for a "Breach of the Peace" to occur; and if one never occurs, well then, the Constitutional Goal of "Peace" has adequately been Secured, and everyone is suppose to be happy.

This Prioritized Mandate for "Keeping the Peace" is Essential to keep in mind when-ever one is seeking to correctly Define an American Constitutional "Crime". These American Constitutional Definitions of "Crime" are firmly based on a ancient and related Common-Law idea known as "Malum-In-Se"; as quoted previously in "Black's Law Dictionary". These concepts are Essential Elements of not only our "Republican" forms of National and State Governments; they are also necessary in order to preserve an organically-healthy "Democracy". This is true, because, unless the Common People are empowered to "Responsibly Self-Govern", and there-by, to become Liberated from un-welcome out-side authoritarian meddling in their lives; then their democratic votes will systematically be coercively manipulated by the "powers that be", and Representatives chosen will be compromised in their loyalties, and there-under accountability in government will there-by be reduced to an elusive dream.

The results of any community focusing exclusively on this common-law/malum-in-se based definition for "Crime", is that, here-under; the previously referenced and very desirable "Single Voice of the Law" will be clearly heard in every community. When the only issue of controversy before the decision-making forum is whether or not a "Breach of the Peace" has occurred; then traditional Anglo/American Principles of "Due Process of Law" will be invoked, all so-as-to focus sharply, with this harmonious "single-voice"; possibly from multiple sources, but still speaking with such harmony as to amount to that "single-voice".

It should be clear to the reader that this process harmonizes well with the previously cited text from "Principles of Business Law", where-in is stated that: Natural Law is "for the benefit of mankind and the establishment of the good community", and that this is true because: "Man as a reasonable being is able to distinguish between good and evil." Under this enlightening perspective, a clear and idealistic picture can be formed of how our modern Anglo-American Constitutional Jurisprudence may be resuscitated so-as-to conform with the "More Perfect Union" ideal set forth in the Preamble, as well as more precisely with the un-known ideals of our ancestors in the ancient world, from whence its history is clearly derived.

In Conclusion here-under; it should now be very clear that "Federalism", upon which is based the Fundamental Principles of our American system of Constitutional-Law, Requires that our various Governmental Jurisdictions "De-Centralize" as much as reasonably possible, so that they may there-by Seek Harmony with Sociological "Natural-Law". This author believes that this point has now been made fully clear. It is now appropriate to delve fully into the tools which have been provided by our Anglo/American Constitutional-Law System of Government for holding Public-Servants to an Accountability.

### **De-Centralization of American Government:**

**Examining how Common-Law produces a truly workable and honorable plan for responsibly De-Centralizing the Authority of the National and State Governments.**

Regardless of the apparent adoption of a "Civil" form of American national Government; the Framers of our nations 1789 written "U.S. Constitution" document, unanimously agreed that the smaller jurisdictions, of the States, Counties, Precincts, and Townships; were all basically to remain in place, all basically under then already pre-existing and well-settled modes of local responsible self-governing, and subject only to revision by the free-choices of the people residing there-in. And although it seems also that most of the States also adopted "Civil" forms of governing; it remains undeniable that the even smaller jurisdictions, especially concerning the Counties, Precincts, and Townships; were firmly rooted in the entirely Different "Common-Law" Model of Self-Governing. This point is well illustrated by the following partially-repeated citation, from 'Black's Law Dictionary'; as follows:

**"State: A people permanently occupying a fixed territory bound together by common-law habits and custom into one body politic, exercising, through the medium of an organized government, independent sovereignty and control over all persons and things within its boundaries, ... The organization of social life which exercises sovereign power on behalf of the people. ..."**

As can be seen above, with-in our American Constitutional system of Government, the People who organically compose the "State" are suppose to be "bound together by common-law habits and customs". This is what Black's Law Dictionary Clearly Says, and numerous other citations (here-in and else-where) firmly support this modernly un-fashionable proposition. This is a Powerful 'Fundamental Principle' of our American Constitutional Form of Government; and those who profess to support the Fundamental Constitutional Ideas of what America is suppose to be all about, need to either embrace and conform with these true Fundamental Constitutional Principles, which are derived from our Anglo/American "Common-Law", or they need to prepare themselves for prosecution and ostracism from our American organic body-politic.

Here-under; it is important to keep in mind the earlier quoted citation from "Professor Hart", where-in he said:

**"The law which governs daily living in the United States is a single system of law; it speaks in relation to any particular situation with only one ultimately authoritative voice, ..."**

When readers consider that American Constitutional-Law must "Speak with Only One Ultimately Authoritative Voice", and that: "Constitutions Must be Construed with Reference to the Common-Law, since ... federal and state constitutions ... Cherished the established Common Law and ... without reference to this common law, the language of the Federal Constitution could not be understood"; then, if and when sincere American Patriots finally decide to focus tightly on "Specific Terms or Labels" which "Precisely Define" the Core Issues and Fundamental Principles of our American Constitutional System of Government, then the Simplest Summarizing Label to place on our True American Constitutional System of Government is "Common-Law".

To drive this point home further, please contemplate the profound implications of the "Seventh Amendment" to the written "U.S. Constitution" document; which, again quoted, reads as follows:

**" ... 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."**

This powerful wording clearly indicates that the "Rules of the Common-Law" were Originally Intended to be very Commonly Practiced in the Courts of the Federal Government of these United States of America; and the implication is clear there-under that many State and Local Courts were similarly designed to operate in accord with these "Rules of the Common-Law".

Further; the terminology used here-in, indicates that there are "Less Lawful Modes of Procedure" available in the federal courts, and perhaps in other courts; but that these "Rules of the Common-Law" seem to be the Most Powerful kind of "Rules of Procedure" which these Federal

Courts are capable of following. This wording indicates that if a "Fact" which has Not been "tried by a jury", but then comes before a federal court; that this "Fact" may be tried by any among a possibly very large number of modes of procedure. But if that "Fact" Has been "Tried by a Jury", then the only procedure which is lawful for those federal courts to follow, in re-examining that case; is that specifically narrow procedure which follows "The Rules of the Common-Law".

This wording clearly indicates that these "Rules of the Common-Law" are very Powerful Rules, which place serious Constraints on the discretion which the judges of the federal courts can exercise during their administration of the affairs of that court. In fact, this Seventh-Amendment wording clearly recognizes the the ability of the Common-Law Juries of this nation to Try Every Case In This Nation, and there-by to Shut-Down and Displace All Summary forms of Jurisdiction exercised by the "Judicial Department" of the Civil United States Government. They would have to entirely Abandon All Proceedings under Civil, Equity, Administrative, Commercial, Admiralty, and Maritime Jurisdiction. This would cause the United States Supreme Court to either "Cease to Exist"; or to Adjust its Organization and Procedures so as to function exclusively as a "Common-Law Court".<sup>34</sup>

If the wording of this "Seventh Amendment" is examines closely, this dynamic will be clear. The aristocrats who conspired to subvert our nations original "Articles of Confederation" were in such a mad rush to vehemently oppose true organic/constitutional "Common-Law Juries" deciding this nation's judicial cases and controversies; that, they left this very conspicuous "Gaping Hole" in their Civil Judiciary, as reflected in this wording of the "Seventh Amendment". In their mad Rush to Gain the Support of the Other and More Honorable Convention Delegates in colorably enacting the so-called written "U.S. Constitution" document over our people's American organic body-politic; they were forced into this compromise, and into leaving this very wide and powerful Hole in their obedience-commanding lex-scripta based oppressive scheme.<sup>35</sup>

### **Private/Man-Made-Law Vs Public/Natural-Law:**

**Human History has produced only basically "Two Modes" for Governing Human Conduct; both of which have been in Conflict with each-other, probably since their very beginning. One of these Modes of Governing Encourages the Common People to "Responsibly Self-Govern", through seeking to Non-Coercively promote Social Harmony with Fundamental Principles of "Natural-Law", as descended from the ancient Torah-Laws of Israel, and as preserved through the old "Malum-In-Se" -based English "Common-Law". The other Mode of Governing seeks to "Coercively" Impose a Confusion-Generating Body of "Malum-Prohibitum" -based (so-called) "Law", as Implemented through-out the Babylonian-Empire, and later through the "Roman-Empire", for the more effective Governing of the many Slaves which they Conquered, and which has modernly become known as "Municipal-Law", or "Civil- Law".**

In efforts of this author to paint a complete picture of American Constitutional-Law, I must refer to a citation which is painfully long; but which also provides precious insight into the importance of this "Common-Law" as the Constitutionally-Preferred Method of Dispute-Resolution in our American Constitutional System of Government. This citation also points out well that there is an Opposing Body of so-called "Laws" in place, which are battling against the Common-Law, from behind the scenes, and with powerful supporters; all of which is derived from the very powerful and ancient system Roman System of so-called "Civil -Law", and which is more accurately called "Municipal-Law".

This is a "Conflict of Laws", and it is very ancient, reaching back literally for thousands of years. It has so Profoundly Influenced our modern American concepts of "Constitutional-Law"<sup>36</sup>, and the study of this "Conflict" can not be avoided in any document which purports to speak authoritatively on this subject of American Constitutional-Law. This "Conflict" between the so-called "Civil-Law", and the "Common-Law"; is also between Individual People who advocate that our American People view one or the other of those diametrically-opposed bodies of law as

"Constitutional". These points are quoted here-in, through this rather long quotation, from text composed in 1871 under the title of "Of the Civil-Law and the Common-Law", by a Professor of Law at Columbia College, named Samuel Tyler II, D.<sup>37</sup>. This text reads as follows:

**"There have grown up in the history of nations only two great systems of law, the civil law of ancient Rome, and the common law of England. All the most civilized nations in the world are governed by either of these two great schemes of justice. Though the civil law and the common law have much in common, yet in many important particulars they are the opposites of each other. In the course of his studies, the student of law finds so much said, in an incidental way, about the civil law, that is calculated to mislead his judgment in regard to the true character of that scheme of justice, that it is important, at the outset of his walks over the fields of the common law, to give him some account of the civil law, and point out in what it differs essentially from the common law. This is a matter of much importance to every student who aspires to a comprehensive and enlightened knowledge of jurisprudence. ...**

**... it was under the empire, when the glory of the republic was gone, that the jurists attained their eminence, and in fact became the architects of the great system of Roman law. ... Oratory was no longer, as it had been during the glorious period of the republic, the great art by which men rose to eminence in the state. Its voice was now silent; when to speak of the rights of Roman citizens was treason. ...**

**The administration of the law, too, was subordinate to the imperial authority, not only in theory but in practice, the courts being organized accordingly. Under the republic, the courts were open to the public in both civil and criminal trials. Under the empire, open courts disappeared, and an appeal lay in all cases to the emperor in his imperial court. Thus a perfect system of despotism, disguised under forms of law, was built up on the ruins of the republic. ...**

**If we now turn to the common law of England, we will find that, as far as administrative principles and forms of procedure are concerned, it is the opposite of the Roman civil law as it was molded under the empire. The principle which, in the practical administration of the two systems, marks the primary essential distinction between them, is the relative obligatory force under them of precedent or former decisions. Under the common law, former decisions control the court unconditionally. It is deemed by the common law indispensable that there should be a fixed rule of decision, in order that rights and property may be stable and certain, and not involved in perpetual doubts and controversies.**

**Under the civil law the principles is different. Former decisions have not so fixed and certain an operation, but are considered as only governing the particular case, without establishing as a settled rule the principle involved in it. When a similar case occurs, the judge may decide it according to his personal views of the law, or according to the opinion of some eminent jurist. ...**

**Let anyone, who wishes to examine a specimen of this perplexity in regard to a fundamental classification which the civilians make of laws into personal statutes and real statutes, refer to the opinion of the supreme court of Louisiana, by Mr. Justice Porter, in Saul v. His Creditors, in 17 Martins' Reports. After referring to the jurists of the different European countries who have treated of this distinction, Justice Porter says:**

**"The moment we attempt to discover from these writers what statutes are real and what personal, the most extraordinary confusion is presented. Their definitions often differ; and, when they agree in their definitions, they dispute as to their application."**

**And Mr. Justice Story, in his "Conflict of Laws," when speaking of the civilians who have treated of the subject of his book, says:**

**"The civilians of continental Europe have examined the subject in many of its bearings with a more comprehensive philosophy, if not with a more enlightened spirit. Their works, however, abound with theoretical distinctions, which serve little purpose than to provoke idle discussions and metaphysical subtleties, which perplex, if they do not confound the inquirer. \* \***

\*

Precedents, too, have not, either in the courts of continental Europe or in the judicial discussions of eminent jurists, the same force and authority which we, who live under the influence of the common law, are accustomed to attribute to them; and it is unavoidable that many differences of opinion will exist amongst them, even in relation to leading principles." Such is the fluctuating wind of doctrine with which the judicial mind is liable to veer under the civil-law institutions where precedents have but little force. ...

The common law, in broad contrast to the civil law, has always wholly repudiated anything as authority but the judgments of courts deliberately given in causes argued and decided. "For (says Lord Coke, in the preface to his 9th Report) it is one amongst others of the great honors of the common law that cases of great difficulty are never adjudged or resolved in tenebris or sub silentio suppressis reationibus, but in open court: and there upon solemn and elaborate arguments, ... where they argue ... seriatim, upon certain days openly and purposely prefixed, delivering at large the authorities, reasons, and causes of their judgments and resolutions in every such particular case, ... a reverend and honorable proceeding in law, a grateful satisfaction to the parties, and a great instruction and direction to the attentive and studious hearers."

Nothing less elaborately learned and cautiously considered than such a judgment of a court has a legitimate place in the common law. By such adjudication has that great system of jurisprudence been built up. The opinion of no lawyer has a place in the system of common law. And this wise principle of the common law is never lost sight of by those bred in its spirit. When Lord Coke wrote his commentaries upon certain statutes of England, from Magna Charta to Henry VIII, which are called his II Institutes, he did not give his personal opinions of their meaning, but gave the judicial interpretations of them, which had been made. In the conclusion of the preface to the II Institutes he says:

"Upon the text of the civil law there be so many glosses and interpretations, and again upon those so many commentaries, and all written by doctors of equal degree and authority, and therein so many diversities of opinions, as they rather increase than resolve doubts and uncertainties, and the professors of that noble science say that it is like see full of waves."

"The difference, then, between those glosses and commentaries are written by doctors, and which be advocates, and so in a great manner private interpretations; and our expositions or commentaries upon Magna Charta and other statutes are resolutions of judges in courts of justice in judicial courses of proceeding, either related and reported in our books or extant in judicial records, or in both, and therefore, being collected together, shall ... produce certainty, the mother and nurse of repose and quietness."

Such is the doctrine of the common law! Nothing but the solemn voice of the law itself, speaking through its constituted tribunals, is of any judicial authority. And how august is that authority, reposing as it does upon the solemn decisions of courts which have administered justice in the very same halls for nearly eight hundred years! In vain shall we search the history of nations for a parallel to this stability of law amidst the fluctuating vicissitudes of empire. It is this stability of law, ruling over the prerogative of the crown and administering equal justice to the high and the low through so many centuries, that vindicates the "frame and ordinary course of the common law" to the consideration of the present times.

It is this primary difference in the principles of practice, under the two systems of law, which gives to the common law its great superiority over the civil law, as a practical jurisprudence regulating the affairs of society. It has the great advantage of producing certainty in regard to all rights and obligations which are regulated by law. But, above all, it excludes private interpretations and controls the arbitrary discretion of judges. In the common law the principles of interpretation are fixed and certain. Rules of interpretation were early adopted, and have never been departed from. Other rules from time to time have been adopted, but when

**once introduced into practice they become precedents.”**

Note-worthy points to summarize here-from are that: "Common-Law" is said to produce a process where "rights and property may be Stable and Certain, and not involved in perpetual doubts and controversies"; and that the opposing Roman-based "Civil-Law" seems Purposefully Designed to generate "Confusion" and "Despotism". Modernly; the point of view expressed in this citation is certainly un-fashionable, and many modern readers, and even scholars, might refuse to admit its truthfulness. However; if one reviews the sections of this text which cite quotations from "Black's Law Dictionary", one will see that "Common-Law" is Harmonious with "Natural-Law", and "Civil-Law" is Opposed to that "Natural Law". Particular citations to review are ""Malum In Se", "Common-Law", "Natural Rights", Civil-Action", "Civil-Law", "Mancipium, "Municipal Function", and "Municipality". Keep in mind please, that "Civil-Law" is defined as the equivalent of "Municipal-Law"; and that the latter here is based on the word "Mancipium", which is defined as a "Slave". Here-under; these modern "Black's Law Dictionary" citations, strongly indicate that the words contained in Mr Tyler's citation, above, are very true.

## **Problems with Modern Written "Constitution" Documents:**

Our nations original "Articles of Confederation" did not make the arrogant claim as to be "The Constitution" for this nation. That idea was "Invented" during the 1787 Philadelphia convention, by powerful and self-serving people, in order to more effectively Entrench that Documents Status as a "Supreme Governing Document" which Must Be "Blindly Obeyed" by the generally trusting common American People, and by their Elected Representatives. It gave a theoretical Reason for Oppressive Policies. "Because the Constitution Says So", was to be the "Boiler-Plate Excuse" of the next generation of governmental power-abusing aristocrats. There-under; "Reasoning", in open and public forums, such as court-rooms, was "No Longer Required".

In the Mad Rush to gain Colorable "Adoption" of that so-called "U.S. Constitution" document, many passages were purposefully included there-in which contained specific words which were in Conflict with other more honorable passages there-in. The indulgence of the "Slave-Trade" is one example. In order to effect their military-like campaign with greater efficiency and speed, those same Conspirators also Included Purposefully Ambiguous Terms in their so-called "U.S. Constitution" document. This enabled them to more quickly and efficiently bamboozle the more honorable members of that Convention into abandoning their natural opposition to the adoption of that power-centralizing document. Thankfully; the more honorable members of that Convention not only insisted on numerous more positive words being inserted into that document, but they also gained the insertion of numerous complete passages and concepts there-in. How-ever; this resulted in a very chaotic and dis-organized supreme national governing document; although thankfully, it did very significantly obstruct the "Hostile Take-Over" Intent of the Conspirators.

Here-under; even under that largely corrupted written "U.S. Constitution" document; Many very "Good Laws" can be found, mostly from the "Bill of Rights", which Authorize the Common American People, and their Representatives, to use their Consciences and Reasoning abilities, to Effect Returns to the More Fundamental, Principle-based, and Natural/Organic Laws upon which our nation was truly founded. This is a Critically Important Point to remember; because that largely corrupted "U.S. Constitution" document does not give concerned and true modern American Constitutionalists very much wiggle-room to work in our efforts to effect returns to our truly "Fundamental American Natural/Organic-Law".

And so; when examining the various conflicting Governmental Structural-Organization Concepts and Social-Policies which may be found to have been included in that allegedly supreme national governing document, it should be expected that continuing "Debate" Will Un-Fold concerning Which of those Conflicting Organizational-Concepts and Social-Policies our nation's Governmental Office-Holders and Body-Politic should Follow. Here-under, true patriotic Americans need to repeatedly and emphatically Advocate Only those Few truly "Fundamental Principles" of our American Nation's supreme written governing document which Actually "Work" to Secure "Justice", "domestic Tranquility" (Peace), "common defense", "general Welfare", and "Liberty"; "for ourselves and our Posterity"; all as agreed in that document's "Preamble" to be our American Nations "Constitutional Priority". Truly Honorable and Patriotic Americans Must Actively Support Only traditionally recognizable "Workable-Pathways" for Securing Justice, Safety, Peace, and Happiness for the larger Body-Politic of our Common American People. This is the "Moral High Ground" up-on which All Truly Honorable and Patriotic Americans Must Entrench.

It is worthy to note here that the adoption of the written so-called "U.S. Constitution" document was, in large-part, a "Departure" from those traditionally-recognizable "Workable Pathways" for securing Justice, Safety, and Peace, for the common people. This is true because our American People's traditionally-recognizable Source of "Constitutional-Law" came from the nation of England. The vast majority of the people who founded and established this nation were from England. Our Nation's Founders already had laid down amongst them-selves a pre-existing and traditional body of Organic "Constitutional-Law", which they Voluntarily "Consented to be Governed" by; because they all

recognized that this body of law was profoundly efficient at Securing Justice, Safety, and Peace, for themselves and for their neighbors. These were the "Norms of Behavior" which they and their ancestors had been practicing since "Beyond Legal-Memory"<sup>138</sup>.

As under that old body of English Law; in modern England still, the word "Constitution" indicates a "Generally Recognized Principle" or Socially-Organic "Moving Target"; similar to "Justice", "Reasonableness", "Truth", or "Peace". In and of itself, no written document could reasonably boast to be the full embodiment of those very high Principles. Under these General Principles of English Law, it could be proper to declare a written document to be "Constitutional", because those words would simply declare it to be "Truthful", "Peaceful", "Just" or "Reasonable". Similarly; America's Founders could correctly apply all of those words to the "Declaration of Independence", and to the "Articles of Confederation"; because those documents were traditionally-recognizable as being basically Harmonious with these General and Fundamental Principles of Good Government.

But to claim that, in and of itself, any specific written document Was a "Constitution"; would be similar to declaring that that document it-self Was "Truth", "Reason", "Justice", and/or "Peace". Under these then generally-accepted Definitions of these English-Law based terms, such a bold proposition were Not at all "Workable". The Heroes who Organized Americas Revolution did not dare to play any such word-games with the documents which they were then asking their proud early American neighbors and friends to "consent to be governed" by. Any such wording would be immediately and correctly have been seen as being intended to un-justifiably thwart the ability of the various general community-counsels in their ability to chart their own smaller community's path-ways of de-centralized responsible self-governing. That was the precise essence of what they were all trying to get away from under the defacto English monarch. At that point in time, any such use of the term "Constitution" to indicate a supreme written governing document would have been suicidal for the individual leader so advocating it. Being governed by such power-centralizing documents and policies would have been little different from continuing to exist under the defacto English monarch. It certainly would not have been worth fighting and dying for in the American Revolutionary War; merely there-after to be again be coercively governed by the similarly un-reasonable, un-justifiable, and non-consent-based, power-centralizing policies which would inherently be necessary, in order to enforce compliance with any such an allegedly supreme written national governing document.

When it came time for the First American Heroes to compose a generally-issuing document which articulated more clearly than the "Declaration of Independence", the general parameters with-in which they envisioned the future "Free Government" for our nation to operate; their organic body-politic of delegates assembled and composed our nations first formal governing document, which was entitled the "Articles of Confederation". Like the "Declaration", the "Articles" honorably and responsibly Continued along under the Same general body of Traditionally Recognizable "Fundamental Principles" of un-written but justifiable and reasonable Organic "Constitutional-Laws" of "Free Government". These were the Same "Fundamental Principles" which those First American Heroes had fought and died for in the "Revolutionary War", in order to accomplish the end-goal of throwing-off the "Despotism" of the defacto English Monarch, and there-after of securing their lasting general "Liberty" .

