A Manual for Freedom

The Peaceful Sovereign's Path

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A Manual for Freedom:

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Protecting Your Family, Fulfilling Your Legacy and Redeeming Your American Heritage

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Preface

I grew up in small town America. I knew all of our neighbors, walked safely to school every day. We lived in a home built by my father, my uncles and my grandfather, all whom lived within a few blocks of us. Life was simple and everyone knew me, so if I got in trouble, which was often, my Mom knew about it before I got home. Yes, it took a tribe to raise me because I hated rules. Little did I know how important this trait would be in my life or that it would inspire this book dedicated to the rule breakers, the lovers of America, the believers, the faithful, the patriots, the rebels unwilling to stand by for one more minute while our freedom is stolen by the greed of factions who have temporarily seized control of our government. If you are crazy enough to think you can change America, WELCOME to our tribe because we are the ones who are going to do it!!!

I have been blessed my entire life; I have lived the American dream and the dream was very good to me. I made a lot of money, owned hundreds of acres of land, multiple homes, drove new vehicles and traveled the world. I became an entrepreneur in 1968 and using funds earned by operating my own business, I put myself through college, earning a Master's Degree. In 1987 I purchased a resort in Northern California, that I loved dearly, yet lawsuits finally woke me up to the harsh reality of our legal system. When I sold my business and moved to Arizona in 2007, I learned some truly sickening truths about our legal system and the erosion of our American way of life. I was shocked to discover that freedom has been limited and the people no longer own anything in America today. Although I purchased land, I never actually owned it; although I bought a car, I received only a certificate of title and never actually owned it; additionally, contracts I signed such as business licenses, granted the government control over my assets and actions. To be honest, my move to Arizona shocked me into awareness of what it must feel like to live in Communist China.

In 2007, I was very arrogant, for I thought I knew and understood the system of commerce and could adjust to any circumstance thrown at me. For 40 years I had owned and operated my own businesses providing tax revenue and jobs in small communities; I had become a "big fish in a little pond". In Arizona, not only was the pond much larger, every move I made required permission and like a good little fishy, I jumped through every regulatory hoop thinking I would eventually get what I wanted: to expand my resort business and provide a safe sanctuary for my guests, so I could begin to make a difference in their lives. I also wanted to give back to my community during a time of economic instability.

I was so naïve, I had no idea what had become of my version of the American Dream. The reality of this unknown America became very clear: conditional use permits, surveillance of my websites, surprise inspections, reporting to planning boards and county officers, meeting the requirements of government agencies and trying to start a new business during a recession that was deepening. Over the first six years, I spent hundreds of thousands of dollars trying to comply with all the regulations and finally in 2013, Yavapai County granted my original proposed operating plan. At the last minute, however, they added 7 stipulations, including that they would withhold a certificate of occupancy for my project for another year until I complied with all requirements. This, after six years of complying with all of their requirements!

My local banker, who had tentatively agreed to provide me with expansion capital, said these conditions precluded them from providing financing and in fact the bank decided not to renew one of my loans. Therefore, I arranged for private financing and requested payoff balances for my existing loans. This is when the veil began to lift and I woke up to the reality of the conditions now facing the people of our nation. The "local" bank could not tell me who actually funded my loan or who owned the debt. Additionally, the bank provided me with differing payoff amounts from multiple entities that I had never heard of. I placed 6-months of payments into an escrow account and told them I would release the funds when they provided proof of the payoff amount and ownership of the debt. Finally, the bank tired of answering questions regarding these discrepancies and initiated a non-judicial foreclosure upon my land and home. I had never heard of such an action and always held the belief that eventually a judge would look at the bank's fraudulent paperwork and force the bank to properly respond. Oh how naive I was! It actually took 4-years of litigation before a Federal judge finally required the banks to prove the titles they held allowing them to take the actions that resulted in the removal of my family and me from our home.

I have now defended my home at every level of the Arizona and Federal court system. I now own my land and home free and clear of encumbrances while holding paramount (legal and equitable) allodial title, secured by a Federal land patent and protected from creditors, litigators and governmental administration or interference. I am so blessed to be able to share what I have learned. Although no one really wins when undertaking years of protracted litigation, self-representation provided me staying power that would have been eaten up had I paid hourly attorney fees. Through this process, I discovered a way to beat the banks at their own litigation game, as well as uncovering a solution to the underlying problems of our nation. In this manual, I intend to share my research and share all of my legal writings so that together we may take a new approach to the law so you

may confidently defend your interests while protecting your family during these very dangerous times. As long as your actions cause no harm to neighbors or their property, this status was intended for all Americans and our constitution guarantees your right to claim your paramount title. Join me on this journey as we learn to defend our land and reclaim our inherent, lawful titles.

Foreword

America stands on the threshold of a momentous transformation. By a process of natural evolution, something deep within the nation and the soul of the people is dawning. An era is ending and a new way of being is emerging. We the people are awakening from a corrupted version of the "American Dream" that has been distorted by financial interests and a legal system that separates and divides us. With this awareness, we embrace our shared intention to live in peace, as one nation under God, inherently perfecting liberty and justice. This universal shift in consciousness will be sustained when the people elect to be governed by our founding documents while we demand the return of stolen equitable resources. This is a sacred process that will determine the destiny of the nation, the sanctity of life on this land and your future and that of your family.

During these times of tremendous unsettledness, confusion and perversion, the very survival of our union requires leadership, wisdom and guidance. Our nation is mired in chaos and seeks stability and unity that we may live in union as parts of one whole system of justice. All people being created equal, we place undying faith in our right to life, liberty, and privacy while pursuing happiness. These concepts compose the bedrock of our society, and our very way of life. This forms the American culture as expressed by our nation's founders in our founding documents. We acknowledge that the task of redeeming our Constitution is monumental requiring the perfection of our union.

The current climate of this era is shifting and we the people are ashamed of the lack of effective leadership and their willingness to be solely driven by money. The people are sick and tired of "bailing out" criminal banking organizations responsible for the condition of our economy and destruction of American values. Today, banking fraud is front-page daily news and has a long history of fraud and abuse that accelerated in 1913 when Congress granted the banks a 20-year charter to earn interest on every U.S. dollar printed. This was not enough for them, however, as their greed drove them to violate our trust by operating contrary to their granted charters. This violation of trust seated in a desire for power, cannot be understated, as this has transformed the banking cartel into a gargantuan vacuum that continues to siphon wealth out of individuals and the economy, transferring it into the

vaults of the banking cartel. These banks are bigger, stronger and more immune to failure than ever. The economic crisis of 2007-2008 was part of an ongoing and well-orchestrated plan designed as a sweep of wealth from every day Americans, resulting in the transfer of private assets to the banks. Let's be clear, *the banks are wealthier today because they intentionally stole our wealth*. They have the power to control the supply of U.S. Dollars, a fact that has allowed the banks to manipulate the minds of the people and transform our economy. We have become a nation of speculators and gamblers; brainwashed to believe that our homes are actually investments. This gamble has worked out very nicely for the banks. Not so well for Americans with millions of jobs lost, $11 Trillion in equity stolen and increasing anger and frustration with our government. Continued to be driven by greed and unchecked by our leaders, the next planned crisis already under way.

I do not consent and I demand a return of my equity. My prayer is that by reading this manual you will join me by withholding your consent to the destruction of American values and the way our nation is being governed.

Given the severity of our current situation, let's draw upon the leadership and inspiration of our founders to learn what they did when facing a similar situation in 1787 America following the great revolution. The chaos and uncertainty we are experiencing today were even more pressing at that time. Drawing upon Mr. Alexander Hamilton's prophetic words from Federalist paper No. 1., only two alterations are required to make his words applicable to our current national situation: where Mr. Hamilton was speaking of a **new** constitution, today we speak of **redemption and redeeming** the Constitution as being essential to preserve our union, emphasis is mine to clarify:

> *AFTER an unequivocal experience of the inefficiency of the subsisting federal government, you are called upon to deliberate…**the redemption of our**… Constitution for the United States of America. The subject speaks its own importance; comprehending in its consequences nothing less than the existence of the Union, the safety and welfare of the parts of which it is composed, the fate of an empire in many respects the most interesting in the world. It has been frequently remarked that it seems to have been reserved to the people of this country, by their conduct and example, to decide the important question, whether societies of men are really capable or not of establishing good government from reflection and choice, or whether they are forever destined to depend for their political constitutions on accident and force. If there be any truth in the*

remark, the crisis at which we are arrived may with propriety be regarded as the era in which that decision is to be made; and a wrong election of the part we shall act, may in this view, deserve to be considered as the general misfortune of mankind.

*Among the most formidable of the obstacles which …**redeeming the** … Constitution will have to encounter may readily be distinguished, the obvious interest of a certain class of men in every State to resist all changes which may hazard a diminution of the power, emolument, and consequence of the offices they hold under the State establishments; and the perverted ambition of another class of men, who will either hope to aggrandize themselves by the confusions of their country, or will flatter themselves with fairer prospects of elevation from the subdivision of the empire into several partial confederacies than from its union under one government. Federalist Paper No. ***

Even though we were adequately warned, the banks have aggrandized themselves by confusing and manipulating every level of our media and our government. They appear to have become too big to fail because through their financial influence of our political system, they gained control over our legal systems and thereby laid claim to the power that belongs exclusively to the people -- you and I. They have usurped powers beyond those that Congress granted to them. It is important to comprehend that these powers are reserved for the People and we must now step forward to reclaim them from the banks who have bullied our leaders into submission.

Growing up in Butte Montana, if you did not learn how to handle bullies, you had to run very fast. Unfortunately, I was very slow for someone who was so small. Therefore, I was compelled to develop strategies that helped me to both survive the bullies and get them to leave me alone. Ultimately, I managed to gain their respect.

Over the past decade, I have employed a similar strategy in our fight against the banks, even though they continue their bullying ways. The work presented here is the result of a lifetime dedicated to discovering "who I am" in relation to those who attempt to hold power over me. The lesson I share is that when you know the titles you hold in relation to your enemies and you can competently express those titles under any circumstance, you hold the power of the Creator in your heart and your words.

Although this current work focuses upon financial matters, it is of necessity presented in the context of a spiritual journey. Lack of money appears to be the common thing that blocks people from achieving goals while living a meaningful, peaceful and happy daily life; those with an

abundance of money are not necessarily any better off or happier. It has taken me years of dedicated practice to understand the titles I hold and then learn to properly express those titles under any circumstance, this endeavor is the pursuit of happiness referred to by our founding fathers. I invite you to join me on this journey of self-discovery that when undertaken together, we may redeem the Constitution for the united States of America, enshrining it once again as the supreme law of the land.

This manual presents the one solution that will serve to repair the nation's deepest problems; that is, returning to the founding principles upon which America was created. Additionally, when we replace fiat money (created out of nothing) with metal backed currency, our economy will realign with truth. When our money supply is backed by substance (gold and silver), monopolies will be driven out of business to be replaced by entrepreneurs. In this way, our path to prosperity and abundance lights up. For those who cling to fiat money the path remains dark. This is an election we each will make for ourselves. For it has become obvious that money alone exists by force. True, healthy, balanced power comes from the proper use of the gifts granted by our creator; this is the truth *we the people* seek.

The founders of our great nation suffered hardships that today, we can only imagine. They sacrificed their lives to leave a gift of freedom to us -- their posterity. Unfortunately, we have squandered this gift by failing to properly accept and protect it. This gift was divinely inspired and memorialized in our founding documents, thereby leaving behind the earth's greatest system of governance. Natural law, however, requires that to be perfected, a gift must be accepted. If you find yourself in a state of servitude to the government, it is because you have not accepted the power of self-governance granted by this gift.

The intention of this manual is to give you the opportunity to redeem this power; for in reality, you have voluntarily given it away. The hope for our great nation is that enough of us will do the hard work required to perfect this gift for our families, thereby providing inspiration and leadership to our communities. In this way we create a new vision for America to once again become a beacon of light for the rest of this world.

May God Bless America!

Introduction

There is a class of men commonly known as bankers, a faction that has aggrandized themselves at the expense of our union. They have subverted the constitution and placed themselves above the law. These factions

control the media, the election process, and through the lobbying process they have legislated a new legal system never authorized by the constitution. The creation of money by these criminal organizations is the root cause of virtually every division now facing this great nation (as I intend to prove to you beyond a reasonable doubt in this work). Unfortunately, the people of our great nation are now treated as criminals in our own country, while bankers receive "waivers" for their admitted, widespread destructive criminal behavior.

For hundreds of years, this cartel has been manipulating and controlling the financial system, the minds and lives of the people and our leaders, thereby the destiny of our nation. Until we are ready and able to wake-up from this manipulation and control, we are doomed to a fate worse than death – *our continued loss of freedom*. Our American future depends upon our ability to remove them from power.

Let's keep this clear and simple: *Criminal enterprises have taken control of our government and our American way of life*. They launder money for organizations to expand human slavery operations, yet they get fined and no one goes to jail. They support drug cartel distribution networks that supply death to our youth, yet they get fined and no one goes to jail. They gave America's gold to Hitler to expand his war efforts resulting in millions of deaths. They have funded both sides of every war in history including the World Wars, the Revolutionary War and the Civil War. Think about this, wars need to be financed and without bank financing, there would be no wars. Wars are a monetary windfall for banks. Banks, through control of political leaders and the ability to manipulate the money supply and stock prices, create great depressions, which generally lead to more wars that they can finance. Even though this type of behavior is well documented, none of these bankers spends any time in jail.

Drawing upon a wealth of substantiated data, Chapter 2 of this manual shows, and in my opinion, proves beyond a reasonable doubt that the banking cartel caused the current financial and moral depression now enveloping our nation. They have paid fines for manipulating the market price of the dollar and they have admitted to criminally rigging the rate of interest charged on virtually every home mortgage, and business loan or student loan in America. "Great" American Corporations like Citicorp, JP Morgan Chase, Bank of America, Wells Fargo, Goldman Sachs etc. have plead guilty to felony charges and have paid billions of dollars in criminal fines. It should be shocking to our conscience that Americans are forced to contract with these criminal enterprises and their franchises. It should be even more shocking that a government of the people, for the people, by the people, allows them to remain in business while providing legal "waivers" to leaders that knew it was happening so that they could continue to get away

with and thrive in their criminal activity. This manual takes you on a journey showing you how and why this is occurring, so that together, we can end this deception and unite as one to reclaim that which is lawfully ours and to topple these organizations by removing their power.

The Banking Cartel

Explore for yourself some of the more recent illegal banking practices. The Department of Justice notes that conversations about fixing markets took place for years on a "near daily" basis prior to the financial crisis in "an exclusive electronic chatroom" that banking participants called "The Cartel" or "The Mafia." Transcripts included in criminal plea deals show forthright discussions of fixing rates and coordinating rates for a range of contracts and positions. Currency traders from the banks, used the Cartel and Mafia electronic chatrooms and coded language to manipulate interest rates. The result of their actions inflated the banks' profits for years while destroying our economy harming billions of consumers, investors, and institutions around the globe. Then U.S. Attorney General Loretta Lynch, stated that the U.S. government intended to "vigorously prosecute all those who tilt the economic system in their favor, who subvert our marketplaces, and who enrich themselves at the expense of American consumers." **[reference]**

Despite all this proven criminal activity and "tough talk" from federal law enforcement agencies and political leaders, no CEO went to prison. In fact, it is important to understand that our political leaders also did virtually nothing to hold accountable those responsible for this criminal activity. Despite the fact that the FBI uncovered this illegal activity and directly linked it to the economic recession, virtually nothing was done to hold these criminals accountable for their behaviors.

Throughout this manual, I detail this complex criminal behavior in order to bring clarity and greater understanding how this behavior has affected you, your family, your community and virtually every aspect of American life. This example of manipulation of the "free market" economy with fiat currency is the root cause of almost every conflict and economic division among Americans today. I intend to simplify this intentionally complex system so that you can follow my trail of litigation through every Municipal, County, State and Federal court in the system, 20+ cases and counting. By learning the titles you hold, you will understand how to self-represent your interests, thus empowering you. Learning to reclaim your own power guarantees freedom. United, our power becomes amplified and we remove control over our lives from the banks and those who profit from association with them.

In 2014, I decided I could no longer participate in this criminal financial

activity and together with an amazing team of dedicated researchers and patriots, I set out on a path of discovery to learn how we came to this situation and most importantly, what can be done about it now to save our country and redeem our collective American Dream. Our nation will become great for our posterity when we once again are protected by our Constitution and live as one nation under God! Much of this information will most likely anger and frustrate you, which is necessary so that we can focus our collective attention on our common enemy- the too big not to fail banks. The banks have usurped the power that belongs to you and me, and this is why they seem to be invincible. I will demonstrate that the fundamental solution to virtually every problem facing our nation will be found when we take this power back by removing our money supply from the hands of criminal organizations. Join me, as together we will reclaim our power and redeem all that has been stolen from us. First, let me fill you in on our current legal system, then together we will follow the money.

