

# INSTRUCTIONS TO CREATE A COMMON LAW GRAND JURY

## HOW CONSTITUTED

- (1) Grand jury members must be elected<sup>i</sup> by the people (**not citizens**) of the jurisdiction (County) in which they are operating.
- (2) There are no rules defining a procedure for how they are elected. The people, without the influence of government, decide for themselves how the grand jury members are elected.
- (3) There must be 25 members.

## QUALIFICATIONS

- (1) The members must be "people" of the jurisdiction and not "citizens" of the jurisdiction. For example, they must be "People the State of New York"; not "citizen of the State of New York."
- (2) Each member must be sworn in and promise to observe all of these rules and, so far as within his power, cause all the rules to be observed.

### **New York State Constitution, ARTICLE XIII, Oath of Office –**

*"I do solemnly swear that I will obey the constitution for the United States, and the constitution for the State of New York, and all the directives and prohibitions, and that I will faithfully discharge the duties of the office of Grand Juror, according to the best of my ability;"*

## ELECTION PROCEDURE

We must do everything open and in public

- (1) Once you have (twenty-five) 25 people choose a jury foreman and a secretary
- (2) The Grand Jury Secretary is to call the Town Hall in your county seat, identify themselves as the Grand Jury Secretary and secure the hall for a meeting and election for a new County Grand Jury
- (3) Post the date and time of the election on the bulletin board of every town and city in your county and in the local newspapers.

**THERE WILL BE A MEETING AND AN ELECTION OF A COUNTY GRAND JURY AT THE [YOUR COUNTY SEAT TOWN/HALL] ON [WEEKDAY], [DATE] AT [TIME]**

## QUORUM

- (1) When the grand jury meets, if any are absent after being summoned, then those present constitute a quorum.
- (2) All decisions of grand jury are decided by majority vote of members present.
- (3) If any member dies or leaves the country, or in any other way is prevented from carrying out the grand jury's decisions, the remaining grand jurors shall choose another to fill his place and he shall likewise be sworn in.

## **FINALITY OF DECISIONS**

- (1) No decision of a grand jury is reviewable in any court of the government.

## **JURISDICTION<sup>ii</sup>**

- (1) Any government transgression against anyone in any respect.
- (2) Any government breaking of articles of peace or security.
- (3) Any dispute regarding anyone who has been disseized<sup>iii</sup> (unconstitutionally detained) or removed, by the government without a legal sentence of his peers, from his lands, castles, liberties or lawful right.

## **WHAT'S POSSIBLE**

- (1) We can turn back the "political clock" to 1789.
- (2) We can turn back the "Judicial clock" to 1789.
- (3) We can indict criminals including judges and politicians
- (4) We can reinstate the real duties of the Sheriff
- (5) We can reinstate the "Elected Committeemen"
- (6) We can get our armories back
- (7) We can get our militia back
- (8) We can force compliance to the Third Continental congress's (2009) Articles of Freedom
- (9) We can stop Agenda 21
- (10) We can get ban GMO's
- (11) We can ban high fructose corn syrup
- (12) We can stop the chemtrails.
- (13) We can free our Doctors and medicines from the elite pharmaceutical companies
- (14) We can end all gun control
- (15) We can force the courts to return to Common Law
- (16) We can delete the IRS
- (17) We can delete the United Nations in New York City
- (18) We can stop open political corruption
- (19) We can stop open judicial corruption
- (20) Whatever other Just things you can think of
- (21) We can do all of the above in 90 days or less
- (22) We can save America

## **PROCEDURE I - Dispute Settlement**

If the grand jury is informed of any dispute regarding anyone who has been disseized (unconstitutionally detained) or removed (by the government without a legal sentence of his peers) from his lands, castles, liberties or lawful right, then the dispute shall be settled by the grand jury.

## **PROCEDURE II - Enforcement**

- (1) Four of the members must be shown that because of the government,
  - a) A transgression has occurred against any one in any respect, or
  - b) Some one of the articles of peace or security has been broken
- (2) The four members must show to the government the government's error.
- (3) The four members must ask the government to amend that error without delay.
- (4) If the government does not amend the error within 40 days after being shown the error, then the four members shall refer the matter to the remainder of the grand jury.
- (5) The grand jury may distrain and oppress the government in every way in their power, namely, by taking the homes, lands, possessions, and any way else they can until amends shall have been made according to the sole judgment of the grand jury.

## **LIMITATION OF POWERS**

The grand jury may not imprison or execute any government personnel or their children.

## **PUBLIC SUPPORT**

- (1) Anyone (people or citizen) who chooses to help enforce the grand jury decision must first swear that he will obey the mandates of the grand jury, and that with them to the extent of his power he will impose the grand jury's decisions upon the government.
- (2) The authority to support the grand jury is pre-authorized by the government.
- (3) If anyone refuses to support a grand jury decision, the government will force him to swear his support of the grand jury.

## **LIMITATIONS ON GOVERNMENT**

- (1) The government is prohibited from doing anything to diminish the effect of the grand jury.
- (2) If the government does prohibit or diminish the effectiveness of the grand jury, it shall be vain and invalid and may not be used in any later proceeding by the government or anyone else.