Both the "Declaration" and the "Articles" were little more than "Memorandums of Understanding". As had already been clearly articulated in our nations organic/constitutional "Declaration of Independence"; the "Articles" were firmly based on the concept of the "Consent of the Governed". They were both designed essentially to be "Un-Enforceable Pledges" amongst "Honorable Communities of Men", which Non-Coercively Obligated them, upon their Honor and general Reputations in their communities, to act together for their own mutually-collective protection and benefit.

As the "Preamble" and the "Bill of Rights" clearly show, the Retaining of the "Pre-Existing Fundamental-Law" was written into many specific Provisions of the written 1789 supreme national governing document. Indeed, and as the above citations show; that document could not have framed any

logical-reasonable basis for its bold claim to be a "Constitution" for the people who organically compose this nation, unless it retained at least some of these "Pre-Existing Fundamental-Laws". Examples of Conflicts with those "Fundamental-Laws" are to be found in the poorly reasoned adoption of the "Bi-Cameral Congressional-Assemblies" and the "Separation of Powers" Doctrine. Those doctrines can Not be shown to be any part of these "Pre-Existing Fundamental-Laws"; which formed the basis of our nations True Organic Anglo-American "Constitutional-Law". They were then "Invented", just prior to the 1787 - 1789 Conventions, and then sold to the American People, through one of the most high-pressured propaganda campaigns in our nations history.

How-ever; it is note-worthy that, in modern times, the authors of Black's Law Dictionary (which does seem to make compromises in other areas) praise-worthily have continued to retain these more true and honest Definitions of such critically important words as "Constitution". This citation, as quoted below here-in; from this modern and reputable law-dictionary, shows clearly that the basic term "Constitution" has not been changed by the adoption of the written "U.S. Constitution" document. If that piece of paper document as composed in 1789, actually was "The Constitution" of our American nation; then it would make no sense at all to refer to "Constitutional-Law" as "Organic-Law", as is done in the "Black's Law Dictionary" citation above.

This indicates that America's Fundamental/Organic Law is still the Same as it was between 1776 and 1789! This indicates that, even under modern American "Constitutional Law", that any and all specific provisions in that allegedly supreme written governing document which can be clearly proven to be "In Conflict" with the Fundamental/Organic General-Principles of Law upon which our American Nation was truly founded, are actually "Un-Constitutional", and they can and should be surgically-removed there-from.

If one reviews the definitions of "Lex-Non-Scripta" and "Lex-Scripta" from "Black's Law Dictionary", quoted above; it will be seen there-in that documents which purport to command the blind-obedience of men, are Not "Common-Law" Documents; but rather they may accurately be classified as Roman-based "Civil-Law" Documents. This is true because commands of "Blind Obedience" are the Central-Characteristic of the Roman-based "Civil-Law", as shown from the citations in the previous chapter.

A bit of contemplation reveals that the Roman-based "Civil-Law", and its heavy reliance on Written "Codes" of Human Conduct, are specifically Designed to Promote "Class Divisions". Here-under; there is a Larger general Confused Mass of Oppressed Population; and an opposing and comparatively Small class of Well-Rewarded "Privileged People", an artificial and un-natural aristocratic class<sup>39</sup>, in position to command obedience from the larger and confused masses. This is precisely how the artificial/un-natural aristocrats prefer for human society to be organized. Mechanisms such as this have been in place since very ancient times, and the un-natural aristocracy prefers it to remain that way, and written codes of human conduct are one of their most highly-evolved weapons for psychological-warfare in convincing the confused masses that they must blindly obey the commands of the un-natural aristocratic classes.

Under the "Articles of Confederation", the collective members of the General Congressional Assembly could exercise both the Judicial and Executive powers. They could form Juries, follow ancient common-law "Due Process of Law" to issue "Warrants of Arrest", and organize the "Peace Officers" and Executive Personnel necessary to directly march there-from, so-as-to Execute any and all such arrest warrants. This was obviously a very large amount of Power to be placed under the direct control of the peoples elected delegates. They could move in any direction that "Due Process of Law" and the "Course of Justice" might lead them. Un-Natural Aristocrat Classes, who were in the habit of pillaging and plundering the common masses of the general population, might be held to an accounting at any time. What-ever their defects, the un-natural aristocratic classes are not stupid. They could see the hand-writing on the wall. And so they organized to obstruct the empowerment of the peoples delegates, as it then existed, under the "Articles of Confederation".

Here-under; close examination reveals that: that allegedly supreme written national governing

document was actually a "Compromise" between: the supporters of the truly Fundamental Natural/Organic Principles for the Lawful Governing of our American nation; and some Powerful "Private Interest Groups" which were Actively Hostile to those Natural/Organic Fundamental Principles. This "Compromise" was proposed by these Powerful Hostile Forces, because they believed, correctly, that once the American People became Alienated from those Fundamental Principles, then the American People would become Easy Targets for the Schemes of of Pillage and Plunder which those Hostile Forces had been seeking in legacy since ancient times.

Here-under; the main authors of the so-called Written "U.S. Constitution" document, as composed in Philadelphia between 1787 and 1789, had become "Morally Compromised"; and there-under, they had under-taken to "Re-Define" the Pre-Existing Term "Constitution", in order to alienate it from its Principle based Natural/Organic Common-Law Roots, and to give it a rigid, un-organic, and Coercive implication. This activity was under-taken in closed-door and secretive session, out-side of then-existing principle-based organic/fundamental "Constitutional-Law", all for the explicit purpose of subjecting the American People to a form of Romanistic, Municipal Franchise-based Private-Interest-Group Serving, Corporate Government; which could be used, slowly and incrementally, to progressively escalate to higher and higher levels of pillage and plunder of the Organic Body-Politic of the American People.

Further here-under; the Conspirators who were most powerfully-influential at the so-called "Constitutional Convention", in 1787; sought to quickly, belligerently, and Lawlessly Rush-Through at least a Colorable "Adoption" of their so-called "Constitution" document. Those Conspirators knew that the more Honorable Delegates to that "Convention" were coming up-to-speed quickly in recognizing the Conspirators "Malicious Intent", and there-under those more Honorable Delegates would soon begin Organizing to successfully Resist their Conspiratorial scheme. Any such successful Resistance would result in the Conspirators being forced from their positions of political power and wealth, and to then get their hands dirty by doing honest labor, just like the rest of the American People. To them, that was clearly an un-acceptable proposition. And so, those Conspirators were, self-servingly, in a Big "Rush" to have their document "Adopted", Before the more Honorable Delegates of the People's States could Organize any Opposition to their "Hostile-Take-Over" Scheme. Here-under, and with militarily-efficient pre-planning, the entire Convention and Adoption of the so-called "Constitution" document, was Lawlessly "Rushed Through", before potential opposition from the more honorable but under-prepared delegates could be accomplished.

The entire subject of the Lawless Adoption of the 1789 Written "U.S. Constitution" document, and of its conflicting relation with our nation's true natural/organic law and "Articles of Confederation"; is not the subject of this document; and further detailed discussion is presented in an accompanying document composed by this same author, and entitled "The Un-Constitutional Nature of the 'U.S. Constitution" document.

### **Holding Public-Servants to an Accountability:**

The Natural, Organic, and Constitutional-Law up-on which our nation is based, have solidified specific sociological rules and "norms of behavior", which are specifically designed for Identifying and Defending our organic-community body-politic from Socially "Violent", "Parasitical", or other-wise Dangerous People. The smallest communities of life-forms on this planet will defend them-selves against hostile invaders. Even single-celled organisms, like the "amoeba", will defend them-selves from hostile invaders. Schools of fish and flocks of birds will defend them-selves from hostile invaders. This author believes that every community of humans which has ever existed on his planet, has organized some kind of force-administering capabilities, to defend it-self from hostile invaders. This is a Natural, Organic, and Fundamental "Law", which applies to All Communities of people, not just to Americans.

The fashionable mis-conception is that if the American people are being Abused by Despotic Public-Servants; then their Only Remedy is either to Wait until the Next Election and "Vote them Out of Office", or to attempt to convince both houses of their state or national legislature to "Impeach" that

corrupted public-officer, or perhaps to bring a criminal complaint to the district attorney or attorney general, who in turn may or may not decide to prosecute on behalf of the complaining party. All of these mechanisms are monumentally Cumbersome and Inefficient in serving "Justice", or the true organic body-politic needs of the American People.

How-ever; even our nation's seriously-compromised written national "U.S. Constitution" document still recognizes and preserves to "We the People", "Other Remedies", through the "Judicial" Process, which are (designed to be) much More Efficient at removing Corrupted Public-Servants from Office. These Remedies may be contemplated as "Tools of Law" for Identifying and Removing from our organic body-politic all "Hostile Invaders", even those who masquerade among us as "Public-Servants". Here-under, and upon the filing of a proper complaint in a court of law, all "Public-Servants" may be Forced to Answer for the Manner in which they are Operating the Public-Offices which they have been en-trusted to control. In America, No Person is "Above the Law", Including "Public-Servants"; and even the aristocratic provisions built into our Written "U.S. Constitution" document, and its later power-centralizing post-civil-war "Amendments", did not destroy that.

Before proceeding to the core of this idea, it is good to review some more fundamental concepts, so that a sharply-defined Focus of the subject at hand may be presented. Here-under, and as previously quoted; Each American Constitutional "Body-Politic" has been Organically Drawn-Together for the Singular Purpose of "the Defense of Their Rights, and to do right and justice to foreigners". This is the Singular Purpose for the Formation of the Constitutional Social-Compacts of our American Nation (both Un-Written and Written). This is true at the Federal, State, and All Lower Levels of Government. This is Clear from the Prioritized Position of the term "Justice" in the very "Preambles" of Both the Federal and State Written "Constitution" Documents.

Under these "Social-Compacts", the Constitutionally-Recognizable "Rights of the People" are the "Top Priority". These "Rights of the People" are to be secured by the Lawful "State". To further support these conclusions, it is good to look to the definition of the term "Right", as follows:

**"Right: As a Noun, and taken in the abstract sense, means justice, ethical correctness, or consonance with the rules of law or the principles of morals. In this signification it answers to one meaning of the Latin "jus", and serves to indicate law in the abstract, considered as the foundation of all rights, or the complex of underlying moral principles which impart the character of justice to all positive law, or give it ethical content. ... And the primal rights pertaining to men ... existing prior to positive law. But leaving the abstract moral sphere and giving to the term a juristic content, a "right" is well defined as 'a capacity residing in one man of controlling, with the assent and assistance of the state, the actions of others'. As an adjective, the term 'right' means just, morally correct, constant with ethical principles or rules of positive law. It is the opposite of wrong, unjust, illegal. ... A legally enforceable claim of one person against another, that the other shall do a given act or not do a given act. That which one person ought to have or receive from another, it being withheld from him, or not in his possession. In this sense, 'right' has the force of 'claim', and is properly expressed by the Latin 'jus'. ... Natural rights are those which grow out of the nature of man and depend upon personality, as distinguished from such as are created by law and depend upon civilized society; ... they are those which are plainly assured by natural law; ... those which, by fair deduction from the present physical, moral, social, and religious characteristics of man, he must be invested with, and which he ought to have realized for him in a jural society, in order to fulfill the ends to which his nature calls him.**

**(Blacks Law Dictionary, 5<sup>th</sup> Edition)**

In all of these authoritative sources, we find that Anglo-American Jurisprudence considers the term "State" to invoke a Socially-Compacted Relationship where-under specific Individual Members who Solemnly Affirm that they have Suffered a Crime, are Guaranteed the Right to "Control ... Others" ... by way of their "Relationship" with the "State", until that Accusation has been Fully Resolved. Here-under, Logic Dictates that they will not be able to "Control" those "Others", Unless they can also Control the

“Public-Servants” of that “State”.

When a Member of the “Social-Compact” is Directly and Physically Injured by a Criminal Act, it is an Injury To Every-Other Member of that Socially-Compacted Community. It is a “Breach of the Peace”, a “Trespass”, a “Common-Law Crime” of “Malum in Se”, aka: “a Wrong in It’s-Self”. All Members of such communities are Bound-Together under the Terms of this “Social-Compact”, to Defend the Rights of Each-Other against all such Physical Crimes. It is like banging your thumb with a hammer. When one member of the body suffers pain, all other true members of that same body sympathetically and empathetically feel that same pain. These are Natural/Organic “Laws”, and they are the Same for All Organic “Bodies-Politic”, and they are the Same for All “Constitutional States”. This is Why the above citations indicate that “Organic Law” is the same as “Constitutional-Law”.

In order for these powerful concepts to be respected, immense amounts of power need to be placed in the hands of the common people. True to these Higher Principles of "Law", our American System of Constitutional Government, even under the "U.S. Constitution" document and its "Amendments", still recognizes well that this immense amount of power is truly "Inherent" in the common American People. This point is set forth well in the following citation:

**“And the Constitution itself is in every real sense a law - the 'Lawmakers being the People themselves', in whom under Our System All Political Power and Sovereignty primarily Resides, and through whom such Power and Sovereignty primarily Speaks. It is by that law, and not otherwise, that the legislative, executive, and judicial agencies which it created exercise such political authority as they have been permitted to possess.**

**The Constitution speaks for itself in terms so plain that to misunderstand their import is not rationally possible. 'We the people of the United States', it says, 'do ordain and establish this Constitution ...'. Ordain and Establish! These are definite words of enactment, and without more would stamp what follows with dignity and character of law. The framers of the Constitution, however, were not content to let the matter rest here, but provided explicitly - 'This Constitution, and the Laws of the United States which shall be made in pursuance thereof; ... shall be the supreme Law of the Land; ... 'The supremacy of the Constitution as law is thus declared without qualification.**

**That supremacy is absolute; the supremacy of a statute enacted by Congress is not absolute but conditioned upon its being made in pursuance to the Constitution. And a judicial tribunal, clothed by that instrument with complete judicial power, and, therefore, by the very nature of the power, required to ascertain and apply the law to the facts in every case or proceeding properly brought for adjudication, must apply the supreme law and reject the inferior statute whenever the two conflict.”**

**Carpenter v. Carter, 298 US 296 (1935)**

This citation emphasizes clearly the great power and authority which resides in the common American People. It also states that “a judicial tribunal \* \* \* (is) required to ascertain and apply the law to the facts in every case or proceeding properly brought for adjudication, ...”. Here-under, the Judges before whom any accompanying complaint have been presented, are “Required” to “Ascertain and Apply the Law to the Facts” of the Complaint, directly against those Individuals named there-in. Another citation in support of all of this, is the following:

**“We [Judges] have no more right to decline the exercise of jurisdiction which is given, then to usurp that which is not given. The one or the other would be treason to the Constitution.”**

**U.S. v. Will, ... 1980; Cohens v. Virginia, ... 1821.**

These are clearly very powerful citations. They clearly recognize that, under True American Constitutional-Law, immense amounts of power are inherent in each and every American, and that Judges and other Public-Servants have "Duties" to Follow American Constitutional-Law, and if they willfully dis-obey their Duties there-under, they can be Prosecuted for Criminal Abuse of Public Office, up to and

including "Treason".

These "Laws" tend to indicate, that, When-Ever Any Public-Servant Acts Out-Side of his or her Constitutionally-Lawful scope of Authority, they have "No Protections" for their constitutionally-lawless actions. This is a Fundamental Principle of American Constitutional-Law; and it has been summarized more from a large number of differing reputable citations, more sharply, into the following single citation:

**"The general rule is that an unconstitutional statute, though having the form and name of law, is in reality no law, but is wholly void, and ineffective for any purpose; since unconstitutionality dates from the time of it's enactment, and not merely from the date of the decision so branding it. An unconstitutional law, in legal contemplation, is as inoperative as if it had never been passed. Such a statute leaves the question that it purports to settle just as it would be had the statute not been enacted.**

**Such an unconstitutional law is void, ((and when-ever colorably enacted)) the general principles follow that it imposes no duties, confers no rights, creates no office, bestows no power or authority to anyone, affords no protection, and justifies no acts preformed under it ... A void act cannot be legally consistent with a valid one. An unconstitutional law cannot operate to supersede any existing valid law. Indeed, insofar as a statute runs counter to the fundamental law of the land, it is superseded thereby.**

**"No one is bound to obey an unconstitutional law and no courts are bound to enforce it." ...**

**"The fact that one acts in reliance on a statute which has theretofore been adjudged unconstitutional does not protect him from civil or criminal responsibility... Daniel Webster, James Otis, and Sir Edward Coke, all pointed out that the mere fact of enactment does not and cannot raise mere statutes to the standing of law. Not everything which may pass under the form of statutory enactment can be considered the Law of the Land."**

**Sixteenth American Jurisprudence 2d; SS: 256 & 257; (Pages: 547 & 177?)**

Please note that this reputable and prominent citation from "American Jurisprudence", is phrased in terms which pre-suppose that some judge, or other public-servant or agent, is acting in basic good-faith, with no obvious malicious-intent, as he acts in ignorance to enforce a statute which is constitutionally un-lawful, and where-by he Violates the Constitutionally-Secured Rights of a free and sovereign American. Yet, as stated there-in; the "Law" still provides that such a Public-Servant has "No Protections" from attempts to hold him to a "Criminal Responsibility" for any damage which he does to innocent Americans, for any violations of their Constitutionally-Secured Rights, even though he had some color of authority under an un-constitutional but lawlessly-enacted statute. Here-under; such an ignorant judge may be compared to a "Drunken Driver", who has ignorantly driven his automobile, and killed someone. The man should have been smart enough to not drive his car when he was drunk, and it is "Reckless Negligence" if he does drive while he is drunk, and if he does kill or other-wise damage innocent Americans, then he can be held "Criminally Liable" for such recklessly-negligent and potentially-lethal behavior.

Please note further; that, neither Legislative Assemblies nor Executive Officers have any constitutionally recognizable authority to Judicially Decide whether or not any such "Criminal Responsibility" should be enforced against such a constitution-violating public-servant. Such issues are to be resolved by the "Judicial" authorities of this nation, alone. It is only through the Constitutionally-Lawful exercise of this "Judicial Power" that such a public-servant can Lawfully be held to a "Criminal Responsibility" for his damage to such a free and sovereign American. This "Criminal Responsibility" is the precise phrase declared applicable against such public-servants in the above quoted and very authoritative text from "American Jurisprudence". And the only way for that to happen, under American constitutional-law; is if there is a "Criminal-Complaint" sworn-out by some natural/real American person.

If "Un-Constitutionality Dates from the Time of (the) Enactment" of any such "Un-Constitutional Statute", then logic and reason dictate that When these same Public-Servants Begin Acting in Criminal-Conspiracy, with-out even having any tinge of color of statutory authority (as will frequently be the

conditions alleged in complaints in accompaniment here-to); then surely logic and reason dictate that, under "Law", From the very Moment in which these very same Public-Servants Begin Acting in any such "Criminal-Conspiracy", Then They Begin Acting with "No Protection" from the "Criminal Responsibilities", which necessarily accompany the Crimes in which they are then engaging. This is a critically-important and pivotal point, which is touched on repeatedly in other accompanying memorandum and complaint documents. This point needs to be kept firmly in mind at every moment when any criminal prosecution against any corrupted public-servant is being contemplated.

Another important citation which will present a nicely rounded-out historical context of these boldly un-orthodox (and un-civilized) ideas, is here provided from a book which has else-where here-in had different text quoted from it, and which book is entitled: "Administrative Justice and the Supremacy of Law in the United States"; by John Dickenson.<sup>40</sup> The new text quoted from this book valuable reads as follows:

**"The multiplication in recent years of public bodies like public service commissions and industrial accident boards, accompanied by vesting of ampler powers in health officers, building inspectors, and the like, has raised anew for our law, after three centuries, the problem of executive justice. That government officials should assume the traditional function of courts of law, and be permitted to determine the rights of individuals, is a development so out of line with the supposed path of our legal growth as to challenge renewed attention to certain underlying principles of our jurisprudence. ...**

In the age of Coke such questions as these arose in connection with what has since been called "executive justice." To-day the term "executive" seems fitted to a narrower need, and "administrative justice" suggests itself a better name for the broader current legal development. ...

The introduction of administrative justice has encountered in our constitutional doctrine of the "separation of powers" a barrier which has been evaded only by the invention of a new set of glaring legal fictions embodied in such words as "quasi-legislative," "quasi-judicial," and the like. To review the development of these fictions would supply an instructive commentary on an important branch of American constitutional law, but it would not shed helpful light on the more fundamental problems presented by the substitution of administrative justice for adjudication by courts of law. These problems reach below the special limitations of American constitutional law and turn up for inspection some of the deepest principles of the Anglo-American legal system.

In Anglo-American jurisprudence, government and the law have always in a sense stood opposed to each other; the law has been rather something to give the citizen a check on the government than an instrument to give the government control over citizens. There is a famous phrase, which has long been attributed to Bracton, ... that "the king has a superior, to wit, the law; and if he be without a bridle, a bridle ought to be put on him, namely, the law." This "rule of law" as Dicey calls it, or "supremacy of law," in Lieber's phrase, has uniformly been treated as the central and most characteristic feature of Anglo-American juristic habit; and nothing has been held more fundamental to the supremacy of law than the right of every citizen to bring the action of government officials to trial in the ordinary courts of the common law. That government officials, on the contrary, should themselves assume to preform the functions of a law court and determine the rights of individuals, as is the case under a system of administrative justice, has been traditionally felt to be inconsistent with the supremacy of law. It was the ground of attack on the Court of Star Chamber, in the days when the Chancellor was still mainly an administrative officer of the King. Lieber mentions freedom from "government by commissions," and from the jurisdiction of executive courts, as one of the elements of Anglo-American Liberty. ...

The orthodox doctrine of the supremacy of law has been stated by Dicey as including two principles: "It means in the first place that no man can lawfully be made to suffer in body or goods except for a distinct breach of law established in the ordinary courts of the land." It means in the second place "that no man is above the law, but that every man, whatever his rank or condition, is subject to the ordinary law of the realm, and amenable to the jurisdiction of the ordinary tribunals

... With us, every official, from the Prime Minister down to a constable or collector of taxes, is under the same responsibility for every act done without legal justification as any other citizen."<sup>41</sup>

"In short, every citizen is entitled, first, to have his rights adjudicated in a regular common-law court, and, secondly, to call into question in such a court the legality of any act done by an administrative official." ...

"The substantive difference between administrative procedure and the procedure by law is that the administrative tribunals decide controversies coming before them, not by fixed rules of law, but by the application of governmental discretion or policy.

It is this last point which is of capital interest here. The competition between administrative & legal justice, is ... a phase of the age-old struggle between discretion and fixed rule, between *vouops* and *ekleiakeia*, between equity and the strict law."