What do You Know about the Supreme Law of the Land- Our Constitution?

Results of the most comprehensive national survey to gauge knowledge of constitutional principles were recently released by the Montpelier's Center for the Constitution. Of those surveyed, 79 percent responded that they understood at least some of the Constitution, yet only 28 percent of the people surveyed responded that they have actually read most of the document. The survey also showed that older people knew more about the Constitution and were more likely to have read it. Additional findings include that vast majority surveyed believed the Constitution still works (88%) and a slight majority believed the Constitution limits government's power over the people (55%). While the vast majority of Americans (86%) believed that the Constitution is important to their daily lives, only a few (14%) have taken the time to read all of the words of the U.S. Constitution. The Center estimates length of the Constitution to be the equivalent of a 17-page novel. **[Reference]**

Michael Quinn, President of the Montpelier Foundation, notes that the cornerstones of the Constitution are the limited government with checks and balances, and Constitutional supremacy. Both of which are more important today than ever in our history and aptly stated, that "The Founding Fathers understood the human condition and the potential of people living in a free, democratic society. The Constitution is the framework for how a free people govern themselves and place meaningful limits on that government in the name of individuality." Referencing the survey results, he stated also:

> *We all know that the Constitution begins with the words 'We the People,' but rarely do we consider what those words mean. The*

Constitution begins with those words because it is we, the American people, who are the creators of our nation and the source of our government's authority. This is a legacy entrusted to us by our founders and it is also a duty and obligation. Each generation of Americans has a responsibility to learn and uphold the principles of the Constitution.

What will motivate Americans to become self-governing? What will ignite a fire so deep within us that the people collectively unite to put an end to the insanity that has become our political, financial, and legal systems? It seems that we still rely on and become most interested in the Constitution when it is needed to support specific circumstance in our life. For example, we often reach toward the Constitution when being accused of a crime, the loss of liberty or property in a legal proceeding, or an injustice we witness occurring to another. An important question is, *how do we become proactive rather than reactive*? Perhaps the answer lies in the ability to reach the level of awareness that every legal problem facing our country right now has a solution based upon the Constitution. This is important to understand – the solutions to all of our legal-based problems can be found within our Constitution. This realization can motivate us to work together, allowing us to temporarily put aside our "pet" interests and unite us in one voice that will ultimately resolve all collective special interest matters.

Enemies foreign to the interests of the Constitution have been very cunning in dividing and conquering the people of our nation into competing factions. Discrimination is an example of an issue created by evil interests. In this context evil is not that commonly described within religious texts, but any action that encumbers or restricts your freewill; that is, restricting your freedom as a human being. If they can get you to hate me or me to be jealous of another, then they have control over both and they have won. How did they win? Because they control the political and legal systems, creating the systems and laws that promote discrimination and the laws that will be used to enforce the discrimination. Evil wins when you feel incompetent to represent and to protect your inherited rights by expressing your own freewill. Competent self-representation is the best way to enforce your rights guaranteed by the Constitution.

To actually govern ourselves, we must read, study and understand the law, the supreme law of the land – our Constitution. The original written version contains 4,534 words, and with the 27 amendments added, this number expands to only 7,591 words. When combined with Joseph Story's Commentaries on the Constitution, the intentions are clear and the thinking is unambiguous. Contrast this with attempting to understand the 74,608 pages of complex, ambiguous legal language contained in the IRS Tax Code.

Let's briefly explore the importance of this. According to Woltersad Kluwer, an organization that has analyzed the code since 1913 (the same year the Fed came into existence), the federal tax code is 187 times longer than it was a century ago. In the first 26 years of the federal income tax, it only grew by 104 pages from 400 to 504 pages. Changes instituted in the 1930's under FDR's New Deal, doubled the tax code to just fewer than 1,000 pages. Then, during World War II, while we the people were being distracted by the war, the banks and their attorneys were hard at work. We failed to perceive the real war that was being waged upon our life, liberty and property, as the tax code ballooned to 8,200 pages, an 8-fold increase. Over the past 33 years, the tax code has grown by 48,308 pages. We must wake up to the reality that this war continues to accelerate and expand. **[Reference]**

Of course, this is only the tax portion of the code, what about the criminal code? Here is one of the most frightening statements I have ever heard and that should shake every American to their core: **"*There is no one in the United States over the age of 18 who cannot be indicted for some federal crime*,"** said John Baker, a retired Louisiana State University law professor, he added: **"*That is not an exaggeration*." [Reference]**

For decades, the task of simply counting the total number of federal criminal laws has bedeviled lawyers, academics, and government officials. Retired Justice Department Official Ronald Gainer, headed up the DOJ's task force in 1982 that oversaw what still stands as the most comprehensive attempt to total up the number of criminal laws. During the two years of this project, Justice Department lawyers undertook "the laborious counting" of the scattered statutes and, "the Department compiled a list of approximately 3,000 criminal offenses scattered among 50 titles and 23,000 pages of federal law." The effort came as part of a long and ultimately failed campaign to persuade Congress to revise the criminal code. Remember, this was 35 years ago and only involved the criminal code. **[Reference]**

When the laws of the United States were codified as the United States Code in 1925, all of the titles combined occupied a single volume of 3.65 inches in width. The current US Code (i.e., the codified general statutes) with West's Law annotations are now contained in 356 volumes and takes up 55 feet of shelf space, retailing for around $6,500. This does not include a 1,400+page list of the other public laws that have not been codified (e.g., the budget, etc.). To clarify the process used to make changes to the code, I provide the following so that you and I, the average laypersons can understand how this "legal system" works and how it has been and is being created (this process is further addressed by Supreme Court Justice Alito in chapter 3 where he documents that in 2016 alone the executive added,

97,000 pages of new regulations).

Here is an overview of this process: The Office of the Law Revision Counsel ("OLRC"), publishers of the United States Code, containing some yet not all of the general codes; informs us that during the past 20 years, each Congress has enacted an average of over 6,900 pages of new public laws. Because the United States Code contains only the general and permanent laws of the United States, not every provision contained in those public laws goes into the Code. OLRC reviews every provision of every public law to determine whether it should go into the Code, and if so, where. This process is known as U.S. Code classification. The following is from their manual:

> *While some laws that may affect the Code are small and cover only one subject, many laws are large, cover a multitude of subjects, and contain a complicated mixture of amendatory and freestanding provisions, general and special provisions, and permanent and temporary provisions. In addition, even a single freestanding provision that is general and permanent can relate simultaneously to a number of different chapters and titles in the Code. Since freestanding provisions are not typically drafted with the Code in mind, it is primarily the responsibility of the OLRC's classifying attorneys to determine whether and how they will be classified to the Code.*

Imagine, attorneys determining and then actually writing the Code also known as the law. This is unacceptable and gives you a glimpse of why bankers never go to jail, no matter what laws Congress pass.

According to recent congressional testimony, the number of federal regulations (enacted by administrative agencies under loose authority from Congress) carrying criminal penalties may be as many as 300,000 **[need to reference this]**. I challenge you to find a published, accurate number of criminal laws, to which the government holds you accountable. This has gotten beyond ridiculous and I for one am no longer going to accept this jurisdiction. Consider this: with over 300,000 criminal laws on the books that apply to you and me, the attorneys make certain those laws cannot be used to put bankers in jail.

I do not consent, and I pray that when you know the real American enemy, you will join me in withholding our collective consent while changing our legal system. You have more power than you ever imagined and when we form a perfect union, no enemy can stand against us not even criminal-banking organizations.

Chapter Summaries

This manual represents the culmination of my lifetime experiences and it is my soul's purpose to share it with each of you. Moving through this manual is a journey, a journey of self-reflection, of deepening your understanding of our current political, economic and social systems, and of the source of your individual rights. As you navigate this journey, I invite you to do so with an open, yet critical mind, led by your heart, intuition and inner-knowing of who you are. Given the complexity of this topic, I have put all references and additional notes at the end of the manual, so as not to distract from the content. As we move through the veils of distraction and constructs created to keep us from our freedom, you may find it challenging; I encourage you to keep going, to draw upon your own courage and strength. For this is as much a personal journey as it is a collective journey.

The time for theoretical spirituality has ended and now is the to manifest the reality we all know is possible. By this I mean we trust that everything going on in this reality is whole and perfect just as it is. All that has happened "to us and our nation" may now be seen as being for us that we may seize this opportunity to take effective and efficient action to change the current destructive course of our nation. Your leadership is needed now more than ever, each of us has prepared in a unique way to step into this leadership role.

Each of us is equally passionate about freedom. Most of us have studied the subject and internalized the principles of living a meaningful life, based upon liberty while pursuing happiness that are embodied in our Constitution and Declaration of Freedom. These are near and dear to each of our hearts, we must have faith that they indeed will endure.

In 1787 when our founding fathers found themselves struggling to attain consensus, and there was chaos in the streets, they relied upon civil discourse to collectively create the most powerful document for self-governance that the world has ever witnessed.

My intention is to commence in civil discourse so that we may understand our founding documents in an empowering new way. Also, I will show you examples of the contracts you have entered into either knowingly or unknowingly including the fine print in those contracts that prevent you from access to your Constitutional rights. You see, every right comes with an associated duty; one does not exist without the other.

In this way, our Constitution is a gift that must be accepted to be perfected. You must know the title you hold under this document, act

accordingly and not be deceived into granting that title to another. You see, the Constitution also provides for your unlimited power to contract; unknowingly every one of us has voluntarily contracted constitutionally guaranteed rights to another. My journey has been to unwind those contracts that form actual debts incurred knowingly or unknowingly. These debts must be extinguished to exit the commercial legal jurisdiction.

It may sound complicated initially, yet when you have already done the hard work by directly connecting with the source of your creation; your individual capacity to stand as a sovereign being, to be heard and respected at every level of our government is now within your power. The government did not create this power, it is granted to each of us by our creator, the one bringing us together to share and experience the blessings of America. It is time to manifest this experience into reality. In this way, the spiritual work you have already done will guide you to decide when you will follow inherent law or man-made law. This is an election that will become much clearer throughout this fellowship.

Chapter 1 commences with an exploration into the expansive rise of power of the banks and the subsequent erosion of our freewill and freedom. The intent of the first chapter is to develop a clearer and deeper understanding our common enemy – the banking industry. Through this awareness, we discover how they accomplished the take-over of our nation allowing us to more deeply know ourselves as we rise-up to reclaim that which was taken from us and is rightfully ours. I draw upon the principles outlined in the ancient text *The Art of War*. These principles of war show the methods they employed and provide the core components of our strategy moving forward. This chapter shines light on how the banking industry has perverted the American Dream – linking it to the constant pursuit of money as debt, rather than freewill, freedom, and our inherent rights standing upon the land.

Chapter 2 explores the continued impact of the Second Great Recession, the underlying causes, and the close relationship between the banking industry and government regulators. All of which have perverted the American Dream. This chapter also invites you to explore your status as a citizen, as well as the contracts you have volunteered to be bound by.

Chapter 3 builds on this foundation by examining the origin of individual rights as granted by our Constitution. Particular attention is given to the important difference between *inalienable* and *unalienable* rights, as understanding this difference is paramount to our justice, fairness and liberty. Inherent in the Constitution is the separation of powers between the Executive, Judicial and Legislative Branches of government. As noted in this chapter, this separation was severely breached by President Roosevelt, allowing his decisions to deeply impact the American people even today,

underlying the causes of the 2007 financial crisis.

Chapter 4 brings forth an exploration of trusts and trust law as a primary focus of this manual to protect your family and assets during these times of transition. Since the founding of our nation, trusts have been used by the wealthiest individuals in our country to pass intergenerational wealth. Through an exploration of the merging of commercial law and inherent law, this chapter shows that our right to form these types of contracts is guaranteed by the Constitution and Supreme Court precedents. Further, a critical component of trust law is *sovereignty*, our inherent right of self-governance. As expressed throughout this manual, this chapter brings sovereignty to the fore and illuminates its importance.

Chapter 5 brings for the Declaration of Independence **[finish]**

Chapter 6 brings us full circle and results from 4 years of preparation. Implementing this document absent prior preparation is a waste of time. This manual is not a silver bullet and we should remember, there are no silver bullets. This manual outlines a process requiring dedicated effort and an understanding that your process will be different than mine. You have entered different contracts than I have, you have different needs than I do, yet I will share the steps I took to get to this point and you are responsible to know and understand the process behind any action, prepared to defend any position you present in public.

The more you begin to understand basic concepts you will see that it has been your actions and your inalienable right to contract that have created most of your current life situations. This realization alone is powerful. However, when you take actions to extinguish existing contracts that are out of alignment with your current awareness, the path is made clear to create contracts grounded by the title you hold and supported by your ability to express that title competently under any circumstance.

Equity Maxims

This manual introduces you to the power you possess, allowing you to master this power and then reclaim our inherent rights guaranteed by our Creator and your right to live the American Dream. As such, one must understand the underlying principles of law, as well as the context in which they are applied. Ignorance of the law is no excuse; therefore, your choice is which laws you elect to remain ignorant about, there 60 million man made "legal" laws, statutes, codes, and regulations, all powered by inherent trust law and the following equity maxims:

1. Equity sees that as done what ought to be done;
2. Equity will not suffer a wrong to be without a remedy;
3. Equity delights in equality;
4. One who seeks equity must do equity;
5. Equity aids the vigilant, not those who slumber on their rights;
6. Equity imputes an intention to fulfill an obligation;
7. Equity acts in personam;
8. Equity abhors a forfeiture;
9. Equity does not require an idle gesture;
10. He who comes into equity must come with clean hands;
11. Equity delights to do justice and not by halves;
12. Equity will take jurisdiction to avoid a multiplicity of suits;
13. Equity follows the law;
14. Equity will not aid a volunteer;
15. Where equities are equal, the law will prevail;
16. Between equal equities the first in order of time shall prevail;
17. Equity will not complete an imperfect gift;
18. Equity will not allow a statute to be used as a cloak for fraud;
19. Equity will not allow a trust to fail for want of a trustee;
20. Equity regards the beneficiary as the true owner.

Chapter 1

Know Thy Enemy/ Know Thyself

If you know thy enemy and know yourself, you need not fear the result of a hundred battles. If you know yourself but not the enemy, for every victory gained you will also suffer a defeat. If you know neither the enemy nor yourself, you will succumb in every battle.

Bankers and their pervasive ability to control the minds and behavior of the people, as well as their manipulation of the free market have recreated the current version of the American dream in a large part. They have convinced us that success and happiness comes with a bigger home, a fancier car, more toys and travel, and even greater levels when in comparison to your neighbor. The story is the more you consume and the more debt you have, the wealthier you appear in the eyes of the world. Much like the Great Oz behind the curtain, this dream is based upon an illusion and a lie, that the bank can create something of value out of nothingness. Of course, this illusion violates the natural law, since there is only one being in the universe that can actually create something out of nothing and that being is definitely not a bank! This illusion that a bank holds this power has resulted in hundreds of years of crisis and thousands of years suffering for the people. The well told story suggests that when Moses descended from the mountain bringing the law, the people were worshiping the golden calf. Today, worship of the golden calf has been replaced by the worship of fiat money created from debt.

How do we rise-up and reclaim that which inherently ours? We draw upon the lessons of Sun Tzu and his ancient strategy known as *The Art of War,* the understanding that conflict is an inseparable part of human life; of course, we desire peace, yet we must fight to subdue those who threaten the peace. The cycle of aggression and reaction can lead only to destruction and we must therefore learn to work with conflict in a more profound and effective way. Crucial to this new strategic vision is *knowledge*—especially *self-knowledge*—and a view of the whole that seeks to minimize loss for all concerned and thus render all sides victorious.

War can be described as any situation that demands hard choices about creation and destruction, life or death. The *state* is the system in which we live—our household, our culture or society, or our own mind. *Defense* ensures the integrity of our boundaries and allows life to flourish within

them. *Power* is the inherent energy of concentrated action. And *victory* lies in bringing *we the people* around to embracing a larger view, one that includes their own prosperity without ever going to battle.

First, we must know the enemy. Let's take a look at how this happened, how the banks weaved themselves so tightly into our social, economic, and political fabric. If you understand only one thing in this manual, this is it: *when you sign for a loan or a mortgage (debt), it is your signature that creates the "money" to fund the loan*. The bank actually loans you NOTHING!!! Please let this sink in: every U.S. dollar in existence today was created from debt and the banks earn interest upon that debt. *Modern Money Mechanics*, published by the Federal Reserve bank of Chicago, actually confirms this truth: "Most of the funds advanced to borrowers are created by the banks themselves and are merely transferable from one set of depositors to another set of borrowers". **[Reference]** In other words, banks are not loaning "other people's money" or even their own as we were led to believe, rather they create an asset on their books and a liability in the form of a debt for you. When a bank accepts your signature on a promissory note as an asset, they create "money of account" through a transaction account without your knowledge, permission or authorization no money of exchange, or lawful money comes into existence, this is not a "theory"; this is the fraudulent money system we are forced to live under, by a government who has been as deceived as we have.

