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## GOVERNMENT BY CONSENT

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*Memorandum of Law*

The purpose of this memorandum is make clear that We the People ordained and established the Constitution for the United States of America and reveal how we can truly have a government by the consent of the People.

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

If the People do not have a fundamental knowledge and personal control of the following concepts, they cannot have liberty: (1) authority, (2) jurisdiction, (3) property, (4) morality, (5) spirituality, (6) justice, (7) domestic tranquility, (8) general welfare, (9) natural law, (10) legislative powers, (11) executive powers, (12) judicial powers, (13) law and equity, (14) Republic, (15) real money, and (16) political.

- If the People are ignorant of the Constitution, how can they know if their government servants are ignoring or upholding it?
- If our government servants are ignorant to the Constitution, did they lie when they took their oath to serve and protect the Constitution?
- If our elected and appointed servants need to consult an attorney who believes that we are under Roman law, a/k/a Babylonian law and has zero knowledge of the Constitution, what does that have to say about the state of our union? Who's really running the show?
- It's not what we don't know that gets us in trouble, it's what we are convinced that we do know that's not true that will injure us. People have an ignorant belief that Liberty is the freedom to choose while they are unaware that our daily choices are irrelevant and relevant choices are stacked both politically and judicially. In fact, Liberty is freedom from all law except that of nature's God.

### **THERE'S NOTHING MORE DANGEROUS THAN A CLOSED MIND!**

*"True ignorance is not the absence of knowledge but the refusal to acquire it."* – Karl Popper

*"Nothing in the world is more dangerous than sincere ignorance and conscientious stupidity."* – Martin Luther King Jr.

*"It is impossible for a man to learn what he thinks he already knows."* – Epictetus; Greek philosopher, AD 55-135

**WE CONSENT TO GOVERNMENT** by binding our government servants down with the chains of the Constitution. This is simply accomplished by exercising the following two (2) unalienable rights necessary for the preservation of Liberty, aforementioned as freedom from all law except that of nature's God.

- 1) **WE THE PEOPLE CAN CONTROL 100%** of our political process by participating in the election of free and independent committeemen who will require the candidate's knowledge of and obedience to the Constitution and will remove them from office if they are in bad behavior by using their unalienable right to recall. Proper exercising of this unalienable right will result in the election of true statesmen that will serve the People instead of themselves.
- 2) **WE THE PEOPLE CAN CONTROL 100%** of our legislators and judiciary by either participating in the administration of the juries or responding to the call to the jury assembly. Proper exercising of this unalienable right will result in "Just Court Decisions" and prevent the exercising of unlawful legislation via our unalienable right of nullification, and will prevent unjust government accusations against We the People.

#### **OUR CONSTITUTION:**

*"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."* – **United States Constitution – Preamble**

Some People might say; "*I didn't participate so, how can we claim the Constitution gives my consent?*" We need to go back to the Federalist Papers which are a series of 85 essays arguing in support of the United States Constitution. Alexander Hamilton, James Madison, and John Jay were the authors behind the thesis, and the three men wrote collectively under the name of Publius.<sup>1</sup> Seventy-seven of the essays were published as a series in The Independent Journal, The New York Packet, and The Daily Advertiser between October of 1787 and August 1788. They weren't originally known as the "Federalist Papers," but just "The Federalist." The final 8 were added later.

In 1789 the population of the United States was about 3.9 million, obviously, 3.9 million people could not debate the particulars of our Constitution which was ratified by our state legislators who were elected by and represented the will of the People who fought for independence and participated by following the published arguments (*Federalist and antifederalist essays*). To quote Thomas Jefferson – "*We in America do not have government by the majority. We have government by the majority who participate.*"

So, as our founding fathers stated in the "*Preamble*," they "*secured the blessings of liberty to ourselves and our posterity.*" Therefore, being responsible statesmen, friends, neighbors, countrymen, and parents wanting the best for their children and their children's children, they, by the blessings of God,

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<sup>1</sup> Alexander Hamilton was the force behind the project, and was responsible for recruiting James Madison and John Jay to write with him as Publius. Two others were considered, Gouverneur Morris and William Duer. Morris rejected the offer, and Hamilton didn't like Duer's work. Even still, Duer managed to publish three articles in defense of the Constitution under the name Philo-Publius, or "Friend of Publius."

produced mankind's most significant document, ever written by man on behalf of man to free the spirit of just men cannot be denied.