## **TERMINATION OF ENFORCEMENT**

When all issues are settled to the satisfaction of the grand jury, things shall return to normal as they were before. No grudges.

## **Reactivating the Common Law Grand Jury - A Brief Strategy Suggestion**

### **GRAND JURY BACKGROUND**

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

As the legislatures matured they slowly increased governmental power while simultaneously reducing personal sovereign power. This was done through a combination of passing pro-government legislation and reducing or eliminating education about civics. Today, two and a quarter centuries later, hardly anyone even knows the meaning of the word, "civics."

Despite the fact that the state and federal constitutions still acknowledge the common law as the ultimate law system, people everywhere are conditioned to believe that the statutory law and codes are the only source of law. The only remaining common law term generally known among the public is "common law marriage."

The common law grand jury is now dormant only because of the public ignorance of its powers that supersede all other government entities, including the modern statutorily defined grand jury. Awakening the grand jury will not be graciously accepted by the government. A strategy is needed to reintroduce this fundamental protection against tyranny and injustice.

#### **STEP 1 - ESTABLISH LEGITIMACY**

The first step is to get public acceptance. Every dictator in history understood the power of the people and cultivated their support either through enticements or threats. Reactivating the grand jury concept may go through four traditional stages: denial, ridicule, violent opposition, then self-evident acceptance, the executing of 62 Grand Juries (one for each county) is likely to reduce or eliminate the stages.

The Grand Jury Foreman shall apply to the New York State Supreme Court administrator in their County for use of one of the rooms in the public courthouse. If it is refused, a Writ of Mandamus shall be petitioned for in the District Federal Court to command obedience to the Grand Jury, then the court administrator should, under common law procedures, be sued for his dereliction of duty.

The grand jury should follow normal protocol. In other words, if the grand jury begins a process on its own, the resulting accusation is called a presentment. If a prosecutor originates a process, then the jury returns to the prosecutor an indictment (also called a "true bill") on acceptance, or a "no bill" on denial. [Note: be careful with your words. wrong words may result in inaction! If you call the presentment an indictment, the prosecutor may feel no obligation because he did not initiate the process!]

#### **STEP 2 - GAIN PUBLIC ACCEPTANCE**

The grand jury should have a strong public relations program for this step, create the "New York State Grand Jury Report to the People".

## **THE POWER OF THE COMMON LAW GRAND JURY**

### **UNITED STATES SUPREME COURT RULING - United States v. Williams**

In a stunning 6 to 3 decision Justice Antonin Scalia, writing for the majority, confirmed that the American grand jury is neither part of the judicial, executive nor legislative branches of government, but instead belongs to the people. **It is in effect a fourth branch of government "governed" and administered to directly by and on behalf of the American people, and its authority emanates from the Bill of Rights.** The following are extracts from the court's 1992 decision."

- ❖ It is a constitutional fixture in its own right.
- ❖ The Fifth Amendment demands a traditional functional "common law" grand jury
- ❖ The Grand Jury is an institution separate from the courts
- ❖ The courts do not preside over the functioning of the "common law" grand jury
- ❖ The courts have no "supervisory" judicial authority over the "common law" grand jury
- ❖ The Grand Jury belongs to no branch of the institutional government, serving as a kind of buffer or referee between the Government and the people".
- ❖ The Grand Jury's functional independence from the judicial branch is evident both in the scope of its power to investigate criminal wrongdoing, and in the manner in which that power is exercised.
- ❖ The Grand Jury can investigate merely on suspicion that the law is being violated, or even because it wants assurance that it is not.
- ❖ The Grand Jury need not identify the offender it suspects, or even the precise nature of the offense it is investigating.
- ❖ The Grand Jury requires no authorization from its constituting court to initiate an investigation, or to seek a indictment.
- ❖ The Grand Jury operates without the interference of a presiding judge.
- ❖ The Grand Jury swears in its own witnesses and deliberates in total secrecy.
- ❖ The Grand Jury remain "free to pursue its investigations unhindered by external influence or supervision so long as it does not trench upon the legitimate rights of any witness called before it.
- ❖ The Fifth Amendment's "constitutional guarantee presupposes an investigative body 'acting independently of either prosecuting attorney or judge
- ❖ The Double Jeopardy Clause of the Fifth Amendment does not bar a grand jury from returning an indictment when a prior grand jury has refused to do so.
- ❖ The Sixth Amendment right to counsel does not attach when an individual is summoned to appear before a grand jury, even if he is the subject of the investigation.
- ❖ It would run counter to the whole history of the grand jury institution" to permit an indictment to be challenged "on the ground that there was incompetent or inadequate evidence before the grand jury.