I do not consent

Based on this, our nation is a world created from debt whereby there can never be enough fiat money created to pay the interest, let alone extinguish the debt. Most of the chaos, pain and suffering of this world, are the consequences we pay for giving our God granted powers away to a bank. The financial crisis is, in all actuality, a moral crisis; collectively the people have bought into the illusion that money, rather than God, is the source of all happiness and the destiny of life. When the people believe that more money will solve their problems, this becomes the root of all the evil that we face in America and the world today.

Through this process described above, the bankers promised, and continue to promise, wealth and abundance beyond our wildest dreams. In providing unlimited "financing", the banks promised a home for every American family and continue the endless expansion of U.S. interests worldwide. In reality, the more Americans "borrow" the richer the banks become. The dream that has been woven by the banks is actually an illusion because one's wealth is based on the amount of debt one carries; that is, the more debt, the wealthier you are. It should be clear that we have allowed this to happen, and our greatest statesmen warned us of the dangers if the people did not

remain vigilant in preserving our Constitution and protecting our freedom:

> President Washington**:** "*It is, indeed, little else than a name, where the government is too feeble to withstand the enterprises of faction…an often small but artful and enterprising minority of the community… likely, in the course of time and things, to become potent engines, by which cunning, ambitious, and unprincipled men will be enabled to subvert the power of the people and to usurp for themselves the reins of government, destroying afterwards the very engines which have lifted them to unjust dominion"* (September 19, 1796).
>
> President Jefferson: "*A private central bank issuing the public currency is a greater menace to the liberties of the people than a standing army. We must not allow our rulers to load us with perpetual debt*" (The Writings of Thomas Jefferson, Vol. X p.31).
>
> President Lincoln: "*I see in the near future a crisis approaching that unnerves me and causes me to tremble for the safety of my country. Corporations have been enthroned, an era of corruption will follow… until the wealth is aggregated in a few hands, and the republic destroyed*" (November 21, 1864).

The quote by President Lincoln is particularly telling. Imagine, he had just endured the horrors of a civil war yet trembles in fear for the destruction powerful money interests intended to do to our union. Lincoln experienced first-hand the "money powers" conspiracy against our nation. Lincoln required bank funding for the war and was forced to negotiate, essentially, he made deals with the devil as the banks took advantage of their position during the darkest times in our history. Before his death, he considered bankers and their associates more dangerous than war to the future of America. Less than five months after issuing this warning, he was assassinated.

> *The supreme art of war is to subdue the enemy without fighting.*

Make no mistake: *this is war and our very way of life and the future of your family lie in the balance.* Warfare has always been and is still important to a nation. It is a matter of life and death and is the way to survival or to destruction. So, each of us needs to study it and understand it.

I wish the people had listened to our leaders, for over the next 50 years following the Civil War, these bankers waged war upon our nation in order to gain control of the nation's issuance of currency. For the banks had learned by their three failed attempts to establish a centralized national bank (all

after or during wars). They promised prosperity and used their wealth strategically in well-funded and well-organized plans to support and manipulate political campaigns. They also relied upon our failure to remember and fully understand history. Wealth was not enough, for the banks already held tremendous wealth, what they really wanted was total power and control over the soul of America. This situation is similar to the one we currently face and the people are the only ones who can do something about it.

Please bear with me as we provide a condensed history of the creation and rise of centralized banking, which will allow for a deeper understanding of their wartime methods, in this way we can then reverse engineer what the banks have done. *The Art of War*, a manual written thousands of years ago, became my guide directing my actions. The main lessons learned from the *Art of War* will help us better understand the battlefield as we rise-up to reclaim our power.

The bank's first step was to establish control over the political system. This came to fruition in 1912, with the successful grooming of Woodrow Wilson, while sponsoring politicians running for Congress who would support a new banking bill, the Federal Reserve Act. Passage of this act would grant banks the power to control the nation's money supply, thereby charting the course for the banking takeover of the American Dream. Not all members of Congress were swayed by bank money and rhetoric, their deep concerns were expressed on the record:

> Senator Henry Cabot Lodge: "*The powers vested in the Federal Reserve Board seem to me highly dangerous… The bill as it stands seems to me to open the way to a vast inflation of the currency… and to rest upon principles in the highest degree menacing to our prosperity, to stability in business, and to the general welfare of the people of the United States*" (December 17, 1913).
>
> Mr. Alexander Lassen likewise warned the Senate Banking and Currency Committee: "*The whole scheme of the Fed is to secure the privilege of issuing money…to control interest rates…and the supply of money…when there is a shortage of money people have to borrow at their cost*" (1913).
>
> Senator Root denounced the Fed as an outrage on our liberties. He predicted: "*Long before we wake up from our dream of prosperity through an inflated currency, our gold- which alone could have kept us from catastrophe- will have vanished and no rate of interest will tempt it to return"* (1913).

Congressman McFadden, "The Fed became law the day before Christmas Eve, in the year 1913, and shortly afterwards, the German International bankers, Kuhn, Loeb and Co. sent one of their partners here to run it…[t]he United States has been ransacked and pillaged. Our structures have been gutted and only the walls are left standing."

Nineteen-years later, many of these deep concerns came to fruition as the people in the United States suffered through the first Great Depression. Predictably, it was fueled by rapid inflation then contraction of money supplies, resulting in tremendous unemployment, starvation and thousands of homes and farms auctioned off nationwide. On June 10, 1932, Congressman Louis McFadden addressed the House of Representatives. He was perhaps the most outspoken Congressman on this issue. The text of his speech, as reported in *The Congressional Record* the claims he makes herein establish the foundation for the redemption of our nation's wealth. Given the importance of these speeches, they are presented here for your contextual understanding:

"Mr. Chairman, we have in this Country one of the most corrupt institutions the world has ever known. I refer to the Federal Reserve Board and the Federal Reserve Banks, hereinafter called the Fed. The Fed has cheated the Government of these United States and the people of the United States out of enough money to pay the Nation's debt… several times over.

Some people think that the Federal Reserve Banks are United States Government institutions. They are not government institutions. They are private credit monopolies which prey upon the people of these United States for the benefit of themselves and their foreign customers; foreign and domestic speculators and swindlers; and rich and predatory money lenders.

*On April 27, 1932, the Fed outfit sent $750,000 belonging to American bank depositors in gold to Germany. A week later another $300,000 in gold was shipped to Germany. About the middle of May $12,000,000 in gold was shipped to Germany by the Fed (*Imagine: American gold contributed to Hitler's military buildup!*).*

Almost every week there is a shipment of gold to Germany. These shipments are not made for profit on the exchange since the German marks are below parity with the dollar.

In the last several months, they have sent $1,300,000,000 in gold to their foreign employers, their foreign masters, and every

*dollar of that gold belonged to the people of these United States and was unlawfully taken from them. (*The redemption of this gold is the foundation for our claim to be submitted as an original bill to the Supreme Court of the United States containing my signature and hopefully yours.)

Mr. Chairman, I believe that the National Bank depositors of these United States have a right to know what the Fed are doing with their money. There are millions of National Bank depositors in the Country who do not know that a percentage of every dollar they deposit in a Member Bank of the Fed goes automatically to American Agents of the foreign banks and that all their deposits can be paid away to foreigners without their knowledge or consent by the crooked machinery of the Fed and the questionable practices of the Fed.

Meanwhile and on account of it, we ourselves are in the midst of the greatest depression we have ever known. Thus, the menace to our prosperity so feared by Senator Lodge has indeed struck home. From the Atlantic to the Pacific, our country has been ravaged and laid waste by the evil practices of the Federal Reserve Board and the Federal Reserve Banks, and the interests, which control them. At no time in our history has the general welfare of the people of the United States been at a lower level, or the mind of the people so filled with despair.

What we need to do is to (return) the reserves of our National Banks home to the people who earned and produced them and who still own them and to the banks which were compelled to surrender them to predatory interests. (Local banks will thrive when a proportional share of these stolen funds are redeemed then deposited in our local communities and we rid ourselves of these criminals.)

Mr. Chairman, there is nothing like the Fed pool of confiscated bank deposits in the world. It is a public trough of American wealth in which the foreigners claim rights, equal to or greater than Americans. The Fed are the agents of the foreign central banks. They use our bank depositors' money for the benefit of their foreign principals. They barter the public credit of the United States Government and hire it out to foreigners at a profit to themselves.

All this is done at the expense of the United States Government, and at a sickening loss to the American people. Only our great

wealth enabled us to stand the drain of it as long as we did.

In 1928 the member banks of the Fed borrowed $60,598,690,000 from the Fed on their fifteen-day promissory notes. Think of it. Sixty billion dollars payable on demand in gold in the course of one single year... at the expense of the wage earners and tax payers of these United States. In 1929, the year of the stock market crash, the Fed advanced $58,000,000,000 to member banks.

In 1930 while the speculating banks were getting out of the stock market at the expense of the general public, the Fed advanced them $13,022,782,000. This shows that when the banks were gambling on the public credit of these United States as represented by the Fed currency they were subsidized to any amount they required by the Fed. When the swindle began to fall, the bankers knew it in advance and withdrew from the market. They got out with whole skins- and left the people of these United States to pay the piper.

They have been peddling the credit of this Government and the [signature of this] Government to the swindlers and speculators of all nations. That is what happens when a Country forsakes its Constitution and gives its sovereignty over the public currency to private interests. Give them the flag and they will sell it.

A few days ago, the President of the United States with a white face and shaking hands, went before the Senate of behalf of the moneyed interests and asked the Senate to levy a tax on the people so that foreigners might know that these United States would pay its debt to them.

Most Americans thought it was the other way around. What does these United States owe foreigners? When and by whom was the debt incurred? It was incurred by the Fed, when they peddled the signature of the Government to foreigners- for a Price. It is what the United States Government has to pay to redeem the obligations of the Fed.

No man and no body of men is more entrenched in power than the arrogant credit monopoly which operated the Fed. What National Government has permitted the Fed to steal from the people should now be restored to the people. The people have a valid claim against the Fed. If that claim is enforced the Americans will not need to stand in the bread line, or to suffer

and die of starvation in the streets. Women will be saved, families will be kept together, and American children will not be dispersed and abandoned. (The people enforce that claim now for then in equity before the supreme Court of the United States together we will sign this petition!)

The people of these United States are being greatly wronged. They have been driven from their employments. They have been dispossessed from their homes. They have been evicted from their rented quarters. They have lost their children. They have been left to suffer and die for lack of shelter, food, clothing and medicine.

The wealth of these United States and the working capital have been taken away from them and has either been locked in the vaults of certain banks and the great corporations or exported to foreign countries for the benefit of the foreign customers of these banks and corporations. So far as the people of the United States are concerned, the cupboard is bare.

The sack of these United States by the Fed is the greatest crime in history.

Mr. Chairman, a serious situation confronts the House of Representatives today. We are trustees of the people and the rights of the people are being taken away from them. Through the Fed the people are losing the rights guaranteed to them by the Constitution. Their property has been taken from them without due process of law. Mr. Chairman, common decency requires us to examine the public accounts of the Government and see what crimes against the public welfare have been committed.

What is needed here is a return to the Constitution of these United States.

Louis T. McFadden's Speeches in the House of Representatives after the election of FDR in 1933:

Mr. Chairman, the United States is bankrupt: It has been bankrupted by the corrupt and dishonest Fed. It has repudiated its debts to its own citizens. Its chief foreign creditor is Great Britain, and a British bailiff has been at the White House and the British Agents are in the United States Treasury making

inventory arranging terms of liquidations!

There was no national emergency here when Franklin D. Roosevelt took office excepting the bankruptcy of the Fed- a bankruptcy which has been going on under cover for several years and which has been concealed from the people so that the people would continue to permit their bank deposits and their bank reserves and their gold and the funds of the United States Treasury to be impounded in these bankrupt institutions

Under cover, the predatory International Bankers have been stealthily transferring the burden of the Fed debts to the people's Treasury and to the people themselves. Leaving the farms and the homes of the United States to pay for their thievery! That is the only national emergency that there has been here since the depression began.

The week before the bank holiday was declared in New York State, the deposits in the New York savings banks were greater than the withdrawals. There were no runs on New York Banks. There was no need of a bank holiday in New York, or of a national holiday.

Roosevelt did what the International Bankers ordered him to do!

Roosevelt ordered the people to give their gold to private interests- that is, to banks, and he took control of the banks so that all the gold and gold values in them, or given into them, might be handed over to the predatory International Bankers who own and control the Fed.

Do not deceive yourself, Mr. Chairman, or permit yourself to be deceived by others into the belief that Roosevelt's dictatorship is in any way intended to benefit the people of the United States: he is preparing to sign on the dotted line!

He is preparing to cancel the war debts by fraud!

He is preparing to internationalize this Country and to destroy our Constitution itself in order to keep the Fed intact as a money institution for foreigners. "Mr. Chairman, I see no reason why citizens of the United States should be terrorized into surrendering their property to the International Bankers who own and control the Fed. The statement that gold would be taken from its lawful owners if they did not voluntarily surrender

it, to private interests, show that there is an anarchist in our Government.

At noon on [Saturday] the 4th of March, 1933, FDR with his hand on the bible took an oath to preserve and protect the Constitution of the U.S.

At midnight on the 5th of March 1933, he confiscated the property of American citizens. He took the currency of the United States standard of value. He repudiated the internal debt of the Government to its own citizens. He destroyed the value of the American dollar.

He released, or endeavored to release, the Fed from their contractual liability to redeem Fed currency in gold or lawful money on a parity with gold. He depreciated the value of the national currency. The statement that it is necessary for the people to give their gold- the only real money- to the banks in order to protect the currency, is a statement of calculated dishonesty!

By his unlawful usurpation of power on the night of March 5, 1933, and by his proclamation, which in my opinion was in violation of the Constitution of the United States, Roosevelt divorced the currency of the United States from gold, and the United States currency is no longer protected by gold. It is therefore sheer dishonesty to say that the people's gold is needed to protect the currency.

Roosevelt cast his lot with the usurers. "He agreed to save the corrupt and dishonest at the expense of the people of the United States. He took advantage of the people's confusion and weariness and spread the dragnet over the United States to capture everything of value that was left in it. He made a great haul for the International Bankers.

The Prime Minister of England came here for money! He came here to collect cash! He came here with Fed Currency and other claims against the Fed, which England had bought up in all parts of the world. And he has presented them for redemption in gold.

By his action in closing the banks of the United States, Roosevelt seized the gold value of forty billion or more of bank deposits in the United States banks. Those deposits were deposits of gold values. By his action he has rendered them payable to the

depositors in paper only, if payable at all, and the paper money he proposes to pay out to bank depositors and to the people generally in lieu of their hard earned gold values in itself, and being based on nothing into which the people can convert it the said paper money is of negligible value altogether.

It is the money of slaves, not of free men. If the people of the United States permit it to be imposed upon them at the will of their credit masters, the next step in their downward progress will be their acceptance of orders on company stores for what they eat and wear. Their case will be similar to that of starving coal miners. They, too, will be paid with orders on Company stores for food and clothing, both of indifferent quality and be forced to live in Company-owned houses from which they may be evicted at the drop of a hat. More of them will be forced into conscript labor camps under supervision.

The solution proposed by Congressman McFadden in 1933 is still valid today:

The old struggle that was fought out here in President Jackson's time must be fought over again. The independent United States Treasury should be re-established and the Government should keep its own money under lock and key in the building the people provided for that purpose.

Asset currency, the devise of the swindler, should be done away with. The Fed should be abolished, and the State boundaries should be respected. Bank reserves should be kept within the boundaries of the States whose people own them, and this reserve money of the people should be protected so that the International Bankers and acceptance bankers and discount dealers cannot draw it away from them.

The Fed should be repealed, and the Fed Banks, having violated their charters, should be liquidated immediately. Faithless Government officials who have violated their oaths of office should be impeached and brought to trial.

Unless this is done by us, I predict, that the American people, outraged, pillaged, insulted and betrayed as they are in their own land, will rise in their wrath, and will sweep the money changers out of the temple. **[Reference]**

I wish it were so Congressman McFadden, but the American people have

yet to rise in their wrath, and after 105 years of graft and corruption, the money changers remain in our temple. Apparently, the heat has not intensified enough to boil our collective blood to take action to reverse this tragedy. Talk to anyone who has experienced a foreclosure and they will tell that if it happened to them, it can happen to you. It is well documented that the vast majority of Americans, and perhaps you, are only one accident, one financial crisis, one job layoff, or one family member illness away from being removed from your home especially if you have a loan, mortgage or any type of banking contract.