In so far as administrative adjudication is coming in certain fields to take the place of adjudication by law courts, the supremacy of law as formulated in Dicey's first proposition is overridden. But a possible way of escaping this result is left open by his second proposition. An administrative determination is an act of a governmental officer or officers; and if it be true that all the acts of such officers are subject to be questioned in the courts, it is then possible to have the issue of any questionable administrative adjudication raised and decided anew in a law court, with the special advantages guarantees of the procedure at law. We see here the reason why the question of court review of administrative determinations has become of such central importance and has been the focus of so much discussion since the rise of the administrative procedure. For just so far as administrative determinations are subject to court review, a means exists for maintaining the supremacy of law, though at one remove and as a sort of secondary line of defense. The special advantages of the administrative procedure may be substantially retained, while at the same time, in a given case, the result can be brought to the test of the procedure at law. Administrative justice exists in defiance of the supremacy of law only in so far as administrative adjudications are final and conclusive, and not subject to correction by a law court."

As is clearly implied through Mr Dickenson's text above, and numerous other sources quoted here-in; the "Rule of Law" is Supreme in our democratic American Constitutional Republic, and it clearly declares that when-ever any corrupted public-servant acts in any obviously malicious criminal-conspiracy to abuse the Constitutionally-Secured Rights of the American People, then these very same Abused American People Have the Constitutionally-Secured Right to Directly File and Prosecute Criminal-Complaints against that corrupted public-servant. This is the "Rule of Law", where-under Everyone, including "Public-Servants", can be brought to an Accountability, under Equal Application of the Laws. Here-under; No One is "Above the Law", and that especially includes "Public Servants". This is what Mr Dickenson has clearly stated in his text above, and that text is an accurate summary of how the "Rule of Law" functions in our American Constitutional Republic.

Mr Dickenson's text above out-lines well this larger general policy that our American Constitutional System of "Law" Demands that this Immense Power be placed in the hands of each and every American. And the deeper constitutional authorities which he cites, such as from Dicey and Libeler; further support this bold but modernly unfashionable concept. And when coupled with the text previously set forth in this document, which illustrates the fundamental principles of "Natural Law" up-on which our entire American nation is based; and also, later in this document, when considering our constitutional history, going back to the Anglo-Saxons and to ancient Israel; then this larger historical and natural-law philosophical perspective does clearly reveal that the Fundamental Principles of our American Constitutional-Law do truly place this immense amount of Power in the hands of Individual Members of our organic American body-politic.

A powerful citation which illustrates how this "Common-Law Process" is preserved to every modern American, is set forth in the following U.S. Supreme Court case-law precedent, which is entitled "Beacon Theaters Vs. Westover"<sup>42</sup>, as follows:

**“the Court of Appeals held it was not an abuse of discretion for the district judge, ... to try the equitable cause first even though this might, through collateral estoppel, prevent a full jury trial of the counterclaim and cross-claim which were as effectively stopped as by an equity injunction. ... the use of discretion by the trial court under Rule 42(b) to deprive Beacon of a full jury trial on its counterclaim and cross-claim, as well as on Fox's plea for declaratory relief, cannot be justified. ... Thus any defenses, equitable or legal, Fox may have to charges of antitrust violations can be raised ... in answer to Beacon's counterclaim. ... By contrast, the holding of the court below ... would compel Beacon to split his antitrust case, trying part to a judge & part to a jury. Such ... is not permissible.**

**Our decision is consistent with the plan ... to effect substantial procedural reform while retaining a distinction between jury and nonjury issues and leaving substantive rights unchanged. Since in the federal courts equity has always acted only when legal remedies were inadequate, the expansion of adequate legal remedies ... necessarily affects the scope of equity. ... This is not only in accord with the spirit of the Rules and the Act but is required by the provision in the Rules that '(t)he right of trial by jury as declared by the Seventh Amendment to the Constitution ... shall be preserved ... inviolate. ...**

**Since the right to jury trial is a constitutional one, however, while no similar requirement protects trials by the court, that discretion is very narrowly limited and must, wherever possible, be exercised to preserve jury trial. ... 'In the Federal courts this (jury) right cannot be dispensed with ... nor can it be impaired by any blending with a claim, properly cognizable at law, of a demand for equitable relief ... .’**

There is another article available on the reputable web-page of FindLaw.Com, which explains in much greater detail, and in very clear terms, how this Beacon Theaters Vs Westover case, and others, all fit together to Support the Right of Every American to access this Common-Law Jury-Trial process. The arguments set forth in that article are incorporated by reference into this document. The web page containing that full article is here: <http://supreme.lp.findlaw.com/constitution/amendment07/02.html>

Under these very reputable and accurate citations, it should be clear to the reader, that, even under the modern judicial process of the current civil government, and even with all of its emergency war-powers declarations in place which have largely alienated average Americans from their natural-law and common-law rights, even under these modernly adverse conditions; this modern reputable case-law and constitutional-interpretation still recognizes, that, if a properly articulated common-law complaint is alleged, and jury-trial is there-in demanded, that these complaints and demands place lawful requirements on acting civil governmental judges to facilitate originally-intended Seventh Amendment common-law jury-trial process.

Please note that the Seventh Amendment used the phrase "Common-Law", Twice; and that in light of the reference in the last above-quoted sentence from the Beacon case to: "claim, properly cognizable at law"; that here-under, through their wording "at law", the supreme court is obviously referring to a "Common-Law action". This means that the word "Law", when used in the context of judicial or court-room complaints, Means "Common-Law". This means when the words "Court of Law" are used, that such words should properly be construed to mean Courts which follow "the rules of the common-law", or more precisely as: "Common-Law Courts". The general Priority which the Beacon case above assigns to these "claims, ... cognizable at law", and to the jury-trial process which is to be there-by facilitated, is clearly harmonious and supportive of this general proposition that: the general body of the "rules of the common-law" are the only body of government sponsored social-behavior regulating guidelines which can honestly be said to be "Lawful". The previously here-in presented general body of quotations from "Blacks Law Dictionary" similarly lends vast support to these precise conclusions. And since our American Constitutional-Law is generally recognized as the "Supreme Law"; here-under, it is accurate to Summarize all of these insights through the statement that "True 'Constitutional-Law' Is Only 'Common-Law'". This leaves honest investigators confronting the cold and heard conclusion, that, all of

these other "Equity" and "Administrative" modes of court-room proceedings, may also be more accurately identified as "Un-Constitutional" modes of court-room procedure.

There is such a very larger body of reputable citations pointing in this precise direction, as here-in cited; and such a vacuum of any evidence to the contrary; that honest investigators will surely find that their Consciences Demand that This is "The Only Conclusion" which they may honestly arrive at.

Here-under, and for "cause shown"; Constituents of Any Public Servant have a Constitutional Right to Bring an "Action at Law" to Remove Any Public-Servant from the Office which they hold; and also to Name Another Individual to Replace him in their complaint. When such a complaint is successfully prosecuted, the successful litigant has the Right to move that Court to Direct any Executive Personnel available to use "What-Ever Force is Necessary" in order to Force a Change in the Physical Possession of that Public Office. This is an ages-old Lawful American Constitutional Process which is "Due" to each and every Constituent in the body-politic/community in question. Here-under; this Process has traditionally been recognized as "Due Process of Law"; and "Courts of Law", and the Judges there-in have a Constitutionally Required "Duty" to Facilitate the Full Adjudication of these forms of Complaints.

The specific Sub-Category of "Due Process of Law" and Common-Law which provides for this very powerful Remedy is known by two different names, which are: "Writ of Quo Warranto", and also as "State Ex Rel" Process. These two names mean basically the same thing. The "Writ of Quo Warranto" was a "Writ" from the pre American Revolution England days, and it was a Tool where-by the King of England could Invoke Judicial Proceedings to Remove the "Civil-Servants" of the kingdom from the Offices which they held. There-in; the King could Demand that Civil-Servants Answer in Court the related question of "By What Warrant" they had acted or not acted in certain manners, and if they did not answer in manners which pleased him, then they were promptly removed from the office which they held. At the American Revolution, that and all other Kingly Authority "Descended" down to each and every one of our "American People". Here-under; Each of "We the People" now all have the Lawful Right to Call All "Public-Servants" to an Accounting for their Official Behavior, through basically this Same "Quo-Warranto" process. Even though it centralized power in the hands of the King, this "Quo-Warranto" process was basically referred to in late England as a "Common-Law Process".

The American civil/statutory term for the same process, is "State-Ex-Rel" process. This is clearly an American "Statutory" wording, which is based on our previously quoted definition of the word "State"; and where-under (please remember) the "State Is the People", and the "People" are "Bound Together by Common-Law Habits and Customs". So, when these two word-phrases are contemplated and compared from the different angles which each of them demand, and their true "Essential Purpose" of "holding Public Servants to Accountability" through Judicial Proceedings is then recognized; then further here-under, it quickly becomes obvious that these two phrases are actually referring to exactly the "Same Thing".

Current Oregon Supreme Court Case-Law, and other reputable sources, all say that these two phrases mean precisely the same thing. There is so much more information available concerning this "Quo-Warranto" and "State-Ex-Rel" Process, and it is of such great importance in modern efforts of honorably concerned Americans to bring desperately-needed Accountability through Judicial Proceedings against Corrupted Public Servants, that a Separate Memorandum/Document has been composed by this author for that purpose. That memorandum/document is probably in accompaniment with this document, and it is entitled as: "Quo-Warranto for the Common People". This document may also be referred to as this author's "Quo-Warranto Memorandum"; and it explains this entire very powerful Constitutional Process in exhaustive detail.<sup>43</sup> That document is much shorter than this document, but it should be read in conjunction with this document, because this document provides a lot of supportive detail, which is not as fully explored in that document.<sup>44</sup>

### **Deeper Sources of Under-Lying Problems:**

The modernly fashionable habit of Regulating Social Behavior through Coercing People into

Following Civil "Statutes", causes the Honest Common People to who seek the protections of that so-called "Law", into being forced to go scurrying about to Lawyers and/or Judges, in their frantic Search for authoritative Guidance and Direction in their very important legal decisions. In turn; those Lawyers and/or Judges frequently merely open statute or case-law precedent citation books, to read some pre-determined, pre-formatted, and possibly obsolete solution to the current problem sought to be resolved.

The thought that the Common People might responsibly use their "Consciences" in conjunction with their natural ability to "Reason" about how Sociological "Natural-Law" might apply to the current situation, is usually not even considered. When a Society collectively forms a Heavy Reliance on those Civil "Statutes" and Civil Case-Law "Precedent", the Individual Members of that Society will collectively and progressively Loose their collective ability to use their Consciences, and to Reason about how the Higher "Natural-Law" should apply to their current sociological problems. And for those people with Anglo-/American ethnic back-grounds, they will have forgotten the more fundamental and natural-organic "Rules of the Common-Law", "Due Process of Law", and "Maxims of Law", which their Ancestors successfully used for generations in achieving significant degrees of Harmony with the Supreme Sociological "Natural Law".

Modern Citations from Civil Statutes and civil judge-made case Precedents are possibly useful Only in Aiding Juries in their Constitutional "Reasoning" " Duties. How-ever; such text-book based Civil Citations s are of No Use if they advocate any form of the Limiting of the Parameters of the Solution-Options or modes of procedure which are available to the local Juries or to their locally Elected Leaders, when they seek to decide the Best Solution to the current problems pressing on their organic local bodies-politic.

This begs the question of Why legislative assemblages then pass statutory enactments, by majority-rule process, at all. The answer to that question is that they do so because they have been told to do that, by our allegedly supreme written statute-law, deceptively mis-named as the "Constitution". The members of these legislative assemblies seem totally un-aware that the Best Source for Defining true supreme "Constitutional-Law", as well as for defining smaller issues of Law; is through the Consensus-Building process of twelve common-law Jurors of good reputation in their local community, using their Consciences and Reasoning Capabilities to arrive at "Unanimous Verdicts".

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How-ever; it is quite clear, from the citations contained here-in concerning the Anglo/Saxon's "Witenagemote", that the "Norman Conquest" event Commanded Significant "Centralization of Power" Away from anything remotely resembling the clearly documented more natural and organic process of either the Anglo/Saxons or the Ancient Christian and/or Israelite Nation. In light of the fact that "Government by Unanimous Jury" seems logically possible; and the fact that the only historical evidence of anything resembling "Government by Jury" which has survived the history-falsifying of the Romanist book-burners, is from the ancient Roman-Persecuted "Nation of Israel"; here-under, enlightened readers should find "Just Cause" to "Presume" Against those Romanist slave-traders, and in favor of the surviving significant circumstantial evidence that the Anglo/Saxon's "Witenagemote", and possibly even "King Author's Round Table" were Governed by "Twelve Member Juries".

Governing by this "Unanimous Decision" policy is certainly much more "Reasonable" than is the "Majority Rule" social behavior control guide-lines enacted by almost all modern civil legislative assemblies. The use of those Majority-Rule Statutory Enactments do not actually serve any truly useful purpose in securing the general welfare of the common people.<sup>45</sup> The entire bankrupt policy of "Statute Enactment" is given life-force through it's present intellectually-lethargic "Majority Rule" philosophy, which is now in place almost every-where. The previously-mentioned "Consensus" is no longer sought by congressional assemblages, as was traditionally required under our culture's ancient organic and un-written common-law based "Constitutional-Law".

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Prior to 1787, our American Constitutional System of Government had largely descended from

our “Mother Country”, the nation of Britain/England; and that nation had no written document which made any such claim as to be “The Constitution”. When the British people speak of “Our Constitution”, they are speaking of the general body of very slow-changing Fundamental-Principles of Organic “Maxims of Law” which have traditionally been viewed as “Supreme Law” in governing the affairs of their national body-politic. These principle-based fundamental “Constitutional-Law” policies, are all firmly rooted in our mutually-shared tradition of Anglo/American “Common-Law”.

Further here-under, please note that; the more ancient and true pre-1066-ad English "Maxims of Law", and the "Rules of the Common-Law" were brought into existence through the "Unanimous-Verdicts" of Twelve-Member "Juries"; and that modern "Majority-Rule Statutes" from modern Anglo/American Legislative-Assemblies are Not nearly so Worthy of Commanding the Obedience of the Common People or Elected Representatives who are fashionably considered to be Governed by them. For further insight on this point, please review the Difference between the "Malum-In-Se" and "Malum-Prohibitum" forms of Legislation, as previously quoted here-in from "Black's Law Dictionary".

Under the parameters of these mutually-shared and principle-based "Maxims" of un-written Anglo/American, Organic "Constitutional-Law"; the Elected Representatives of the common Constituent People have to “Think” and “Reason” about how most responsibly to administer the affairs of government.<sup>46</sup> Here-under; Every Issue of Concern is "On The Table", At All Times; Including the Organization of the General Assembly of the People's Elected Representatives, and the Modes of Procedure to be followed there-in.

As an example of how a truly Organic/Constitutional "General Congressional Assembly" Should Function; when the individual members of our American Body-Politics's Mechanical and Governmental "Ship of State" are looking at a new problematic situation or case before them, and they are considering how to apply any previously articulated or written solution to the problem to that case; then every one of those previously expressed solutions should be considered merely as "Guide-Posts" along a well-worn pathway or trail, or markings of danger on a map; in a darkened forest or a turbulent ocean of sociological confusion. Our ancient organic Body-Politics's traditional "Common-Law" and "Maxims of Law" should usually be strictly followed, like the Map for a Ship in moving through precarious and rock-infested waters. Such a Map should be Obediently and Faithfully Followed at All Times, Except under the very rare circumstances when meticulously well-reasoned "Just Cause" is "Shown" for taking the Gamble of proceed along a different (and possibly entirely new, or "trail-blazing") pathway.

But again; when-ever seriously considering any such Diversion of our American Mechanical and Governmental "Ship of State" from the Well-Chartered Course of our ancestors along these traditional Anglo/American "Maxims of Law"; All Governmental Agents (and especially Elected Representatives) here-under have a "Organic/Constitutional-Duty", to their Constituents, to exercise Every Caution so-as-to Avoid the very real danger of the "Serious Sociological Disaster" which should Reasonably be Feared from such a Diversion from that Well-Chartered Course by our Nation's Mechanical/Governmental "Ship of State". Even considering modern technological and sociological changes; these "Common-Law Maxims-of-Law" have been Practiced over So Many Centuries, that, there are very few instances in which any "Justification" can be found, for making any significant Diversion, from these traditional and well-settled "Course of Procedure" Guide-Lines.<sup>47</sup>

These Common-Law Guide-Posts in this darkened forest or turbulent ocean of confusion may also be considered as "Statues", carved in marble, clearly marking the traditionally-recognized "Lawful Path-Way" to follow, if sociological disaster is to be avoided. This concept of Statue-like Guide-Posts, in a forest or ocean of sociological confusion, is believed by this author to be the ancient source of the word "Statute". Here-under; "Statutes" are Not "Laws"; but they are Merely Guide-Post-like "Advisory Markers", which can be disregarded at any time or place, if "Just Cause" is Conclusively Shown for so disregarding them.

Most modern American National and State “Civil-Government’s Statues” recognize this very powerful "Justification" grounds, as a Legitimate Excuse for Disregarding their own Civil Statutes. For example, in "Oregon Revised Statutes", the "Justification" Excuse is found in ORS 161.190, 161.195, and

a similar one at 161.200.<sup>48</sup> The US-Code probably has similar "Justification Exemptions"; but this author is not sure precisely where those would be found. However, the "Federal Rules of Criminal Procedure" at "Rule 2" governing "Interpretation" of these Rules, does declare that: "These rules are to be interpreted to provide for the just determination of every criminal proceeding ..."; and other U.S. Code Statutes do command much similar respect for the People's "Natural Rights", as are Secured by our Un-Written, Organic Constitutional-Law. Most State "Rules of Criminal Procedure" and "Rules of Civil Procedure" similarly declare that Seeking "Justice" is the Primary Goal of the proceedings in the court-rooms governed by those rules.

So; even under modern National and State "Statutory-Law", Much "Justification" can be found for Individual Americans using their Conscience and Reasoning Process, so-as-to Re-Chart the modern Course of the modern "Ship of State" back along that Well-Mapped but presently lost traditional and well-settled "Common-Law/Maxims-of-Law" Course, which was and is designed to secure Justice, Peace, and Harmony with "Natural-Law", and which our Nation and its States have so disastrously diverted from. \*\*\*

The manner in which this ancient "Due Process" was engineered was both benevolent and militaristically "Disciplined". "Life and Death Decisions" were frequently necessary to be made through this "Due Process of Law". This is how All Serious Controversies were anciently settled in these "Common-Law Communities". These ancients knew well that any Less than Twelve Members in the decision-making body would render it susceptible to Hostile Take-Over from Private Factions, while More than Twelve there-in leads to Chaos, Confusion, and unnecessary Delay. Like the Twelve Constellations of the Stars and the Zodiac, the Number "Twelve" was sufficiently large to represent all legitimate interests in the universe of the subject which it is concerned with; yet still small enough to collectively impose their own Self-Discipline, and there-by to Complete their Duty to their Community to Peacefully and Promptly Settle the Argument before them, by arriving at a "Unanimous Declaration of Law" in a reasonable time period.

Once these profound ancient concepts behind our Anglo/American Constitutional Ideas of "Due Process of Law" and "Common-Law" are fully comprehended; it is reasonable and logical (lawgical) to conclude that: with-in the truly "Lawful Parameters" of our "American Constitutional System of Government"; "all 'Majority Rule' Decision-Makings (whether forth-coming from 'Legislative Assemblies', 'Supreme Courts', or any other "Majority Rule" decision-making bodies); are Not "Lawful". Do The Math. When focused on the "Fundamental Principles" of our American Constitutional System of Government, in a Tightly and Militaristically Disciplined Manner; the fashionable "Majority Rule" practice among the the "US Congress" of passing "Legislation", and the "US Supreme Court" of rendering "Judgements", is "Lawless"!

Specifically; in order for True American Constitutional "Law" to allow for any of the modernly fashionable of "Majority Rule" Declarations of the "U.S. Legislative Assembly" or the "U.S. Supreme Court" to also be considered at all a part of the "Single Voice" of that True American Constitutional "Law"; the Fifth, Sixth, and Seventh Amendments would have to be Abolished. This is true because those amendments make Specific Reference to the Pre-1776-Definitions of that Superior "Due Process" and "Common-Law", both of which Require "Unanimous Jury Verdicts". The Ninth and Tenth Amendments also strongly imply support of this same "Due Process" and "Common-Law", and similar arguments can be made for support from many of the other amendments. This Scientific Common-Law "Due Process" is so entrenched on our American Constitution Document's "Bill of Rights"; that in order for the advocates of class-warfare malum-prohibitum based coercive societies to successfully make any colorably lawful circumvention of it, they would first have to complete the Surgical Removal of a Clear Majority of the provisions of that "Bill of Rights".

Such bold steps are unlikely to occur. And if such circumvention of the "Bill of Rights" ever did colorably occur, it would still not change the pre-existing Natural-Law based Definition of "Law"; and so those changes could only be implemented through brute-force and superior physical-power. And as every fiber of our American Constitutional System of Government clearly bears witness, Mere "Power" is Not

the Source of our American Nation's true Constitutional "Law".

**Capitalism, Competition, and Anarchy:**

(Reserved for expansion of discussion, in later versions of this document)

## **Ancient Problems:**

In this study, a very significant point needs to be kept in mind, in order to fully comprehend Why this 'Natural-Law' Philosophy is modernly considered to be so un-fashionable. The main point to grasp here is that since ancient times, and clearly from the start of our American nation, there has existed and continues to exist a Powerful and Hostile “Private Interest Group” which has relentlessly and purposefully Conspired to Obscure these very powerful 'Natural-Law' ideas from reaching into the minds and hearts of our American people. This powerful private interest group is both Religious and Evil in its essential nature; and through-out all of its history it has relied on one form or another of the Slave Trade for its economic power-base. This powerful and evil private interest group believes that they need to obscure the historical realities of the ancient system of "Free Government", which has been passed down to our Anglo American People through our ancient Anglo/Saxon and Israelite History. They believe that they need to do this, because, if our American People discover the true realities of how grand the ancient Common-Law Model of "Free Government" can be, then these American People will summarily reject the multitudes of the false-dichotomies which the powerful Evil Conspirators have artificially set-up over us. There are two documents in accompaniment here-to which explain this conspiracy in much more detail, and which are entitled: “The Un-Constitutional Nature of the Written 'U.S. Constitution' Document”, and also “The Artificial/Lawless/DeFacto Overlay in the United States Government”.

As implied by that first documents title, argument is made there-in that the written “U.S. Constitution” document is Not in Lawful Compliance with these deeper organic principles of Anglo/American Constitutional-Law; and that there-under, it is lawless, null, and void.<sup>49</sup> The second document builds to show how from that original lawless foundation, “breeding-ground” has been cultivated for powerful aristocratic parasite classes to pillage and plunder the common American People.

A future document is planned by this author which will explain in much more detail the deeper depths of this conspiracy of evil, how it has always been dependent on some form of slave-trading, and how they have Burned Books and Falsified History in order to Limit our "Legal Memory" of our grand Anglo, Saxon, Celtic, Germanic, Nordic, Israelite History of this Natural-Law based "Responsible Self-Governing" process.