**SUMMARY:** The Common Law Grand Jury is an unalienable right of the people a forth branch of government created and administered directly by and on behalf of the people. It is separate from the courts functioning by its "own will" above the government serving as a referee between the

Government and the people". It is an investigative body acting independently with unhindered power to investigate and indict criminal wrongdoing merely on suspicion that the law is being violated, or even because it wants assurance that it is not. It needs not identify the offender it suspects, or even the precise nature of the offense it is investigating. It swears in its own witnesses, deliberates in total secrecy and its indictment cannot be challenged. In short it has a duty to seek out injustice and rectify it

## LAW NOTES

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### CONFIRMATIO CARTARUM [26]<sup>iv</sup> October 10, 1297

*This document is a bridge between the Constitutional protection of one's access to the common law, and the Magna Carta. The modern value of the following is that it links the Magna Carta to the Common Law. The U.S. Constitution guarantees one's access to the Common Law, i.e. the Magna Carta. (See the next to last line of the first paragraph.)*

EDWARD, by the grace of God, King of England, Lord of Ireland, and Duke of Guian [27]<sup>v</sup>, to all those that these present letters shall hear or see, greeting. Know ye that we, to the honor of God and of Holy Church, and to the profit of our realm, have granted for us and our heirs, that the Charter of liberties, and the Charter of the forest [28]<sup>vi</sup>, which were made by common assent of all the realm, in the time of King HENRY our father, shall be kept in every point without breach. (2) And we will that the same charters shall be sent under our seal, as well to our justices of the forest, as to others, and to all sheriffs of shires, and to all our other officers, and to all our cities throughout the realm, together with our writs, in the which it shall be contained, that they cause the foresaid charters to be published, and to declare to the people that we have confirmed them in all points; (3) and that our justices, sheriffs, mayors, and other ministers, which under us have the laws of our land to guide, shall allow the said charters pleaded before them in judgment in all their points, that is to wit, the Great Charter as the common law[\*] and the Charter of the forest, for the wealth of our realm.

2. AND we will, That if any judgment be given from henceforth contrary to the points of the charters aforesaid by the justices, or by any other our ministers that hold plea before them against the points of the charters, it shall be undone, and holden for nought.

3. AND we will, That the same charters shall be sent, under our seal, to cathedral churches throughout our realm, there to remain, and shall be read before the people two times by the year.

4. AND that all archbishops and bishops shall pronounce the sentence of excommunication against all those that by word, deed, or counsel do contrary to the foresaid charters, or that in any point break or undo them. (2) and that the said curses be twice a year denounced and published by the prelates

aforesaid. (3) And if the said prelates, or any of them, be remiss in the denunciation of the said sentences, the archbishops of Canterbury and York for the time being shall compel and distrein them to the execution of their duties in form aforesaid.

5. AND for so much as divers people of our realm are in fear that the aids and tasks[29]<sup>vii</sup> which they have

given to us beforetime towards our wars and other business, of their own grant and good will (howsoever they were made) might turn to a bondage to them and their heirs, because they might be at another time found in the rolls, and likewise for the prises taken throughout the realm by our ministers:

(2) We have granted for us and our heirs, that we shall not draw such aids, tasks, nor prises into a custom, for any thing that hath been done heretofore, be it by roll or any other precedent that may be founden.

6. Moreover we have granted for us and our heirs, as well to archbishops, bishops, abbots, priors, and other folk of holy church, as also to earls, barons, and to all the communalty of the land, that for no business from henceforth we shall take such manner of aids, tasks, nor prises, but by the common assent of the realm, and Confirmatio Cartarum <http://www.1215.org/lawnotes/lawnotes/cartarum.htm>

1 of 2 4/19/2013 11:29 AM for the common profit thereof, saving the ancient aids, and prises due and accustomed. 7. AND for so much as the more part of the communalty of the realm find themselves sore grieved with the maletent of wools, that is to wit, a toll of forty shillings for every sack of wool, and have made petition to us to release the same; We at their requests have yearly released it, and have for granted us and our heirs, that we shall not take such things without their common assent and good will, saving to us and our heirs the custom of wools, skins, and leather, granted before by the communalty aforesaid. In witness of which things we have caused these our letters to be made patents. Witness EDWARD our son at London the tenth day of October, the five and twentieth year of our reign.

*The above is quoted from "Sources of Our Liberties" Edited by Richard L. Perry, American Bar Foundation; distributed by Associated College Presses, 32 Washington Place, New York 3, New York.*

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## SOVEREIGNTY OF THE PEOPLE

The concept of sovereignty stands on its own. The sources shown below may help you to see that it is a respected and valid concept.

"...at the Revolution, the sovereignty devolved on the people; and they are truly the sovereigns of the country, but they are sovereigns without subjects...with none to govern but themselves; the citizens of America are equal as fellow citizens, and as joint tenants in the sovereignty." CHISHOLM v. GEORGIA (US) 2 Dall 419, 454, 1 L Ed 440, 455 @DALL 1793 pp471-472

The people of this State, as the successors of its former sovereign, are entitled to all the rights which formerly belonged to the King by his prerogative. Through the medium of their Legislature they may exercise all the powers which previous to the Revolution could have been exercised either by the King alone, or by him in conjunction with his Parliament; subject only to those restrictions which have been imposed by the Constitution of this State or of the U.S. *Lansing v. Smith*, 21 D. 89., 4 Wendel 9 (1829) (New York) "D." = Decennial Digest *Lansing v. Smith*, 4 Wend. 9 (N.Y.) (1829), 21 Am.Dec. 89 10C Const. Law Sec. 298; 18 C Em.Dom. Sec. 3, 228; 37 C Nav.Wat. Sec. 219; Nuls Sec. 1`67; 48 C Wharves Sec. 3, 7. NOTE: Am.Dec.=American Decision, Wend. = Wendell (N.Y.)