In seeking how to fulfill McFadden's prediction, here is some wisdom provided by the Father of our great nation in his farewell address following 43 years of dedicated service to our Union:

> *Against the insidious wiles of foreign influence, I conjure you to believe me, fellow-citizens, the jealousy of a free people ought to be constantly awake, since history and experience prove that foreign influence is one of the most baneful foes of republican government. But that jealousy to be useful must be impartial; else it becomes the instrument of the very influence to be avoided, instead of a defense against it. Excessive partiality for one foreign nation and excessive dislike of another cause those whom they actuate to see danger only on one side and serve to veil and even second the arts of influence on the other. Real patriots who may resist the intrigues of the favorite are liable to become suspected and odious, while its tools and dupes usurp the applause and confidence of the people, to surrender their interests.*
>
> *(Foreign factions serve) as avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils? Such an attachment of a small or weak towards a great and powerful nation dooms the former to be the satellite of the latter.*
>
> *If we remain one people under an efficient government the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation; when we may choose peace or*

war, as our interest, guided by justice, shall counsel.

We have allowed factions to control the media, the educational system, the political system and the economic system of our nation and we are experiencing the consequences of these errors. We have the power, however, to correct any error when we speak with one voice, from one heart, and one shared experience. We need to return to those basic values held foundational to our success as a nation:

I hold the maxim no less applicable to public than to private affairs, that honesty is always the best policy.

(see the Appendices for George Washington's entire farewell transcript)

Over the last two-hundred and fourteen years, presidential values have definitely shifted. In 2010, when President Obama was asked why there had not been any criminal prosecutions of people on Wall Street responsible for the financial crisis, he replied, "[S]ome of the least ethical behavior on Wall Street, wasn't illegal." **[Reference]** His answer was shocking to the conscience and suggested that unethical Wall Street behavior that resulted in the theft of private property is not illegal. Translation: *the President believed that behavior like robo signing millions of fraudulent loan documents and creating millions of fraudulent accounts wasn't illegal.*

This was a significant statement, as it shows the President of the United States condoned behavior that allowed banks to engage in criminal acts, such as using fraudulent documents and the force of law to remove American families from their homes – a practice that continues today. Attorneys like President Obama have altered the intentions that were set forth in the Constitution. ***We no longer consent!***

This way of thinking was legislated through lobbying efforts paid for by bankers that authorize attorneys to foreclose on homes using fraudulent documents. Thus far, the courts have allowed this behavior to continue. I object, this is not OK! President Obama may believe this behavior is legal, but I guarantee you it was certainly not granted by the people in the Constitution, nor intended by our Founding fathers, and only we have the power to stop this unlawful behavior.

Folks, this will be our uniting issue, it's time to take our country back from interests foreign to the United States of America, our country that was founded upon the private right to own private property. If they can remove us from our homes, they (the international banking factions) win. We are indeed blessed that our founding fathers left us the law, the real law, the

law of the land. All we need to do is to enforce the Constitution. In fact, this movement is also occurring in Congress and we must support their work in this area. **[Reference]** Here is a summary of the bill though I encourage you to read the bill in its entirety**:** To define the dollar as a fixed weight of gold.

> **H. R. 5404, SECTION 1. FINDINGS.**
>
> Congress finds the following:
> (1) The United States dollar has lost 30 percent of its purchasing power since 2000, and 96 per- cent of its purchasing power since the end of the gold standard in 1913.
>
> (2) American families need long-term price stability to meet their household spending needs, save money, and plan for retirement.
>
> (4) The Federal Reserve policy of long-term inflation has made American manufacturing uncompetitive, raising the cost of United States manufactured goods by more than 40 percent since 2000, compared to less than 20 percent in Germany and France.
>
> (7) The gold standard puts control of the money supply with the market instead of the Federal Reserve.
>
> (8) The gold standard means legal tender defined by and convertible into a certain quantity of gold.
>
> (11) The Federal Reserve's trickle-down policy of expanding the money supply with no demand for it has enriched the owners of financial assets but endangered the jobs, wages, and savings of blue collar workers.
>
> (12) Restoring American middle-class prosperity requires change in monetary policy authorized to Congress in Article I, Section 8, Clause 5 of the Constitution.

As you can see, all hope is not lost, there are members of our current Congress that understand the problems of our nation and are proposing solutions. We must support them and ensure those loyal to the banking interests are not elected or re-elected and yes, demand the resignation of anyone loyal to banking interests.

On 01/03/2019, Forty-nine members of Congress, both Democrats and

Republicans, cosponsored HR 24, the "Federal Reserve Transparency Act of 2019". This Bill requires a full audit of the Board of Governors of the Federal Reserve System and the Federal Reserve banks by the Comptroller General. Congress has the power to enact this legislation as authorized by Article 1, Section 8 of the Constitution. Further, when combined with H.R. *25 The Fair Tax Act*, which proposes to end funding for the Internal Revenue Service, these two Congressional Bills fundamentally change the current financial landscape of the United States, returning power back to the people. We must support these efforts, as the banks have unlimited funding and they will not relinquish this power without a fight.

In summary, the United States went "*Bankrupt*" in 1933 and was declared so by President Roosevelt with Executive Orders 6073, 6102, 6111 and 6260 on March 9, 1933 (See: Senate Report 93-549, pgs. 187 & 594). These orders were also reinforced under the "Trading with The Enemy Act" (Sixty-Fifth Congress, Sess. I, Chs. 105, 106, October 5, 1917), and as codified at 12 U.S.C.A. 95a and modified 13 times since. On May 23, 1933, Congressman Louis T. McFadden, brought formal charges against the Board of Governors of the Federal Reserve Bank System, the Comptroller of the Currency and the Secretary of the United States Treasury for criminal acts. The petition for Articles of Impeachment was thereafter referred to the Judiciary Committee and has yet to be acted upon (See: Congressional Record, pp. 4055-4058). This manual introduces a plan to reinstate the equitable claims made by Congressman McFadden and to demand a return of gold and silver belonging to the people. Congress confirmed the *Bankruptcy* on June 5, 1933 and impaired the obligations and considerations of contracts through the "Joint Resolution To Suspend The Gold Standard and Abrogate The Gold Clause, June 5, 1933" (See: House Joint Resolution 192, 73rd Congress, 1st Session).

The Shadow Banking System

Unfortunately, the pillage continues and has become more expansive today.

In the midst of chaos, there is also opportunity.

Meet "The Biggest Asshole in the World" Ex Fed Chairman Alan Greenspan. Master researcher Matt Taibbi coined this appropriate name in his seminal work, *Griftopia* (2011). This is a must read for anyone interested in uncovering what happened to our union during our most recent financial crisis. The only word I personally would have added to this description of Mr. Greenspan is TRAITOR. Quite literally, this man gave away tremendous wealth to the banks that belonged to you and me. The intention of this manual is to take our wealth back. This is one man who

must be held personally responsible for representing the interests of the Fed factions. Prior to becoming Fed Chairman, these were his words, "In the absence of the gold standard, there is no way to protect savings from confiscation through inflation. There is no safe store of value. Deficit spending is simply a scheme for the "hidden" confiscation of wealth. Gold stands in the way of the insidious process. It stands as a protector of property rights." **[Reference]** Mr. Greenspan knew that our property rights would be lost if our money was not backed by gold and silver, he sold out; he is TRAITOR as is anyone who continues to support the banking cartel! In fact, he admitted to Congress that he had mistakenly presumed that financial firms could regulate themselves.

Yet, rather than self-regulation, the banks created an entire shadow banking system to further hide their crimes. Given this, the next part is technical and boring, and yes it can be skipped, but I highly recommend you take the time to move through it. I have included it because I feel it will greatly assist your personal understanding of the darkness enveloping our nation as expressed by the Fed. Most importantly, I feel it is helpful to resolve any internal conflicts you may be experiencing while attempting to comprehend why anyone would intentionally engage in this type of behavior. It will be worth the effort to get through this section, although it is complex, as the banks are providing public notice of their illegal activities. Clearly their intention is to overwhelm through complexity and convince us they are a necessary part of the "solution" so they can remain in power. This is how the banks hope to hide the core issue of allowing them to create money out of nothing.

It is critical to comprehend how convoluted the modern creation of Shadow Banking has become. This convolution is shown in these excerpts from the Fed Staff Report no. 458 July 2010 of the Federal Reserve Bank of New York. This should be considered a response from the Fed to the 2007 financial crisis created by them and their associates. It is an 81-page document and is the first part in a series outlining the complexity as a cover up for criminal activity. This paper attempts to explain, as well as justify the crimes, while attempting to transfer the blame for the crisis to non-bankers; don't be deceived. The bankers rely on this complexity to keep us and our leaders confused. The traditional banking system, of course, is a monopoly controlling the supply of money and credit, a fact which the bankers knew they could not hide forever. Therefore, they multiplied the complexity while taking advantage of "regulatory arbitrage", this being banking double speak to explain multiple levels of government manipulation. Attorneys were placed within the bowels of our government systems to find weaknesses and loopholes in the regulatory framework. The revolving door on government offices allowed these *spies* to return to "private practice" creating laws and

circumstances that formed the perfect storm of chaos and crisis. (Comments in parenthesis below are added by me as to provide my interpretation of what is being expressed, unless otherwise indicated):

> *The rapid growth of the market-based financial system since the mid-1980s changed the nature of financial intermediation in the United States profoundly. Within the market-based financial system, "shadow banks" are particularly important institutions. Shadow banks are financial intermediaries that conduct maturity, credit, and liquidity transformation… Shadow banks are interconnected along a vertically integrated, long intermediation chain, which intermediates credit through a wide range of securitization and secured funding techniques such as ABCP, asset-backed securities, CDO's collateralized debt obligations, and repo.*
>
> *This intermediation chain binds shadow banks into a network, which is the shadow banking system. The shadow banking system rivals the traditional banking system in the intermediation of credit to households and businesses. Over the past decade, the shadow banking system provided sources of inexpensive funding for credit by converting opaque, risky, long-term assets into money-like and seemingly riskless short-term liabilities. Maturity and credit transformation in the shadow banking system thus contributed significantly to asset bubbles in residential and commercial real estate markets prior to the financial crisis.* (This is a remarkable admission of culpability).
>
> *As the failure of banks can have large, adverse effects on the real economy see Bernanke (1987) and Ashcraft (2005), governments chose to shield them from the risks inherent in reliance on short-term funding by granting them access to liquidity and credit put options in the form of discount window access and deposit insurance, respectively.*
>
> *Like the traditional banking system of the 1900s, the shadow banking system of the 2000s engaged in significant amounts of maturity, credit, and liquidity transformation, which made it just as fragile. In a further parallel, the run on the shadow banking system, which began in the summer of 2007 and peaked following the failure of Lehman, was only stabilized after the creation of a series of official liquidity facilities and credit guarantees: the Federal Reserve's emergency liquidity facilities (*i.e. unlimited money printing capacity*) amounted to functional backstops of the steps involved in the credit intermediation*

process that runs through the shadow banking system, and the liabilities and mechanisms through which it is funded. While today's traditional banking system was made safe and stable through the deposit insurance and liquidity provision provided by the public sector, the shadow banking system—prior to the onset of the financial crisis of 2007-2009—was presumed to be safe due to liquidity and credit puts provided by the private sector. These puts underpinned the perceived risk-free, highly liquid nature of most AAA-rated assets that collateralized credit repos and shadow banks' liabilities more broadly in a major liquidity crisis of the type experienced in 2007-2009, all securities become highly correlated as all investors and funded institutions are forced to sell high quality assets in order to generate liquidity. This is not simply an issue for the shadow banking system, but is a feature of any market-based financial system where financial institutions' balance sheets are tied together with mark-to-market leverage constraints investors also overestimated the value of private credit and liquidity enhancement purchased through these puts, the result was an excess supply of credit, which contributed significantly to asset price bubbles in real estate markets. (This is an admission that the banks participated in illegal manipulation of the free market economy).

The shadow banking system is particularly vulnerable to runs—commercial paper investors refusing to re-up when their paper matures, leaving the shadow banks with a liquidity crisis—a need to tap their back-up lines of credit with real banks and/or to liquidate assets at fire sale prices. (The Cartel has already planned the next crisis. Here it is providing you notice that non-banks such as Quicken Loans, Money Tree, etc. are currently funding the majority of real estate mortgages. As discussed above, these organizations are "particularly vulnerable to runs", in other words they will soon need to be bailed out. The banks learned from their past mistakes and removed themselves from the spotlight by placing the blame on these under-capitalized shadow organizations that they control).

*This system of public and private market participants has evolved and grown to a gross size of nearly $20 trillion in March 2008 (*thereby "coincidentally" matching the current national debt*), which was significantly larger than the liabilities of the traditional banking system. However, market participants as well as regulators failed to synthesize the rich detail of otherwise publicly available information on either the scale of the shadow*

*banking system or its interconnectedness with the traditional banking system. (*Remember the banks lobbied for these regulatory changes.)

*Guarantee schemes (*TARP, FDIC, Fed as leader of last resort and other bailouts*) introduced since the summer of 2007 helped make the $5 trillion contraction in the size of the shadow banking system relatively orderly and controlled, thereby protecting the broader economy from the dangers of a collapse in the supply of credit as the financial crisis unfolded. While these programs were only temporary in nature, given the still significant size of the shadow banking system and its inherent fragility due to exposure to runs by wholesale funding providers, it is imperative for policymakers to assess whether shadow banks should have access to official backstops permanently, or be regulated out of existence. Shadow banks will always exist. Their omnipresence—through arbitrage, innovation and gains from specialization—is a standard feature of all advanced financial systems.* (Which requires that we regulate them out of existence or they will always exist).

Regulation by function is a more potent style of regulation than regulation by institutional charter. Regulation by function could have —caught shadow banks earlier. The shadow banking system decomposes the simple process of deposit-funded, hold-to-maturity lending conducted by banks, into a more complex, wholesale-funded, securitization-based lending process that involves a range of shadow banks. Through this intermediation process, the shadow banking system transforms risky, long-term loans (subprime mortgages, for example) into seemingly credit-risk free, short-term, money-like instruments.

*(*Government Sponsored Entities, GSE's*) Fannie and Freddie's conflicts of managing shareholders' interest (*to use another word, fraud*) with their mission ultimately lead to their demise and—re-nationalization (i.e. bailout) in the fall of 2008 and the eventual de-listing of their stocks on June 16, 2010. Like banks, the GSEs funded their loan and securities portfolios with a maturity mismatch. Unlike banks, however, the GSEs were not funded using deposits, but through capital markets, where they issued short and long-term agency debt securities to money market investors, such as money market mutual funds, and real money investors such as fixed income mutual funds, respectively. The funding —utility functions performed by the GSEs for banks and the way they funded themselves were the*

models for what we refer today to as the wholesale funding market. This changed funding from a credit-risk intensive, deposit-funded, spread-based process, to a less credit-risk intensive, but more market-risk intensive, wholesale funded, fee-based process.

The transformation of banks occurred within the legal framework of financial holding companies (FHC), which through the acquisition of broker-dealers and asset managers, allowed large banks to transform their traditional process of hold-to-maturity, spread-banking to a more profitable process of originate-to-distribute, fee-banking. The FHC concept was legitimized by the abolishment of the Glass-Steagall Act of 1932, and codified by the Gramm-Leach-Bliley Act of 1999. (This is critical information because the banking industry heavily lobbied for this change and later used this legislation to bail themselves out by converting bankrupt entities into FHCs, providing them with unlimited Fed funding and by extending the full faith and credit of the United States).

*Combined with the high costs and restrictions imposed by regulators on banks, growing competition from specialist non-banks put increasing pressure on banks' profit margins. Interestingly, banks dealt with these pressures by starting to acquire the very specialist non-bank entities that were posing a competitive threat (*i.e. vertical monopoly control*). Through these acquisitions, banks changed the way they lent, and became much like manufacturing companies, originating loans with the intention of selling them rather than holding them through maturity. An additional development that was instrumental in changing banks' behavior was the rise of an active secondary loan market, which helped banks determine the true cost of holding loans versus selling them. Over time, the largest banks became more willing to lend if they knew they could sell loans at a gain. Modern banks —rent their balance sheets and set their —rents based on the replacement cost of their balance sheets. This change in the nature of banking was initially —inspired by the securitization process of conforming mortgages through the GSEs, and was extended to virtually all forms of loans and—perfected into a securitization-based, shadow credit intermediation process over time.* (This is a planned and organized change, with a predictable outcome, not an unfortunate free market event as they try to convince the public).