The Constitution has only 4,543 words, including the signatures, the Bill of Rights has only 462 words, the Declaration of Independence has 1,458 words, and yet a super majority of the People including public servants are "totally ignorant" of its contents and meaning. It is extremely disturbing that the People are so ignorant of their blessings of liberty which has allowed our justice system to become unjust.

Thomas Jefferson, the man who discovered America's Freedom Formula, warned us that the formula for freedom could be lost in one generation, and so it has! Jefferson said:

*"If a nation expects to be ignorant and free in a state of civilization, it expects what never was and never will be.... An enlightened citizenry is indispensable for the proper functioning of a republic. Self-government is not possible unless the citizens are educated sufficiently to enable them to exercise oversight. It is therefore imperative that the nation see to it that a suitable education be provided for all its citizens.... Educate and inform the whole mass of the people... They are the only sure reliance for the preservation of our liberty."*

In U.S. history, anti-federalists were those who opposed the development of a strong federal government and the ratification of the Constitution in 1788, preferring instead for power to remain in the hands of state and local governments. Federalists wanted a stronger national government and the ratification of the Constitution to help properly manage the debt and tensions following the American Revolution. Formed by Alexander Hamilton, the Federalist Party, which existed from 1792 to 1824, was the culmination of American federalism and the first political party in the United States. John Adams, the second president of the United States, was the first and only Federalist president.

Those who identified with federalism as part of a movement were the main supporters of the Constitution. They were aided by a federalist sentiment that had gained traction across many factions, uniting political figures. However, this does not mean there was no heated debate over the Constitution's drafting. The most zealous anti-federalists, loosely headed by Thomas Jefferson, fought against the Constitution's ratification, particularly those amendments which gave the federal government fiscal and monetary powers. A sort of ideological war raged between the two factions, resulting in the Federalist Papers and the Anti-Federalist Papers, a series of essays written by various figures – some anonymously, some not – for and against the ratification of the U.S. Constitution. Ultimately, anti-federalists greatly influenced the document, pushing for strict checks and balances and certain limited political terms that would keep any one branch of the federal government from holding too much power for too long. The Bill of Rights, the term used for the first 10 amendments of the Constitution, is especially about personal, individual rights and freedoms; these were included partly to satisfy anti-federalists. The Constitution including its foundational document, the Declaration of

Independence, and its capstone Bill of Rights, was a well thought-out and debated masterpiece built around unalienable rights that truly frees “*man to be what he was born to be, free and independent.*”<sup>2</sup>

**JUST LAWS:** Government by consent necessitates that the People have control of our judicial, legislative, administrative powers and political processes. This can only be achieved and maintained by just laws. “Just laws” can only derive from the “Laws of Nature’s God” and not men.<sup>3</sup> Evidently, “only a virtuous people are capable of freedom and as nations become corrupt and vicious, they have more need of masters.”<sup>4</sup> “Religion and morality are the essential pillars of civil society.”<sup>5</sup> “We have no government armed with power capable of contending with human passions unbridled by morality and religion, our Constitution was made only for a moral and religious people, it is wholly inadequate to the government of any other.”<sup>6</sup> Therefore, “to avoid the extremes of despotism or anarchy the only ground of hope must be on the morals of the people... religion is the only solid base of morals and morals are the only possible support of free governments. Therefore education should teach the precepts of religion and the duties of man towards God.”<sup>7</sup> “True religion and good morals are the only solid foundations of public liberty and happiness... it is hereby earnestly recommended to the several States to take the most effectual measures for the encouragement thereof.”<sup>8</sup>

In the latter half of the 18<sup>th</sup> century, the People formed committees of safety throughout the colonies by which the American Revolution was born. These committees filled vacancies for the Continental Congress that served as the governing body of the United States during the American Revolution that eventually gave birth to our Republic by ordaining and establishing the Constitution that governs our government.

These committees of safety, after the birth of our Nation, morphed into the committeemen who were elected within their election district for a two year term. These Committeemen would interview candidates to fill political vacancies and then circulate petitions within their respective election district to nominate them on the ballots for the primary elections at which time the People voted for their candidates of choice to run in the election to fill political vacancies. These Committeemen, when necessary, circulated petitions within their election district to recall elected officials when they were in bad behavior. The term bad behavior in the Constitution is when elected servants failed to honor their oaths.