Those issues will not be explored in this document, but heavy reference will be made to those documents, and they should be consulted by the reader as needed. This author needs to state this "Conspiracy" proposition out front, so that other elements of this entire article will fit together, piece by piece, in the larger and very important picture which is here-in sought to be communicated.<sup>50</sup>

## **Ancient History:**

**Summary: Exploring at least 3400 years of history; tracing our Anglo/American System of Constitutional-Law back to the Times of Moses, & the Torah-Laws of Ancient Israel; recognizing linkages to their preservation in the works of Christ/Messiah Jesus/Yeshuah; & with heavy emphasis on Evidence that these Same Israelite Torah-Laws were In Practice among the Anglo/Saxons of England, prior to the so-called "Norman Conquest" of 1066-ad.**

In ancient England, prior to the so-called "Norman-Conquest of 1066-ad"; there was a governmental system in place which (although admittedly significantly "less than perfect"), was then governing the people of that land in a manner substantially in harmony with Sociological "Natural-Law".

This Natural-Law based System of Government found its even more ancient roots in ancient Israel. Among other sources numerable; William Blackstone admitted the truth of this proposition, in his classical and powerfully authoritative "Commentaries on the Laws of England"; which reads as follows:

**“SS 43: Early Judicial Systems. – The policy of our ancient constitution, as regulated and established by the great Alfred, was to bring justice home to every man’s door, by constituting as many courts of judicature as there are manors and townships in the kingdom; wherein injuries were redressed in an easy and expeditious manner, by the suffrage of neighbors and friends. These little courts, however, communicated with others of a larger jurisdiction, and those with others of**

still greater power; ascending gradually from the lowest to the supreme courts, which were respectively constituted to correct the errors of the inferior ones, and to determine such causes as by reason of their weight and difficulty demanded a more solemn discussion. The course of justice flowing in large streams from the king as the fountain, to his superior courts of record, and being then subdivided into smaller channels, till the whole and every part of the kingdom were plentifully watered and refreshed. An institution that seems highly agreeable to natural reason, as well as of more enlightened policy; being equally similar to that which prevailed in Mexico and Peru before they were discovered by the Spaniards; and that which was established in the Jewish republic by Moses. . . .

In like manner we read of Moses, that finding the sole administration of justice too heavy for him, he "chose able men out of Israel, such as feared God, men of truth, hating covetousness; and made them heads over the people, rulers of thousands, rulers of hundreds, rulers of fifties, and rulers of tens : and they judged the people at all seasons ; and the hard causes they brought unto Moses, but every small matter they judged themselves." These inferior courts, at least the name and form of them, still continue in our legal constitution: but ... these petty tribunals have fallen into decay, and almost into oblivion ..."

Honest historical, legal, and political researchers, will surely recognize that the above very authoritative text has seemingly just shown how two seemingly entirely different bodies of "Law", spanning approximately 3100 years of human history (then), are both still recognizably "Linked-Together". As Mr Blackstone indicates, the history of our Anglo/American Constitutional System of Government, Reaches Back 3400 years (now) into a Christian/Israelite tradition, as set forth in a passage recorded in the Biblical/Torah book of Exodus 18: 14-26; which reads as follows:

"And when Moses' father in law saw all that he did to the people, he said, What is this thing that thou doest to the people? Why sittest thou thyself alone, and all the people stand by thee from morning unto even? And Moses said unto his father in law, Because the people come unto me to enquire of God: When they have a matter, they come unto me; and I judge between one and another, and I do make them know the statutes of God, and His Laws.

And Moses' father in law said unto him, The thing that thou doest is not good. Thou wilt surely wear away, both thou, and this people that is with thee: for this thing is too heavy for thee; thou art not able to perform it thyself alone. Harken now unto my voice, I will give thee counsel, and God shall be with thee: Be thou for the people to God-ward, that thou mayest bring the causes unto God: And thou shalt teach them ordinances and laws, and shalt shew them the way wherein they must walk, and the work that they must do.

Moreover thou shalt provide out of all the people able men, such as fear God, men of truth, hating covetousness; and place such over them, to be rulers of thousands, and rulers of hundreds, rulers of fifties, and rulers of tens: And let them judge the people at all seasons: and it shall be, that every great matter they shall bring unto thee, but every small matter they shall judge: so shall it be easier for thyself, and they shall bear the burden with thee. If thou shalt do this thing, and God command thee so, then thou shalt be able to endure, and all this people shall also go to their place in peace.

So Moses hearkened to the voice of his father in law, and did all that he had said. And Moses chose able men out of all Israel, and made them heads over the people, rulers of thousands, rulers of hundreds, rulers of fifties, and rulers of tens. And they judged the people at all seasons: the hard causes they brought unto Moses, but every small matter they judged themselves."

This verse shows that the Government of the ancient Israelite Nation was directed through its "Torah-Law" to adopt a permanently "De-Centralized" system governing. This "Torah/Law" commanded the Israelite people to "Responsibly Self-Govern" by way of permanently Sup-Dividing their Nation's Government's collective Judicial Power, all down through a Deep-Hierarchy, into basically very small

Ten-Household Unit Communities. For those seeking additional evidence; this general Torah/Biblical Commandment, with its deep-hierarchy of de-centralized responsible self-governing communities, is repeated in Deuteronomy, 1: 13-17.

As the student of history attempts to trace "the slender thread of political and legal thought" from ancient Israel into its more modern manifestations, some very suspicious coincidences appear. About 400 years after the death of Israel's Messiah/Christ Jesus/Yeshuah, and the soon there-after Roman destruction of Jerusalem, suspiciously, the same laws of Israel are being practiced in the northern European area which is modernly known as Germany. These people are practicing a system of de-centralized responsible self-government very similar to that practiced in ancient Israel. From the following citation and quotation, Israel is not specifically mentioned; but the parallels should be obvious to the modern reader of this document.

**From the Book: "Essays on Anglo-Saxon Law"<sup>51</sup>; Little, Brown, & Company; Boston, 1876. Chapter 1: "The Anglo-Saxon Courts of Law"; by Henry Adams.**

**"The long and patient labors of the German scholars seem to have now established beyond dispute the fundamental historical principle, that the entire Germanic family, in its earliest known stage of development, placed the administration of law, as it placed the political administration, in the hands of popular assemblies composed of the free, able-bodied members of the commonwealth. This great principle is, perhaps, from a political point of view, the most important which historical investigation has of late years established. It gives to the history of Germanic, and especially English, institutions a roundness and philosophic continuity, which add greatly to their interest, and even to their practical value. The student of history who now attempts to trace, through two thousand years of vicissitudes and dangers, the slender thread of political and legal thought, no longer loses it from sight in the confusion of feudalism, or the wild lawlessness of the Heptarchy, but follows it safely and firmly back until it leads him out on the wide plains of northern Germany, and attaches itself at last to the primitive popular assembly, parliament, law-court, and army in one; which embraced every free man, rich and poor, and in theory at least allowed equal rights to all. Beyond this point it seems unnecessary to go. The State and the Law may well have originated here. ... There is strong internal evidence in the Germanic laws to indicate that, whatever may have been the previous social condition of the race, its earliest political and legal creation was a form of association of small families, with or without actual theoretical relationship, but without a patriarchal chief; an association whose able-bodied male members, uniting, not a families, but as individuals equally entitled to voice, formed one counsel, which decided all questions of war and peace; elected all officers, civil or military, that circumstances required; provided for the security of property; arbitrated all disputes that were regularly brought before them; and left to the families themselves the exclusive control of all their private affairs, as belonging to the domain of family custom. So far as concerned the purposes for this association existed, the state was already supreme. Within its own sphere, the family was uncontrolled.**

**The popular assembly was the primitive law court of the Germanic race. ... For all ordinary purposes of historical reasoning, the present division of Europe has existed from indefinite ages. The Germans have occupied the center of Europe, so far as any thing is known to the contrary, as long as the Greeks and Romans have occupied their peninsulas. The Saxons, from whom the English sprung, have been from all historical time the inhabitants of the territory which their descendants still occupy. Their habitation have been fixed; their dwellings have been permanent; their boundaries have been established. At the time when German law and society were first brought within the view of history, the German popular assembly consisted, and to all appearances had always consisted, of the free inhabitants of a fixed geographical district. The army, indeed, when assembled for war, was a court of law, because it was the people that were assembled; and the people, wherever assembled, were the state. ...**

**... The German organization is important only because, and only so far as, it is not a tribal but a political organization; not a tribe, but a state. In this difficulty there seems to be no recourse**

better than that of adopting American usage. The idea to be conveyed is entirely expressed, both in its political and territorial meaning, by the American use of the word state, as in the term United States, signifying, as it does, not merely definite territorial boundaries, but confederated political organizations. ...

If any correct inference can be drawn from the facts known in regard to the earlier and ruder stages of German society, it would seem to be that the entire race was divided into almost innumerable variety of such petty states, varying greatly in size and customs, but each enjoying its own independence of action through its own popular assembly, and each considering itself at liberty to join or abandon a confederation with other states, as suited its ideas of its own interests. Even when conquered in war, and held in political subjection, each state would ordinarily preserve its own powers of self-government to a degree that would render a resumption of its independence easy, and, in time, almost inevitable. Yet it is obvious that if military conquest, under the influence of foreign example, ever took the shape of consolidation, so that two or more states were united in one, and their popular assemblies ceased to exist independently, and became merged into one great assembly of the entire nation, such a change might easily give birth to a military monarchy, a territorial aristocracy, a feudal anarchy, or almost any other form of transition. Such seems, indeed, to have been the case with the most powerful of all the German confederations, the Franks, when they first appear in history. The small states of which the Frankish kingdom was composed had not confederated together, but had been consolidated. Possibly it was this policy of centralization which gave them supremacy in Europe. But in return it hastened the decay of their democratic institutions, which could only be safe in states so small that the popular assembly could actually include the body of free men in healthy and active co-operation. From the moment the the small state became merged in a great nation, the personal activity of the mass of free men in politics became impossible, if for no other reason than for the mere difficulties of distance. Nevertheless, even in this case, the functions of a supreme court of law would remain vested in the great national assembly, until, with all other public rights, they fell ultimately into the hands of the king.

... The object seems merely to have been to group together in one district such hamlets, or village communities, as lay in convenient proximity to each other.

The name by which this district was known also varied greatly among different German states. Sometimes it was called gau, or scir, and was translated into Latin as pagus, or pagellus, or simply rego; sometimes hundrai, hundred, or condita. In later times, the word hundred has come into general use. But, although these and various other terms show that there was no uniformity in the names of Germanic institutions, they prove even more decisively that the thing itself existed almost, if not quite, universally; and that the district, whatever it may have been called, was the foundation of the German administrative system. For the present, it will be convenient to adopt none of these names, and to use merely the word district to indicate the ordinary subdivision of the state, subsequently known as the hundred.

... The Germans who emigrated from the Danish peninsula and settled upon the south-eastern coast of England during the later half of the fifth century belonged to the purest German stock. Among all German races, none have clung with sturdier independence or more tenacious conservatism to their ancient customs and liberties, than the great Saxon confederation, which stamped its character so often and deeply upon the history of northern Europe."

This citation, from the then popular and reputable "Little, Brown, and Company", of Boston, by Mr "Henry Adams"; shows clearly the de-centralized political-dynamic involved at the very historical roots of our Anglo/American "Common-Law" System of De-Centralized Constitutional Government. It shows in particular how our American concept of "States" is firmly based on this Anglo/Saxon/Germanic system of "Common-Law"; which "Common-Law States" in turn are shown to have passed from those people in Ancient Germany, to the English Ancestors of our American People. Please note, in Mr Adams text, here-in is declared, in Paraphrased Summary, that:

**"... The army, ... assembled for war, was a court of law, because it was the people that were assembled; and the people, ... assembled, were the state. ... The State and the Law may well have originated here ... (where) the slender thread of political and legal thought ... leads ... out on the wide plains of northern Germany ... (at or near) the latter half of the fifth century (in the ad-400's). The idea to be conveyed is entirely expressed ... by the American use of the word state ... signifying, ... confederated political organizations. ... the entire race was divided into almost innumerable variety of such petty states ... each considering itself at liberty to join or abandon a confederation with other states, as suited its ideas of its own interests ... consolidation ... might easily give birth to a military monarchy ... it will be convenient ... to use merely the word district to indicate the ordinary subdivision of the state, subsequently known as the hundred."**

Please note the Recurring Reference to the American concept of the "State", and to its "Ordinary Sub-Division" called the "Hundreds". Please note also that these Germanic common-law Assemblies were functioning in times surrounding the "later half of the fifth century", or in the later ad-400's. Please note also that the Hierarchy of Moses, as described previously in Exodus & Deuteronomy, included the similar "Ordinary Sub-Division" of the Israelite State, known as the "Hundreds". These "Hundreds" had then existed for about 1700 years. Moses time was in about 1300-bc, and this time was in about 450-ad.

The Exodus/Moses Hierarchy Similarly Describes Smaller Localized Communities of the nation/state "Administering Justice" for them-selves, in their own communities, courts, and popular-assemblies of the common people; all according to each of their own standards of conscience and fair-play. If anything, the later Germanic/Anglo/Saxon Communities are documented here-in as being even more De-Centralized, Independent, and "Responsibly Self-Governing", than were the more ancient Israelite People of the Biblical/Torah Text (whom are still believed by many people to be "Gods Chosen People"). Clearly; the Similarities between these two ancient cultures is very significant.

Please note also how this text documents that these Germanic/Anglo/Saxon Communities "clung with ... (sturdy) independence (and) ... tenacious conservatism to their ancient customs and liberties". This text indicates that, back in ad-450 or so, that these customs of these Germanic/Anglo/Saxon Communities were Then "Ancient"; and that the people practicing these "Customs", believed in them so strongly that they "Clung" to them with "Tenacious Conservatism" and "Sturdy Independence". The complete quote, even explains how, when conquered by a foreign power, these people usually continued on in practicing their "Ancient Customs and Liberties". These people clearly must have believed in these "Ancient Customs and Liberties" very Strongly and "Tenaciously".

Please now recall from Mr Adams above quoted text, that these Germanic/Anglo/Saxon Communities of People "settled upon the south-eastern coast of England during the later half of the fifth century". This is all "Well-Documented History". Numerous other sources besides this text document clearly that the Anglo-Saxon Races who eventually became the largest percentage of the Population of England, had Migrated From Germany during these earlier years. No serious scholar on this subject questions these well-established historical facts.

Further, and similarly; in the 1600's & 1700's, these Same People of Anglo-Saxon England Migrated to form the base-population of what has modernly become our "United States of America". Again; this history is such a common-knowledge "Historical Fact", that it's finer points will be presumed here-in to have been clearly established, and further argument in support of these "Historical Facts" will be deemed to be recognized by all parties concerned here-with.

At this point it is good go back and re-consider the previously-quoted and other-wise strange words from Mr Blackstone; which read, in Paraphrased Summary part, as follows:

**"The policy of our ancient constitution ... was to bring justice home to every man's door, by constituting as many courts of judicature as there are manors and townships in the kingdom; wherein injuries were redressed in an easy and expeditious manner, by the suffrage of neighbors and friends. These little courts, however, communicated with others of a larger jurisdiction, and those with others of still greater power; ascending gradually ... . The course of justice flowing in**

large streams ... then subdivided into smaller channels, till the whole and every part of the kingdom were plentifully watered and refreshed. ... seems highly agreeable to natural reason ... being equally similar to that which ... was established in the Jewish republic by Moses. ...

In like manner we read of Moses ... (who) "chose able men out of Israel, such as feared God, men of truth, hating covetousness; and made them heads over the people, rulers of thousands, rulers of hundreds, rulers of fifties, and rulers of tens : and they judged the people ... ." These inferior courts ... still continue in our legal constitution ... ."

Here is shown the reputable Mr Blackstone referring to the "Ancient Constitution" of England (which necessarily includes its traditional "Common-Law", all as has been well-documented to be the basis of our American Constitutional System of Law and Government, and which will be illustrated more fully here-in). Here, near 1750-ad or so; Mr Blackstone is making "Clear Linkages" between the Torah-Laws of Israel's Ancient "Jewish Republic", and England's "Ancient Constitution". Mr Blackstone is here again clearly Forging Linkages between England's Constitutional "Little Courts" where-in "Injuries were Redressed ... by ... neighbors and friends", and Israel's sub-divided smaller self-governing "Courts" of the "Hundreds".

The Obvious Similarities between these two systems of de-centralized responsible self-governing, where Mr Blackstone describes for England's Ancient Constitution, and Mr Adam's text explaining the much earlier system of de-centralized responsible self-governing which was practiced by the Anglo/Saxon peoples of Germany near the ad-450 time mark, is clearly too much to be a mere "Coincidence". Clearly; England's Ancient Constitution, as it existed in the ad-1750's or so, came, at least in very large part, from the Germanic Anglo/Saxon Peoples "Ancient Customs and Liberties", approximately 1300 years earlier, in ad-450 or so. This very important point will be shored-up by frequent references to it in future discussion presented in this document.

The fact that the Anglo/Saxon peoples of Germany migrated in the ad-450's or so to form the general population of later England, is not really any significantly new piece of data in the larger puzzle sought to be explored in this document. It is fairly easy to document these historical facts in common historical text-books. The data which is Significant, is the fact that those ancient Anglo/Saxon peoples were so very significantly Organized, in their De-Centralized and Responsible Self-Governing Smaller Communities of People; and the very Clear Linkages between their de-centralized system of Governing, and the 1300-year earlier system of Governing in ancient Israel. These ancient Germanic/Anglo/Saxon Peoples of approximately 450-ad, were Not the great-mass of un-washed, constantly-warring "Barbarians" which the modern mind has so very erroneously and suspiciously come to picture them as. Those ancient Germanic Anglo/Saxons practiced a form of de-centralized "Responsible Self-Governing" which is so profound that it is difficult for the modernly conditioned American mind to fully contemplate. Under such modern concepts as Sociological "Natural Law", and in terms of securing the related Peace and Happiness of the Common People; that Anglo/Saxon/Germanic System of de-centralized responsible self-governing may properly be considered to be head and shoulders "Superior" to its then only competing system of governing, which was that of the power-centralized and constantly land-hungry and warring slave-traders to their south, in the Roman Empire.<sup>52</sup>

And so, to look at the large picture again; these recently-quoted citations begin to fit well with the more modern American citations presented earlier; which, at first glance, may have seemed impossible to believe. However, and in this new light; these other-wise very controversial citations now may be examined more closely for any true merit contained there-in. For example; the previously quoted "Black's Law Dictionary" Definition of our American Constitutional concept of the "State"; which presented here now again, in part, reads as follows:

**"State: A people permanently occupying a fixed territory bound together by common-law habits and custom into one body politic, exercising, through the medium of an organized government, independent sovereignty and control over all persons and things within its boundaries,**

**capable of making war and peace and of entering into international relations with other communities of the globe. ... The organization of social life which exercises sovereign power on behalf of the people. ... In its largest sense, "state" is a body politic or a society of men. ...**

When this citation was first presented above; it may have seemed a large jump of logic to presume our American Constitutional Concept of the "State" was firmly "Linked" to our ancient Anglo/Saxon history of "Common-Law". But the immediately preceding text from the "Essays on Anglo/Saxon Law" book, by Mr Adams; clearly indicated that this "Linkage" is quite Justified by the very real History behind this entire study. And actually, if the student will contemplate the entire matter for a moment, there really is no other logical explanation. For example; Mr Blackstone indicated earlier, concerning the Laws and Courts of ancient Israel, that: this general system of Courts and accompanying Body of Law "Still Continues" under our generally recognized Anglo/American "Legal-Constitutional" System of Governing.

This De-Centralized System of People's Courts and Law, of which Mr Blackstone speaks, is modernly more well-defined and traditionally-recognizable as simply "Common-Law". The only way these ancient Laws of Israel and of the Germanic Anglo/Saxons could have survived into Blackstone's 1750's England, would have been through a Community of People who "tenaciously" and continuously practiced them, over these lengthy time-periods.

To summarize: Our entire modern Anglo/American "Common-Law" system of "County" and "Precinct" Government is firmly intertwined with and linked to: the smaller responsible self-governing communities which existed back 3400 years ago, in ancient Israel and in the times of Moses, as the "Hundreds". Many people will surely find this assertion to audacious to embrace into their personal belief system. Yet this is precisely what the very reputable Mr Blackstone has so stated. And in further support there-of; the text of the Biblical/Torah passages, referring to these communities organized by the "Hundreds", are quite clear for everyone to review. Further; even modern law dictionaries show very powerful evidence that this very same 3400 year old system of government is at the very root of our modern American County, Precinct, and Township system of "Common-Law Government". Here-under; it is good here to Search for additional "Linkages" (if they truly exist) between our modern Anglo/American system of Organic "Constitutional Law and Government", and this 3400 year-old text in Exodus and Deuteronomy which references these responsible self-governing communities of the "Hundreds". And so, it is good now to examine such fashionably respected modern authorities as follows:

**Blacks Law Dictionary; 5<sup>th</sup> Edition:**

**"Comitatus: In old English law, a county or shire, the body of a county. ... The county court, a court of great antiquity and of great dignity in early times. Also, the retinue or train of a prince or high governmental official. ... The personal following of professional warriors.**

**Constable: An officer ... (usually elected) whose duties are similar to those of the sheriff, though ... his jurisdiction is smaller. He is to preserve the public peace ... He was in general the leader of the royal armies, and had cognizance of all matters pertaining to war and arms, exercising both civil and military jurisdiction. He was also charged with the conservation of the peace of the nation.**

**Constituency. The inhabitants of an electoral district.**

**Constituent. He who gives authority to another to act for him. The term is used as correlative to "attorney", to denote one who constitutes another as his agent or invests the other with authority to act for him.**

**Constitute. Lat(-in). To appoint, constitute, establish, ordain, or undertake. Used primarily in ancient powers of attorney, and now supplanted by the English word "constitute".**

**County: The largest territorial division for local government in a State. Its powers and importance vary from state to state. In certain New England states, it exists mainly for judicial**

administration. ...

County courts: The powers and jurisdiction of such courts are governed by state constitutions or statutes ... some with ... criminal jurisdiction ... some with exclusive jurisdictions ... .

County officers: Those ... whose duties apply only to that county, and through whom the county performs its normal political functions. Public officers ... selected by the county to represent it continuously and as part of the regular and permanent administration of public power in carrying out certain acts with the performance of which it is charged on behalf of the public.

County palatine: A term bestowed upon certain counties in England, the lords of which in former times enjoyed especial privileges. They might pardon treasons, murders, and felonies. All writs and indictments ran in their names; as in other counties in the king's; and all offenses were said to be done against their peace ... these privileges have in modern times nearly disappeared. .

Decanatus: A deaconry. A company of ten persons. Also a town or tithing consisting originally of ten families of freeholders. Ten tithings compose a hundred.

Decanus: In Ecclesiastical and old European law, an officer having supervision over ten, a dean. A term applied not only to ecclesiastical, civil but to civil and military, officers. An officer among the Saxons who presided over a tithing, decannary, or association of ten inhabitants; otherwise called a "tithing man" or "borsholder", his duties being those of an inferior judicial officer. Decanus militarius; a military officer having command of ten soldiers. In Roman law, an officer having the command of a company ... of ten soldiers.