The vertical and horizontal slicing of credit intermediation was conducted through the application of a range of off-balance sheet securitization and asset management techniques, which enabled FHC-affiliated banks to conduct lending with less capital than if they had retained loans on their balance sheets. (Once again, the banks lobbied heavily with former Goldman Sachs CEO and then Treasury Secretary, Hank Paulson who authorized this change in capital requirements in 2006*). This process contributed greatly to the improved RoE (*Return on Equity*) of banks, or more precisely, the RoE of their holding companies. a traditional bank would conduct the origination, funding and risk management of loans on one balance sheet (its own), an FHC would (1) originate loans in its bank subsidiary, (2) warehouse and accumulate loans in an off-balance sheet conduit that is managed by its broker-dealer subsidiary, is funded through wholesale funding markets, and is liquidity-enhanced by the bank, (3) securitize loans via its broker-dealer subsidiary by transferring them from the conduit into a bankruptcy-remote SPV (*special purpose vehicle*), and (4) fund the safest tranches of structured credit assets in an off-balance sheet ABS intermediary a structured investment vehicle SIV, for example, that was managed from the asset management subsidiary of the holding company, is funded through wholesale funding markets and is backstopped by the bank lending became a capital efficient, fee-rich, high-RoE endeavor for originators, structurers and ABS investors, enabled by the symbiosis between banks, broker-dealers, asset managers and shadow banks. As the financial crisis of 2007-2009 would show, however, the capital efficiency of the process was highly dependent on liquid wholesale funding and debt capital markets globally, and that any paralysis in markets could turn banks' capital efficiency to capital deficiency virtually overnight, with systemic consequences.*

An FHC is not necessarily bad, and neither is the credit intermediation process described above. However, they became bad (in some cases), as capital requirements to manage these linkages and conduct the process prudently were circumvented through three channels of arbitrage. These were: (1) cross-border regulatory systems arbitrage, (2) regulatory, tax and economic capital arbitrage, and (3) ratings arbitrage. These arbitrage opportunities emerged from the fractured nature of the global financial regulatory framework (In other words, they took advantage of the weakest regulatory agencies while employing the highest paid attorneys to defeat the system. These attorneys

often previously worked in government positions then offered their information and labor to profit the banks).

*However, in the absence of limits on their leverage, DBDs—the pre-crisis group of the five broker-dealers (*Bear Stearns, Goldman Sachs, Lehman Brothers, Merrill Lynch and Morgan Stanley remember these entities lobbied ex-CEO of Goldman Sachs, Henry Paulson acting as Treasury Secretary for these changes*)—conducted these activities at much higher multiples The perceived, credit-risk free nature of traditional banks' and shadow banks' liabilities stemmed from two very different sources. In the case of traditional banks' insured liabilities (deposits), the credit quality is driven by the counterparty—the U.S. taxpayer. In the case of shadow banks' liabilities (repo or ABCP, for example), perceived credit quality is driven by the —credit-risk free nature of collateral that backs shadow bank liabilities, as it was often enhanced by private credit risk repositories. The AAA rating became the equivalent of —FDIC Insured as a —brand to express the credit-risk free nature of (insured) deposits in the traditional banking system.*

Many internal and external shadow banks existed in a form that was possible only due to special circumstances in the run up to the financial crisis—some economic in nature and some due to regulatory and risk management failures. Over the last thirty years, market forces have pushed a number of activities outside of banks and into the parallel banking system. The group of non-financial borrowers includes nonfinancial corporations that issue non-financial commercial paper; the U.S. Treasury, which issues Treasury bills; and state and local governments, which issue short-term municipal bonds. The group of agency borrowers include the GSEs Fannie Mae, Freddie Mac and the FHLB system (or the government-sponsored shadow banking sub-system), which issue agency discount notes and benchmark and reference bills

Ultimately, it was the embedded rollover risks inherent in funding long-term assets through short term securitization sold into money markets that triggered the run on the shadow banking system. (Do you still doubt that this was a planned and organized financial crisis?)

On the eve of the financial crisis, the volume of cash under management by regulated and unregulated money market intermediaries and direct money market investors was $2.5

trillion, $1.5 trillion and over $3 trillion, respectively. This compares to bank deposits (as measured by the sum of checkable deposits, savings deposits and time deposits) of $6.2 trillion. These cash pools can effectively be interpreted as —shadow bank deposits, as similar to banks' deposits they were expected to be available on-demand and at par. In other words, these cash pools have an implicit —par put option embedded in them.

*Not all shadow banking activities are inherently bad (*this is the second time using this phrase, to be interpreted as most were inherently bad*), and not all shadow banks were irresponsibly run shadow banks with reasonable degrees of leverage and a diverse set of funding options (*again, interpreted as meaning most were irresponsibly run, yet those with unlimited access to taxpayer bailout funds not just survived but thrived*) generally survived the crisis, while those with excessive leverage and a relatively narrow set of funding options did not. There were exceptions, however, with some poorly run shadow banks surviving due to direct or indirect support from their FHC and DBD parents, and some well-run, specialist shadow banks, due to an asymmetric access to last resort funding (*i.e. unlimited money printing by the Fed*) due to the lack of a bank parent with discount window access, being forced into liquidation by lender-of-last resort repo counterparties (*i.e. purchased by banks using taxpayer funding*). Interestingly, over a year after the liquidity crisis began in August 2007, at the height of the financial crisis in October 2008, official credit and liquidity puts were extended to the shadow banking system, and by extension, the institutional cash pools (*or shadow bank depositors*) that fund it.*

Thanks for staying with me through this technical gibberish and hopefully you found it useful in providing a clearer, deeper understanding of how the banking system operates. Even the Fed admits here that not all shadow banks and their activities were bad and irresponsibly run; of course, this admission also suggests that most are bad and irresponsibly operated. When I commenced my battles with the banks, I placed a copy of the diagram outlining the shadow banking system above my desk to remind me that this is a war, and *The Art of War*, a manual written thousands of years ago, became a guide on my path of action. Today, effective leadership entails a duty to protect ones' estate here on earth, fighting off all evil threats. The complexity of today's world, especially those threats against our founding principles, necessitates the realization that both *good* and *evil* exist. Choosing to only focus on the good of one's life, while remaining blinded to the reality that evil exists, is an active choice in accepting the

pain, stress and damage in our society that is killing thousands of people every day, while failing to use our inherent power to actively alter the situation. When ONE of our brothers or sisters is chained, all of us remain chained. Make no mistake: *this is war and our very way of life and the future of your family lie in the balance.*

Let your plans be dark and impenetrable as night, and when you move, fall like a thunderbolt.

We the people of America have an extraordinary opportunity that has never existed in the history of mankind – the opportunity to actively correct the imbalance of good and evil. We are in the midst of some of the darkest times, a time when we have been manipulated into giving away our unalienable rights, a time when they have been taken from us. Now, there are beacons of light reaching through our history guiding us - the hour to choose is now upon us. Do we have the strength and courage to co-create HEAVEN on earth? To draw upon the Constitution and reclaim our inalienable rights? Or do we continue allowing the banking industry to continue their greedy, destructive, criminal practices? I understand that in many ways, this appears to be a daunting fight, after all, the banks are too big and have too much power. But I have won a key battle. I chose to reclaim my rights, to stand-up to the banks, to bring forth the Constitution as my foundational ally, and I won…yes, I beat the banks at their own game. Through my experience, I know this is not easy, but by choosing to correct the balance of good and evil, we each fulfill our life purpose. We do our part to create a more balanced, harmonious society where each of us can live out the true American Dream.

We all face dilemmas, big and small, in our everyday lives that require choices. Our Founding Fathers and many others throughout our history, however, have noted the universal dilemma faced by our leaders, perhaps the biggest dilemma facing anyone -- a choice between leading self and others into war or running away from the battlefield and maintaining the illusion of preserving peace.

The main lessons learned from the Art of War will help us to better understand the battlefield before us as we move out of the darkness of ignorance. The central teaching of Sun Tzu is the attainment of Heaven on earth and this ancient text can easily be adapted to our current era, teaching leaders how to awaken to the responsibility of life and duty.

My goal is to cross this ocean of illusion in order to reach the spiritual shore of consciousness, while fulfilling my purpose and living with passion. When your focus becomes the glory and greatness of the ONE creator, you conduct your duty efficiently without being attached to outcomes or limited by the

results -- thus living in the world yet not being of it. This is a duty that at times, demands action to protect the rights of all, by first securing your own position.

Most people excuse themselves from spiritual practices because they believe that they have no time, while others neglect duty for the sake of a more spiritual life. True leadership dedicates the entire living process to demonstrating there is no difference between the two. Everything done is for the glory of our Creator. The duty of a leader is to serve humanity and to see "God" in everything and everyone from a spiritual state of mind. In order to attain such a state of mind, self-discipline, meditation, prayer, cleansing, conscious leadership, selfless service and daily practices conducted in the company of like-minded individuals are required. Mastery requires purity of the body, mind, emotions and intellect. As one strives for excellence in all undertakings, success and failure, gain and loss, pain and pleasure become the grains of sand in our sand box of life. Mastery over the senses and intellectual connection to your real source of power, allows the energy of nature to support your passion and purpose. Today, we begin this journey by pledging our lives, our fortunes and our sacred honor to protect and create the kingdom of heaven on earth. **[Perhaps a brief paragraph following this one linking it to the Art of War…the essentialness of linking spiritual practice with the intentions of the Art of War.]**

The greatest victory is that which requires no battle.

As we rise-up to reclaim that which is inherently ours, we can draw upon the strategic principles outlined in the *Art of War,* adapting them to our current situation. **[Yes, this is a strategy and will be really helpful to weave into each area how this applies to the current situation.]**

Laying Plans: Together we explore the fundamental factors that determine the outcomes of military engagements. The Fed has completed a military style takeover of our government and economy without battle. By observing the steps they have taken, we can reverse engineer their takeover strategy. Of course, we seek peace, yet these banking enemies will not relinquish until conquered.

Warfare has always been and still is important to our nation. It is a matter of life and death and is the way to survival or to destruction. So each of us needs to study it and understand it.

There are five factors of warfare outlined in *The Art of War*: *Way, Heaven, Ground, General, and Law*. It is important to calculate one's strength in each and compare them to your enemy's strengths.

The *Way* is the strong bond the people have with their leader. Whether they face certain death or hope to come out alive, they never worry about danger or betrayal. Where we go one we go all.

Heaven is dark and light; when we continuously shine light on unconstitutional conditions the darkness will be no more.

Ground is the land and holding allodial title to the land defeats any claim the banks have to it.

General is your wisdom, authenticity, benevolence, courage, and discipline. Trust is the line of demarcation between fear, anger, blame and shame. When we trust the general wisdom of the Constitution we move into forgiveness, acceptance and compassion. Love for our nation and its founding principles are the key to victory.

Law is organization, the chain of command, logistics, and the control of outcomes. Following the supreme law of the land and inherent law assures beneficial outcomes.

Waging War: Requires an understanding of the economy of warfare, and how success requires winning decisive engagements quickly. Successful military campaigns require limiting the cost of competition and conflict. We know that if troops lay siege to a walled city, their strength will be exhausted. Thus, we cannot engage on their terms. Therefore, the important thing in doing battle is victory, not protracted warfare. A general who understands warfare is the guardian of people's lives, and the ruler of the nation's security. *Are you ready to become the general for your family, your community, and our nation?*

Attack by Stratagem: Requires us to embrace the source of the people's strength as unity, not size, and aligns factors that are needed to succeed in any war.

Therefore, one who is skilled in warfare principles subdues the enemy without doing battle, takes the enemy's walled city without attacking, and overthrows the enemy quickly, without protracted warfare. The leader's aim must be to take *All-Under-Heaven intact*.

It is important to remember that an effective general is the safeguard of the nation, a protector of the founding principles. When this support is in place, the nation remains strong, can grow and prosper. When this support is not in place, the nation becomes weakened,

unable to reach its divine potential.

Tactical Dispositions: Explains the importance of defending existing positions until a commander is capable of advancing from those positions in safety. This why Chapter 4 is so critical, we must proceed from positions of strength, standing upon our own land.

In ancient times, those skilled in warfare made themselves invincible and then waited for the enemy to become vulnerable. Being invincible depends on knowing oneself, but the enemy's vulnerability depends on them.

Those skilled in defense conceal themselves in the lowest depths of the Earth. Those skilled in attack move in the highest reaches of the Heavens. Those able to effectively weave these together are able to protect themselves and also achieve complete victory. Those skilled in warfare cultivate the Way and preserve the Law, therefore, they govern victory and defeat.

Therefore, a victorious army first obtains conditions for victory, then seeks to do battle. A defeated army first seeks to do battle, then obtains conditions for victory. This has been the downfall of the entire patriot movement.

Energy: Explains the use of creativity and timing in building an army's momentum. Disorder coming from order is a matter of organization; fear coming from courage is a matter of force, weakness coming from strength is a matter of formation. Therefore, those skilled in moving the enemy use formation that forces the enemy to respond.

Weak Points & Strong: Explains how an army's opportunities come from the openings in the environment caused by the relative weakness of the enemy in a given area. Generally, the one who first occupies the battlefield awaiting the enemy is at ease; the one who comes later and rushes into battle is fatigued.

Subtle, subtle; they become formless. Mysterious, mysterious; they become soundless. Therefore, they are the masters of the enemy's fate.

If our army is at full force and the enemy is divided, then we will attack him at ten times his strength. Therefore, we are many and the enemy few. If we attack our many against his few, the enemy

will be in dire straits.

The ultimate skill is to take up a position where you are formless. When you are formless, the most penetrating spies will not be able to discern you, or the wisest counsels will not be able to do calculations against you.

Maneuvering: Explains how to win confrontations when they are forced upon the commander including the dangers of direct conflict.

Disciplined, wait for disorder; calm, wait for clamor. This is the way to manage the mind.

Variation in Tactics: Focuses on the need for flexibility in an army's responses. It explains how to respond to shifting circumstances successfully. Therefore, subjugate your local rulers with potential disadvantages, labor the local rulers with constant matters, and have the local rulers rush after advantages.

So the principles of warfare outlined here are: *Do not depend on the enemy not coming, but depend on our readiness against him. Do not depend on the enemy not attacking but depend on our position that cannot be attacked.*

Therefore, there are five dangerous traits of a general:

He who is reckless can be killed.
He who is cowardly can be captured.
He who is quick tempered can be insulted.
He who is moral can be shamed.
He who is fond of the people can be worried.

These five traits are faults in a General and are disastrous in warfare. The army's destruction, and the death of the general are due to these five dangerous traits. They must be examined.

The Army on the March: Describes the different situations in which an army finds itself as it moves through new enemy territories, and how to respond to these situations. Focus on evaluating the intentions of the banks and their supporters. One who lacks strategic planning and underestimates the enemy will be captured. Therefore, if he commands them by benevolence, and unifies them by discipline, this is called certain victory. **[This is the first time the principles outlined in the Art of War are linked to the current war with banks – this type of link is necessary. A few options – at the**

end of each area have a few sentences that directly links the section to the current war, this will allow the reader to actively apply the lessons of the Art of War to the current battle with the banks.]

Terrain: If a general is weak and not disciplined, his instructions will not be clear, the officers and troops will lack discipline and their formation will be in disarray -- this is called chaos. Therefore, the general who does not advance to seek glory, or does not withdraw to avoid punishment, but cares for only the people's security and promotes the people's interests, is the nation's treasure. He looks upon his troops as children, and they will advance to the deepest valleys. He looks upon his troops as his own children, and they will die with him. The Way of organization is uniting their courage, making the best of the strong and the weak through the principles of Ground. Therefore, one who is skilled in warfare leads them by the hand like they are one person; they cannot but follow.

Therefore, I say, if you know the enemy and know yourself, the victory is not at risk. If you know the Heaven and you know the Ground, the victory is complete. The essential factor in warfare is speed. To take advantage of the enemy's lack of preparation, take unexpected routes to attack where the enemy is not prepared.

If the enemy presents an opportunity, take advantage of it. Attack what he values most.

The Use of Spies: Focuses on the importance of developing good information sources, and the five types of intelligence sources and how to best manage each of them. I commenced this operation knowing and trusting that those who truly love America were present at every level of our government. I knew that when the time was appropriate, these "white hats" would appear in support of this great nation. Two sides remain in standoff for several years in order to do battle for a decisive victory on a single day.

What enables the enlightened rulers and good generals to conquer the enemy at every move and achieve extraordinary success is foreknowledge. Foreknowledge cannot be elicited from ghosts and spirits; it cannot be inferred from comparison of previous events, or from the calculations of the heavens, but must be obtained from people who have knowledge of the enemy's situation. Therefore, enlightened rulers and good generals who are able to obtain intelligent agents, as spies are certain for great achievements.

By our very nature, the American people are optimists and the majority wish to see the best in everyone and everything. We tend to believe that everyone has the best intentions and we prefer not to stir trouble or cause problems. Unfortunately, the benevolence of our people has been used against us, and we have relied upon a dream that is foreign to our interests, and now we awaken to enter battle in full awareness, prepared to win this war for our posterity.