The Committeeman process empowered the People at the grassroots to have full power to choose their candidates for political office and to remove servants who failed to honor their oaths. This was the political exercise of government by consent; until, as George Washington had warned,<sup>9</sup> “a small but

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<sup>2</sup> John F. Kennedy’s Address before the American Newspaper Publishers Association (27 April 1961).

<sup>3</sup> Jer 17:9 The heart is deceitful above all things, and desperately wicked: who can know it? Mark 7:21-23 For from within, out of the heart of men, proceed evil thoughts, adulteries, fornications, murders, Thefts, covetousness, wickedness, deceit, lasciviousness, an evil eye, blasphemy, pride, foolishness: All these evil things come from within, and defile the man. Eph 2:1-3 And you hath he quickened, who were dead in trespasses and sins: Wherein in time past ye walked according to the course of this world, according to the prince of the power of the air, the spirit that now worketh in the children of disobedience: Among whom also we all had our conversation in times past in the lusts of our flesh, fulfilling the desires of the flesh and of the mind; and were by nature the children of wrath, even as others.

<sup>4</sup> Benjamin Franklin.

<sup>5</sup> George Washington.

<sup>6</sup> John Adams.

<sup>7</sup> Gouverneur Morris.

<sup>8</sup> Continental Congress, 1778.

<sup>9</sup> George Washington’s farewell address.

artful and enterprising minority of cunning, ambitious, and unprincipled men subverted the power of the people usurping for themselves the reins of government, putting in the place of the delegated will of the nation, the will of a party thereby obstructing the execution of the Law and destroying afterwards the very engines which have lifted them to unjust dominion” through unconstitutional statutes.

Likewise, the grand and petit (*trial*) juries also empowered the People to have government by consent through the removal of elected or appointed government servants who violated their oaths, by way of indictment when congress failed to do their duty to correct the problem via impeachment. The trial jury, through the power of Nullification, could also overrule any legislation that they believed violated the unalienable rights of the People. Until a tsunami of BAR attorneys and BAR judges who have been taught to serve the will of the BAR first, the will of the State second and occasionally, if there is no conflict with the first two, their lulled to sleep client. These robotic attorneys question nothing, ignore the law of the land, enforce repugnant statutes, become lawless Judges, have seized control of our juries and have trodden our Constitution under foot.

The combination of these four unalienable rights of We the People that ordained the power vested in themselves, being the unfettered (1) author of the Law of the Land, (2) Committeeman, (3) Grand Jurist and (4) Trial Jurist, is the true expression of “*government by consent of the governed*” that We the People declared by a Declaration of Independence, ordained by Constitution and ensured by resolve a Bill of Rights. This is what We the People through the Unified United States Common Law Grand Jury are determined to reinstate at all cost and only then, by consent of We the People, will “*AMERICA BE GREAT AGAIN!*”

**JURISDICTION & AUTHORITY** – In 1776, our founding Fathers set the Cornerstone of our Republic by proclaiming all just powers and the people under Common Law, a/k/a Natural Law, and not the laws of men, as is with other Republics. And, by calling upon Nature’s God, entitled us to His unalienable rights, thereby creating a covenant between We the People and our Creator that cannot be broken, but by His wrath!

We need only look to our Founding Documents and our Common Law History to learn how the people can be restored to power. The Common Law demands that We the People stop thinking like the slaves that we were and start thinking as the Freemen we were meant to be. This requires a maturity within us to educate ourselves via Jefferson’s suitable education that will give us a true understanding of Liberty, again being free from man’s law, to accept the responsibility for our own actions and to recognize and acknowledge the rights of others to exercise liberties that we may or may not agree with. This maturity is both (1) a stumbling-stone that many fall upon because of ignorance and (2) a prerequisite to understanding and exercising true Liberty.

The attitude that we need the state to restrain peoples’ behavior is repugnant to God and is precisely what placed America’s Liberty in Jeopardy in the first place. This was a direct assault upon our Bill of Rights, enabling the construction of a statutory prison that has enslaved us all. As Dwight D. Eisenhower said; “*We have never stopped sin by passing laws; and in the same way, we are not going to take a great moral ideal and achieve it merely by law.*” It is here where a proper education and a

moral compass play their role. Thomas Jefferson said, *“I prefer dangerous freedom over peaceful slavery.”* Liberty demands that we do not permit the state to legislate our behavior.