The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created. 54950.5. This chapter shall be known as the Ralph M. Brown Act.

**SOVEREIGNTY** - Black's Law Dictionary, Fourth Edition The power to do everything in a state without accountability,--to make laws, to execute and to apply them, to impose and collect taxes and levy contributions, to make war or peace, to form treaties of alliance or of commerce with foreign nations, and the like. Story, Const. Sec 207 Sovereignty in government is that public authority which directs or orders what is to be done by each member associated in relation to the end of the association. It is the supreme power by which any citizen is governed and is the person or body of persons in teh state to whom there is politically no superior. The necessary existence of the state and that right and power which necessarily follow is "sovereignty." By "sovereignty in its largest sense is meant supreme, absolute, uncontrollable power, the absolute right to govern. The word which by itself comes nearest to being the definition of "sovereignty" is will or volition as applied to political affairs. *City of Bisbee v. Cochise County*, 52 Ariz. 1, 78 P.2d 982, 986.

**STATE** - Black's Law Dictionary, Fourth Edition 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. *United States v. Kusche*, D.C.Cal., 56 F.Supp. 201, 207, 208. The organization of social life which exercises sovereign power in behalf of the people. *Delany v. Moraitis*, C.C.A.Md., 136 F.2d 129, 130.

#### **CONSTITUTIONAL PREAMBLES -**

**Constitution for the United States of America:** 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.



**New York State Constitution:** WE THE PEOPLE of the State of New York, grateful to Almighty God for our Freedom, in order to secure its blessings, DO ESTABLISH THIS CONSTITUTION.

To deprive the People of their sovereignty it is first necessary to get the People to agree to submit to the authority of the entity they have created. That is done by getting them to claim they are citizens of that entity (see Const. for the U.S.A., XIV Amendment, for the definition of a citizen of the United States.) 14 C.J.S. 426, 430 The particular meaning of the word "citizen" is frequently dependent on the context in which it is found [25]<sup>viii</sup>, and the word must always be taken in the sense which best harmonizes with the subject matter in which it is used [26]<sup>ix</sup>. One may be considered a citizen for some purposes and not a citizen for other purposes, as, for instance, for commercial purposes, and not for political purposes[27]<sup>x</sup>. So, a person may be a citizen in the sense that as such he is entitled to the protection of his life, liberty, and property, even though he is not vested with the suffrage or other political rights[28]<sup>xi</sup>.

"The very meaning of 'sovereignty' is that the decree of the sovereign makes law." *American Banana Co. v. United Fruit Co.*, 29 S.Ct. 511, 513, 213 U.S. 347, 53 L.Ed. 826, 19 Ann.Cas. 1047.

"'Sovereignty' means that the decree of sovereign makes law, and foreign courts cannot condemn influences persuading sovereign to make the decree." *Moscow Fire Ins. Co. of Moscow, Russia v. Bank of New York & Trust Co.*, 294 N.Y.S. 648, 662, 161 Misc. 903.

**RESERVATION OF SOVEREIGNTY:** "[15] (b) Even if the Tribe's power to tax were derived solely from its power to exclude non-Indians from the reservation, the Tribe has the authority to impose the severance tax. Non-Indians who lawfully enter tribal lands remain subject to a tribe's power to exclude them, which power includes the lesser power to tax or place other conditions on the non-Indian's conduct or continued presence on the reservation. The Tribe's role as commercial partner with petitioners should not be confused with its role as sovereign. It is one thing to find that the Tribe has agreed to sell the right to use the land and take valuable minerals from it, and quite another to find that the Tribe has abandoned its sovereign powers simply because it has not expressly reserved them through a contract. To presume that a sovereign forever waives the right to exercise one of its powers unless it expressly reserves the right to exercise that power in a commercial agreement turns the concept of sovereignty on its head. *MERRION ET AL., DBA MERRION & BAYLESS, ET AL. v. JICARILLA APACHE TRIBE ET AL.* 1982.SCT.394 , 455 U.S. 130, 102 S. Ct. 894, 71 L. Ed. 2d 21, 50 U.S.L.W. 4169 pp. 144-148. (Bold emphasis added here)

**State Sovereignty vs. Popular Sovereignty** A general discussion of two types of sovereignty, and the relative positions of each. United States and State of California are two separate sovereignties, each dominant within its own sphere. *Redding v Los Angeles* (1947) 81 CA2d 888, 185 P2d 430, app dismd 334 US 825, 92 L Ed 1754, 68 S Ct 1338

As independent sovereignty, it is State's province and duty to forbid interference by another state or foreign power with status of its own citizens. *Roberts v Roberts* (1947) 81 CA2d 871, 185 P2d 381. Black's Law Dictionary, 4th Ed., p 1300