Hundred: Under the Saxon organization of England, each county or shire was composed of an indefinite number of hundreds, each hundred containing ten tithings, or groups of ten families of freeholders or frank-pledges. The hundred was governed by a high constable, and had its own court; but its most remarkable feature was the corporate responsibility of the whole for the crimes or defaults of the individual members. The introduction of this plan of organization into England is commonly ascribed to Alfred, but the idea, as well of the collective liability as of the division, was probably known to the ancient German peoples, as we find the same thing established in the Frankish kingdom under Clothshire, and in Denmark.

Hundred Court: In English law, a larger court-baron, being held for all the inhabitants of a particular hundred, instead of a manor. The free suitors were the judges, and the steward the registrar, as in the case of a court-baron. It was not a court of record, and resembles a court-baron in all respects except that in point of territory it was of greater jurisdiction. ... 3 Bl.Comm. 34, 35.

Precinct: A constable's or police district. A small geographical unit of government. An election district, created for convenient localization of polling places. A county or municipal subdivision for casting and counting votes in elections.

Sheriff: The chief executive and administrative officer of a county, being chosen by popular election. His principle duties are in aid of the criminal courts ... such as serving process, summoning juries, executing judgements, ... . He is also the chief conservator of the peace within his territorial jurisdiction.

Shire: A Saxon word which signified a division, it was made up of an indefinite number of hundreds, later called a county (Comitatus). In England, a County. So called because every county or shire is divided or parted by certain meets and bounds from another.

Shire-gemot: scire-gemote, scir-gemot . (From the Saxon Scir or Scyre , county, shire, and gemote, a court or assembly.) Variants of Scyregemote . See also Shire-mote, infra.

Shire-manor scyre-man. Before the Conquest, the Judge of the county, by whom trials for land, etc, were determined.

Shire-mote: The assize of the shire, or the assembly of the people, was so-called by the Saxons. It was nearly if not exactly , the same as scyregemote, and in most respects corresponded with what were after-words called county courts.

Shire-reeve: (spelled also Shire rieve, or Shire reve). In Saxon law, the reve or bailiff of the

shire. The viscount of the Anglo-Normans, and the sheriff of later times.

Tithing Man: A constable. ... In New England, a parish officer annually elected to preserve order in the church ... and to make complaint of any dis-orderly conduct. ... In Saxon law, the head or chief of a tithing or decennary of ten families; he was to decide all lesser causes between neighbors. In modern English Law, he is the same as an under-constable or peace-officer.

Tithing: One of the civil divisions of England, being a portion of the greater division called a "hundred". It was so called because ten freeholders with their families composed one. It is said that they were all knit together in one society, and bound ... for the peaceable behavior of each other. In each of these societies there was one chief or principle person, who, from his office, was called "teothing-man" now "tithing-man".

"Witenagemote: "The assembly of wise men." This was the great national council or parliament of the Saxons in England, comprising noblemen, high ecclesiastics, and other great thanes of the kingdom, advising and aiding the king in the general administration of government.

It was the grand council of the kingdom, and was held generally in the open air, by public notice or particular summons, in or near some city or populace town. These notices or summonses were issued by the king's select council, or the body met without notice, when the throne was vacant, to elect a new king. Subsequently to the Norman Conquest it was called "commune concilium regni, cura regis", and finally "parliament"; but it's character had become considerably changed. It was a court of last resort, more especially for determining disputes between the king and his thanes, and, ultimately, from all inferior tribunals. Great offenders, particularly those who were members of or might be summoned to the kings court, were tried. The casual loss of title-deeds was supplied and a very extensive equity jurisdiction exercised. 1 Bl.Comm. 147. It passed out of existence with the Norman Conquest, and the subsequent Parliament was a separate growth, and not a continuation of the Witenagemot."

Among other and broader purposes, these citations have been chosen in efforts to examine them for any possible "Linkages" between this Anglo/Saxon system of laws and governing, and the ancient Israelite system of governing under the Biblical Torah-Law. These citations have also been chosen to illustrate how, in older times, the entire Body of Law and the Organization of Anglo/Saxon Society in England was profoundly focused on the smaller responsibly self-governing communities known as the "Hundreds".

Here-under; it is good to note from these citations, that, the immediately smaller jurisdiction which collectively composed each such "Hundred" is also immediately jurisdictionally above the individual Households. This Smaller Anglo/Saxon common-law unit of localized Self-Government is and was known as the "Township". These "Townships" originally consisted of approximately "Ten Families" or Households. The above citations, from this reputable source, clearly illustrate these historical facts. In large part, just from these sources (other sources not presented here-in because of space & time constraints); the words "Town", "Ten", "Tenant", "Tenure", and "Tithing"; can all be seen to be "Related". The Economic Support for the entire ancient nation of England was Voluntarily Collected by the "Tithing-Man", or "Deacon"<sup>53</sup>; who was also the directly-elected Police-Officer; Peace-Officer, and/or "Constable" of that Township. In other words, their Tax-Collector and their Cop/Policeman, and he was a Directly "Elected" Member of Their Own Community of approximately 10-household-members.

This "Peace Officer" was also each Township's local-jurisdictional "Spiritual Leader". This "Spiritual Leader" was not a "pansy", like are most modern spiritual leaders. Rather; he was entirely capable of confronting death, as he lead the able-bodied men of his community into battle, even against opposing odds. This is how True "Spiritual-Leaders" function. They are ready to confront death on behalf of the people whom they heroically volunteer to defend. His Election by the Community Members gives him this "Natural Right" to claim "Royalty", and to demand "Tithing Donations", until it hurts. He has the Right and Duty to command the full position of the "Spiritual Leader" of their community. He is a "Mentor", or "Role -Model" for the Young Men, and he is the Repository of Safety and responsible

Trust for the Old Men. He Organized the Able Bodied Men of the Community to Defend the entire Community with "what-ever force is necessary". The communities who elected these men, from their own ranks, to defend their communities, were obligated to give these men this recognition, because those communities Constantly Depended on these men to Defend their Community from the out-side/out-law aggressors. That is why they are called by the related term "Constable", because they are "Constantly" there, Defending Their Community.

As the above citations also show; the common-law self-governing unit known as the "Precinct" consisted of approximately a "Hundred" Families or Households, which are composed of approximately Ten Townships each. Each such "Precinct" had and has the right to Elect their Own Judges, who have traditionally been called the "Justice of the Peace", or the "Precinct Capitan" ; and who exercised Judicial as well as Executive functions. Although documentation is thin, these chief officers of each of these jurisdictions were probably subjected to "Immediate Recall", from the Town Constables who lead each of the smaller Townships which composed the Precinct. Here-under; problems with conspiracy by Precinct Captains to abuse the governmental power with which they were entrusted must have been very rare. In fact this "Hundred Court" or "Precinct Court" was merely an Assembly of the Town Constables, who gathered there-in to collectively assist each other in "Administering Justice", maintaining the Peace; and discussing smaller collective township business as road maintenance. "Service to God", as they conceived him, was probably also a very significant activity there-in.

Calls for "Votes of Confidence" in the previously-elected Leader of their Hundred/Precinct Court/Assembly probably could be submitted before the Assembly at any time. Such calls could be resolved, and new leadership elected (if so collectively decided to be best), all in a very quick and efficient manners. Each leader of each immediately larger jurisdiction in this entire Common-Law Hierarchy was probably subject to such a "Vote of Confidence", at any time in which the leaders of the smaller jurisdictions which composed it decided that a hearting on that matter was justified. This is a part of the genius of this deep-hierarchy torah-law/common-law arrangement. Here-by, each of these governmental jurisdictions only has enough sub-divisions of it's own general body, so that each of the elected leaders of the smaller sub-divisions involved in any specific jurisdiction has full opportunity to exercise what amounts to a "Veto Power" over any specific leader, or his policies.

The "Hundreds" of "Hundred Courts" of this ancient torah-law/common-law system of governing, are specifically mentioned in early American colonial writings. By way of the "Social Compact" which the approximately ten-townships of each precinct had entered into; whenever the well-armed people of any individual township faced any kind of organized attack from any group of hostile criminals which they could not safely handle by themselves, the Terms of their Social-Compact obligated them to send "Hue and Cry" to their "Precinct Captain" or "Justice of the Peace"; and through him to the remaining "Town Constables"; so that all members of their Precinct could quickly and efficiently be mobilized to come to the armed defense of the Township which was being attacked.

And our better known common-law jurisdiction of the "Counties" consisted of approximately a Thousand Families or Households; and it was sub-divided into approximately Ten "Precincts", or "Hundred Courts". The chief officer of those Counties has gone by different names in the past, but American Constitutional-Law generally recognizes him as the "County Judge", or the "Count"; and the "County Sheriff" was little more than his courts "Sergent at Arms". When all of the armed men of the approximately Ten Precincts got together, they formed a small army, which is still known modernly as "Posse Comitatus", and which was quite capable of defending against very formidable foes.

The "Counties", "Precincts", and "Townships", in England and early America were originally Constitutionally Organized with Full Lawful Authority, Right, and Duty, to Form Their Own "Courts of Justice", and "Try" All Crimes which have been committed in Their Geographical Jurisdiction. Their only requirement is that they follow basic American Constitutional "Due Process of Law", which is also known as "the Rules of the Common-Law", as the "Seventh Amendment" so clearly and profoundly declares.

These historical insights all merge well with the last Black's Law Dictionary citation given above, defining the "Witenagemote". This word was used to describe the general "Congressional Assembly" of these times. This "Witenagemote" was organized as a very efficient "Unicameral" Congressional Assembly, so that it could quickly and efficiently come to make the decisions necessary for responsibly filling their Duty to address the real organic/constitutional needs of the people of their nation.<sup>54</sup> This Anglo/Saxon "Witenagemote" Congressional-Assembly was able to operate in this more quick and efficient manner, because the people it governed possessed functional tools for holding their delegates to some form of effective accountability. From the above description, and other testimony; this ancient Unicameral Assembly also exercised the "Judicial Power", and it probably also exercised effective control over the "Executive Power" of the Monarch, as well. This is all very similar to how affairs were conducted in the "General Congress Assembled", as mentioned in the first United States Supreme Governing Document, entitled simply and properly as the "Articles of Confederation". That fine governing document ran for approximately thirteen years, prior to the 1789 alleged adoption of the written so-called "US Constitution" document.

When the two systems are compared, side-by-side, in non pre-judged manners; the non-prejudicial student of the subject will clearly recognize the vast Superiority of the earlier Anglo/Saxon and Israelite Models for organizing National Congressional Assemblies, for achieving true Peace among the individual members of the community, and Harmony with broader Sociological "Natural-Law". As will be explored further here-in; the Modern Anglo/American Congressional Assemblies at such significant Divergence from the our mutually-shared "Fundamental Principles of Constitutional-Law and Government" that they may properly be labeled as being "Constitutionally-Lawless". When viewed in contrast with the more Sociological "Natural-Law" way of Anglo/Saxon/Israelite Governing, the current mode of organizing our various Congressional Assemblies, is so very dysfunctional, that it seems to embrace criminality.

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This precise "Jury Trail" Process has been in use, off and on, for probably more than 2,000 years. Related common-law process can be traced back 3,400 years; as shown earlier here-in. This ancient "Jury-Trial" Process has resulted in a History of Natural-Law based Decisions which are still modernly known as "Maxims of Law", and as the "Rules of the Common-Law". Harmony with this Sociological "Natural-Law" is consistently the logical result of these Jury Trails, because: it is very difficult to get twelve people to agree on anything; and once that impressive task has been achieved, presumption can then be justifiably made by everyone concerned with the issue, that harmony has there-by been achieved with Higher Sociological "Natural-Law". Here-after; the case-law precedents based on these Unanimous community-based Jury decisions, can properly be defined as "Law".

This is the true ancient source of "Common-Law"; and, at the larger jurisdictional levels, these twelve-person Juries can be assembled from the delegates sent to meet in the General "Congressional Assembly" to follow "Due Process of Law", as any current situation facing that assembly might require. This is probably how the Twelve Tribes of Ancient Israel were governed, as indicated in the Biblical Book of "Numbers", chapter 1. And because Jesus/Yeshuah respected that pre-existing "Torah-Law", it is probably how the Twelve Disciples of Jesus governed the early Christian Church. It is probably how, prior to the evil "Norman Conquest" of 1066 ad, the rulers of England governed their national affairs. King Arthur's legendary "Round Table" was probably configured precisely to achieve this "Unanimous Verdict", from twelve separate self-governing jurisdictions. Please see the references to the Anglo/Saxon's "Witenagemote", as quoted here-in from "Black's Law Dictionary", and other sources.

Open-minded research into all of these historical government-related areas, shows much evidence for presuming that it was through the use of these Twelve-Member Consensus-Based Juries that these ancient communities were governed. Probably the single best evidence of this fact, which has survived the hostile history falsification from the book-burning jurisdiction of the Romanist slave-traders, is the

well-known fact that Jesus/Yeshuah of the Bible set-up the early Christian Church in efforts to Govern the Nation of Israel through a Twelve Member Governing Body. Further; in the Torah-Law of the Old-Testament, in the Book of "Numbers", in the first chapter, is clear indication that "Twelve Princes" from the Twelve Tribes of Israel" had significant say in the governmental policies of that Israelite Nation. It is this author's opinion that it is clear that Christ/Messiah Jesus/Yeshuah was clearly attempting to remain Faithful to the older "Torah-Law" when he set up his Kingdom for the Governing of Israel. This author further believes, that, this is the precise Reason Why the Roman Slave-Traders and their Judas-goat quislings, the Pharisees, conspired to murder him. This is true, because, if the People learn how to "Responsibly Self-Govern", then the People will Organize Their Own Armed Defense, and they will Throw-Off the Chains of Tyranny. That, in turn, will cause the Slave-Traders to have to go out and find honest work, because they will soon run out of people to en-slave.

These Biblical texts seem to have miraculously survived the ages-old purposeful destruction agenda of the Romanist slave-traders conspiracy. But it seems that the true records of how the Anglo/Saxon's "Witenagemote" was governed, possibly by a Twelve Member Jury, have been effectively purged from the historical record by the invading slave-trading Romanistic armies of "William the Conqueror" in the "Norman Conquest" of 1066-ad. This author likes to theorize that "King Author's Round Table" may have been configured around a similar Twelve Member Governing Body as that which also seems to have been used at different times in ancient Israel. I believe this is why the legends of "Camelot" invoke such visions of grandeur. However; because of the massive book-burnings at the Point of the Romanist/Normanist Swords, the true reality on that point History may never be known.

### **"Common-Law" History and Definitions;**

**Historically True "Common-Law" is merely well-settled Modes of Procedure for defining how to conscientiously apply Fundamental Principles of Natural-Law in individual communities. There-in; individual "Common-Law Jurors" are Obligated to Seek Consensus with other Jurors of their community, concerning how best to apply the Conscience and Reasoning Capabilities of Their Community, in response to Complaints concerning people with-in their community.**

Frequently; after people finally acknowledge the Superiority of Localized Community-Based "Natural Law" and Responsible Self-Governing Process, as being superior over the various Romanistic "Malum-Prohibitum" based forms of Provisional Governmental Social-Engineering Schemes; there still remains the objection that these Communities will still Need Some Person or Group of People to "Declare" What Is "Natural-Law" for that community.

Since ancient times, the singular mode of procedure which makes any sort of reasonable claim to be able to accomplish this task has been through the smaller and more local communities choosing their own "Common-Law Juries". These twelve "Common-Law Jurors" were lawfully required to be Selected Form the People who were generally recognized in their local communities to be of "Good Reputation", and they also had to pledge up-on their honor to Deliberate in Good-Faith, until they achieved a "Unanimous Verdict", with regard to the controversy before them.

Harmony with Sociological "Natural-Law" can Only be Achieved, consistently, through such a Consensus-based and "Unanimous" Decision-Making Process as this. "Majority Rule" decision-making, as is modernly so fashionable practiced, is the tool of oppressors and tyrants. There is No Justifiable Reason to not seek these Consensus-based Decisions, as are readily available, if one has come to a full comprehension of the profound sociological advantages to be had from following basic traditional "Common-Law Jury-Trial" Process.

When it is fully comprehended how this Consensus-based "Jury Trail" process was actually functioning in these ancient grass-roots, de-centralized, and communities; it will become obvious that the Leaders; who were to serve in the Larger Jurisdictions Over these Smaller Communities, were also chosen through a "Consensus" -based process. In pre-1066-ad Norman-Conquest England, and Under the

"Articles of Confederation" in early America, very large portions of this "Consensus" -based Decision-Making and Leadership Selection Process, was in place; especially at the smaller and more localized levels of governing.

Here-under; when "Unanimous Verdicts" were rendered concerning what Social Policies should be Enforced as "Law" in their communities; the Roots of these Twelve Jurors, as People of "Good Reputation" in their communities, furnished significant tangible "Evidence" that the local people in those communities considered the "Unanimous Verdict" which was rendered through those Juror's Judgement to be based firmly on a form of Conscionable, Reasonable, and Socially-Organic "Natural Law". Even today, the Jurors Role is to Function as the "Conscience of the Community". "Conscience" and "Consensus" are clearly "Related Terms".

This all left very little social-engineering for the officers of central government to be burdened with. These local Common-Law Communities were basically very self-sufficient and happy with-out any such micro-managing; and because the people back then were sufficiently in touch with their true natural-organic needs, that this was universally recognized by every-one to be in the best interests of the entire nation. These ideas are discussed more later in this document.

But the main point here is that it is Only through Obtaining such effective Evidence of the "Consent" of the Local "Constituents", as has traditionally been done through following this ancient Anglo/American Common-Law "Trial by Jury" process; can the truly "Organic Needs" of any natural living-breathing Organic "Body-Politic" of People be meaningfully and functionally addressed. In more Organic terms; in order for any body of social behavior guidelines to be "Constitutional", these guidelines must enable the Collective Spirit of the Common "Constituent" People to "Come Together" in a "General Congressional Assembly", so that they may Collectively Address their own larger collective organic "Body-Politic's" Natural/Organic Needs.

Here-under; People from Out-Side of any particular Community, benevolent or other-wise, are Not capable of "Providing" this truly defined "Constitutional Law" for the People whom they might claim authority to govern. True "Constitutional Law" is established Only through the solemn and un-rushed deliberations of "The People" them-selves, in their own smaller and responsibly self-governing communities; or through similar general-assemblages of their honorably elected and faithfully accountable "Representatives". This True Organic and Fundamental form of "Constitutional-Law" is Universally Applicable to every nation on earth, including our own USA.

### **The Norman Conquest of 1066-ad:**

Please note from the above definition of "Witenagemot", that this governing body was simply a "Grand Council of the Kingdom", that sometimes "the body Met Without Notice", and that it was with-in their power to "Elect a New King". Note that "subsequently to the Norman Conquest it was called ... finally 'parliament'; but it's character had become considerably changed, (and) that a Very Extensive Equity Jurisdiction (was) exercised. ... It passed out of existence with the Norman Conquest, and the subsequent Parliament was a separate growth, and not a continuation of the Witenagemot".

These words show clearly how the largely De-Centralized "Common-Law Government" which was originally working in England, in its more ancient and optimal Anglo/Saxon/Israelite modes, was Significantly Altered during this 1066-ad "Norman Conquest" event. Some further citations which provide much-needed breadth to the larger picture of this Critically-Important Turning-Point in our Anglo/American Organic-Constitutional History, read as follows:

**"Before the Norman conquest of England in 1066, the people were the fountainhead of Justice. The Anglo-Saxon courts of those days were composed of large numbers of freemen, and the law which they administered, was that which had been handed down by oral tradition from generation to generation. In competition with these popular, non-professional courts, the Norman King, who insisted that he was the fountainhead of justice, set up his own tribunals. The judges who presided over these royal courts were the agents or representatives of the king, not of the people; but they were professional lawyers \* \* \* and the courts over which they presided \* \* \***

gradually all but displaced the popular, non-professional courts."

"The Anglo-Saxon tribunals had been open to all; every freeman could appeal to them for justice. But there was no corresponding right to sue in the king's courts. That was a privilege which had to be purchased by any suitor who wished to avail himself of \* \* \* royal justice. These privileges were issued to suitors by the king's secretary or chancellor, and the document which evidenced the privilege was called an original writ.

"Common Law Pleading"; by George L. Clark; Lawyers Co-Op, 1947.

"Anglo-Saxon Law: The texts of the Anglo-Saxons were much copied and used even after the Norman Conquest, and as late as the 12<sup>th</sup> century, the law generally in force was still essentially Anglo-Saxon, ... The pre-Conquest kings, like all Christian Rulers, admitted a general responsibility for law and order, but did not claim more than a vague supervision. They avoided the direct administration of the law in all but the most exceptional cases, leaving local institutions to apply traditional rules and procedures which evidently varied from place to place."

Norman Law. The Norman Kings took a much more active view of their duties and interfered freely in the administration of Justice. First they had to tame the sheriff, who dominated the county (shire) court, so as to prevent him becoming an over-powerful magnate - and this without at the same time crippling an essential local institution. By Issuing writs authorizing the sheriff to do justice in the county court in the king's name, the king finally subjected the country to strict control. To subdue the local courts, strongholds as they were of the old Anglo-Saxon law, was only half the battle, for a central court was essential if that control was to be effective. Here the Normans broke with the old traditions, and invited the public to litigate in the king's court. ... By these means Henry II erected the most centralized judicial system of all of Europe.

... Through this closely knit system of central and local courts, the crown thus became the fountain of justice, dispensing a law which was "common" to all the land. The common law is therefore (became perverted, as) the expression of royal centralization at the expense of local institutions, and its origin in the principles and practices developed by the king's courts, particularly the court of Common Pleas. ... Already in the 12<sup>th</sup> century it was becoming an acknowledged principle that none need answer claims against him ... unless made by a royal writ. Thus the crown secured a monopoly of the most important sort of civil litigation."

Encyclopedia Americana, International Edition, 1963; Common Law/ Historical Survey/

All of these citations, taken together, collectively Prove the existence of a widely practiced and "Natural-Law" based System of Social Government which originated at least as far back in time as 3400 years ago, in the times of Moses, under the Biblical and Torah based Laws of the true Nation of Israel. This 3400 year old body of Natural-Law and Torah-Law based Governing was basically a true and honestly workable system of De-Centralized and Localized "Responsible Self-Governing"; and somehow, it had Survived the hostile influence of the powerful Roman Empire, and Survived as a workable system of Governing in-to ancient England, at least up until the so-called "Norman Conquest" of 1066-ad. Further, the Survival of the practice of these Torah-Laws of Israel in ancient England seems to be owed to "Christian Rulers".

It is of critical importance to note that, in terms of "the History of Human Freedom", this entire 1066-ad "Norman Conquest" event was an immensely Tragic Event; because, that 1066-ad event Marked the End of the comparatively Pure Practice of these Torah-based Natural-Law in human society on this planet. Yet curiously; the existence of this Natural-Law based Governing Model, its Israelite Torah-Law History, and its Purposeful Destruction at the time of this 1066-ad event, all seems to be Purposefully Obscured from our modern knowledge of History.<sup>55</sup> Those scholars who are aware of this history, and who are honest about it, will not contest the accuracy of the general proposition set forth here-in, that Profound Fundamental Change Against De-Centralized, Popularly-Supported, and "Participatory" Government, was Instituted in England during this so-called "Norman Conquest" of 1066-ad.

