
**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK**

• 445 Broadway, Albany, NY. 12207-2936 •

United States Grand Jury¹ (*Status sovereign*²)
We the People

- against -

Federal Judiciary⁴ (*Status: clipped sovereignty*)
Respondents

JURISDICTION: Court of Record³
Federal Case No. _____

**MEMORANDUM OF LAW
ACTS OF TREASON BY
THE JUDICIARY**

5
The purpose of this memorandum is to establish the sovereign authority of the authors of the Constitution, the People. To make clear that there never was a rule of absolute judicial immunity nor could there be. Judges are not above the law; they are creatures of the law and are bound to obey it. If judges break the law, they can be removed for bad behavior, prosecuted and sued for damages; they are duty bound to

- 1) Obey the Law of the land,
- 2) Interpret the Constitution with ordinary understanding,
- 3) Liberally construe the Constitution to the benefit the People,
- 15 4) Actively resist any encroachments upon the Constitution, and
- 5) Nullification of any legislation in conflict with the Constitution.

¹The UUSCLGJ is comprised of fifty Grand Jurys each unified amongst the counties within their respective States. All fifty States have unified nationally as an assembly of Thousands of People in the name of We the People to suppress, through our Courts of Justice, subverts both foreign and domestic acting under color of law within our governments. States were unified by re-constituting all 3,133 United States counties.

² “**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. The people of this State, as the successors of its former sovereign, are entitled to all the rights which formerly belonged to the King by his prerogative. Lansing v. Smith, 4 Wend. 9 (N.Y.) (1829), 21 Am. Dec. 89 10C Const. Law Sec. 298; 18 C Em.Dom. Sec. 3, 228; 37 C Nav.Wat. Sec. 219; Nuls Sec. 167; 48 C Wharves Sec. 3, 7.

³ “**A Court of Record** is a judicial tribunal having attributes and exercising functions independently of the person of the magistrate designated generally to hold it, and proceeding according to the course of common law, its acts and proceedings being enrolled for a perpetual memorial.” Jones v. Jones, 188 Mo.App. 220, 175 S.W. 227, 229; Ex parte Gladhill, 8 Metc. Mass., 171, per Shaw, C.J. See, also, Ledwith v. Rosalsky, 244 N.Y. 406, 155 N.E. 688, 689.

⁴ **Federal Judiciary** of the United States is one of the three branches of the federal government of the United States organized under the United States Constitution and laws of the federal government. Article III of the Constitution requires the establishment of a Supreme Court and permits the Congress to create other federal courts, and place limitations on their jurisdiction. Article III federal judges are appointed by the President with the consent of the Senate to serve until they resign, are impeached and convicted, retire, or die.

SOVEREIGN AUTHORITY IS IN THE PEOPLE ALONE *“The very meaning of 'sovereignty' is that the decree of the sovereign makes law.”*⁵ *“A consequence of this prerogative is the legal ubiquity of the king. His majesty in the eye of the law is always present in all his courts, though he cannot personally distribute justice.”*⁶ *“His judges (We the People, Jurist) are the mirror by which the king's (Natures God) image is reflected.”*⁷

WE THE PEOPLE ORDAINED THE LAW OF THE LAND ARTICLE VI, CLAUSE 2: *“This Constitution, and the Laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby; anything in the Constitution or Laws of any State to the Contrary notwithstanding.”*

JUDGES MUST HAVE JURISDICTION *“No judicial process, whatever form it may assume, can have any lawful authority outside of the limits of the jurisdiction of the court or judge by whom it is issued; and an attempt to enforce it beyond these boundaries is nothing less than lawless violence.”*⁸ *“A judge must be acting within his jurisdiction as to subject matter and person, to be entitled to immunity from civil action for his acts.”*⁹

JUDGES ARE ACCOUNTABLE Justice Douglas, in his dissenting opinion at page 140 said, *“If (federal judges) break the law, they can be prosecuted.”* Justice Black, in his dissenting opinion at page 141) said, *“Judges, like other people, can be tried, convicted and punished for crimes.”*¹⁰

JUDICIAL IMMUNITY DOES NOT EXIST *“No man in this country is so high that he is above the law. No officer of the law may set that law at defiance with impunity. All the officers of the government, from the highest to the lowest, are creatures of the law and are bound to obey it. ... It is the only supreme power in our system of government, and every man who, by accepting office participates in its functions, is only the more*

⁵ American Banana Co. v. United Fruit Co., 29 S.Ct. 511, 513, 213 U.S. 347, 53 L.Ed. 826, 19 Ann.Cas. 1047.