A county is a person in a legal sense, *Lancaster Co. v. Trimble*, 34 Neb. 752, 52 N.W. 711; but a sovereign is Sovereignty of the People not; *In re Fox*, 52 N.Y. 535, 11 Am.Rep. 751; *U.S. v. Fox* 94 U.S. 315, 24 L.Ed. 192 .... Black's Law Dictionary, 4th Ed., p 1300

A person is such, not because he is human, but because rights and duties are ascribed to him. The person is the legal subject or substance of which the rights and duties are attributes. An individual human being considered as having such attributes is what lawyers call a "natural person." Pollock, *First Book of Jurispr.* 110. Gray, *Nature and Sources of Law*, ch. II. Black's Law Dictionary, 4th Edition, p 1300

**The terms "citizen" and "citizenship"** are distinguishable from "resident" or "inhabitant." *Jeffcott v. Donovan*, C.C.A.Ariz., 135 F.2d 213, 214; and from "domicile," *Wheeler v. Burgess*, 263 Ky. 693, 93 S.W.2d 351, 354; *First Carolinas Joint Stock Land Bank of Columbia v. New York Title & Mortgage Co.*, D.C.S.C., 59 F.2d 35j0, 351. The words "citizen" and citizenship," however, usually include the idea of domicile, *Delaware, L.&W.R.Co. v. Petrowsky*, C.C.A.N.Y., 250 F. 554, 557; citizen inhabitant and resident often synonymous, *Jonesboro Trust Co. v. Nutt*, 118 Ark. 368, 176 S.W. 322, 324; *Edgewater Realty Co. v. Tennessee Coal, Iron & Railroad Co.*, D.C.Md., 49 F.Supp. 807, 809; and citizenship and domicile are often synonymous. *Messick v. Southern Pa. Bus Co.*, D.C.Pa., 59 F.Supp. 799, 800. Black's Law Dictionary, 4th Ed., p 310

**Domicile and citizen are synonymous in federal courts**, *Earley v. Hershey Transit Co.*, D.C. Pa., 55 F.Supp. 981, 982; inhabitant, resident and citizen are synonymous, *Standard Stoker Co. v. Lower*, D.C.Md., 46 F.2d 678, 683. Black's Law Dictionary, 4th Ed., p 311

The Constitution emanated from the people and was not the act of sovereign and independent States.\*1 The preamble contemplates the body of electors composing the states, the terms "people" and "citizens" being synonymous. Negroes, whether free or slaves, were not included in the term "people of the United States at that time.\*2 \*1 *McCulloch v. Maryland*, 4 Wheat. 316 [1819]. See also *Chisholm v. Georgia*, 2 Dall. 419, 470 [1793]; *Penhallow v. Doane*, 3 Dall. 54, 93 [1795]; *Martin v. Hunter*, 1 Wheat. 304, 324 [1816]; *Barron v. Baltimore*, 7 Pet. 247 [1833]. \*2 *Scott v. Sandford*, 19 How 393, 404 [1857].

The words "sovereign state" are cabalistic words, not understood by the disciple of liberty, who has been instructed in our constitutional schools. It is our appropriate phrase when applied to an absolute despotism. The idea of sovereign power in the government of a republic is incompatible with the existence and foundation of civil liberty and the rights of property. *Gaines v. Buford*, 31 Ky. (1 Dana) 481, 501.

## **GOVERNMENT:**

**Republican Government.** One in which the powers of sovereignty are vested in the people and are exercised by the people, either directly, or through representatives chosen by the people, to whom those powers are specially delegated. In re Duncan, 139 U.S. 449, 11 S.Ct. 573, 35 L.Ed. 219; Minor v. Happersett, 88 U.S. (21 Wall.) 162, 22 L.Ed. 627. Black's Law Dictionary, Fifth Edition, p. 626

**Democracy.** That form of government in which the sovereign power resides in and is exercised by the whole body of free citizens directly or indirectly through a system of representation, as distinguished from a monarchy, aristocracy, or oligarchy. Black's Law Dictionary, Fifth Edition, p. 388 Bond v. U.S. SCOTUS recognizes personal sovereignty, June 16, 2011

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## **PEOPLE or CITIZEN WHICH ONE ARE YOU?**

**PEOPLE** - The Preamble does not specifically define the word "People." Nevertheless, the definition becomes apparent in the context of the other words and prior history.

**HISTORY** - Before the United States existed, there was no legal government. A group of representatives, acting "in the name and by the authority of the good people of these colonies," declared the independence of the colonies from the British Crown and the state of Great Britain.

From the beginning, in the 1776 Declaration of Independence, the people were acknowledged as the source of authority, i.e. the sovereignty which authorized the Declaration of Independence.

Next came the 1778 Articles of Confederation. The states that existed by the authority of the people, created those Articles while in Congress assembled. That didn't work as well as expected.

In 1787 the people themselves came forth "to ordain and establish this Constitution for the United States of America" [see Preamble]. On September 17th, 1787, the states held a convention and all those present unanimously joined in. [see last paragraph of U.S. Constitution] So, in 1787, unanimous concurrence was achieved and the Constitution was born, later to be ratified.

**PREAMBLE** - "We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquillity, 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."