We are so blessed that our founding fathers fought the bloody revolutionary war with honor and integrity so that we may now defeat our enemy on the evolutionary battlefield of life. Indeed, we are blessed to face evolution rather than revolution, it is time for the people to evolve and to become self-governing. I have relied upon ancient texts to prepare myself for this battle including the Bible as the foundation of inherent law empowering our Constitution. The outline of this step-by-step approach to this war, is beyond the scope of this manual. It is important to note that we will implement these Artful principles privately so that the banks are taken by surprise. In much the same way, my battles were undertaken to provide safe harbor and standing upon the land for my family in preparation to guide other leaders with the generals' knowledge, battle plan and power to do the same. In this way we may then unite our efforts from a safe and secure position on the land to redeem our powers stolen by these foreign invaders. Together we listen to Sun Tzu's wisdom, as our founders must have prior to engaging a mutual enemy and winning the war. We commence this war by expanding our understanding of trust law that the founders relied upon to create our founding documents and together we create heaven in America.

The next section will bring you up to date on how you are being affected right now by actions of this banking cartel. I shine light on their future plans and document how together we the people can utilize Congressman McFadden's claims as foundational testimony to redeem what has been stolen from us.

Chapter 2

Reclaiming Our American Dream: The Second Revolution

Give Me Liberty or Give Me Debt

A decade after the beginning of what has come to be known as the Second Great Recession, the people continue to suffer under the throws of this financial war. The cultural and psychological imprint left by this crisis mirrors the ones left by the hardship that struck our predecessors in the 1920's and 30's. When you look beyond the economic data, a new radical politics that is emerging comes into awareness. Ideological differences forced by extreme factions on both the left and right, reveal the level of resentment - racial, religious, gendered and otherwise. These ideological differences are consistently fueled by the media and target those who feel especially left behind. This is an appropriate time to carefully reflect, and to take a reading of this financial earthquake, some of the underlying shifts that occurred, and its ever-reaching aftershocks that continue to jolt us today.

The current mood in America is arguably as dark as it has ever been in the modern era. The suicide rate is at a 30-year high, mass shootings and drug overdoses are unfortunately ubiquitous in everyday life, the greed of the bankers and our political leaders more apparent than ever, and many continue to live paycheck to paycheck. The initial shock and horror in the aftermath of 9/11, soon gave way to a semblance of national unity in support of a President whose electoral legitimacy had been bitterly contested only a year earlier. Today's America, however, is marked by fear and despair more akin to that which followed the market crash of 1929, when millions of Americans lost their jobs, their homes, and most importantly

their dignity. This era came as a result of big banks declaring war on American business and the American people through their manipulation of the free market.

It's not hard to pinpoint the amplification of the current deep gloom enveloping us: It arrived in September 2008, with the collapse of a securitization Ponzi scheme that kicked-off the Second Great Recession. This is a deeper engrained, more lasting existential threat to America than the terrorist attacks (funded by banks) that occurred on September 11, 2001. The shadow it cast is so dark and pervasive that a decade later, even some hope of prosperity and peace does not mitigate the reality that unites all Americans: *Everything in the country is broken.* Washington D.C. failed to prevent the financial catastrophe, in fact little has been done to protect us from the next banking attack on our nation. Get ready, it's coming! Also, it is important to note that race relations, health care, education, institutional religion, law enforcement, the physical infrastructure, the news media, the bedrock virtues of civility and community are deeply strained – all of which create diversions that serve banking interests and banking interests alone. The true American Dream is crumbling, while the banks continue to feed us their version of the Dream.

This banking created Dream was initially popularized during the first Great Depression. FDR's proclaimed his "… firm belief that the only thing we have to fear is fear itself."; his inspiring words lulled us to sleep so that we never feared the loss of our sovereignty. It is a tribute to the resilience of the American people, however, that our country, for all its racial and political divides, still shares core of values like freedom and equal justice. This foundation shows us a way out of the mess. **[This may need a bit more clarity, as his statement was made in response to the bombing of Pearl Harbor…I think I understand where you going, but not quite sure.]**

This time is different, however. In 2008, the country got an indelibly clear picture of just how much inequality had been banked by the top one percent, how many false promises to the other 99 percent had been broken, and how many key American institutions, whether governmental, financial, or corporate, betrayed the trust the public had placed in them. And when the U.S. economy crashes, we take much of the world with us. Bankers have exported their perverted Dream, offering limitless hope for progress and profits. This dream has now been exposed to the world as a cruel illusion. Here is the reality:

Total U.S. household net worth dropped by $11.1 trillion in 2008;

When adjusted for inflation, the median income for 25-to-34-year-

olds in America, $34,000, hasn't risen since 1977;

Median household wealth collapsed from $126k in 2007, to $97k in 2016;

The number of Americans worried about the economy multiplied nearly six- fold: from 16 percent in 2007, to 86 percent in 2008;

In 2016, the median wealth of a family headed by someone born in the 1980s was 34 percent below the level of earlier generations at the same age in 2007;

At the end of 2017, consumer credit-card debt was over $1 trillion (about 30% higher than in 2008);

Millennials have taken on over 300 percent more student-loan debt than their parents' generation;

The unemployed took over 3x as many weeks to find work, 7.9 weeks in May 2008 and 25.2 weeks and in June 2010;

Currently, sixty-three percent of Americans say they don't have enough money in savings to cover a $500 health-care expense;

In 2017, women had nearly 500,000 fewer babies than in 2007, although there were 7 percent more women of prime childbearing age;

The age-adjusted suicide rate increased 33 percent from 1999 to 2017 (from 10.5 to 14.0 per 100,000), increasing annually by 2% through 2007 and 3% annually from 2007-2017;

In 2016, almost 40 percent (over 24 million) of adult millennials lived with their parents, step-parents, grandparents and relatives, the highest number in 75 years;

In 2017, nearly 79 million Americans live in a "shared household" with at least one extra, nonfamily resident;

In 2016, more college grads moved in with their parents when compared to 2005 (28 percent and 19 percent), representing a 67% increase;

As of 2017, 65.8% of American homes remain below their 2008 appraised value;

From 2000 to 2015, homeownership declined in 90% of U.S. metropolitan areas. ***[Reference]***

Before going any further, let's explore a bit more about home ownership and the right to own and live securely in one's home. The right to own private property is protected by the Constitution and thus, this is the single most important battle requiring our collective focus. If you can be removed from your home, what chance do you have in protecting your other rights like freedom of speech, etc? This property battle we can win, which will lead the way to more victories. It is clear the government did not do enough to help stave off foreclosure for most of the innocent victims ensnared in this economic tragedy. In fact, the government was complicit in the way they worked with the banks and used 14 trillion dollars of OUR funds to bail them out – an extraordinary amount that could have extinguished all the mortgages currently in existence. Further, this bailout was on top of the $11 trillion theft of yours and my equity. These government actions have greatly threatened the ability to own and live securely in a family home.

The banks have been effective in getting us to buy into their lies propagated by the media, that the people who faced foreclosure, caused their own situation. Although some individuals may have purchased a home they could not afford, or even lied on loan applications, they were tempted by a system designed to encourage them to gamble on the future. The people's greed was definitely not the underlying cause of this crisis, quite the opposite as it was the greed of the banks and their pervasive quest for more wealth and power that created the crisis. Of course, many were encouraged to want more…a bigger house, a nicer car, and more consumable goods. The real truth, however, is that people were intentionally misled. Even if you were making your payments yet lived in a neighborhood of gamblers who were foreclosed on, the value of your property, and your neighborhood was negatively affected. All of these people had reasonable expectations based on a belief in a free market system, where demand for their land and home would always remain strong – after all, this is what the banks and government have been feeding the public for decades. Yes, these folks were the real victims, not the banks. Yet, while they bailed out the banks with trillions of dollars of our tax money, the government provided no serious foreclosure relief for you or anyone (This is why you must determine whether or not you are a taxpayer, a duty that will be addressed later).

Slot Machines, Sports Betting and Banking: The Erosion of American Values

How did all this occur? Partly this had to do with irresponsibility and partly it had to do with new bank created instruments that were so complicated that no one understood them. Adjustable rate mortgages were not part of my college course work, and derivatives, as a sort of insurance were never discussed. Mathematically complex "exotic" derivatives and credit default swaps were only recently introduced into our economy, they did not exist in the 1970's or 1980's.

Banking and gambling have become inextricably linked. The quarter-century leading up to the crash was a golden age of both *financial gambling* and gambling more generally. I lived in lake Tahoe in 1980's and witnessed the gambling mentality daily. While betting on sports or playing the ponies had in many places been a vice and playing the slots a crime, casinos and sports betting were prospering in Nevada and Atlantic City. In 2008, a mere 30 years later, gambling was a hundred-billion-dollar a year industry touching every state except Utah and Hawaii. Riverboat gambling was reestablished, especially throughout the Midwest, Indian tribes opened gambling resorts in 29 states, and regional and national lotteries flourished.

Gambling became the spirit of the era and I even found myself enthralled as speculation became a favored past time and the term "casino capitalism" came into vogue. Yet, this came with consequences – the erosion of virtues known as the Protestant work ethic. This erosion of values undermined my personal character, as well as the foundational character of our people. This gambling fever, accompanied by promises of the rewards of capitalism, blinded the public mind when we began regarding our homes as an investment and our future as a gamble. No longer were we guided by the virtues of the Protestant work ethic, as getting rich now had as much to do with luck or effrontery as sustained effort over time. Wealth was now determined in terms of accumulated debt and of course, visual success was paramount. For the twenty years, prior to the early fall of 2008, most Americans had bought into the idea that a well-functioning economy looked a like a well-functioning casino.

Today, people place considerable blame on the government for the severe economic damage that has occurred. While this is understandable, we should not lose sight of the fact that banks control who gets elected as well as the media that fuels misconceptions promoting antagonism against our government. Currently, our nation is so saturated in conspiracy theories, that paranoia has seeped into the way we view reality. The lies have become so entrenched and so complex, few actually understand the source of the problems. It is through using these conspiracy theories as distractions, that the banks and politicians supporting them are able to flourish. This financial crisis is a war hidden by a paranoid fantasy and

perpetuated by the world's bankers who stockpile profits from casino style bets and the theft of our equity. The downside of these bets is that the losses have been shouldered by American workers, not those who actually committed the financial crimes. In fact, bankers were not prosecuted but instead, protected by the governmental powers and laws they helped create that are deeply enmeshed in our system.

When Obama entered the White House, he brought with him twenty-one lawyers from a firm in D.C. named Covington and Burling. This billion-dollar firm specializes in government regulation and played a significant role in many of the legal matters that arose from the New Deal. Not surprisingly, this firm also represents the major banking interests in our nation such as Citigroup, Bank of America, Goldman Sachs, Wells Fargo, and MERS. For example, former Attorney General Eric Holder and Assistant AG in charge of the criminal division, Lenny Brewer were part of this entourage. Predictably, after wreaking havoc on the American economy and failing to prosecute the banking criminals, both returned to the same organization, bringing with them deep connections to the government agencies entrusted to regulate their client's behavior.

These are clearly conflicts of interest ignored by those in power and becoming more pervasive and unfortunately, commonplace. Under the guise of bringing in industry experts, the government creates a revolving door with industry, intentionally allowing criminals into positions of power over our nation's economy. For example, Henry Paulson, the former CEO of Goldman Sachs (1999-2006) became Treasury Secretary under George Bush. His salary was a mere $183,500, down considerably from $40 million at Goldman Sachs. The company was known in polite circles as the "Great American Bubble Machine" and by everyone else as "those motherfucking, cock sucking, assholes at Goldman Sachs." Ask yourself this question, *why would anyone take a $40 million pay cut?* Well, the answer lies in the timing and how much money he made for his prior employer: In 2008, Paulson announced the TARP program and Goldman Sachs simultaneously announced that it would be converting to a bank holding company allowing it immediate access to $10 billion dollars in TARP funds, and simultaneously providing unlimited funding via access to the Fed discount door. This made its primary regulator the New York Federal Reserve Bank, whose chairman was a former managing director at Goldman Sachs.

Prior to Paulson, Robert Rubin operated the Treasury Department, he was the former chairman of Citi Group and co-chairman of Goldman Sachs. Though he was clearly aware of the financial scams and their potential devastating effects on the American people, he did nothing to prevent them. These types of cozy relationships occurred not by accident, but strategically done in a way to fuel the greed and power-seeking behavior of the banking

and financial industries. I highly recommend reading Matt Taibbi's detailed account in his best-selling book *Griftopia.* Below is a partial list of some of the "untouchables" that the "Covington Gang" failed to prosecute for criminal behavior and their involvement in the events leading up to and including the market crash of 2008:

> In 2008, *Goldman Senior CEO Lloyd Blankfein (2006-2019)* lobbied the SEC to restrict short sellers attacking their company, just as they had in 2005 under Paulson, to reduce capital requirements leading up to this current crisis. While Blankfein was encouraging the sale of all CDOs held by Goldman to his clients, he simultaneously authorized short positions betting that the market would crash. In his testimony to Congress, he stated that Goldman had no legal or moral obligation to inform their clients of this deceitful behavior. This is the ultimate conflict of interest that should destroy companies, yet in 2010, Goldman Sachs settled the case paying a mere $550 million dollar fine without admitting any wrong doing.
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> *Dick Fuld, Lehman CEO Lehman Brothers (1994–2009)*
> Known as "the Gorilla," Fuld claims he "got no golden parachute," however, he made $500 million from 2000 to 2007. He now heads Matrix Private Capital Group, managing the assets of a short list of very rich families.
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> *Kenneth Lewis, CEO Bank of America (2001–2009)*
> Under Lewis, Bank of America "absorbed" toxic-mortgage lender Countrywide Financial and Merrill Lynch funded by $45 billion worth of government assistance. Lewis pocketed $125 million when he left in 2009.
>
> *Hank Greenberg, CEO AIG (1968–2005)*
> Greenberg built AIG into the world's biggest insurer, with exposure to billions in bad credit-default swaps. He left with $202 million in stock and has since sued the government claiming the bailout didn't sufficiently compensate AIG.
>
> *Angelo Mozilo, Co-founder, Countrywide*
> The rags-to-riches son of a Bronx butcher and former CEO of Countrywide, settled an SEC lawsuit for $67.5 million, giving up a fraction of what he made with no admission of wrongdoing. He now provides career advice to aspiring MBA students.

The trail of Morgan Stanley demonstrates how the banks and financial institutions responsible for devastating American lives, profited and emerged even bigger and stronger:

9/21/2008: To qualify for aid from the Federal Reserve, Morgan Stanley converts into a "bank holding company," a change it lobbied for to repeal the Glass Stengel Act. This allowed it to receive as much funding as necessary from the Fed, thereby reducing reliance upon the free market for capital.

9/29/2008: Needing additional cash to weather the storm, Morgan Stanley announces a deal with a Japanese bank to sell 21-percent of itself for $9 billion dollars.

10/14/2008: Morgan Stanley accepts $10 billion dollars from the U.S. Treasury as part of the TARP program.

6/1/2009: Morgan Stanley purchases 51-percent of Citi's Smith Barney for $2.75 billion. The company begins a firm wide shift to the less risky business of wealth management.

6/17/2009: Morgan Stanley claims to pay back the $10 billion in TARP money with funds provided to it as a bank holding company by the Fed.

5/18/2012: Morgan oversees the landmark Facebook IPO. Later, the bank would pay a $5 million dollar fine over improper communication leading-up to the initial offering.

6/21/2012: Morgan Stanley's credit rating is lowered by Moody's and is no longer A-rated, mostly because of its activity during the crisis.

6/2013: Morgan Stanley completes its buyout of Smith Barney, taking over the business completely from Citi.

11/2/2015: Morgan Stanley completes a deal to sell its physical oil-storage and trading business. Remember $4 a gallon for gas? Thank these folks and Goldman Sachs for the speculation that artificially manipulated the commodity market, thus raising the prices of all commodities -- creating further stress for you and the American public.

12/2015: Morgan Stanley lays off a quarter of its fixed-income staff after lagging profits in the bond business.

2/11/2016: Morgan is forced to pay a $2.6 billion penalty over its origination and sale of mortgage-backed securities prior to the financial crisis. It ends up paying $5 billion in regulatory settlements

over its mortgage-securities business.

4/18/2018: Morgan Stanley reports record revenue for the first quarter and $2.7 billion in profits. Total revenue in 2017 was almost $10 billion higher than when the financial crisis commenced in 2007.

As you can see, one of the companies deeply involved in the financial crisis, was able to use taxpayer dollars to expand its company while millions of Americans continue to suffer the effects. Let's be clear, the government had the opportunity to intervene, yet chose not to as they were also manipulated and coerced by the banks and the financial industry. Sheila Bair, Former head of FDIC tells it this way:

Once the system was stabilized in early 2009, we had an opportunity to restructure and break up Citigroup in particular (and others), but we didn't do that. I think that was a missed opportunity. We just reinforced too-big-to-fail with all these bailouts, let's face it. Other than Lehman Brothers, nobody took their medicine. Restructuring Citigroup would have sent a powerful signal that the government had the gumption and courage to stand up to these very large institutions, and to impose losses on bondholders. ***[Reference]***

Crime Pays: Here's How this Behavior Affects You and Your Home

President Washington, in his farewell address, warned the people of factions that would seek to undermine those values that form a stable, secure, and functioning society. President Trump's inaugural address emphasized the effects of not heeding these warnings: "The wealth of our middle class has been ripped from their homes and then redistributed across the entire world." This has been done contrary to a shared vision that we must first tend to our own people. In fact, the current "financial crisis" is just one in a long string of intentional thefts that have stripped our nation and our people of our dignity, rights and equity.