⁶ (Fortesc.c.8. 2Inst.186)

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

⁸ Ableman v. Booth, 21 Howard 506 (1859)

⁹ Davis v. Burris, 51 Ariz. 220, 75 P.2d 689 (1938)

¹⁰ Chandler v. Judicial Council of the 10th Circuit, 398 U.S. 74, 90 S. Ct. 1648, 26 L. Ed. 2d 100

strongly bound to submit to that supremacy, and to observe the limitations which it imposes on the exercise of the authority which it gives.”¹¹

45 “Our own experience is fully consistent with the common law's rejection of a rule of
judicial immunity. We never have had a rule of absolute judicial immunity. At least
seven circuits have indicated affirmatively that there is no immunity... to prevent
irreparable injury to a citizen's constitutional rights... Subsequent interpretations of the
Civil Rights Act by this Court acknowledge Congress’ intent to reach unconstitutional
50 actions by all state and federal actors, including judges... The Fourteenth Amendment
prohibits a state [federal] from denying any person [citizen] within its jurisdiction the
equal protection under the laws. Since a State [or federal] acts only by its legislative,
executive or judicial authorities, the constitutional provisions must be addressed to
those authorities, including state and federal judges... We conclude that judicial
55 immunity is not a bar to relief against a judicial officer acting in her [his] judicial
capacity.”¹²

“By law, a judge is a state officer. The judge then acts not as a judge, but as a private
individual (in his person). When a judge acts as a trespasser of the law, when a judge
does not follow the law, the Judge loses subject-matter jurisdiction and the judges’
60 orders are not voidable, but VOID, and of no legal force or effect. ... “when a state
officer acts under a state law in a manner violative of the Federal Constitution, he
comes into conflict with the superior authority of that Constitution, and he is in that
case stripped of his official or representative character and is subjected in his person to
the consequences of his individual conduct. The State has no power to impart to him any
65 immunity from responsibility to the supreme authority of the United States.”¹³

JUDGES HOLD THEIR OFFICE DURING GOOD BEHAVIOR Article III Section 1:

The Judicial power of the United States shall be vested in one Supreme Court and in
such inferior courts as the Congress may from time to time ordain and establish. The
judges, both of the supreme and inferior courts, shall hold their offices during good
70 behavior...¹⁴

¹¹ U.S. v. Lee, 106 U.S. 196, 220 1 S. Ct. 240, 261, 27 L. Ed 171 (1882).

¹² Pulliam v. Allen, 466 U.S. 522 (1984); 104 S. Ct. 1781, 1980, 1981, & 1985.

¹³ Scheuer v. Rhodes, 416 U.S. 232, 94 S. Ct. 1683, 1687 (1974).

¹⁴ **GOOD BEHAVIOR:** The term “good behavior” means conduct that is authorized by law, and “bad behavior” means conduct such as the law will punish. State v. Hardin, 183 N.C. 815, 112 S.E. 593, 594. Orderly and lawful conduct; Huyser v. Com., 25 Ky.L. Rep. 608, 76 S.W. 175; In re Spenser, 22 Fed.Cas. 921. “Good behavior,” means merely conduct

JUDGES' ENGAGED IN ACTS OF TREASON *“Any judge who does not comply with his oath to the Constitution of the United States wars against that Constitution and engages in acts in violation of the supreme law of the land. The judge is engaged in acts of treason.”*¹⁵ *“No state legislator or executive or judicial officer can war against the Constitution without violating his undertaking to support it.”*¹⁶ *“High Treason: Treason against the sovereign, as distinguished from petit or petty treason, which might formerly be committed against a subject.”*¹⁷

JUDGES' REMOVAL FROM OFFICE Article I Section 4: The President, Vice President and all civil officers¹⁸ (includes judges) of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

IMPEACHMENT Article I Section 2 Clause 4: The House of Representatives shall have the sole power of impeachment.

Article I Section 3 Clause 6: The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no person shall be convicted without the concurrence of two thirds of the members present.

Article I Section 3 Clause 7: Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust or profit under the United States: but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment and punishment, according to law.

OBSTA PRINCIPIIS¹⁹ *“It may be that it is the obnoxious thing in its mildest form; but illegitimate and un-constitutional practices get their first footing in that way; namely, by silent approaches and slight deviations from legal modes of procedure. This can only be obviated by adhering to the rule that constitutional provisions for the security of*

conformable to law, or to the particular law theretofore breached. Ex parte Hamm, 24 N.M. 33, 172 P. 190, 191, L.R. A.1918D, 694; Baker v. Commonwealth, 181 Ky. 437, 205 S.W. 399, 401.

¹⁵ Cooper v. Aaron, 358 U.S. 1, 78 S. Ct. 1401 (1958).