## STRUCTURE OF PREAMBLE

**TRUSTOR**: We the People [trustors]

**VENUE**: of the United States

**PURPOSE**: in Order to form a more perfect Union, establish Justice, insure domestic Tranquillity, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty

**BENEFICIARY**: to ourselves and our Posterity,

**ENABLING ACTION 1**: do ordain [declare the law]

**ENABLING ACTION 2**: and establish [bring into existence]

**WHAT**: this Constitution [articles of incorporation for trust]

**TRUSTEE**: for the United States of America. [trustee]

**ANALYSIS OF PREAMBLE** - The Preamble defines the context in which the remainder of the Constitution must be interpreted. Most of it is self explanatory. Here's an explanation that points to popular sovereignty: After the Declaration of Independence, but before the ordainment and establishment of the Constitution, the people of the United States pretty much handled their own affairs using the common law. They were not subject to any higher authority other than the authority of the common law as administered by the people themselves (self governance). Although the states did exist, they only existed by the authority of the people. Every man was a king, and every woman a queen--and none had any subjects. Upon declaring our independence, we all became sovereigns and members of the peerage (nobility).

"The people of this State, as the successors of its former sovereign, are entitled to all the rights which formerly belonged to the King by his prerogative. Through the medium of their Legislature they may exercise all the powers which previous to the Revolution could have been exercised either by the King alone, or by him in conjunction with his Parliament; subject only to those restrictions which have been imposed by the Constitution of this State or of the U.S." Lansing v. Smith, 21 D. 89., 4 Wendel 9 (1829) (New York) "D." = Decennial Digest Lansing v. Smith, 4 Wend. 9 (N.Y.) (1829), 21 Am.Dec. 89 10C Const. Law Sec. 298; 18 C Em.Dom. Sec. 3, 228; 37 C Nav.Wat. Sec. 219; Nuls Sec. 1`67; 48 C Wharves Sec. 3, 7.  
NOTE: Am.Dec.=American Decision, Wend. = Wendell (N.Y.)

The enabling actions in the Preamble are significant because there is simply nothing in the use of those words to imply that the People relinquished any of their own power and authority. The People declared the law (ordain) without taking away from themselves the authority to declare law again in the future. The People established the Constitution without taking away from themselves the authority to establish anything else in the future. In other words, the people gave birth to the Constitution without giving up any of their own power and authority. What was before, continues to be so today. From the context of the Preamble, one may conclude that the laws of the United States do not apply to People. The People, as ordainers and establishers of the country are sovereigns of the country, may not be involuntarily subjected to the laws of the United States.

Because of Amendment X ("The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people," the government has no authority, and cannot assume any authority over the People. Government powers may not reach beyond that which is constitutionally granted. In order for the government to subject People to its law it is necessary for the People to relinquish their sovereignty. Sovereignty is a natural right which cannot lawfully be relinquished involuntarily. Any removal of sovereignty must be accomplished voluntarily by the subject himself.

## **DEFINITION OF CITIZEN OF THE UNITED STATES**

**HISTORY** - Before ratification of the Amendment XIV , there was no legal definition of the term "citizen of the United States." The term was used, but only generally. After the Civil War the slaves were freed but there was no legal basis to recognize them as having any rights. Amendment XIV partially solved that problem. "Free the slaves," was the rallying cry combined with the Civil War that resulted in Amendment XIV. Amendment XIV created a new class of person called "citizen of the United States." Any ex-slave could now claim citizenship, and, by the way, so could any of the People if they so chose to do. Amendment XIV made possible the voluntary relinquishment of personal sovereignty.

It was also during the mid 1800's that the various governments took control of the school systems. The curriculum shifted from civics (the study of natural rights and common law) to American government (the study of civil privileges and statutory law). Emphasis was also refocused on "good citizenship". To blunt the people's perception, the civil privileges were called civil rights. The transition from teaching "natural rights" to teaching "civil rights" took about 100 years (from the 1850's to the 1950's). During the 1950's the school systems changed the courses named from "Civics" to "American Government." Hardly anyone now is aware of the subject of civics as a school course.

The phrase, "citizens of the United States," is defined in the Constitution for the United States of America, Amendment XIV:

**AMENDMENT XIV** - Section 1. "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." Section 5. "The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article."

### **STRUCTURE OF AMENDMENT XIV**

**WHO:** All persons

**QUALIFICATION:** -

- (A) born or naturalized in the United States, and
- (B) subject to the jurisdiction thereof

**PURPOSE:** - No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

**ENFORCED BY:** - The Congress

**ENFORCEMENT METHOD:** - Legislation

**QUALITATIVE ANALYSIS OF AMENDMENT XIV** - As discussed above, the People are sovereign. The People are not subject to the jurisdiction of the federal government, even though they are born in the United States. Amendment XIV inverts the relationship. One of the qualifications to be a citizen of the United States is that one must be born or naturalized in the United States. Another qualification is that one must be, "subject to the jurisdiction thereof." It is not possible to be a citizen of the United States without being born or naturalized in the United States and subject to the jurisdiction thereof. But, if you are born or naturalized, and if you are subject to the jurisdiction, then you automatically qualify as a citizen of the United States.