It is clear and becoming clearer, that our economic crises have resulted from manipulation of the free-market, they were planned, organized and conducted by banking factions intent on destroying our Union. As a result, millions of families have been forcibly removed from their homes, just as they were during the first Great Depression. Many, like my family, were removed at gunpoint through power granted by state legislatures in response to factional lobbying efforts by the banks.

The right to own land and live secure in one's home is foundational to our

American liberty, fought for and earned by the spilling of our forefather's blood. Abuse of this basic human right constitutes an unusual and extraordinary threat to the national security and economy of the United States of America.

This abuse was recognized by President Trump in his executive order issued on December 21, 2017. The intention of this order, "Executive Order Blocking the Property of Persons Involved in Human Rights Abuse or Corruption" is to block the transfer or the facilitation of the transfer of the proceeds of corruption involving the expropriation of private assets for personal gain. This is also one of the intentions of this manual and will be further explored in detail near the end of the next chapter. (read the full text of Executive order # 13818 in the Appendices).

At this point, I feel bringing some of my story forward will provide more clarity to the information presented above:

In 2013, I made the decision to consolidate my investments and payoff all my debt. I approached my bank and requested the necessary accounting information. Not only was this information never provided, but since they felt threatened by my inquiries, the bank instead elected to conduct non-judicial foreclosures on my home and land. Today, my family I are recovering from the trauma of being removed at gunpoint from our home twice, both times without judicial review, due process of law, or protection of rights guaranteed by the Constitution.

I initiated the process for mortgage payoff aware the banks were responsible for at least a portion of the verified $695,000.00 loss I had encountered. Though, I incorrectly believed that once a judge saw the fraud, I would be made whole. After all, our court systems were constructed to provide relief from unjust enrichment, to shine light on injustices, and to protect our individual rights granted by our Constitution. Well, this was not the case. I want to share this with you, not for sympathy, but rather to wake you up to the losses you and your family have personally endured resulting from this estimated $11 trillion theft of American equity.

How did this happen? In Arizona, the legislature gave the keys to my home to the Sheriff's office and the Sheriff's gun cabinet to the banks. That is, the banks were granted power by the State to use local law enforcement to execute their foreclosures. Hence, emboldened by laws protecting banking interests, the banks were confident a judge would never review the paperwork substantiating the foreclosure – whether this paperwork was fraudulent or not.

Arizona, like thirty-one other states in the Union, is a non-judicial foreclosure state which means that banks do not have to go to state court to foreclose on a property. Let's be clear here, the banks have obfuscated the Arizona Constitution and degraded the rule of law, perpetuated violent sheriff conflicts, weakened trust in county offices and officers, and undermined economic markets for their own benefit. This greed has created substantial decreases in property value, for example, a 40% decrease in the value of my property purchased at the market peak in 2007.

Knowing and understanding the titles I held and expressing those titles competently without representation of an attorney, the banks eventually came to the settlement table, thus I am able to continue this war from a safe harbor position, secured by a land patent and no legal administrative oversight.

When I commenced this battle from a traditional contractual posture, I considered myself to be in a strong position to negotiate a reduction in payoff balances. After all, for 7-years I had developed a strong working relationship with the local bank officers and maintained a perfect payment history. I began negotiations by requiring the bank to provide a complete accounting, payoff balance and proof of the title they would be transferring. Since I had been operating my businesses and investments under contract law for over 40-years as an entrepreneur, these were common provisions. I considered myself a sophisticated investor yet must now admit that I was a very naïve "debtor"; I had no idea how powerful banks were under Arizona law until I challenged their paperwork and discovered they did not need to answer my questions.

Honestly, had I been accused of murdering someone or any other violent or non-violent crime, a judge would have at least been allowed to see evidence and hear the case prosecuted against me. Yet, in Arizona (as in 31 other states) the banks were not required to provide any responses nor prove the title they held before stealing my home. Over the past three years, I have self-represented my interests in over 20 legal actions (See Appendix * attached as a brief summary outlined in a brief presented to and pending before the United States Court of Federal Claims). I have been diligent in requesting judicial review and injunction multiple times from every state court in Arizona. I have filed in federal district court and bankruptcy court twice, I have filed 5 petitions before the united states supreme Court. To date there has been no legal remedy. No judge has acknowledged my paramount legal titles, subrogation

rights or superior beneficial and equitable interests under our current, merged legal system. This resulted from the merger of Equity and Law that took place as a result of an emergency Executive Action under the "New Deal", which can be undone using current Executive Power. A note here: "united States supreme Court" designates the supreme court of the sovereign republics who joined in the union of states. To capitalize "united" creates a formal title, which designates only the federal district, the "United States" as merged under federal merchant law, the Federal Rules of Civil Procedure, FRCP, is the "District of Columbia".

When I began this journey, I honestly believed that I could not be deprived of my property without due process of the law. I have always believed in the concept of equal protection under the law and so I believed that the bank would eventually need to answer my questions and provide accounting. I believed that once a judge looked at the bank's paperwork and reviewed my contractual duty to protect property title, we would reach a compromise. Oh how naïve I was and I have to admit, perhaps more than a little arrogant. This was not the same banking environment I had studied in graduate school in 1975 and then participated in for the next 40+ years.

I never expected that laws paid for by bankers could replace our Constitution. Although I have never fully trusted attorneys, I had no idea how deeply the courts were stacked against a self-represented litigant. An attorney representing the trustee in bankruptcy court summed it up as follows in her comments to me: she was "sick of people like me", calling me a "f**king sovereign citizen" who should just pay my "f**king mortgage" and stop wasting the court's time. This statement reveals the underlying assumption that anyone disputing a banks' paperwork is a nut simply trying to get a free house. When, in fact, no one has honored any attempt to proceed in equity contrary to Article lll section 2 of our Constitution, whereby I intend to redeem my equity and restore the law of the land. Perhaps it was my belief in our Constitution, laden with some naivety and arrogance, that I thought that I would be treated with more respect. Quite honestly, I doubt this type of discrimination in the courts would be so outwardly expressed against any person of color or religion.

I'm not comparing nor am I complaining, as I now honestly feel blessed to be expressing it to individuals who can do something about this. Obviously, this attorney has never expanded her legal context by reading modern legal research like the *Creature from Jekyll Island* or modern legal stories like the *Big Short*, *Grfitopia*, *Divide* or *David's Hammer*. Perhaps reading the

Federalist papers or congressional investigations on the extent of this banking fraud could also have enlightened her as to what was occurring in America today. I weep often for the treatment of my neighbors and the condition of my country.

It is our shared duty to do our part as one whole system of justice to put an end to this outrage.

Are You a U.S. Citizen?

A critical element in the bank's ability to control me, you, our assets and our revenue, has been through the income-tax scheme that expanded side-by-side with the Fed in the 1930's. This system created titles and terms intended to confuse and control the people. All personal income taxes collected by the IRS are deposited in a Federal Reserve Bank. Under Sec. 15 of the Federal Reserve Act, "The moneys held in the general fund of the Treasury may be deposited in Federal reserve banks, which banks, when required by the Secretary of the Treasury, shall act as fiscal agents of the United States." **[Reference]**

In religion and politics, people's beliefs and convictions are in almost every case gotten at second-hand and without examination from authorities who have not themselves examined the questions at issue but have taken them at second-hand from other non-examiners.
Mark Twain

Because people rely on experts to tell them about complex legal and financial matters, they live in terror of their own government. I encourage you to study and determine if you are a taxpayer. This is not something anyone can do for you, you must know if the title of taxpayer is one that applies to you or not, just as you must study and learn the other titles you hold and how you hold them. This is foundational to the next section where you begin to protect your family and legacy by establishing a trust and as you chart your own future. In 1930, only 3.8% of the population paid an income tax, while in 2016, 584 individuals went to prison convicted of tax evasion. **[Reference]** Imagine, American citizens going to jail for participating in a voluntary tax scheme that has expanded by 73,612 pages since the 1930s. The potential of going to prison when challenging these tax laws, causes most Americans to live in fear of the IRS and thus, acquiesce to their demands even if unlawful.

On June 30, 1982, President Regan issued Executive Order 12369 to examine the national debt, initiating the Grace Commission. On January 15, 1984, the Grace Commission submitted its report to Congress, uncovering

that, "100% of what is collected from personal income tax is absorbed by interest on the federal debt and by federal government contributions to transfer payments." **[Reference]** This is a remarkable finding -- none of the money collected as income tax contributes to the administration of the government. Instead, taxpayer funds went exclusively to paying the interest on the nation's banking debt. I invite you to sit with this for a moment – that the incomes taxes you pay, under the impression that you are supporting the administration of your government, are actually paying the interest of the national debt. So, for those of you who love our nation and want to contribute to its success, feeling a duty to provide a portion of your income as taxes to support roads and schools, should think again. The only ones you are funding through this charade are the banks. How is this possible? Why do we continue to voluntarily participate? Below is a brief example of the complex and often deceptive nature of this code where income is never defined. I challenge you to spend time reviewing the following to determine if your family or trust must pay taxes:

From 26 CFR 1.671-4 Method for Reporting Income

> (i) The term income has the same meaning as it does under section 643(b) and the regulations thereunder, except that income generally may not include any long-term capital gains. However, in conformance with the applicable state statute, income may be defined as or satisfied by a unitrust amount, or pursuant to a trustee's power to adjust between income and principal to fulfill the trustee's duty of impartiality, if the state statute both provides for a reasonable apportionment between the income and remainder beneficiaries of the total return of the trust and meets the requirements of 1.643(b)-1. In exercising a power to adjust, the trustee must allocate to principal, not to income, the proceeds from the sale or exchange of any assets contributed to the fund by any donor or purchased by the fund at least to the extent of the fair market value of those assets on the date of their contribution to the fund or of the purchase price of those assets purchased by the fund. This definition of income applies for taxable years beginning after January 2, 2004 (Source: 26 CFR § 1.642(c)-5).

So, let's examine section 26 CFR 1.643(b)-1, identified above as 634(b) - Definition of income.

> For purposes of subparts A through D, part I, subchapter J, chapter 1 of the Internal Revenue Code, "income," when not preceded by the words "taxable," "distributable net," "undistributed net," or "gross," means the amount of income of

an estate or trust for the taxable year determined under the terms of the governing instrument and applicable local law. Trust provisions that depart fundamentally from traditional principles of income and principal will generally not be recognized. For example, if a trust instrument directs that all the trust income shall be paid to the income beneficiary but defines ordinary dividends and interest as principal, the trust will not be considered one that under its governing instrument is required to distribute all its income currently for purposes of section 642(b) (relating to the personal exemption) and section 651 (relating to simple trusts). Thus, items such as dividends, interest, and rents are generally allocated to income and proceeds from the sale or exchange of trust assets are generally allocated to principal. However, an allocation of amounts between income and principal pursuant to applicable local law will be respected if local law provides for a reasonable apportionment between the income and remainder beneficiaries of the total return of the trust for the year, including ordinary and tax-exempt income, capital gains, and appreciation. For example, a state statute providing that income is a unitrust amount of no less than 3% and no more than 5% of the fair market value of the trust assets, whether determined annually or averaged on a multiple year basis, is a reasonable apportionment of the total return of the trust. Similarly, a state statute that permits the trustee to make adjustments between income and principal to fulfill the trustee's duty of impartiality between the income and remainder beneficiaries is generally a reasonable apportionment of the total return of the trust. Generally, these adjustments are permitted by state statutes when the trustee invests and manages the trust assets under the state's prudent investor standard, the trust describes the amount that may or must be distributed to a beneficiary by referring to the trust's income, and the trustee after applying the state statutory rules regarding the allocation of receipts and disbursements to income and principal, is unable to administer the trust impartially. Allocations pursuant to methods prescribed by such state statutes for apportioning the total return of a trust between income and principal will be respected regardless of whether the trust provides that the income must be distributed to one or more beneficiaries or may be accumulated in whole or in part, and regardless of which alternate permitted method is actually used, provided the trust complies with all requirements of the state statute for switching methods. A switch between methods of determining trust income authorized by state statute will not constitute a recognition event for purposes of section

> 1001 and will not result in a taxable gift from the trust's grantor or any of the trust's beneficiaries. A switch to a method not specifically authorized by state statute, but valid under state law (including a switch via judicial decision or a binding non-judicial settlement) may constitute a recognition event to the trust or its beneficiaries for purposes of section 1001 and may result in taxable gifts from the trust's grantor and beneficiaries, based on the relevant facts and circumstances. In addition, an allocation to income of all or a part of the gains from the sale or exchange of trust assets will generally be respected if the allocation is made either pursuant to the terms of the governing instrument and applicable local law, or pursuant to a reasonable and impartial exercise of a discretionary power granted to the fiduciary by applicable local law or by the governing instrument, if not prohibited by applicable local law. This section is effective for taxable years of trusts and estates ending after January 2, 2004.

Can you imagine your neighbor going to jail because he failed to understand this insanity? In 2013, I undertook a critical examination of the tax code because my 87-year old mother who was living on her own at the time, called me in tears saying that the IRS had seized her bank accounts. When I completed my research, and wrote a few letters, not only did the IRS stop harassing my mom, they returned all of her unlawfully confiscated funds. Through this process, I began to understand that my entire family had been played as "suckers" or entire life. I always paid what my accountants considered as "my fair share" of the tax. After this experience and a deep dive into the definitions and terms used by the IRS, I realized that they are speaking a different language than English. Words commonly used by average Americans bear no resemblance to the definition given to them by the custom definitions in the code. I learned that I personally had overpaid my taxes most of my life and that indeed I was not required by definition to pay "self-employment income" an entrepreneur. Title 26 is the Revenue Code, Section 1402 (a) Defines the term, "net earnings" from self-employment as follows: the gross income derived by an individual from any trade or business. Were I to conclude my research here, I would conclude that my business income was taxable meaning I am required to pay tax. However when one seeks further definition from the code and one looks at the definition of Trade or Business in section 7701(a)(26): The term "trade or business" incudes the performance of the function of a public office. In law there is a maxim that what is included in not excluded and what is excluded is not included. Thus, in combining these definitions, self-employment income tax applies only to the performance of a public office.

I feel it is important to understand that this is not a tax protest manual, nor

am I recommending that anyone just stop paying their taxes. I am simply bringing into awareness and some clarity the complexities of the tax code; clearly, you need to do the research to determine your own situation, however, if you are an entrepreneur, this manual will assist you in getting a jump-start on the titles you do or do not hold. This will empower you to move forward with confidence.

Now that the definition of income is clearer and you have a better understanding of the definition, have you determined if you are required to pay an income tax? Probably not, because it is confusing, right? Always ask yourself, "Why is it written this way?" It is done intentionally, as the same attorneys that write the contracts for the banks write tax law. Let me see if I can bring a bit more clarity to this process: The income tax is not direct or apportioned as required pursuant to Article 1 Section 9 of the Constitution; thus, it is an indirect tax or excise tax with respect to certain activities. It operates like a sales tax or privilege tax as in a gain from a government contract or the performance of the function a public office. The income is not the subject of the tax, rather it is the basis for determining the amount of the tax. Thus "income" tax is not on property or labor but rather a fee for the privilege of receiving gain from the property. Privilege is a special right, advantage or immunity granted or available only to a particular person or group of people.

Of course, definitions are important:

> "The terms 'excise tax' and 'privilege tax' are synonymous. The two are often used interchangeably" *American Airways v. Wallace* 57 F. 2nd 877 (1932)
>
> "Excises are taxes laid upon…licenses to pursue certain occupations and upon corporate privileges…the requirement to pay such taxes involves the exercise of privilege…" *Flint v. Stone Tracy Co*., 220 U.S. 107 (U.S. Supreme Court 1911)
>
> "The property which every man has is his own labor, as it is the original foundation of all other property, so it is the most sacred and inviolable. The right to follow any of the common occupations of life is an inalienable right…"*Butcher's Union Co. v. Crescent City Co*., 111 U.S. 746 1883

As you can see, the income tax is neither a property tax nor a tax on occupation of common right, rather it is based upon the voluntary exercise of a special government privilege. Payment of the tax is voluntary and based upon your inalienable right to contract. For example, you may have signed a contract in the past like an IRS Form 1040, where you voluntarily

agreed to pay the tax and simultaneously declaring your title as a taxpayer under penalty of perjury. All of this based upon some privilege you may or may not have received from the government to operate in the stream of commerce. Hopefully, you now have a clearer understanding of why it is so important to know the titles you hold. It is also why no one can tell you if you are a taxpayer or not, because only you know the contracts you are you currently bound. Therefore, this is an opportunity to examine and clean up any adhesion contracts you may have created and that still bind you today.