To be clear, the pre-existing Anglo-Saxon methods of responsibly “Self-Governing” were less than perfect, as they themselves were invaders from the Germanic nations, hundreds of years earlier, around 450-ad or so. But they shared the same basic and general methodology of de-centralized self-governing as were used by the Celts, Brits, and other cultures then in the area. As a direct result, when their localized invasions were completed; the communities of people who were over-taken, were not nearly so disastrously oppressed, as what occurred under the totally different, foreign and sociologically un-organic, top-down, authoritarian, control-oriented Romanistic system, which was imposed over all of those communities at the time of that 1066-ad "Norman Conquest" event.

Here-under, the Anglo-Saxon culture of Britain had effectively preserved the basic older and truer forms of sociologically-organic "Natural-Law" and "Torah-Law", as it had survived under the kindred cultures of the Brits, Celts, and other clan/tribe nation/state communities. The vast majority of the history of this ancient de-centralized Natural-Law mode of Governing are a true delight to read.

As the above citations show, the Disastrous 1066-ad "Norman Conquest" event instituted a system of slavery over the American Founders Anglo/Saxon Ancestors. Literally, the very Fabric of Anglo/Saxon Society was Ripped Apart during that event. These realities are shown by the following citation:

**"The Shetar's Effect on English Law ... The Georgetown Law Journal; Judith A. Shapiro.<sup>56</sup> English Law, like the English language, is an amalgam of diverse cultural influences. The legal system may fairly be seen as a composite of discrete elements from disparate sources. After the conquest of 1066, the Normans imposed on the English an efficiently organized social system that crowded out many Anglo-Saxon traditions. The Jews, whom the Normans brought to England, in their turn contributed to the changing English society. The Jews brought a refined system of commercial law: their own form of commerce and a system of rules to facilitate and govern it. These rules made their way into the developing structure of English Law.**

Several elements of historical Jewish legal practice have been integrated into the English legal system. Notable among these is the written credit agreement – shetar, or starr, as it appears in English documents. The basis of the shetar, or “Jewish Gage,” was a lien on all property (including realty) that has been traced as a source of the modern mortgage. **Under Jewish law, the shetar permitted a creditor to proceed against all the goods and land of the defaulting debtor. Both “movable and immovable” property were subject to distraint.**

In contrast, the **obligation of knight service under Anglo-Saxon law barred a land transfer that would have imposed a new tenant (and therefore a different knight owing service) upon the lord. The dominance of personal feudal loyalties equally forbade the attachment of land in satisfaction of debt; only the debtor's chattels could be seized. These rules kept feudal obligations intact, assuring that the lord would continue to be served by his own knights. When incorporated into English practice, the notion from Jewish law that debts could be recovered against a loan secured by “all property, movable and immovable” was a weapon of socio-economic change that tore the fabric of feudal society and established the power of liquid wealth in place of land holding.**

**Creditors had the statutory right to execute against the debtor's land.** No longer were personal obligations and rights in land rigidly separate. Even while Edward was divesting himself of his Jewish moneylenders, he made their legacy permanent. A small but significant principle of Jewish Law, wherein personal debt superseded rights in real property had become the law of the land.

Footnotes:

9 ... **“The feudal system originated in the relations of a military chieftain and his followers, or king and nobles, or lord and vassals, and especially their relations as determined by the bond established by a grant of land from the former to the latter. From this it grew into a complete and intricate complex of rules for the tenure and transmission of real estate, and of correlated duties and services ...”**

11: ... **Jews liquidation of land obligations broke down rigidity of feudal land tenure and**

**facilitated transfer of land to new capitalist class.**

**15: ... alien to English law for creditor not in possession of land to have rights in it."**

Please note that the "Shetar" referred to here is related to the old "Star Chamber" Courts, which existed in England; and which were eventually abolished because they were so oppressive of the common people. This is all shown through the following "Black's Law Dictionary" definitions:

**"Starr or starra. The old term for contract or obligation among the Jews, being a corruption from the Hebrew word "shetar", a covenant, by an ordinance of Richard I, no starr was allowed to be valid, unless deposited in one of certain repositories established by law, the most considerable of which was in the king's exchequer at Westminster; and Blackstone conjectures that the room in which the chests were kept was thence called the "Star-Chamber"."**

**"Star Chamber: A court which originally had jurisdiction in cases where the ordinary course of justice was so much obstructed ... that no inferior court would find its process obeyed. ... In the reign of Henry the 8<sup>th</sup>, & his successors, the jurisdiction of the court was illegally extended to such a degree (especially in punishing the kings arbitrary proclamations) that it became odious to the nation, and was abolished."**

So, to summarize: Ms Shapiro's main article, from the reputable "Georgetown Law Journal", clearly declares that this Norman Conquest "Tore the Fabric" of the previously existing Anglo/Saxon and related cultures then residing in England; and that this all resulted in "English Law" becoming "an amalgam of diverse cultural influences" which "may fairly be seen as a composite of discrete (distinct) elements from disparate sources". Here-under; a "New Capitalist Class" was established as the ruling elite aristocracy in England; and this "New Capitalist Class" used the infamous "Star Chamber" Courts to enforce its authoritarian rule over the common people of England.

Because in her article here, Ms Shapiro finds it Necessary to focus (in very large part) on the influence of the group of people whom she identifies simply as "The Jews"; here-under, this author would like to point out that I do believe that these people who are commonly identified as "Jews", were and are really Not True Semitic/Israelite "Jews". First; when the issue of proper definition of this important word is pressed, it will usually be admitted that, in its modernly usage at least; the word "Jew" has come to refer Not to a Race or genetic-lineage of people, but to a "Religion". This "Jewish Religion", is most modernly construed as "Rabbinical-Judaism".<sup>57</sup> Scholarly texts by modern authors who are supportive of this Religion, admit that modern "Rabbinical Judaism" finds its true roots, 2000 years ago, in the Religion of the "Pharisees". That ancient "Pharisee Religion" opposed teachings of Jesus/Yeshuah, who was dividing the Israelite People away from that Rabbinical-Jew/Pharisee Religion. The religious/legacy ancestors of this modern Religion of "Rabbinical Judaism" is certainly what Ms Shapiro was referring to in her article above. Ms Shapiro was talking about a "community of people" who practiced certain so-called "Jewish Laws". Observance of those so-called "Jewish Laws" is Not a Racial Indicator, but a Belief-System Indicator, probably entirely (and at least similarly) "Religious" in its essential nature.

Here-under; this author would like to point out that the Torah-Laws of the True "Jews" of Israel are concerned with sharing the benevolence and fairness of a loving, nurturing, and true God; and that participating in any manner with efforts which "Tore the Fabric" of a conquered nation, is Not what the True Followers of the God of Israel, YHWH, would do. In fact the Anglo/Saxons were practicing the true Torah-Law of Israel (as already shown here-in), and these people who came in with the Norman Conqueror were Actively Destroying this popular practice and observance of the True Torah-Laws of Israel, as those Torah-Laws were already being practiced in England's Anglo/Saxon society.

This entire very convoluted dynamic is well illustrated by the Christian Bible, which seeks to Separate "True Jews" (whom it supports), from the "False Jews", whom it condemns. This admonition is expressed in the Biblical book of "Revelation" at chapters 2: 9 and 3: 9. These verses similarly read to warn against those people who "say they are Jews, and are not, but do lie".

And although these extremely explosive "Religious Views" will be largely avoided in this document, as declared by this author in my opening paragraphs; I will point out that: There have already been shown in this document, very solid "Linkages" between the what our modern Anglo/American Constitutional Jurisprudence considers to be Sociological "Natural-Law", and the Liberty-Preserving "Torah-Laws" of Ancient Israel. Further, and as also shown here-in; the Anglo/Saxon system of "Common-Law Government" Preserved those very Same Natural-Law based Israelite "Torah-Laws". Once that Historical "Linkage" is Firmly Established in the students mind; then clarity may be gained in mentally picturing an obscured historical reality in which: "these people 'Who Say they are Jews', are Actively Participating in the Destruction of an Entire Culture of People who are Obedient to the Torah-Laws of the True Jews of the Nation of Israel". At that point, it becomes more proper, to consider the Anglo/Saxons, who are actually Practicing the Torah-Laws of ancient Israel, to be the True Israelite "Jews"; and to consider that portion of the Conquering Invaders "Who Say they are Jews" to actually be "Not" True Jews, "but who Lie" about the entire matter, just as Revelation 2:9 and 3:9 so identify them.

In attempts to be completely balanced; it was not only the Religious Community of the people who "Say they are Jews", who are involved in supporting that evils of the "Norman Conquest" of England, in 1066-ad. This author has at least two reputable citations which clearly declare that the Pope of the Roman Catholic Church was Actively Engaged in the Support of that 1066-ad "Norman Conquest" event. One brief citation in support of this point, reads as follows:

**Encyclopedia Britannica, Vol # 23, p.609; William 1: ... Conquest of England ... :**

**"William had some difficulty in securing the help of his barons for his proposed invasion of England; it was necessary to convince them individually by threats and persuasions. Otherwise conditions were favorable. William secured the benevolent neutrality of the emperor Henry IV., and the expedition had the solemn approval of Pope Alexander II.**

There are other citations available, but they are inconvenient to reproduce here and now. Those other citations have proven to this author that this Pope not only sent money and soldiers to support that "Norman Conquest" event, he also gave the invasion his Public Blessing. The Roman Church previously had little or no influence in England, prior to that "Norman Conquest" event. Not unexpectedly; immediately after that ""Conquest", the footings of the Roman Catholic Church became firmly Established and wide-spread in England.

The main point to note here is that, this historical data shows clearly that: The people who "Say they are Jews" and the Leadership of the Roman Catholic Church were 'Actively Working Together' to Destroy (Tear the Fabric) of the Final Remnants of a Nation/State/Culture which was Actively Practicing Obedience to Godly Israelite Torah-Laws.

This author presently considers that this is as far as is necessary and prudent to explore these obviously very significant "Religious Issues", as they relate to the main subject of this document.<sup>58</sup>

Regardless of the approximately 711-year-history, since that "Norman Conquest", of Hostile Forces Attempting to Obliterate every remnant of this Freedom-Oriented, De-Centralized, Grass-Roots, Mode of Responsible Self-Governing; it has still all some-how survived in-to our modern American Constitutional System of Government. This very "Common-Law" Mode of Governing is solidly brought with-in the spheres of modern American "Constitutional-Law", by way of numerous citations such as one from: The Oregon Blue Book, 1997; as published by Oregon's Secretary of State; and under its section on "County Government", wherein is stated the following:

**"... the American county, defined by Webster as "the largest territorial division for local government within a state ...," is based on the Anglo-Saxon county of England dating back to about the time of the Norman Conquest. Counties were brought to America by the colonists and were later established in the central and western parts of this country by the pioneers as they moved westward."**

The main point from this citation, that, under our American Constitutional System of Government "the American county ... is based on the Anglo-Saxon county of England dating back to about the time of the Norman Conquest" can be supported through numerous other reputable sources (not presented here-in, because of time constraints). When considered together with the other citations already presented here-in, especially from "Black's Law Dictionary"; these citations also show that this very ancient De-Centralized Anglo/Saxon System of Localized and Popularly-Based "Common-Law" Self-Governing, still Survives today under our modern Anglo/American Constitutional concepts of "Counties", "Precincts", and "Townships"<sup>59</sup>. Here-under; this "Common-Law" System of Governing has been incorporated (in large part) into the larger body of our Modern American "Constitutional-Law". To argue otherwise, is to argue that "Counties" are not a part of our modern nation's over-all system of general "Constitutional-Law and Government". It is unlikely that any modern reputable American constitutional-law scholar will attempt to argue against that proposition.

It is particularly worthy to note here-under, that; the American-Revolution effectively Removed All Remnants of the Oppression of that "Norman Conquest" which had been implemented over our American Nations English Ancestors. The 1776 American-Revolution had been emphatically sought by freedom-loving Englishmen, Scotsmen, Irishmen, and the like; ever since that fateful date in 1066-ad, or for approximately 710 years. The American-Revolution was at least a 710 year-old dream come true for our Nations Founders. Some people, including this author, consider it to be almost a 2000 year-old "Dream Come True", since the Roman slave-traders Leveled the Temple and Destroyed Jerusalem and its Torah-Law/Common-Law system of governing, in ad-70. This is why the Pilgrims called America "New Jerusalem", and it is why Andrew Jackson and numerous other prominent Americans believed in our nations "Manifest Destiny".

But no matter how the student calculates the time in which this "Dream" of "Free Government" has been desperately held by America's Ancestors; the clear historical fact is that, in 1776, with the "American Revolution", this ancient "Dream" Finally "Came True". This is a Critically Important Point which Needs to be Inscribed in "Living-Light" in prominent places through-out our once grand American nation.

## **Justification for the American Revolution:**

### **Reviewing the Natural-Law based Grounds for the American Revolution.**

During the months and years immediately prior to our American Revolution, prior to July 1776; the Government of Britain was "DeFacto", ie: it was not ruling in accord with the Fundamental, Organic, "Constitutional Law" of the Common-People of England. As previously here-in shown Anglo/American Organic "Constitutional-Law" so clearly recognizes; tendencies to usurp and lawlessly exercise Power is a very common affliction, which can only be Kept in Check by the Frequent use of "Accountability-Checks" from the Common People. In order for abusive Usurpations of Power to Survive, they must be kept in place through symbiotic relationships with other groups of people who have assembled un-naturally massive amounts of Wealth. These massive consolidations of wealth can only be completed through Debt-Collection Practices which Administer the "Force of the State" in Coercive and Non-Voluntary Violation of the Fundamental, Organic, and Constitutional "Common-Law" of England.

Although the previously-existing "Stuart Monarchy" had previously also acted in lawless and usurping manners, and lawful grounds did exist to oust and replace them with better national leadership; the Stuarts had "Held The Line" against the Money-Changer/Banker Power; which, after the ouster of the Stuarts, immediately began exercising free reign to lawlessly and coercively Enforce Debt-Collections in England. As the direct result of the ousting of the Stuart monarchy, and shortly there-after, in the late 1600's; the "Bank of England" was established. There-after, and on to this day; almost every policy of England's Parliament, their Courts, and of the Monarchy of England, have been Subservient to that "Money Power".

During the months and years prior to our American Revolution; the money people behind the

Corporate-Veil of the "Bank of England" were effectively "In Control" of the Parliament, Courts, and the Monarchy of England. There-under; these governmental office-holders had become extremely Disconnected from any grass-roots, bottom-up, democratic, public/republic, Accountability-Mechanisms, as possibly emanating from England's Common People.<sup>60</sup> This is precisely "Why" that English Government Responded in such Abusive and Lawless Fashion, to our forefathers petitions that they respect our people's natural rights and liberties.

The Representatives in the English Parliament were mostly puppet/drones, who mindlessly rubber-stamped what they believed to be the wishes of the Monarch. Just like their Monarch; those Parliament Members were Not "Representative" of the collective consciousness of the Common People of England. The Parliament Members had been selected by artificial means, in top-down/authoritarian fashion, directly or in-directly, by the behind-the-scenes "Money-Power", to give the Colored Appearance of a truly constitutional and representative bottom-up, grass-roots, democratic, republican selection process. And they had similar or worse problems afflicting their higher Courts.

As already shown here-in; with-in the parameters of the un-written, organic, common-law based English "Constitution", the People who Hold the Offices of the True Organic/Constitutional Parliament and Monarchy of England, were and are "Lawfully Required" to be a Bottom-Up, Grass-Roots Assembly of the Representatives of the True Will of their Constitutional "Constituents", the Common People of England. This is the Only Lawful Mandate for any office-holders, any-where, to exercise Any Governmental Power. Un-Written Organic Constitutional-Law Requires Precisely This from All English Constitutional Public-Office Holders, and that Includes the Members of the Parliament, the Courts, and the Monarch. This is "The Law"; in its pre-existing, un-adulterated, Anglo/American, natural/organic and true "Constitutional" form.

The history is clear that our American Founding Fathers had written numerous Reasonable Letters and Petitions respectfully voicing Grievances over concerns for our Natural Rights and Liberties to the Parliament and to the Monarch of England. Each time these letters, petitions, and grievances were Rudely and Arrogantly Rebuked. The true Constitutionally-Lawful Representatives of the Common-People of England, who organically compose that nation, would not have Responded so Rudely and Arrogantly. Those Common People would have Recognized the "Justification" for our American Fore-Fathers Petitions, if given the informed opportunity. Responding with such Rude Arrogance was Not in the Best Interests of the Common English People, as later history has clearly proven.

The English People's True Organic/Constitutional Representatives, in the Parliament, the Monarchy, and the Courts; were "Lawfully Required" to Responded in the Same Manner as reflected that "Best Reasonable Response" of the Common People of England. Again; the Un-Written Organic Constitutional-Law Requires Precisely This. Yet the British Legislators then in power were exercising the authority of their offices in an arrogant disregard of that "Law".<sup>61</sup> This fact that the Monarch and the members of Parliament Failed to Honorably Respond to our Fore-Fathers Grievances, by reflecting the True Informed Will of the Common English People; means clearly that, Those Officer Holders were "Lawless", aka; "DeFacto" Holders of those High-Offices.

Because the people then holding the offices of the government of England were Exercising the Power of those Offices Un-Lawfully, with-out any Responsible Concern for the Will of their Constituents; they were immediately law fully recognizable as being "Un-Lawful Occupants" of those Offices, ie, they were members of an "Out-Law" and/or "DeFacto" Government of England.

Because there is No Lawful Obligation for "Obedience" to any Lawless/DeFacto Government, especially when that governmental entity has "Defaulted" by "Failing to Respond" to "Complaints" of "Criminal Abuses of its Powers"; here-under; our "United States of America" Founding-Forefathers were entirely "Justified" in our Taking Up Arms and Throwing-Off the Tyranny of that Oppressive DeFacto-Government, then existing in England.<sup>62</sup>

# **Modern Applications of “Government by Unanimous Consent”:**

Exploring Modern Logical Applications of Fundamental Constitutional Principles; including “Government by Unanimous Consent”, “Due Process of Law”, and a Heavy Reliance on “Common-Law Juries”.

## **Constituents, Elections, Leadership-Selection; Consent, Consensus, Vetos, and Instantaneous-Recall**

When-ever any Government Office-Holder wishes to implement any social-behavior regulating Policies, while plausibly claiming he is only implementing Policies which are "Constitutional"; then that Governmental Office-Holder must implement those policies in manners which the Individual Law-Abiding and Reputable Members of that Community seem to consider Justifiable, Reasonable, Conscionable, and Socially-Responsible. Here-under; there must be some kind of Public-Evidence that the Reputable Members of these communities have Voluntary "Consented" to be Governed by these policies. These Policies must be viewed by these Reputable Members of the community as Not being merely Superficial; but also as Meaningfully Addressing the “Organic Needs” of the Sociologically-Natural “Body-Politic” of the People they claim Constitutionally-Lawful authority to govern.

In the word's community-oriented and Natural/Organic/Sociological sense; in order for any Governmental-Policies to be lawfully considered as being truly "Constitutional", those Governmental-Policies must allow for All Reputable Members of the Community to Quickly and Efficiently Develop, Alter, or Modify their "Consensus" around Who is their Preferred "Community Leader"; and to Quickly and Efficiently "Replace" their present Leader with the new one, once such a decision has been made.

In order for any individual to voice a Constitutionally-Lawful Claim that he is The “Constitutionally-Lawful Leader” for any Community of People, then that individual Must present some form of Meaningful "Evidence" that the general law-abiding “Constituents” over whom he claims authority to govern are Routinely and Consistently "Consenting” to be governed by him-self, and by the Policies and the Machinery of Government which he is seeking to En-Force in that Community. This Evidence of "Consent" from these "Constituents" is "Constitutionally Necessary", because of this direct, logical, and phonetic Relationship between these words Consent, Consensus, Constituent, and Constitution.

Modernly fashionable Anglo/American Civil Leadership Selection Process, at all levels of government, does Not Allow for that Process of Quickly and Efficiently building or modifying the Consensus around any particular Leader for any given community. Here-under; that modernly fashionable Civil Leadership Selection Process is "Un-Constitutional"; even though much of it's basic process may be written in the various state and national so-called "Constitution" documents.

Under True Constitutional Government, Selecting the Leaders is More Important than is focusing on the Governmental "Policy Decisions" facing the community. This is true because, if good Leaders have been selected, then the "Policies" which they implement will be few, and they will reflect the will of all reputable members of the community. When-ever "Law-Abiding Constituents" Formally Object to the Policies which their present Leaders are implementing in their small community; and Respectful Answers are Not Forth-Coming from such Leadership as-to Why these Leaders are following such policies; then the reality of the situation quickly becomes clear that such an "Un-Justifiable Policy" will Not be Changed, until that Leadership is Changed. Here-under; traditional Anglo/American "Common-Law" has long recognized that the single most quick and efficient Remedy for Corrupted Policy from Government Office-Holders is to "Change the Leadership" which has been implementing that Corrupted Policy.

The civil, written, "Constitution" documents of this Nation, and probably all it's States, seem to declare firmly that desires from the responsible members of the community in question to Change what they honestly believe to be "Un-Justifiable Governmental Policy", should be Restricted Exclusively to enacting or modifying "Legislation" from the State or National "Legislative Assemblies", or through the

"Referendum" or "Initiative" process, or even possibly through "Impeachment" proceedings. This is always a "Majority-Rule Process", and there is little or No Mechanism in place for Separating the People of Good Reputation in their Communities, from those who are either incompetent or self-serving. The entire present election process is so abysmally-dysfunctional, that these really basic ideas of seeking to Develop "Consensus" around Core "Constitutional-Issues" is not even jokingly considered as a realistic proposition.

Here-under; it should be fairly obvious to the reader, that, this modern "Civil Governmental-Policy-Making Process" is Not even Capable of Responsibly Addressing the True "Constitutional-Needs" of the Organic Body-Politic/Community of People which they are suppose to be primarily concerned about. The present civil state and national so-called "Constitution" documents have been Engineered so-as-to colorably and artificially Restrict the ability of the Members of the Congressional-Assemblies of our American state and national bodies-politic, so that they are Not Able to Efficiently Respond to the true Organic-Needs of their Constituents. These Members of these Congressional-Assemblies are either Not Aware of their Pre-Existing Natural/Organic Constitutional Authority to respond to these true Natural/Organic Needs of their Constituents, or they are have become Intimidated into Non-Action by those who desire to Pillage and Plunder their Constituents; or they are Complicit in using these documents as Excuses to "Give Aid and Comfort" to those who desire to Pillage and Plunder their Constituents.