From the point of view of the federal enforcers, the qualifications are worked in reverse. They reverse interpret Amendment XIV as saying that if you say you are a citizen of the United States, then that automatically means you are totally subject to its jurisdiction [and have been born or naturalized]. This opinion is not shared by the judicial branch. See 14 C.J.S. 426, 430: The particular meaning of the word "citizen" is frequently dependent on the context in which it is found<sup>[25]<sup>xii</sup></sup>, and the word must always be taken in the sense which best harmonizes with the subject matter in which it is used<sup>[26]<sup>xiii</sup></sup>. "One may be considered a citizen for some purposes and not a citizen for other purposes, as, for instance, for commercial purposes, and not for political purposes<sup>[27]<sup>xiv</sup></sup>. So, a person may be a citizen in the sense that as such he is entitled to the protection of his life, liberty, and property, even though he is not vested with the suffrage or other political rights<sup>[28]<sup>xv</sup></sup>.

#### **ONE OF THE PEOPLE OR ONE OF THE CITIZENS?**

The first issue to be resolved in any court proceeding is that of jurisdiction. Does the one entity have jurisdiction over the other entity? One should never go into court without a clear understanding as to whether he is there as a citizen, or there as one of the people.

If you claim you are a citizen of the United States, then it is strongly implied (though not necessarily true) that you are subject to the laws of the United States. On the other hand, if you are one of the People, then it is legally implied that you are a legal king, with a sovereignty superior to that of the United States, and subject only to the common law of the other kings (your peers). In short: the People are superior to the government, the government is superior to the citizens. That is the hierarchy.

**PEOPLE ---> GOVERNMENT ---> CITIZENS** - As a king you "are entitled to all the rights which formerly belonged to the King by his prerogative." You can do what you want to do when you want to do it. You have your own property and your own courts. There is no limit as to what you may do other than the natural limits of the universe, and the sovereignty of a fellow sovereign. You should treat the other sovereign in accordance with the Golden Rule, and at the very least must never harm him. Your

sovereignty stops where the other sovereignty begins. You are one of the owners of the American government, and it is their promise that they will support your sovereignty (i.e. they have promised to support the Constitution and protect it from all enemies). You have no allegiance to anyone. The government, your only [public] servant, has an allegiance to you.

As a citizen, you are only entitled to whatever your sovereign grants to you. You have no rights. If you wish to do something that would be otherwise illegal, you must apply for a license giving you special permission. If there is no license available, and if there is no specific permission granted in the statutes, then you must apply for special permission or a waiver in order to do it. Your only allegiance is to your sovereign (the government), and that allegiance is mandated by your sovereign's law (the government, though not absolutely sovereign, is sovereign relative to you if you claim to be a citizen of the sovereign).

**Here is a typical example:** - As one of the People you have a right to travel, unrestricted, upon the public highways. You have right to carry guests with you in your automobile. You have a right to own a gun and that right shall not be impaired by your servant, the government. You have a right to a grand jury indictment and a trial by jury, that is a trial directly by the people, not the government.

As one of the citizens, you may not travel by automobile unless you are either a licensed motor vehicle driver, or you are a passenger with permission to be on board. Gun ownership is a privilege subject to definition and regulation. You do not have a right to a jury trial in all cases, and no right to grand jury indictment--a trial is a trial by the government, not the people.

## END NOTES:

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<sup>i</sup> Law notes magna.htm #61. Inasmuch as for the sake of God, and for the bettering of our realm, and for the more ready healing of the discord which has arisen between us and our barons, we have made all these aforesaid concessions,--wishing them to enjoy for ever entire and firm stability, we make and grant to them the following security: that the barons, namely, may elect at their pleasure twenty five barons from the realm, who ought, with all their strength, to observe, maintain and cause to be observed, the peace and privileges which we have granted to them and confirmed by this our present charter. In such wise, namely, that if we, our justice, or our bailiffs, or any one of our servants shall have transgressed against any one in any respect, or shall have broken some one of the articles of peace or security, and our transgression shall have been shown to four barons of the aforesaid twenty five: those four barons shall come to us, or, if we are abroad, to our justice, showing to us our error; and they shall ask us to cause that error to be amended without delay. And if we do not amend that error, or, we being abroad, if our justice do not amend it within a term of forty days from the time when it was shown to us or, we being abroad, to our justice: the aforesaid four barons shall refer the matter to the remainder of the twenty five barons, and those twenty five barons, with the whole land in common, shall distrain and oppress us in every way in their power,--namely, by taking our castles, lands and possessions, and in every other way that they can, until amends shall have been made according to their judgment. Saving the persons of ourselves, our queen and our children. And when amends shall have been made they shall be in accord with us as they had been previously. And