¹⁶ Sawyer, 124 U.S. 200 (188); U.S. v. Will, 449 U.S. 200, 216, 101 S. Ct. 471, 66 L. Ed. 2d 392, 406 (1980); Cohens v. Virginia, 19 U.S. (6 Wheat) 264, 404, 5 L. Ed 257 (1821).

¹⁷ 4 Bl.Comm. 74, 75; 4 Steph. Comm. 183, 184, note.

¹⁸ **Civil officer:** The word “civil,” as regards civil officers, is commonly used to distinguish those officers who are in public service but not of the military. U. S. v. American Brewing Co., D.C.Pa., 296 F. 772, 776; State v. Clarke, 21 Nev. 333, 31 P. 545, 18 L.R.A. 313, 37 Am.St.Rep. 517. Hence, any officer of the United States who holds his appointment under the national government, whether his duties are executive or judicial, in the highest or the lowest departments of the government, with the exception of officers of the army and navy, is a “civil officer.” 1 Story, Const. § 792. See, also, Com'rs v. Goldsborough, 90 Md. 193, 44 A. 1055.

¹⁹ **OBSTA PRINCIPIIS:** Lat. Withstand begin-nings; resist the first approaches or encroach-ments. Bradley, J., Boyd v. U. S., 116 U.S. 635, 6 Sup.Ct. 535, 29 L.Ed. 746.

100 *persons and property should be liberally construed. A close and literal construction deprives them of half their efficacy, and leads to gradual depreciation of the right, as if it consisted more in sound than in substance. It is the duty of the Courts to be watchful for the Constitutional Rights of the Citizens, and against any stealthy encroachments thereon. Their motto should be Obsta Principiis.*"²⁰

INTERPRETING THE CONSTITUTION

105 **LIBERALLY CONSTRUED** The purpose of a written constitution is entirely defeated if, in interpreting it as a legal document, its provisions are manipulated and worked around so that the document means whatever the manipulators wish. Jefferson recognized this danger and spoke out constantly for careful adherence to the Constitution as written, with changes to be made by amendment, not by tortured and twisted interpretations of the text.

110 **ORDINARY UNDERSTANDING** Thomas Jefferson said, "*The Constitution to which we are all attached was meant to be republican, and we believe to be republican according to every candid interpretation. Yet we have seen it so interpreted and administered, as to be truly what the French have called, a monarchie masque (or oligarchy's mask).*" "*Laws are made for men of ordinary understanding and should, therefore, be construed by the ordinary rules of common sense. Their meaning is not to be sought for in metaphysical subtleties which may make anything mean everything or*
115 *nothing at pleasure.*"²¹

120 "*Common sense [is] the foundation of all authorities, of the laws themselves, and of their construction.*"²² *The Constitution on which our Union rests, shall be administered by me [Thomas Jefferson as President] according to the safe and honest meaning contemplated by the plain understanding of the people of the United States at the time of its adoption--a meaning to be found in the explanations of those who advocated, not those who opposed it, and who opposed it merely lest the construction should be applied which they denounced as possible.*²³ *I do then, with sincere zeal, wish an inviolable preservation of our present federal Constitution, according to the true sense in which it*

²⁰ Boyd v. United, 116 U.S. 616 at 635 (1885)

²¹ Thomas Jefferson to William Johnson, 1823. ME 15:450.

²² Thomas Jefferson: Batture at New Orleans, 1812. ME 18:92.

²³ Thomas Jefferson: Reply to Address, 1801. ME 10:248.

125 was adopted by the States, that in which it was advocated by its friends, and not that
which its enemies apprehended, who therefore became its enemies.”²⁴

TWO MEANINGS

130 “Whenever the words of a law will bear two meanings, one of which will give effect to
the law, and the other will defeat it, the former must be supposed to have been intended
by the Legislature, because they could not intend that meaning, which would defeat
135 their intention, in passing that law; and in a statute, as in a will, the intention of the
party is to be sought after.²⁵ On every question of construction carry ourselves back to
the time when the Constitution was adopted, [Federalist and Anti Federalist papers]
recollect the spirit manifested in the debates and instead of trying what meaning may be
squeezed out of the text or invented against it, conform to the probable one in which it
was passed.”²⁶

KENTUCKY RESOLUTIONS

140 “Where powers are assumed which have not been delegated, a nullification of the act is
the rightful remedy.²⁷ [The States] alone being parties to the [Federal] compact... [are]
solely authorized to judge in the last resort of the powers exercised under it, Congress
being not a party but merely the creation of the compact and subject as to its
assumptions of power to the final judgment of those by whom and for whose use itself
and its powers were all created and modified.²⁸ The government created by this compact
was not made the exclusive or final judge of the extent of the powers delegated to itself,
145 since that would have made its discretion and not the Constitution the measure of its
powers; but... as in all other cases of compact among powers having no common judge,
each party has an equal right to judge for itself, as well of infractions as of the mode
and measure of redress.”²⁹

²⁴ Thomas Jefferson to Elbridge Gerry, 1799. ME 10:76.