Truly "Constitutional Leadership-Selection Policies" Must be Designed to Constantly Allow for the Individual Law-Abiding Members of the Community in question, to Quickly and Efficiently Change Their Natural-Right to Delegate Their Sovereign Authority to a New Representative or Leader, whom they may suddenly recognize from among them-selves to be "More Confidence-Inspiring". No Individual Leader has Any "Inherent Right" to the Possession of a Public Offices. The person who has the most support from frequently-held and smaller community-based "Votes of Confidence" are the Only People who are Entitled to the possession of such offices, under "Constitutional Law" any-way. And When-Ever any group of "Qualified-Electors" or "Constituents" of Any Community come-together in "General Assembly" for the purpose of Holding a "Vote of Confidence" in their Community's Leadership, and the election results indicate their collective "Lack of Confidence" in that leader; then that Community's Electors should Also Vote, at the same time, or immediately there-after, on Other People of good reputation in their community. whom their members consider to be good choices as New "Leaders" for their Community.

As is implied form the wording, who-ever is ultimately chosen as this community's New Leader, he or she must Not be Blemished through any Constituent from that community having "Broken Consensus" through "Vetoing" his or her being chosen as their community's New Leader. This process must all be accomplished in Smaller Communities, which are composed of only a very Few "Qualified Electors". Common-Law History indicates that the Number of Qualified Electors in each of these communities should never be more than "Twelve", and at the lower grass-roots levels, where consensus-development is less formalized and efficient, it should contain a maximum number of "Ten". It is Only through these Smaller General-Assemblies of "Qualified Electors" that "Consensus" can be maintained around the Leader. Numbers larger than this begin to develop "Factions", where-in never-ending arguments commonly occur.

Alternatively; if some-one in the community is acting "maliciously" in obstructing the ability of their community to form consensus around a truly well-qualified community leader, then the good members of that local community need to recognize this trouble-maker among them, and to chastise him and/or banish him from the community, because of his anti-social, irresponsible, and malicious behavior. This process, under old "Common-Law", was called "Outlawry, because such a person then becomes 'Out-Side of the Protections of the Law", aka he was an "Out-Law". And a new consensus needs to be formed around that ostracism process. Of course, the trouble-maker should be warned, and attempts

should be made to reason with him, before any such drastic action is taken.

But maintaining this "Consensus" is critically-important, in any "Constitutional" form of government. The words are related, as shown else-where here-in. And if any individual "Maliciously Obstructs" this process, then the remaining honorable members of the community need to immediately "Re-Focus" their "Consensus-Seeking Process" up-on this new problem suddenly facing their community, and to eliminate it, one way or the other.

All of this can reasonably and efficiently be accomplished when the smaller governmental jurisdictions of our nation are organized into a "Deep Hierarchy", and where-in Power is purposefully De-Centralized to the maximum extent reasonably possible. Here-under; All People Must Recognize the Necessity of Forming Government, and of Efficiently Selecting Leaders, to Protect the People of the Community from Hostile Forces. Any Person who Un-Justifiably "Breaks Consensus", may be declared to be an "Out-Law" by the community general-assembly, and there-by he may be Banished from that community. Further here-under; every member of the community has a "Duty" to deliberate with the community's other members in "Good-Faith". "Breaking Consensus" is Not something which should ever be done for light or transient causes.

Whenever the weight of the good-faith opinions of those whom any Leader governs, no longer reflects Confidence in his continuing in that leadership position, his primary duty then is to "Step Down" from that public office. It should not be difficult for the general-assembly of the community to find another leader who they can all collectively "Consent to be Governed" by. The best example is that of the primary individual common-law communities of the "Townships", where-under the average number of individual members in the general-assembly or town-counsel is only approximately "Ten". With approximately only Ten "Heads of Household" to obtain Validation from, "Consensus" should be very easy to obtain. And because the approximately 10 Leaders of the 10 Townships of the Precinct are the delegates to the general counsel of the precinct; here-under, again, decision-making and leadership-selection may be had easily through obtaining the "Consensus" of the ten leaders who collectively represent all of the townships which compose the precinct. Here-under; Only approximately Ten Voters need to be consulted in order to gain what may justifiably be presumed to be the "Consensus" of the entire approximately one hundred household heads in the entire precinct. If one household head does not like the leader his town-constable has approved of at the precinct level, then he may veto his consensus to be governed by his own town constable; and there-after, either he may seek the position him-self, or he may nominate a new town constable more supportive of his views. This is all of the reasonable power which the local household-head needs. Here-by, he may effect precinct-level leadership change, if he can obtain support from other members of his township or precinct. But if he is the only one making a stink and seeking to break consensus, then he either needs to sit down and be quiet, or he will risk being banished for unjustifiably disturbing the decision-making process of the other members of the township and precinct.

Again, all of his rights are protected through this process. This peer-pressure-based and Localized "Consensus" Formation Process, is the largest part of the beauty of the de-centralized common-law, torah-law, governmental-model. Remember please that Israel was Sub-Divided into "Twelve Tribes" who were represented by "Twelve Princes" as described in the book of Numbers, I believe at chapter 1. This, together with the previously partly quoted Exodus 18 and Deuteronomy 1 described "Hierarchy", based obviously on Sub-Divisions of the "Tens"; indicates that the entire governing structure of ancient Israel was Sub-Divided at the upper levels in-to "Twelves", and at the lower levels, in-to "Tens". This entire Hierarchy seems to have Permeated the Entire Nation, until every household was fully accommodated in its governmental needs.

From the citations presented here-in; it is obvious that ancient England and Germany were similarly sub-divided at the lower levels. Although admittedly, upper-level governmental sub-division evidence seems thin; the legend of King Arthur and his "Round Table" at Camelot is at least one indicator that the Israelite Twelve Divisions may have been being followed at those upper levels of

Government in England.

This is sufficient Evidence, to Presume, that Israelite Torah-based Common-Law, in its Ideal Form, Should cause any nation/state in question to be Completely Sub-Divided, from top to bottom, into Hierarchies of Tens and Twelves. If such a governmental model as this is embraced, then the precious "Consensus" can be Maintained at Each Level along the Entire Governmental Hierarchy; and there-under, a Natural-Law based "Perfect Union" may reasonably be sought to be obtained.

Further; those people who have for so long, criticized the god of the true nation of Israel, by alleging that he has done nothing to bring peace and happiness to humanity, will now finally have sufficient solid evidence placed before them, to cause them to hold their tongues.

### **Modern National and State Applications:**

**How modern applications of true natural/organic "Constitutional-Law" might logically appear at the National and State Levels.**

Yet the current civil U.S. "Supreme Court" and "Legislative Assembly" almost always make their "Declarations of Law" along these precise "Majority Rule" guidelines. Because this present civil "Majority Rule" process is in Square "Conflict" with the Unanimous Decisions which emanate from common-law Juries who follow constitutional "Due Process of Law", and because Both Processes Seem to be Authorized by the obviously dysfunctional present "U.S. Constitution" document; here-under, some-how, some-way, this "Conflict of Law" Must be Resolved. In this author's humble opinion; there is probably no question before the people of this nation of greater importance.

The primary solution advocated by this author, through this document; is for honorable patriotic Americans to Organize to Invoke a Return to a form of Government substantially similar to the Original Uni-Cameral "Congressional Assembly" which was in place under the "Articles of Confederation". That single Uni-Cameral Assembly had Lawful Authority to quickly and efficiently Assemble "Juries" from the "Reputable Members" among their Delegates; and there-by to Unanimously "Speak Law" with that "Single Voice" of their True Organic Natural-Law and Common-Law Authority.

Again, please remember from previous citations how Professor Hart so eloquently described a "Single Voice" as being Necessary in order for "Law" to be Accurately Defined in our American Constitutional Federal System of Government. By basically returning to the "Articles of Confederation", as "Originally Intended"; and by slightly modifying or perhaps tweaking it's basic guide-lines a bit, to direct that General Assembly to Select Twelve Jurors from their membership, to function as their more efficient unanimous decision-makers; here-under; Modern Government Office Holders Can Lawfully Speak with that Unanimous "Single Voice" which is Necessary for them to verbalize, in order that they may "Govern" this Nation in that specific manner which truly Harmonizes with the Fundamental Principles of our American People's ancient and organically true "Constitutionally Law".

This ancient constitutional mode of administering "Due Process of Law", is a workable, pragmatic, and "Scientific Process", for responsibly addressing all concerns of any legitimate government. It is not only still recognized in our modern American Constitutional System of Government; but (when the chaos and confusion of the subversive elements is finally dispelled), it is Required there-by. There really is no other "Lawful" choice here.

### **Modern Local Applications:**

**How modern applications of true natural/organic "Constitutional-Law" might logically appear at the Local Levels.**

The Central Issue which this documents seeks to explore and define, is our American Constitutional System of Law and Governing, and the "Fundamental Principles" upon which they rely. Under both Written and Un-Written Definitions of this concept of our "American Constitution", another

powerful word may be used Synonymously. This word is "Federalism", and as shown elsewhere here-in, that word properly means "Maximizing Local Responsible Sovereign Self-Governing Authority".

Here-under; Public Servants of every sort will generally admit that, the "County Sheriff" possesses the Supreme Lawful Authority to declare how Force will be administered with-in the geographical boundaries of his county. Within the boundaries of his county, the "County Sheriff" has more Lawful Authority than the President of the United States, more authority than the Chiefs of the FBI, the US Marshals, the Department of Justice, the CIA, the IRS, or the Joint Chiefs of Staff in the Pentagon. He has more Lawful Authority than the Governor of his State, than the State Police, and the State's National Guard. Under both our Written and our Un-Written Organic American System of "Constitutional-Law, the "County Sheriff" is the "Highest Law Enforcement Officer of the Land" (at least with regard to all larger geographical jurisdictions, as mentioned above). The Written "U.S. Constitution" and the various written State Constitutions all recognize this; and probably all popular constitutional-law scholars will at least begrudgingly admit this.

The previously cited definition from "Black's Law Dictionary" of the word "Sheriff" specifically declares that: "He is ... the chief conservator of the peace with-in his territorial jurisdiction". This basic common-law rule is the same all over America. Yet it is clearly dysfunctional for the Sheriff to be the "Highest Law-Enforcement Officer in the County": and yet not also be Lawfully empowered to bring the Criminals he arrests into a "Court of Law" in which his decisions could be fully adjudicated by the local county people who placed him in that office. This is true because the Entire Larger Purpose of placing this tremendous amount of Law-Enforcement Power in the hands of the Local County Sheriff, is to allow the Local County Community to "Responsibly Self-Govern", to the fullest extent that it is capable.

If this County Sheriff is going to operate in accord with his "Higher Law" charges to "Keep the Peace" in that County; then it would be self-defeating to allow any outsiders to define whether or not he is Lawfully "Keeping the Peace" there-in. The Sheriff and his deputies would be reduced to puppets of the out-side jurisdiction. The above citations concerning "County", "Comitatus", and "Shire"; clearly indicate that the Anglo/American Constitutional "County" is "Sovereign" in conducting these "Peace Keeping" responsibilities. And further research indicates clearly that the "County Officers" actually have a "Duty" to to "Keep the Peace" through Their Own "Courts of Justice", aka: "Courts of Law", in this essentially "Sovereign" Manner. This is the entire thrust of the "Special and Local", hands-off, provisions in the various State Constitutions; such as previously quoted from Oregon's Constitution, at Article 4 Section 23.

How-ever; the advocates of authoritarianism have routinely objected that such policies will lead to chaos, confusion, and anarchy; with each local jurisdiction enforcing radically differing rules of social behavior, thus causing break-down of respect among society's differing jurisdictions. In response; this author admits that each such small jurisdiction does have the lawful authority to experiment with its own community's unique ideas concerning how "Natural-Law" should operate in their own community (as seemingly was done among the Anglo/Saxons prior to 1066-ad). How-ever; this author also contends that such a break-down in the general norms of behavior in the larger jurisdictions is very unlikely occur because of at least two significant factors.

First, the Fundamental Principles of Organic Constitutional-Law Require that, when the Leaders of each of these smaller sovereign jurisdictions is Elected to his Community Leadership Office, at the same time this same general Organic-Law Requires that the Community Delegate to him or her the Full Lawful Authority to act as a "Representative" and Delegate from his smaller community, in-to the the next larger jurisdiction in the common-law hierarchy of townships, precincts, counties; and so-on, above them. If, some-how, theoretically speaking; the community members from with-in one Leader's smaller jurisdiction are habitually invoking policies which are at significant Divergence from "Natural-Law"; then, in the General-Assembly or Court of the Next Larger Jurisdiction, the collected delegates there-in will surely communicate significant "Peer-Pressure" on that smaller jurisdiction's representative/delegate

to communicate to the members of his smaller jurisdiction, the concerns of their larger community, that the smaller community is acting irresponsibly.

This is true, because, at the even larger jurisdiction still, a "Single Voice" has to be presented from all of the community leaders, as to how "Natural-Law" is suppose to function with-in their communities. Here-under; "Good-Faith Communications" about how to Define this Sociological "Natural-Law" Must be Maintained at All of the Jurisdictional Levels. And any community member, at any level, who actively obstructs the ability of his next larger community of delegates to Speak with a "Single Voice" concerning how Natural-Law should function with-in their general jurisdiction, is there-by setting him-self Out-Side of the supreme Sociological Natural-Law, which in turn makes him an "Out-Law", who needs to be removed from the community, with what-ever force is necessary. Through this last-resort tool of Community Ostracism, Consensus and Order is maintained in each level of each common-law community. Here-by, each separate smaller sovereign community maintains its collective duties to their neighboring and larger communities to responsibly self-govern. This is a very important factor to note, and it makes it extremely improbable that proper common-law communities will degenerate into anarchistic chaos and confusion.

Second; the Unanimous Verdicts of the Twelve (12) Member "Juries" of the Common Reputable People in each of these Local Communities of this nation is Very Difficult to Obtain. Clearly; it is very Difficult to gain Full Agreement between Twelve Individual Free-Thinking People. When that Unanimous Agreement is finally Achieved, in each of this local communities, it is Reasonable to Presume that the Verdict rendered there-in is at least a fairly Close Approximation of Sociological "Natural-Law". There-under; such verdict, if at all divergent from pure "Natural-Law" may reasonably be presumed to be Not Diverging very far there-from.

To build on this second point further; the Juries of these separate local sovereign jurisdictions are fully capable of Responsibly Judging whether or not Higher "Natural/Organic Law" is being followed or broken by their own local County Sheriff, or by any other individual with-in their county's geographical boundaries. In other words; these Unanimous Twelve-Member Juries are fully capable of insuring to all concerned out-side jurisdictions that "Natural-Law" is being sufficiently Respected with-in their jurisdiction, so that there is absolutely no justification for any other outside jurisdiction to interfere in that local jurisdiction's own internal affairs.

This is how every smaller local County and Precinct Jurisdiction in our entire American nation is Suppose to Function under our written State and National Constitutions, and under the fundamental organic-law principles which are espoused in those documents, and under the traditional and "Originally-Intended" Definitions of "Federalism", "Republicanism", and "Common-Law"; as espoused there-in. In light of these logical realities, it should be quite clear to the reader, that, there are absolutely No Natural-Law based Logical Reasons Why the Common-Law Juries who reside with-in these Local Jurisdictions can not Exercise that "Full Sovereignty" over All "Peace-Keeping" concerns with-in their own jurisdiction's geographical boundaries.

As the above citations indicate; the "County Sheriff" is recognized in both Common-Law, and in most written State Constitutions and Statutes as a "Peace Officer". This "Peace Keeping Function" is his "Highest Duty". Civil "Statutory Laws" are Not Needed in order for him to accurately define, and enforce that simple natural-law based concept of "Keeping the Peace". This is true because Local Fully-Informed "Juries", who have Functional-Consciences and Minimal-Intelligence, are fully capable of following the fairly simple "Rules of the Common-Law", "Maxims of Law", and "Due Process of Law", in their own self-governing decision-making processes. These Juries, in their own Local Courts of the Counties and Precincts, can harmoniously and quite adequately work with their own local Sheriffs or Constables to "Keep the Peace" in their County. There is absolutely no natural need or benefit for any County in our American nation to make any reference what-so-ever to any "Statutory Enactments" from any Majority-Rule governed larger Civil Jurisdiction. Traditional Anglo/American "Maxims of Law" provide all of the guidance and direction which any of those local jurors need. By their complete

Abandonment of any mechanism for seeking "Consensus", the fashionable Majority-Rule based "Statutory Enactments" of the Roman-law based Civil Jurisdictions are clearly Not at all Concerned with achieving complete Harmony with the constitutionally-supreme "Natural-Law". On the other hand; when Local Jurors are properly selected from the "Qualified Electors" of "Good Reputation" in their own County and Precinct Neighborhoods, then these "Common-Law Juries" are exceedingly Efficient Assemblies for producing Harmony with that constitutionally-prioritized and supreme "Natural-Law".

There is No Constitutional Provision which authorizes any Federal or State Officers to monitor or meddle in these localized self-governing common-law jurisdictions. Neither the Civil "State Police", nor any "Federal Bureau of Investigation", nor the "US Marshals" have any Constitutionally-Lawful Authority to attempt to intervene in these Locally Controlled "Peace Keeping" Duties. Those civil executive officers from the larger jurisdictions, are only constitutionally authorized to exercise a jurisdiction with-in the individual Counties of this nation, if some responsible officer of any such smaller County "Invites Them In" through a consensus-based public-declaration that an "Emergency" condition exists with-in that County. Other-wise, these local County Jurisdictions are Constitutionally-Required to be "Left Alone" by the officers of those larger civil executive jurisdictions. This is how American Constitutional-Law is Designed to Work, in its naturally-harmonious relations between its smaller and larger organic governmental jurisdictions. The written "U.S. Constitution" document, and the various State Constitutions, all recognize this reality, quite firmly. Ex-President Clinton's above quoted Executive Order clearly Confirms Precisely This, as do other related documents.

Here-under; "We" the common "American People" have the Constitutional Right and Duty to form our own smaller communities, so-as-to Elect our Own "Common-Law Police-Officers", called "Peace Officers" and "Constables" at the Township and Precinct levels; and to Elect our own "Common-Law Court Judges", called "Justices of the Peace" at the Precinct level. "Sheriff" and "County Judge" are the general common-law terms to be used at the County-Level. And so long as each of these communities are not clearly guilty of any significant breach of their Common-Law Duty to "Responsibly Self-Govern" under these general Natural-Law guide-lines; then No Other Humans on the planet have any Lawful Authority to Trespass into any of these Sovereign "Common-Law Jurisdictions".

And if any such trespasses do occur, then the members of those communities have the Lawful Right and "Duty"<sup>63</sup> to Resist that Trespass with "What-Ever Force is Necessary". And even further, the Jury-Trials for Judging if any such trespassing event was "Lawful", is to be Held In the Courts and before Juries composed of the Electors chosen from That Local Jurisdiction; just as the Sixth Amendment so specifically declares.

<End>

## **Conclusion:**

The "Fundamental Principles of American Constitutional Law and Government" are firmly derived from the principles and concepts of Sociological "Natural-Law", as articulated in the "Declaration of Independence", and by Blackstone, Locke, and others; prior to the American War for Independence; and as recognized through many reputable citations contained in this document.

True American Constitutional-Law is articulated through a "Single Voice", as articulated by Professor Hart here-in.

Among many frequently conflicting voices, this "Single Voice" is best identified through the Consensus-based "Unanimous Verdicts" of Twelve-Member "Common-Law Juries", who are free to use their own Consciences and Reasoning Capabilities, to the maximum extent that they are capable.

Examples of historical real-world societies who practiced these these "Natural Law" based Fundamental Principles of American Constitutional Law and Government, may be found in the history of the Anglo-Saxons of England, prior to the "Norman Conquest" of 1066-ad; and in the Nation of Israel, 3400 years ago; and for a short time in in early America, between the dates of 1776 and 1789.

In modern America, the Common People still have the right to practice this Natural-Law, through our rights to form our own Juries, in our own smaller "Common-Law Jurisdictions" of our Counties, and even smaller precincts, townships, churches, trade-unions, and other similar voluntary associations. Further; and as illustrated through the "Seventh Amendment" in the "U.S. Constitution" document, and in similar provisions in our nations various written State "Constitutions"; we have the Right to bring similar "Common-Law Jury-Trial" Process to bear at our National and State Levels.

Further here-under; Average Americans have the Constitutionally-Secured Rights to seek true Natural-Law based "Justice" by way of Filing and Prosecuting Their Own Sworn "Criminal-Complaints" against Any Corrupted Public-Servant who may Conspire to Abuse Any of their Natural Rights. The Officers of the Civil-Courts of this Nation and our various States have Constitutional-Duties to Facilitate these Criminal-Complaints, Directly, with-out necessitating any prosecutorial involvement from any district-attorney or attorney-general. This last point is only thinly explained here-in, and is more fully documented in the accompanying document from this same author, and entitled similarly to: "Memorandum in Support of Quo Warranto".

Modern Americans have Numerous Tools available to them, to place pressure on the present office holders at all levels of national, state, and local government, to move those respective governmental entities in the direction of a Natural-Law Based "More Perfect Union". Although the forces of oppression are entrenched and popularly considered unstoppable, the serious student of American Constitutional-Law has Just Cause for retaining Optimism that those Despotic Agendas can be Countered and Thwarted, and that a truly wonderful, peaceful, and just society can be created in America, in the very near future.

### **Footnotes:**

1: This phrase is based on the phrase "Consent of the Governed" as used in the second paragraph of our nation's "Declaration of Independence".

2: Many of these words about Sociological "Natural-Law" are "Self-Evident" to many, who instinctively know these things. But it is also self-evident that there are multitudes of other people in our American nation who have absolutely no idea what these concepts are all about. Here-under; those who are not familiar with these ideas (if they are receptive), will benefit clearly from these ideas being articulated in detail here-in. And those who already know of these things, may find it useful to see the manners in which these ideas are here-in articulated, so that they may more clearly communicate these ideas to those who are unfamiliar with them. Also; through strategic use of this "Memorandum" document's presentation of these Natural-Law concepts under-lying our American Constitutional System of Government, Judges who are sitting on Cases in which readers have an interest, may be forced to "Take Judicial Notice" of these Fundamental Principles of our American Constitutional-Law; and there-after, if the Judge Willfully Violates these Fundamental Constitutional Natural-Law based Principles, he can be Prosecuted (either civilly or criminally), for Willfully Violating the Readers Constitutionally-Secured Rights.

3: Although this author does not have documentation to prove it, he does believe that the word "Logic" may be so historically related to the word "Law", that there may be good historical grounds for spelling the word "Logic" as "Lawgic". Clearly, they are pronounced essentially the same; and in light of this citation, they do seem to have related meanings. If this linkage could be proven to exist, then it would lend even more support to a central proposition of this document, to the effect that all all written or oral declarations which are not "Logical" are Neither "Lawful" Nor "Law".