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whoever of the land wishes to do so, shall swear that in carrying out all the aforesaid measures he will obey the mandates of the aforesaid twenty five barons, and that, with them, he will oppress us to the extent of his power. And, to any one who wishes to do so, we publicly and freely give permission to swear; and we will never prevent any one from swearing. Moreover, all those in the land who shall be unwilling, themselves and of their own accord, to swear to the twenty five barons as to distraining and oppressing us with them: such ones we shall make to swear by our mandate, as has been said. And if any one of the twenty five barons shall die, or leave the country, or in any other way be prevented from carrying out the aforesaid measures,--the remainder of the aforesaid twenty five barons shall choose another in his place, according to their judgment, who shall be sworn in the same way as the others. Moreover, in all things entrusted to those twenty five barons to be carried out, if those twenty five shall be present and chance to disagree among themselves with regard to some matter, or if some of them, having been summoned, shall be unwilling or unable to be present: that which the majority of those present shall decide or decree shall be considered binding and valid, just as if all the twenty five had consented to it. And the aforesaid twenty five shall swear that they will faithfully observe all the foregoing, and will cause them to be observed to the extent of their power. And we shall obtain nothing from any one, either through ourselves or through another, by which any of those concessions and liberties may be revoked or diminished. And if any such thing shall have been obtained, it shall be vain and invalid, and we shall never make use of it either through ourselves or through another.

<sup>ii</sup> See *United States v. Williams*, 112 S.Ct. 1735, 504 U.S. 36, 118 L.Ed.2d 352 (1992) for a discussion of separation of powers of government and grand jury.

<sup>iii</sup> Law notes magna.htm #52. If anyone shall have been dis-seized by us, or removed, without a legal sentence of his peers, from his lands, castles, liberties or lawful right, we shall straightway restore them to him. And if a dispute shall arise concerning this matter it shall be settled according to the judgment of the twenty-five barons who are mentioned below as sureties for the peace. But with regard to all those things of which any one was, by king Henry our father or king Richard our brother, dis-seized or dispossessed without legal judgment of his peers, which we have in our hand or which others hold, and for which we ought to give a guarantee: We shall have respite until the common term for crusaders. Except with regard to those concerning which a plea was moved, or an inquest made by our order, before we took the cross. But when we return from our pilgrimage, or if, by chance, we desist from our pilgrimage, we shall straightway then show full justice regarding them.

<sup>iv</sup> [26] 25 Edw. i, c. i. Danby Pickering (ed.), *Statutes at Large* (Cambridge, 1726-1807), I, 273-75.

<sup>v</sup> [27] Aquitaine, the territory in southwestern France.

<sup>vi</sup> [28] The Charter of the Forest was issued in 1217, early in the reign of Henry III, as a supplement to Magna Carta. It was confirmed by him in 1225. Some of the provisions omitted in the reissues of Magna Carta which relate to forest matters appeared in the Charter of the Forest.

<sup>vii</sup> [29] "Aids," "tasks," and "prises" were forms of taxation.

<sup>viii</sup> [25] Cal.--*Prowd v. Gore*, 2 Dist. 207 P. 490. 57 C.A. 458.

<sup>ix</sup> [26] Cal.--*Prowd v. Gore*. 2 Dist. 207 P. 490. 57 C.A. 458. La.--*Lepenser v. Griffin*, 83 So. 839, 146 La. 584 N.Y.--*Union Hotel Co. v. Hersee*, 79 N.Y. 454

<sup>x</sup> [27] U.S.--*The Friendschaft, N.C.*, 16 U.S. 14, 3 Wheat. 14, 4 L.Ed. 322 --*Murray v. The Charming Betsy*, 6 U.S. 64, 2 Cranch 64, 2 L.Ed. 208 Md.--*Risewick v. Davis*, 19 Md. 82 Mass.--*Judd v. Lawrence*, 1 Cush 531 R.I.--*Greeough v. Tiverton Police Com'rs*, 74 A 785, 30 R.I. 212

<sup>xi</sup> [28] Mass.--*Dillaway v. Burton*, 153 N.E. 13, 256 Mass. 568

<sup>xii</sup> [25] Cal.--*Prowd v. Gore*, 2 Dist. 207 P. 490. 57 C.A. 458.

<sup>xiii</sup> [26] Cal.--*Prowd v. Gore*. 2 Dist. 207 P. 490. 57 C.A. 458. La.--*Lepenser v. Griffin*, 83 So. 839, 146 La. 584 N.Y.--*Union Hotel Co. v. Hersee*, 79 N.Y. 454

<sup>xiv</sup> [27] U.S.--*The Friendschaft, N.C.*, 16 U.S. 14, 3 Wheat. 14, 4 L.Ed. 322 --*Murray v. The Charming Betsy*, 6 U.S. 64, 2 Cranch 64, 2 L.Ed. 208 Md.--*Risewick v. Davis*, 19 Md. 82 Mass.--*Judd v. Lawrence*, 1 Cush 531 R.I.--*Greeough v. Tiverton Police Com'rs*, 74 A 785, 30 R.I. 212

<sup>xv</sup> [28] Mass.--*Dillaway v. Burton*, 153 N.E. 13, 256 Mass. 568" In any case, if you fail to object to the government's view of citizenship, then you will most certainly be subjected to the laws of the government. That means no rights, only privileges. To see a list of privileges granted or denied to the citizens (there is no list for the People's natural rights because the People automatically have all rights), see *People's rights vs citizen's rights*