²⁵ Thomas Jefferson to Albert Gallatin, 1808. ME 12:110.

²⁶ Thomas Jefferson to William Johnson, 1823. ME 15:449.

²⁷ Thomas Jefferson: Draft Kentucky Resolutions, 1798. ME 17:386.

²⁸ Thomas Jefferson: Draft Kentucky Resolutions, 1798. ME 17:387.

²⁹ Thomas Jefferson: Draft Kentucky Resolutions, 1798. ME 17:380.

THE CONSTITUTION IS NOT MOOT³⁰

150 As the man who discovered America's Freedom Formula, Thomas Jefferson warned of those that read the Constitution as a legal document to be manipulated and worked around by tortured and twisted interpretations of the text so that the document means whatever the manipulators wish it to mean in order to empower themselves and or suppress others.

155 The Constitution is to be read according to the true sense in which it was adopted by the States. However, because of intellectual laziness, particularly in Law and our political process, and subversive factions that have infiltrated our government, our government servants with vested powers are unconstitutionally taught by and provided with for their use, an Army of BAR attorneys, minions of the oligarchy, who are trained to expand
160 their powers at the cost of suppressing our Liberties. They have expanded the powers of our public servants to the point of making the servant the master and the master the servant. They make everything a controversy and claim our Constitution moot or out of date.

Our Constitution is simple to read. The only prerequisites are the ability to read and the
165 use of a dictionary, that's it! For further expanding on the logic and the debate that resulted in our Constitution, see Federalist and Anti Federalist papers.

Our Constitution was written by ordinary men for ordinary understanding and interpreted with common sense. The Bill of rights was added "*to prevent
170 Bill of Rights is a bill of prohibition. Thereby any misconstruction or abuse of its powers would be clearly seen if it denied, a right much like Article I Section 9 that also is a list of prohibitions.*

175 *"...THE Conventions of a number of the States, having at the time of their adopting the Constitution, expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added: And as extending the ground of public confidence in the Government, will best ensure the beneficent ends of its institution..."* - Bill of Rights Preamble

³⁰ **MOOT**, adj. Blacks 4th: A subject for argument; unsettled; undecided. A moot point is one not settled by judicial decisions. A moot case is one which seeks to determine an abstract question which does not arise upon existing facts or rights. Adams v. Union R. Co., 21 R.I. 134, 42 A. 515, 44 L.R.A. 273.

WAR AGAINST THE CONSTITUTION

180 **DESTRUCTION OF THE BALANCE OF POWER:** Our Constitution provided for a balance
of power that was laid waste by the unratified, unconstitutional 17th Amendment, which
was specifically forbidden by the Constitution itself and therefore “null and void.”
Furthermore, the Seventeenth Amendment was never ratified and therefore it’s not even
185 a pretend law. *“Truth is stranger than fiction, but it is because Fiction is obliged to stick
to possibilities; Truth isn't.”* - Mark Twain

United States Constitution Article V: *“The Congress... shall propose amendments to
this Constitution ... which, in either case, shall be valid to all intents and purposes, as
part of this Constitution, when ratified ... provided that ...no state, without its consent,
shall be deprived of its equal suffrage³¹ in the Senate.”*

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

Clearly the Seventeenth Amendment deprives “ALL” States equal suffrage in the
Senate! Thus, it is not a moot point! Therefore, like the Principle of the Kentucky
195 Resolution written by Thomas Jefferson, the founder of our Republic, which stated that
simply by *“declaring their illegality, announcing the strict constructionist theory of the
federal government, and declaring nullification to be the rightful remedy.”* That is how
the 17th amendment can be nullified. There need not be an act of Congress to amend it,
just remove it! Governors and State Legislators need only come to a “resolution” and
200 then declare, announce and act by removing the unconstitutional senators and sending
their own Senators that will do the will of the state and restore the balance of power
because *“An unconstitutional act is not law; it confers no right; it imposes no duties;
affords no protection; it creates no office; it is in legal contemplation, as inoperative as
though it had never been passed.”* - Norton vs Shelby County 118 US 425 p. 442. *“No
205 one is bound to obey an unconstitutional law and no courts are bound to enforce it.”* -
16th American Jurisprudence 2d, Section 177 late 2nd, Section 256.