We the People, by the power and authority vested in us by God, ordained the Constitution for the United States of America, therein creating three branches of government whose only commission is to accomplish six prime directives: (1) to form a more perfect union; (2) to establish justice; (3) to insure domestic tranquility; (4) to provide for the common defense; (5) to promote the general welfare; and (6) to secure the blessings of liberty. Any legislative, administrative or judicial action at any level of government that does not serve one or more of the aforesaid directives is without authority and thereby null and void.

The Declaration of Independence, being the Foundation of all Law, the Constitution, being the Framework of all government authority and jurisdiction, and its Capstone Bill of Rights, being the judge of all acts, is the “Law of the Land” and is not to be violated.

These founding documents clearly define the order by which all authority flows: (1) Laws of Nature’s God; (2) Laws of We the People; and (3) Lawful Acts of government. Any act of legislation, administration or judicial that cannot trace its authority back to the Constitution is an unlawful act and the proper remedy against any such act is Nullification.

**THE HIGHEST AUTHORITY** is the Sovereign Governor of the universe, the creator of all things and whose jurisdiction is eternal and even the very souls of man. In Isa 45:5-12 Nature’s God said:

*”I am the LORD, and there is none else, there is no God beside me: I girded thee, though thou hast not known me: That they may know from the rising of the sun, and from the west, that there is none beside me. I am the LORD, and there is none else. I form the light, and create darkness: I make peace, and create evil: I the LORD do all these things. Drop down, ye heavens, from above, and let the skies pour down righteousness: let the earth open, and let them bring forth salvation, and let righteousness spring up together; I the LORD have created it. Woe unto him that striveth with his Maker! Let the potsherd strive with the potsherd of the earth. Shall the clay say to Him that fashioneth it, What makest thou? or thy work, He hath no hands? Woe unto him that saith unto his father, What begettest thou? or to the woman, What hast thou brought forth? Thus saith the LORD, the Holy One of Israel, and his Maker, Ask me of things to come concerning my sons, and concerning the work of my hands command ye me. I have made the earth, and created man upon it: I, even my hands, have stretched out the heavens, and all their host have I commanded.”*

In the beginning, Genesis chapter 1 verses 26-31, Nature’s God vested man with authority over His creation saying:

*“Let us make man in our image, after our likeness: and let them have dominion over the fish of the sea, and over the fowl of the air, and over the cattle, and over all the earth, and over every creeping thing that creepeth upon the earth. So God created man in his own image, in the image of God created he him; male and female created he them. And God blessed them, and God said unto them, Be fruitful, and multiply, and replenish the earth, and subdue it: and have*

*dominion over the fish of the sea, and over the fowl of the air, and over every living thing that moveth upon the earth. And God said, Behold, I have given you every herb bearing seed, which is upon the face of all the earth, and every tree, in the which is the fruit of a tree yielding seed; to you it shall be for meat. And to every beast of the earth, and to every fowl of the air, and to every thing that creepeth upon the earth, wherein there is life, I have given every green herb for meat: and it was so. And God saw everything that he had made, and, behold, it was very good.”*

In 1776, We the People, via America’s foundational document, the Declaration of Independence, covenanted with Nature’s God, acknowledging His jurisdiction, laws, and entitlements in return.

In 1789, We the People, by the aforesaid authority vested in us by God, ordained and established the Constitution ‘for’ the United States of America which is the ‘Law of the Land,’<sup>10</sup> where we said:

*“We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.” – Preamble to the Constitution*

Therefore, considering the covenant, authorities, and jurisdictions this Republic is founded upon, it is of no surprise to us today that God raised up a type of a Cyrus (President Trump) to bring judgment upon the evildoers operating in the mire that has seized control of His city on the hill. Thomas Jefferson echoed, *“I tremble for my country when I reflect that God is just; that his justice cannot sleep forever.”* And, God promised that judgment would come in the fullness of time in Isa 14:21-27 where He said:

*“Prepare slaughter for his (Satan’s) children for the iniquity of their fathers; that they do not rise, nor possess the land, nor fill the face of the world with cities [new world order]. For I will rise up against them, saith the LORD of hosts, and cut off from Babylon the name, and remnant, and son, and nephew, saith the LORD. I will also make it a possession for the bittern, and pools of water: and I will sweep it with the besom [broom] of destruction, saith the LORD of hosts. The LORD of hosts hath sworn, saying, Surely as I have thought, so shall it come to pass; and as I have purposed, so shall it stand: That I will break the Assyrian in my land, and upon my mountains tread him under foot: then shall his yoke depart from off them, and his burden depart from off their shoulders. This is the purpose that is purposed upon the whole earth: and this is the hand that is stretched out upon all the nations. For the LORD of hosts hath purposed, and who shall disannul it? and his hand is stretched out, and who shall turn it back?”*