4: Probably less than 1% of modern Americans presently have any idea of these Fundamental Concepts of American Constitutional Law and Government. Yet, because many people in our nation speak with conflicting tones of authority on this very subject, the serious student of this study will surely be confronted by significant peer-pressure from numerous others, to compromise clearly learned concepts, as the only condition under which the student will be allowed to maintain peace with those others. And so, the serious student of Constitutional-Law should be well prepared to resist these social pressures to compromise his or her clearly learned "Fundamentals", and to resolve personally to tenaciously adhere to them. (The student should not allow loud platitudes from any fashion-conscious and/or immensely popular gurus in this field to dissuade him or her from what he personally knows to be true. For those students with a religious inclination; you will give an accounting before God for how you handle this sacred "Trust"; which through this text, and by his grace, has now been bestowed up-on you.)

5: "Christian-Law" and "Israelite Torah-Law" are the Religious phrases which this author considers synonymous with the previously mentioned more secular phrases. There are probably similar "Natural-Law" based terms in the Religions of the Muslims, the Buddhists, the Hindus, the American Indians; and in most other religious belief systems. These "Religious Issues" are intended to be discussed more thoroughly in a future document composed by this author.

6 This System for making "Common-Law Judgements" Against Lawless Voices and People has also been Preserved in the un-written Anglo/English "Constitutional" System of Government; and actually, strong arguments can be made that it is preserved in every other system of government practiced with-in every other nation on this planet.

7: Johnston v. Hunter, 40 S. E. 448, 449, 50 W.Va. 52 quoting & adopting the definition in Mills v. Comm, 13 Pa. 630; as published in "Words and Phrases", the 90-volume set of law-books published by the reputable "West Publishing Company".

8 The modern, fashionable, and orthodox Definition of "Common-Law" and "Maxims of Law" as Originating from the Decisions of Individual Civil "Judges", is a "Lie". While it is true that the decisions of these Judges have been grafted into what has modernly become identified by the orthodox, aristocratic establishment as "Common-Law" and "Maxims of Law"; those modern orthodox and aristocratic Definitions do Not Reach Back past what they refer to as "Legal Memory", and prior to the "Norman Conquest of 1066 ad", to when the True and Original "Common-Law Government" was in place.

9: This ancient Anglo/American "Common-Law" can trace its sources back even further into the Organic/Constitutional-Laws of ancient Germany, and even further back to the Laws of ancient Israel.

10: "Encyclopedia of the American Constitution"; Federalism; Leonard W. Levy, Claremont Graduate School, Claremont California; Kenneth L Karst, University of Southern California, Los Angeles; Dennis J. Mahoney, Claremont Graduate School, Claremont California; McMillian Publishing Co., New York; 1986

11: I do not have the citation presently, but i will try to provide it in future editions of this document.

12: And bringing forth an American National "Supreme Common-Law Court" would be almost the complete fulfillment of the end-goal of that "More Perfect Union", which is mandated to be sought through our national written "U.S. Constitution" document's "Preamble".

13: The Task now at Hand for True Supporters of America's Spiritually-Based Fundamental Natural, Organic, "Constitutional-Law", is to Assist in Facilitating As Many "Common-Law Jury-Trials" As Possible; so-as-to Entirely Shut-Down All Non-Common-Law Jurisdiction of America's Civil Court System. This is a "Constitutionally-Necessary Step" in our Mandated Search for that "More Perfect Union" which has so honorably been expressed in our nations "U.S. Constitution" document's "Preamble".

14: This author has wrestled with problems of how to frame the central issues sought to be covered in this document, efficiently; and still not appear eccentric. Because this memorandum/document is desired

to be a foundational document for other similar memorandum/documents, as well as to be foundational for various criminal complaints; and for the sake of efficiency; I have decided to take chances on whether or not some narrow-minded people in powerful positions may consider my work here to be too radical to be accepted as serious scholarship. I will just have to learn to live with their negative energy. In order for a full picture to be painted for the modern student of American Constitutional-Law, ages-old battles must be pointed out, and modern conspiracies masking those ages-old battles must also be pointed out.

15: "Of the Civil Law and the Common Law", as written by Samuel Tyler, ll. D., Professor in the Law Department of Columbian College, Washington, D. C.; that text written as an "Introduction" to the book entitled: "A Treatise on the Principles of Pleading in Civil Actions: ..." By Henry John Stephen, Sergeant at Law. 1871.

16: Although the "Religious Views" related to this subject are believed by this author to hold the ultimate Key to the fully utopian/idealistic "More Perfect Union" Solution to All Problems related to Clearly Identifying these "Fundamental Principles"; here-under, this author believes that probably approximately 96% of the "Answers" to these pressing American National Community Questions, can be obtained through wording every idea expressed in this study, in largely non-religious, non-theological, and purely "Secular" terms. By at least Temporarily Framing this documents examination of these "Fundamental Principles of American Constitutional Law and Government" in these more "Secular" Terms; here-under are left remaining to be examined in an immensely Productive, comparatively and refreshingly un-heated and "Cool" mechanical step-by-step "Scientific" Discussion, 100% of all potential answers to these critically important questions. Another benefit of this "Secular Strategy", is that: those many honest people with at least minimally Functional "Consciences", who have understandably been made Angry at the Epidemic of Cold-Hearted Hypocrisy which has so very clearly Infected the Leadership of almost Every Denomination of "Religion" on this planet, may be warmly invited into this discussion, all with-out any realistic fears from their quadrant that the framework of this discussion has been engineered in manners prejudicial against their legitimately justified concerns.

Although it does run counter to this author's strong personal religious beliefs; this author does believe that quite sufficient argument can be made, with-out any reference to "Religion", to prove this document's central proposition that the deeper and more powerful "Fundamental Law" underlying our "American Constitutional System of Government" is firmly based on what can accurately be termed "Sociological Natural-Law". By at least temporarily adopting this "Secular Focus", each and every single one of the extremely Wide Diversity of very emotionally-charged "Religious Views" can easily be grouped together and (at least temporarily) Set Off to one Side of this very broad-based "Constitutional Philosophy" discussion, for much fuller examination at a later time, in another document.

The remaining body of Secular Philosophical Thought related here-to, may be accurately summarized as "Sociological Natural-Law", or perhaps as "Community-Based Organic-Law". Our American Nations Fashionable Presumption that there is in place a "Separation of Church and State" Doctrine, should lend support to this more secular/scientific and less-heated focus for this discussion. Please note also that this author is a seriously Religious man, but that I view it to be "God's Will" that this discussion proceed in this Secular manner; at least in part because there are multitudes of "False Religious Views" in this nation, and on this planet; and by first finding firm footing in this non-denominational "Secular View", that those "False Religious Views" will be more easily identified and rejected. The "Religious Battle" will be the "Final Battle".

This "Secular Strategy" will allow for immense Increases in efforts at pragmatic, expedient, and secular "Productivity" in trying to Clearly "Identify" these "Fundamental Principles" of our American "Constitutional Law". This author believes that the issues involved in this study will eventually be Forced into very Far-Reaching Application by All-Encircling Out-Side Conflict from what will eventually and finally appear as Two Polarized Religious Communities.

Once these "Fundamental Principles" are Proven to have a pragmatically workable and "Firm Earthly Foundation", solidly built upon what may be recognized in purely Secular Terms as "Sociological Natural-Law"; then, from this "Working Secular Definition of these "Fundamental Principles", a literally

Rock-Solid, secular, earthly-based Foundation and Firm-Footing of Pragmatic Work-ability may be gained, through which to Clearly Distinguish between the Sacred and the Evil Sacrifices in Human Blood, which are so Routinely being Offered up to their separate deities, from the Two then clearly visible and very visibly Polarized and separately Divided Remaining Religious Factions.

Yes. The foundation of the stage for Armageddon to occur will be firmly laid. Secularism will be firmly exhausted. It will die its dying breath, and then two remaining religious factions will gather all of the fence-sitters into their separate jurisdictions, and this author does not presently predict further. But there will come a time when there will be "no atheists in foxholes", and this author will take some small delight there-in. Those religious people who may be inclined think this author may be a closet "secular humanist", because he prioritizes the secular before the theological in this document, will be well rewarded if they hold their tongue. This conservative author is betting very heavily on precisely this series of events occurring.

17: This prohibition against Religious-Institutions influencing our national government in an "Un-Natural" or socially dis-harmonious manner, is absolutely "Identical" to the prohibitions contained in our nations secular and criminal laws against any organization or corporation so influencing our government in that negative manner. Any group of persons who conspire to affect our government in this negative manner, whether religious or not, can be sent to jail for engaging in such a conspiracy.

18: It is worthy of note that arguments have been made (which seem plausible to this author), that the "U.S. Constitution" document was Only Designed to Control the Actions of the Public- Servants of the Federal Government; and that it was Not Designed in any way to Limit the Liberty of "We the People". Although this line of thought would accurately describe and harmonize well with that document's Romanistic "Civil" nature, and with its basic power-centralizing and empire-building character; yet it has the technical draw-back that it is a serious mis-use of the ancient and basically good word "Constitution".

19: 10th Edition, Corley & Robert, Prentice Hall Inc. 1975, Chp 1, Law & Sources, Pgs 5 & 6

20: As implied by the Ninth and Tenth Amendments there-in, an even larger study of the History and Philosophy up-on which our American Constitutional-Law are based, will yield much more insightful results, than will a detailed study of that written document.

21: Commentaries on the Laws of England, By: Sir William Blackstone, KT.; (1753-1766) Edited by William Casey Jones; Director of the School of Jurisprudence, University of California; Berkeley, California; 1915. Page 39, Section 38; 2. ss39: 3. Pages 39(57) - 42(65). SS 43: Early Judicial Systems.

22: Most modern communities are constantly subjected to smiley-face Deceptions which mask the common and routine hostile take-over and enslavement schemes which exist in our modern corporate-controlled class-warfare-ridden Anglo/American society.

23: In England, ever since when any Written Mandates (such as Statutes) have been used by those in positions of control of the central government (in their efforts to command their constituents obedience, and even though it similarly may seem very illogical to many) and on to this very day; all such Written Mandates have been argued by those in control of the central governing power to be similarly "In Harmony" with these more Fundamental and Organic, and there-by Truly "Constitutional Laws".

24: Yet it is worthy to consider that prior to all of these in importance, is "Truth". For if "We the People" are not able to have access to "Truth"; then "Justice" and all other prioritized end-goals will be compromised, and there-by evil men will surly find opportunity to use deception to pillage and plunder our more trusting and vulnerable organic body-politic members. Here-under; please note that this document is designed to communicate with people who believe that "Truth" can be clearly identified; and that once it has been so identified, that it must be preserved and defended. Those who do not believe that objective "Truth" can be rationally identified by the human mind, such as possibly "Moral Relativists"; may as well put down this document now, because we have already lost you.

This thought is pursued in the spirit of avoiding any un-necessary discussion of the controversial "Religious" realm, but still taking this all at least to a lower-level (and comparatively secular-humanist friendly) "Spiritual Plane".

25: As a contextual note, the moderns heavily relied on statute and civil-judge made case-precedent citation books should only to function in Aid of that "Reasoning " process. In and of themselves, such text-books should not be used as excuses for limiting the parameters of the solution-options available to our leaders, in Conscionably deciding the best solution to the current problems pressing on our national organic body-politic.

26: They may not have used such modern terminology as "Sociological"; but the concept of "Natural-Law" was well-known in those times, and that was the direct object of achievement in those earlier Anglo/American Jury-Trial discussions.

27: In this citation, the word "and" directly before the phrase "the law of the land", is frequently rendered "or". That "or" phrasing is deliberately designed to give despotically inclined government agents wiggle-room to avoid the "trial by jury process", which is the primary ingredient in "the law of the land".

"Lysander Spooner" in his classical "An Essay on the Trial by Jury"; made this very point the central point of his entire book. You can not have "law of the land" without "trial by jury". You can not have "due process of law" without "trial by jury". Despotic Romanistic civil/municipal systems of conflict resolution have been at war with our Anglo/American system of jury-trial based de-centralized self-governance for centuries, most notably at their successful campaign of hostile take-over during the "Norman Conquest" of England in 1066 ad. Spooner set the record straight. He is a true Anglo/American hero.

28: Findlaw: <http://caselaw.lp.findlaw.com/data/constitution/amendment05/11.html#f3>

29: How convenient this must have been for the bankers, lawyers, and other aristocratic classes, who stood to gain so handsomely from not only those "Malum Prohibitum" based social-engineering codes (which inherently supported both increased litigation and flow of credit-debt based commercial activity); but also from the pillage and plunder of the war itself.

30: Encyclopedia Americana, International Edition, 1963; Common Law / Historical Survey / Anglo-Saxon Law /

31: Russell and Russell, Inc; New York; By Arrangement with Harvard University Press; (Dedicated to Dean Roscoe Pound and Professor Felix Frankfurter; Studies from Princeton, Johns Hopkins, Columbia and Harvard Universities).

32: "Encyclopedia of the American Constitution"; Federalism; Leonard W. Levy, Claremont Graduate School, Claremont California; Kenneth L Karst, University of Southern California, Los Angeles; Dennis J. Mahoney, Claremont Graduate School, Claremont California; McMillian Publishing Co., New York; 1986

33: I do not have the citation presently, but i will try to provide it in future editions of this document.

34: And bringing forth an American National "Supreme Common-Law Court" would be almost the complete fulfillment of the end-goal of that "More Perfect Union", which is mandated to be sought through our national written "U.S. Constitution" document's "Preamble".

35: The Task now at Hand for True Supporters of America's Spiritually-Based Fundamental Natural, Organic, "Constitutional-Law", is to Assist in Facilitating As Many "Common-Law Jury-Trials" As Possible; so-as-to Entirely Shut-Down All Non-Common-Law Jurisdiction of America's Civil Court System. This is a "Constitutionally-Necessary Step" in our Mandated Search for that "More Perfect Union" which has so honorably been expressed in our nations "U.S. Constitution" document's "Preamble".

36: This author has wrestled with problems of how to frame the central issues sought to be covered in this document, efficiently; and still not appear eccentric. Because this memorandum/document is desired to be a foundational document for other similar memorandum/documents, as well as to be foundational for various criminal complaints; and for the sake of efficiency; I have decided to take chances on whether or not some narrow-minded people in powerful positions may consider my work here to be too radical to be accepted as serious scholarship. I will just have to learn to live with their negative energy. In order for a full picture to be painted for the modern student of American Constitutional-Law, ages-old battles must be pointed out, and modern conspiracies masking those ages-old battles must also be pointed out.

37: "Of the Civil Law and the Common Law", as written by Samuel Tyler, ll. D., Professor in the Law Department of Columbian College, Washington, D. C.; that text written as an "Introduction" to the book entitled: "A Treatise on the Principles of Pleading in Civil Actions: ... " By Henry John Stephen, Sergeant at Law. 1871.

38: The phrase "Beyond Legal Memory; is usually defined as all time-periods prior to the so-called "Norman Conquest" of England, in 1066-ad.

39: Thomas Jefferson spoke of and warned against an "Un-Natural Aristocracy". He also spoke of a "Natural Aristocracy" who actually cared for the welfare of the common-people, and who deserved to be placed in positions of leadership, but who were routinely subverted there-from, by the powerful and organized dark forces from with-in the un-natural aristocracy. I do not recall the precise citation, but i believe it should not be difficult to find, & i will plan on inserting it here in future editions of this text.

40: "Administrative Justice and the Supremacy of Law in the United States"; John Dickenson, 1927; by the President and Fellows of Harvard College; 1955. Pages: 3, 32, 34, 35, 36, 37, & 38.

41: Dicey's work: "Law of the Constitution", 8<sup>th</sup> edition., p.185 & 189

42: Beacon Theaters, Vs. Westover, US Supreme Court (1959); 359 U.S. 500, 79 S.Ct. 948, 3 L.Ed. 988. <http://caselaw.lp.findlaw.com/scripts/getcase.pl?navby=case&court=us&vol=359&invol=500>

43: Dickenson's above-quoted text is also quoted in that Quo-Warranto Memorandum.

44: In particular, this document goes to much greater lengths in explaining how Power really is in our American People, and the much more detailed History behind this and related concepts.

45: Anarchy would probably be preferable to those majority-rule based statutory enactments. At least violations of sociologically natural/organic law would not be institutionalized and supported by the coercive-force of the state.

46: If consensus is achieved that a particular policy is in the common-people's best interests, then that policy is "Constitutional". If that "Consensus" can not be achieved, then the proposition is either "Not Constitutional"; or else there is a subversive or "Out-Law" in the legislative assembly, who heeds to be removed through the "Consensus" of the remaining honorable Law-Abiding members of the assembly. This is Fundamental, Organic, "Constitutional Law", at its un-adulterated essence. It is all basically that simple. The more serious problem is finding honorable people with the courage to firmly govern their behavior by this "Constitutional-Law".

47: Such a Significant "Diversion" occurred in 1789, and the proper, organic, and truly "Constitutionally-Lawful" course, has never been returned to. During the so-called "Civil War" of the 1860's, another significant "Diversion" occurred, and it threw our American Constitutional "Ship of State" even further off of its "Constitutional Course". Numerous other significant "Diversions" have occurred in even more recent times.

48: "In any prosecution for an offense, justification, as defined in ORS 161.195 to 161.275, is a defense." <http://landru.leg.state.or.us/ors/161.html>

49: This powerful and hostile 'Private Interest Group' pressed quickly and harshly the delegates from the states to Rush in the Adoption of the so-called Written "U.S. Constitution" document. For lack of better

terms, that document was “Crammed Down the Throats” of the delegates of the States, and no kind words of reconciliation were said in efforts to mitigate that humiliation there-after. This humiliation and usurpation of the “Rights of th States”, is the legacy of the so-called “Anti-Federalists” (although in the light of pre-defined “Federalism”, the so-called “Anti-Federalists” were really more “Federal”, than were the so-called “Federalists”).

This author has wrestled with this document for a significant time, in efforts at gracefully avoiding this painful and ugly issue; hoping to be able to avoid or surgically remove into another document all discussion of the “Lawlessness” of the 1789 adoption of that written so-called “U.S. Constitution” document. This author has no come to realize that, that document has become so entrenched in the minds of the majority of our American People (including many “Public Servants” who hold governmental offices) as embodying the full and complete definition of the Pre-Existing Word “Constitution”, that it will be Absolutely Impossible to gain sufficient space in the minds of readers to prove the above mentioned “Natural-Law” Basis for the Truly “Constitutional” System of Government for this once great nation, unless that monstrous concept is surgically removed from their brains. And so; this document proceeds.

50: This 'Constitutionally-Lawless Machinery of Government', has been purposefully set in place, all so-as-to serve the 'Private Agenda' of that powerful 'Private Interest-Group', by way of Conspiracy', so-as-to better enable them to pillage and plunder the organic body-politic of our common American people. These points are much more fully explained in the above-mentioned and probably accompanying document entitled "The Artificial/Lawless/DeFacto American Government". That document and perhaps a few others by this author; will be referenced frequently here-in. It is not necessary for students students of American Constitutional-Law to accept this "Conspiracy" proposition, before assimilating this article. But unless serious students are fully aware of this powerful undercurrent of distractions which have permeated our modern American society, and which will surely be brought to bear on their thinking, in one way or the other; then they will be plagued by nagging thoughts concerning 'Why' the arguments which are made here-in, are so very out-of-sync with what passes as scholarship and conventional wisdom regarding these general issues. Be very clear; Pressure Will be Brought to Bear on all such serious students of American Constitutional-Law, to shift their thinking in accord with that conventional-wisdom, so that they are not empowered by their superior knowledge to become another influential critic of and potential threat to that powerful 'Private Interest Groups" which presently actually run this nation. Here-under; it will be very beneficial to keep in mind that it is going to take a significant amount of mental-energy to break through the obstacles of "group-think" which have habitually hindered the great progress which can be made by individuals who seek to seriously study these 'Fundamental Principles of American Constitutional Law and Government'.

51: Essays in Anglo Saxon Law; A Republication of an Original Work; Published by Little, Brown, and Company; Boston, 1876; Second Printing: 1905; 1997 Facsimile of 1905 Edition, with an Introduction by James Kellogg. Scepter Publishing, 162 Collins Road, N.E. No. 211, Cedar Rapids, Iowa, February, 1997. Entered according to Act of Congress, in the year 1876, by Little Brown, and Company; in the Office of the Librarian of Congress, at Washington. The University Press, Cambridge, Mass., U.S.A. To: Charles William Eliot; President of Harvard College, This Volume, Fruit of His Administration is Respectfully Dedicated.

52: Please recall that it was that Same "Roman Empire" which Crucified the alleged "Messiah of Israel" a mere 400 years or so before these Germanic Anglo/Saxons were Migrating to England.

53: Like the word "Decade", the word "Deacon" also is related to this word "Ten".

54: Please note that, in contrast to this ancient system, the Modern American and English Congressional Assemblies are divided into Two Bodies, and even worse, their Judicial and Executive functions are entirely alienated from their control. This modern disaster was all accomplished by a self-serving and malicious group of wealthy and powerful aristocrats, so-as-to Obstruct the Congressional Assembly's ability to respond to hostile organic parasite classes, who desired to pillage and plunder the common American People. From the very start, those aristocrats did Not Trust the American People, or even by the Peoples Elected Delegates.

55: That entire study traverses into "Religious Issues" which are generally sought to be avoided in this memorandum/document; but concerning which there are at least two other memorandum/documents in accompaniment here-to, and by this same author, which shed much more light on this issue; and this author plans to compose another memorandum/document which will focus more squarely on addressing that important "Religious Issue", as time allows.

56: "The Shetar's Effect on English Law - A Law of the Jews Becomes the Law of the Land"; The Georgetown Law Journal, Volume 71, Pages 1179 - 1200; By: Judith A. Shapiro. (Date of publication unknown from this authors photocopy form the "Journal", but from foot-notes, appears to be after 1979)

57: The proper terms for the Race (which is commonly confused with this religious term) is "Israelites", "Israelis", or "Semites".

58: This author does believe that further pursuit of these issues will lead the serious student to profound insight. I do plan of writing a similar memorandum/document as this one, on that issue, in the future.

59: Not only Local Common-Law survives; but also legal authority for self-governing "Special" Jurisdictions survive. These would be like Churches, Trade-Unions, Fraternities, and other voluntary associations.

60: See: "Pawns in the Game", by William Guy Carr, Commander in the Canadian Navy.

61: Please also note that any usurping members of legislative assemblies, courts, and monarchies, are not going to admit to such a lawless disconnection with the common people; because that would endanger their ability to continue in their self-serving course of action. So any case designed to assemble evidence of such as usurping and/or abusive office-holders, will be very hard to obtain, and will probably have to be compiled from more circumstantial and out-side sources.

62: It was an over-reaction and unfortunate side-effect to that other-wise entirely lawful and justified rebellion process when our nations "Declaration of Independence" formalized our nations Separation from the organic body-politic of the common People of England. The DeFacto King & his abusive henchmen were the only community of people whom we needed to Declare our Independence from. The organic body of the English/British Common People, continue to be our distant constitutional/organic brethren.

63: These communities have these Duties not only for their Own Community, but also as a first line of defense against out-side aggressors for all of their neighboring law-abiding communities.