*“It is emphatically the province and duty of the judicial department to say what
the law is. Those who apply the rule to particular cases, must of necessity
expound and interpret that rule. If two laws conflict with each other, the courts
210 must decide on the operation of each. So if a law be in opposition to the*

³¹ SUFFRAGE: A vote; the act of voting; the right of casting a vote.

215 *constitution; if both the law and the constitution apply to a particular case, so that*
the court must either decide that case con-formally to the law, disregarding the
constitution; or conformably to the constitution, disregarding the law; the court
must determine which of these conflicting rules governs the case. This is of the
220 *very essence of judicial duty. If, then, the courts are to regard the constitution,*
and the constitution is superior to any ordinary act of the legislature, the
constitution, and not such ordinary act, must govern the case to which they may
both apply... Certainly all those who have framed written constitutions
contemplate them as forming the fundamental and paramount law of the nation,
225 *and consequently the theory of every such government must be, that an act of the*
legislature repugnant to the constitution is void. This theory is essentially
attached to a written constitution, and is consequently to be considered by this
court as one of the fundamental principles of our society. It is not therefore to be
lost sight of in the further consideration of this subject. If an act of the legislature,
repugnant to the constitution, is void,” - Marbury v. Madison

"Where rights secured by the Constitution are involved, there can be no rule
making or legislation which would abrogate them” - Miranda v. Arizona, 384 U.S.

230 By constitutionally correcting, through nullification and action, the said unconstitutional
seventeenth amendment, nullification would then permit the states to review all passed
acts since November 1913 giving both equal suffrage to the States and a great
opportunity to eradicate many unconstitutional acts such as the Federal Reserve Act,
enacted December 23, 1913; the patriot act; homeland security act and many more
unconstitutional acts.

235 These tyrants in power have turned the “Bill of Rights” which was written to prevent
misconstruction or abuse of government powers into a document of “Restriction of
Rights” by turning common sense on its head. They have created “No free speech
zones”; they have licensed our Liberties; they demonize, raid, arrest and terrorize
people who assemble liberty meetings, teach common law, and question their authority;
they refuse to answer the People.

240 These tyrants torture and twist to interpret the meaning of our right to bear arms for the
militia only while Article I Section 8 Clause 16 divides the militia into two parts one
employed in service and one ready for service, a/k/a the organized and the unorganized.
The Militia Act of 1903 and most if not all State Constitutions makes it clear that the
245 militia is “EVERY ABLE BODIED MALE”. This immediately destroys the argument
that the second amendment is moot.

250 Furthermore, the bearing of arms is understood to be a “military grade rifle” which is an automatic weapon in order to defend ourselves from an invading military force. These tyrants have infringe upon our right to defend ourselves, our state and our nation by licensing weapons and making a law against automatic weapons as they continue to try and disarm us. They serve and execute warrants without sworn affidavits and “wet ink signatures.” They try us in courts whose jurisdictions are unknown without a Grand Jury indictment and often without a trial jury or by puppet grand and trial juries, without sworn affidavits and without an injured party.

255 IN CONCLUSION, We the People being the authors of the Law of the Land do not have civil liberties that are determined by the whims of legislators providing us with “*the power of doing whatever the laws [statutes] permit.*”³² But to the contrary we have Natural Liberty which is “*the power of acting as one thinks fit, without any restraint or control, unless by the law of nature,*”³³ in other words “*Liberty from all human law*”!

260 The debate is over; the reading of the Federalist papers and the Anti Federalists papers bear absolute proof that the Constitution is not moot and was written with ordinary common sense meaning simply what it says; needing no BAR interpreter whose job it is to spread confusion and destroy the Constitution.

265 Judges are not above the law. They are creatures of the law and are bound to obey it. If judges break the law, they can be removed for bad behavior, prosecuted and sued for damages, they are duty bound to obey the Law, interpret the Constitution with ordinary understanding, liberally construe the Constitution to benefit the People, actively resist any encroachments upon the Constitution, and nullify any legislation in conflict with the Constitution. If judges fail to defend the Constitution when brought before them they war against it and must be removed and tried for treason.

270

SEAL

Dated [*not filed yet*]



275

A handwritten signature in black ink, consisting of several overlapping loops and lines, positioned above a horizontal line. Below the line, the text 'Grand Jury Foreman' is printed.

Grand Jury Foreman

³² 1 Bl. Comm. 6; Inst. 1, 3, 1. See Dennis v. Moses, 18 Wash. 537, 52 P. 333, 40 L.R.A. 302.

³³ 1 Bl. Comm. 125.