*“Before the mountains were brought forth, or ever thou has formed the earth and the world, even from everlasting to everlasting, thou art God.”<sup>11</sup>* There God is sovereign, the author and source of the Laws of nature. In America, We the People vested by God, are sovereign and the author and source of the

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<sup>10</sup> 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.

<sup>11</sup> Psa 90:2.

Law of the Land. “Sovereignty means that the decree of the sovereign makes law, and foreign courts, a/k/a statutory courts cannot condemn, influence or persuade the sovereign to make the decree.”<sup>12</sup> “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.”<sup>13</sup> And, “the state cannot diminish the rights of the people.”<sup>14</sup> “Supreme sovereignty is in the people and no authority can, on any pretense whatsoever, be exercised over the citizens of this state, but such as is or shall be derived from and granted by the people of this state.”<sup>15</sup>

**IN CONCLUSION:** We the People ordained and established the Constitution for the United States of America.<sup>16</sup> We the People vested Congress with statute making powers.<sup>17</sup> We the People defined and limited that power of statute making.<sup>18</sup> We the People limited law making powers to ourselves alone.<sup>19</sup> We the People did not vest the Judiciary with law making powers to control our behavior. In Common Law courts of Justice, We the People are the “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 natural law.”<sup>20</sup> “The constitutions of most of our states assert that all power is inherent in the people; that they may exercise it by themselves, in all cases to which they think themselves competent, as in electing their functionaries executive and legislative, and deciding by a jury of themselves, both fact and law, in all judiciary cases in which any fact is involved ...”<sup>21</sup>

In our Republic, it is not lawful for government to exercise power without authority<sup>22</sup> and jurisdiction to exercise that power. In law, authority gives permission and control over a defined jurisdiction. In America, the People are sovereign and have authority over their created government. “The very meaning of ‘sovereignty’ is that the decree of the sovereign makes law.”<sup>23</sup> “Sovereignty itself is, of course, not subject to legislated law, for it is the author and source of law; but in our system, while sovereign powers are delegated to the agencies of government, sovereignty itself remains with the people, by whom and for whom all government exists and acts. And, the law is the definition and limitation of power.”<sup>24</sup>

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<sup>12</sup> *Moscow Fire Ins. Co. of Moscow, Russia v. Bank of New York & Trust Co.*, 294 N.Y.S. 648, 662, 161 Misc. 903.

<sup>13</sup> *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.

<sup>14</sup> *Hurtado v. People of the State of California*, 110 U.S. 516.

<sup>15</sup> NEW YORK CODE - N.Y. CVR. LAW § 2: NY Code - Section 2.

<sup>16</sup> We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America. Preamble.

<sup>17</sup> **Article I Section 1:** ALL LEGISLATIVE POWERS herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

<sup>18</sup> **Article I Section 8;** To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.

<sup>19</sup> “Sovereignty itself is, of course, not subject to law, for it is the author and source of law; but in our system, while sovereign powers are delegated to the agencies of government, sovereignty itself remains with the people, by whom and for whom all government exists and acts And the law is the definition and limitation of power...” [Yick Wo v. Hopkins, 118 US 356, 370 Quotiens dubia interpretatio libertatis est, secundum libertatem respondendum erit].

<sup>20</sup> *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.

<sup>21</sup> Thomas Jefferson, letter to John Cartwright; June 5, 1824.

<sup>22</sup> **AUTHORITY:** Permission - *People v. Howard*, 31 Cal.App. 358, 160 P. 697, 701; Control over, juris-diction. - *State v. Home Brewing Co. of Indianapolis*, 182 Ind. 75, 105 N.E. 909, 916.

<sup>23</sup> *American Banana Co. v. United Fruit Co.*, 29 S.Ct. 511, 513, 213 U.S. 347, 53 L.Ed. 826, 19 Ann.Cas. 1047.

<sup>24</sup> *Yick Wo v. Hopkins*, 118 US 356, 370.