No matter one's opinion regarding President Trump, it is important to know that he desires to get rid of the Fed and to eliminate the IRS, thus bringing considerable relief to the people. **[Reference]** There is no more pressing duty imperative to the future of our Union. On this basis alone, I can support him and pray for the success of his efforts. The government failed to jail the bankers under laws created by the banks for the bankers, yet Trump is taking a different approach to hold them accountable. And thus,

> *We the people of the United States, support the President's Executive Order 13818 (read text here in Appendix # *) that blocks the Property of Persons Involved in Serious Human Rights Abuse or Corruption. We consent to be governed according to the broad power granted to the President as Commander and Chief, to protect against human trafficking, to challenge the validity of the public debt and to extinguish any claim, debt or obligation he considers as incurred contrary to the preamble of our Constitution. Neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.*

Learning from the example set by our founder's during the first revolutionary national emergency, it only took 56 brave patriots to change the course of history. Relying upon this formula, it takes only 5,600 consciously engaged men and women vibrating at a level of love for our Union to offset the negativity of the world. As we await the leadership of our President, we are prepared to undertake this action on our own.

The intent of the President's executive order discussed earlier is to free those individuals who have been enslaved by human rights violations. The President's intention to extinguish the public debt can be substantially fulfilled during this term. His legacy will be built upon certain truths that most of us share in common, we must support the President in this endeavor. Our Constitution guarantees our equal protection under the law

by its very nature and words. The supreme law of the land was created through civil discourse and consent of those so governed. Only those involved in the discourse formed the government to which the people granted certain limited powers. We must be involved in civil discourse.

Simple research reveals that people no longer consent to economic subjugation and fraud, and that we no longer consent to banks creating money out of debt. Further, that we demand the return of our gold stolen by the banks. Substantive value will be created when we trust the supreme law of the land more than the bankers and their paid politicians who are behind the campaign and media attempting to destroy our union. Fiat money not backed by silver or gold, facilitates the activities of dangerous persons who undermine economic markets having devastating impacts on individual Americans as presented throughout this manual.

In order to make America strong again, the time for empty talk is over. We can no longer ignore the elephant in the room -- the "foreign debt" that we have been required to carry on our backs and quarter in our homes. From our debt, money has been created resulting in more debt and the enslavement of our entire culture to a debt we can never repay. We can no longer willingly standby, we need to take action to put an end to this lunacy. We need to perfect our union to renew faith and inspire patriotic leadership, this is your destiny and this is our time. If not you who, if not now, when? Yes, this takes courage, but together we can stand stronger as we support each other and are supported by our Constitution. I am calling on those who love our nation to embrace the solution, the only real solution to America's core problem: *extinguish the public debt and put an end to bank created fiat money*. All of the information in this manual is provided that we may support our President and all efforts to restore our union.

> *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 now pray for America, send love, strength and power to our President and pray for the safety of his family and staff as we enter a new climate of the era free from the shackles of debt.*

In this regard, this information provides considerable opportunity for each of us, my story is a true-life portrayal to shine light on what is really happening on the front-line assault upon our legal system and our sacred private right to own and control our own property. I provide boots on the ground recognizance of events taking place that should shock every true American. Let me be clear, I deeply love my America, my State, my

County, my community and its leaders, yet to date the leaders continue to blindly trust banks and their laws more than our founders and the documents they blessed us with. The legacy of our founders will live on only when the people fulfill our duty, as there are no rights without first fulfilling the duties and obligations required by our founding documents.

Let me share with you a bit more of my story, shining more light on the banking fraud that occurred.

The Second Circuit Court of New York documented the activities of the international banking cartel responsible for illegal *per se,* without further examination, manipulation of the value of the dollar and interest rates on May 23, 2016 (Case number 13-3635-cv Gelboim v B of A, read more in Appendix *). This multidistrict litigation provided evidence that the banks function as a cartel, in fact, five members of the cartel thus far have admitted to criminal behavior. My promissory note and any promissory note related to LIBOR instruments are results of this criminal enterprise, thus are illegal *per se*. Considering the 2nd Circuit Court's decision, anyone holding one of these instruments is a vertically injured plaintiff with verifiable losses resulting directly from the cartels manipulation of the LIBOR rate. This claim by me was initially filed into the Arizona Supreme Court, 4 days after the court ruling (case # 16-0081-SA on May 27, 2016). These facts are on record in the United States Supreme Court and the Arizona Supreme Court. (Appendix *)

The note the bank alleges will verify a debt that authorized the sheriff to evict us has never been produced and continues to remain missing even though a Federal judge required the bank to produce it. As a LIBOR note, it is illegal upon its face and this transaction violates the prohibitions set forth in the President's Executive Order *13818* of December 21, 2017. In Section 1.(a) (ii) (B) (1) and (2), the bank acting under federal charter, has directly and indirectly engaged in corruption and the expropriation of private assets for personal gain. Furthermore, on January 19, 2018 the bank in collaboration with County officials. transferred and facilitated the transfer of the proceeds of corruption. The text of the President's Order in Section 5.(a) and (b) clearly blocks any such transfer. I provided notice of this crime to the President and the supreme levels of our court system.

I have made every level of Administration in Yavapai County, Arizona aware of the bank's fraudulent filings. Every court in the State of Arizona has been made aware of the bank's fraudulent filings. The bank's CEO has been advised of the bank's fraudulent activities. The

bank's attorneys wanted to have me designated as a vexatious litigant because I was successful in self-representing my private interests. They could not coerce compliance out of another attorney, as an officer of the court, or threaten them to cooperate for fear of losing their bar card. I have attempted to redress my grievances at every level of our government and the bank's 400+ page filing in state Superior Court documents that there is no legal remedy against a bank for me (or you) at any administrative, executive or judicial level of our federal and state governments. Thus, I rely upon equity and entrust my fate to the people. My case is one of the most highly documented foreclosure cases in the history of Arizona. I have filed hundreds of equitable documents over the years. Since the legislature has failed to take action and the courts have failed to grant relief or even agree to review the record, I have prayed for the grant of the President's Executive Power to command Yavapai County Sheriff to block the transfer of my property and I have prayed to the Chief Justice to stay these transfers.

While prayers can be powerful, only *we the people* can remedy this situation through our action! Absent a return to the Constitution for the united States of America there exists no relief for the bleak conditions we find in our nation. Unless private citizens can be secure in their own homes, there is little hope that any of the American system of justice has the potential to survive this banking takeover of our laws. Yet, by focusing on this one issue and reclaiming our Constitution, we actually do more to solve every other issue facing our great nation.

Chapter 3

Creating a New Vision for the United States of America

Enslavement by Illusion is comfortable; it is liberation by Truth that people fear.

Dr. David Hawkins, Ph.D.

There is one common element inherent in the lifestyle of America today…*stress*, which originates from our past experiences and includes our fear of future events. In fact, in December 2017, nearly 80% of Americans indicated they experienced stress in their everyday life. This level is similar to the levels found in 2001 (after the terrorist attacks) and 2007 (after the financial crisis). Further, nearly 63% of Americans indicated that the future of our nation was a significant source of stress. We know that stress leads to lack of sleep, anxiety, anger, and fatigue and is a foundational cause in virtually every illness, disease and ailment know to effect people today. Stress negatively impacts our entire body, especially our central nervous system, which is the channel that connects us to the source of all life. The strength of this connection reflects the reality of your experience and thus, the more stress is experienced, the weaker and unhealthier your connection to source becomes. Enhancing your ability to calm your nervous system is vital to your welfare and essential to insure a more tranquil existence at home in your body.

By analogy, the law is the central nervous system of our nation. Perfect laws providing justice for all are foundational to a lifestyle free of stress often expressed as *freedom* and *liberty* for all. Your perfection of inner peace is analogous to perfecting your outer experience in this manner. Our individual experiences with the law, especially those directly related to freedom and liberty, impact the general welfare of the nation as a whole.

Just as we have the ability to control how we manage our internal stress, one of my intentions of this treatise is to do my part and encourage you to take control and do your part to more positively impact the general stress level of our nation as a whole. United in this process, we can more effectively and successfully defend our common central nervous system from attack by interests foreign to our welfare.

Take a moment to read and truly integrate the intentions expressed in the Preamble of the Constitution in this commentary on the Preamble from Supreme Court Justice Joseph Story:

> *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.
>
> *The preamble's true office is to expound the nature, and extent, and application of the powers actually conferred by*

> *the constitution, and not substantively to create them…It is an admitted maxim in the ordinary course of the administration of justice, that the preamble of a statute is a key to open the mind of the makers, as to the mischiefs, which are to be remedied, and the objects, which are to be accomplished by the provisions of the statute.* **[Reference]**

First and foremost this is a unifying foundational document, the people of the united States of America established the Constitution in order to form a more perfect union between the people, the states and the nation as parts of one whole system of justice. The Constitution represents a bringing together of diverse ideas and diverse interests into one coherent vision. It is a document of compromise that the fabric of our nation is built upon. Currently, there are many factions in modern America, operating to divide this union, to unravel our fabric of liberty and freedom. These factions represent the preeminent danger to our Union and are the leading contributors to the crisis which we find our nation in.

Any individual or group promoting separation or division, acts contrary to the Constitutional intentions of the people, ultimately harming our union as Americans. This stirring of discontent excited by perceived inequalities, preferences, or exclusions, has been encouraged by factional interests intending to divide the people; *after all, to divide the people, is to conquer the people*. In dividing the people of our great nation, the banking industry and their supporters, have weakened our union by supporting and instituting policy, statutes, and laws that are contrary to union. This has allowed commercial cartels to expand the power originally granted to them ultimately by the people. By usurping the people's power, they have protected themselves, appearing temporarily to become "too big to fail".

Our current experience is not unique, in fact, our founding fathers had a common experience of living under a similar system of unjust laws. Deeply motivated by their experiences of a lack of freedom, justice, liberty, and unfair taxation, they placed their lives and fortunes on the line to establish the foundation for our country so that those who came later, would no longer need to experience the wrath of an unjust monarch or laws that violated inherent principles. No one can doubt, therefore, that the establishment of *justice* was the primary intention for creating the Constitution. Justice Joseph Story voiced the intentions of the Founders, "Without justice being freely, fully, and impartially administered, neither our persons, nor our rights, nor our property, can be protected." **[Reference]** We are indeed blessed that they have left a legacy for us, their posterity, to overcome similar adversity perpetrated by the same factions they were facing.

Under the Articles of Confederation and prior to the Constitution, a time when the nation was in financial ruin and all parts were competing with each other for limited resources, our founders experienced the effects of paper currency and the harm created by the factions who profited. Justice Story reminds us that:

> *Laws were constantly made by the state legislatures violating, with more or less degrees of aggravation, the sacredness of private contracts. Laws compelling the receipt of a depreciated and depreciating paper currency in payment of debts were generally, if not universally, prevalent. Laws authorizing the payment of debts by installments, at periods differing entirely from the original terms of the contract; laws, suspending, for a limited or uncertain period, the remedies to recover debts in the ordinary course of legal proceedings. In short, by the operations of paper currency, tender laws, installment laws, suspension laws, appraisement laws, and insolvent laws, contrived with all the dexterous ingenuity of men oppressed by debt, and popular by the very extent of private embarrassments, the states were almost universally plunged into a ruinous poverty, distrust, debility and indifference to justice. The local tribunals were bound to obey the legislative will; and in the few instances, in which it was resisted, the independence of the judges was sacrificed to the temper of the times.* **[Reference]**

These were the circumstances faced by the framers during and after the Revolution. On December 30, 1778, George Washington eloquently captured the essence of the times:

> *If I was to be called upon to draw upon a picture of the times and of men from what I have seen, heard and in part know, I should… say that idleness, dissipation, and extravagance seems to have laid fast hold of them; that speculation, peculation, and an insatiable thirst for riches seems to have got the better of every other consideration and almost every order of Men.*

I want to draw your attention to two particular words above – *dissipation* and *peculation*. Words that are not so commonly used in our modern times, but ones that are more relevant today than ever:

> *Dissipation*: noun 1. dissolute way of living, especially excessive drinking of liquor; intemperance. 2. squandering of money, energy, or resources. As in: "the dissipation of the country's mineral wealth".
>
> *Peculation*: verb 1. to steal or take dishonestly (money, especially

public funds, or property entrusted to one's care); embezzle. The wrongful appropriation or embezzlement of shared or public property, usually by a person entrusted with the guardianship of that property. **[Reference]**

Our nation is currently drunk on debt (dissipation), and we sit on our hands watching meekly as the government wrongfully transfers trillions in public resources to the banks (peculation) that embezzle public funds entrusted to their care. *Peculation* and *dissipation* have led to the current crises we are enduring. Can you imagine that the father of our nation and the framers of the Constitution intended we would end up in the very same situation 240 years later?

Of course not and neither can I. Yet history is repeating itself because the people (you and I) have failed in our duties and obligations. We have failed to fully understand and hence, to perfect the gifts granted to us by our creator as embodied in the Constitution. We have allowed our beautiful American Dream intended to promote prosperity for all, to be consumed in a nightmare foreign to the intentions of our founders. This foreign dream is based upon debt, where the more debt you have the more wealth you accumulate and the more important you become to society. So, it is through the pursuit of this debt where factions have taken hold of those offices we vacated, to control us and where true happiness is discarded domestic tranquility is lost. By no means is this the intended American Dream. The people granted then entrusted powers to the government and elected official under sacred oath of allegiance as trustees to uphold the great deed of trust, our Constitution, and thereby be compelled by duty to protect the general welfare of this union as one nation under God. I no longer consent to being governed under a system of laws created by the banks for the banks that are contrary to inherent law.

The crisis in which we find ourselves is similar to that of the generation of our forefathers, and we are faced with an opportunity to *reform* a more perfect union. Like our founding fathers, we have important decisions to make, do we allow America to continue down a road of debt, disease, war, human trafficking, slavery and destruction lead by foreign interests, or do we take action in shifting the destructive direction of our nation toward that which was intended?

> *How long will we continue to fail to accept and trust the promise of the words and the intentions behind our founding documents?*
>
> *When will we stop hoping that some politicians will solve our problems for us?*

How long will we be willing to subject our families and ourselves to continuous fear and stress?

When will we commence our obligation and duty to our nation by withdrawing our consent to any law that functions contrary to the Constitution?

The UNITED STATES is a sinking ship; increasingly filled with debt and greed. We can either place our hope and destiny in the hands of those attempting to repair the ship, or we can use the blue prints provided by our Constitution. The Constitution provides the framework to create the United States of America that floats on the spirit of the Declaration of Independence -- promoting the general welfare of our nation, insuring domestic tranquility, and reestablishing justice for all.

Our families and communities cannot thrive under our current unconstitutional conditions. We must abandon the shipload of debt and greed that is pulling us down and we must become grounded once again on this land and guided by the supreme law of the land. The future belongs to those brave souls ready to embrace a new way of being and living. The great news is you can protect your own home and connect it to others doing the same. Thus, together, we can safely ground our reality in the Constitution and upon the land. We do not need to delay until a new ship is fully constructed. This land is our land!

Justice, Fairness and Liberty

The establishment of *Justice* was of paramount importance to our founding fathers. The Constitution and other founding documents created a framework where laws were to be implemented that would enhance our welfare and lead to our greater union. Currently, banking entities infect our legal system by creating laws that make the people dependent upon their services. These laws have been the single driving force separating us from one another, from our state, and from our community. Unconstitutional laws created to protect corporate banking interests are the basis for every problem that faces America today. We live under the constant threat of being sued or being imprisoned. There are endless ways we could lose everything that our families and we have worked so hard to achieve. Our current legal system falls far short of that envisioned by our forefathers and that of Supreme Court Chief Justice Roberts, who stated, "We must engineer

a change in our legal culture that places a premium on the public's interest in speedy, fair and efficient justice." **[Reference]**

I believe that any American who has had any encounter with the current legal system would agree our system of justice places the interests of wealthy clients who can afford the best attorneys above the public's interest. It is never speedy, is often unfair especially to non-banking interests.

The courts however cannot make all changes necessary without the enforcement of the Executive Branch and the Congress enacting the laws with the consent of the people. The structure of our republic is such that each part must function together as parts of one whole system of justice. It is important to remember that you and I, as *we the people* granted this judicial power to the Court. At the same time, we simultaneously granted power to the Congress to make laws intended to promote our general welfare, while the power to enforce the laws was granted to the Executive Branch. When these independent branches perform their constitutionally commissioned duties, the people and our country are the beneficiaries of the rewards. While many suggest a Constitutional Amendment is necessary to correct the situation, I believe that would more destructive and in fact, ignores the power inherent in our existing Constitution. On February 2, 2017, Supreme Court Justice Samuel Alito concurred with this supposition.

In a speech made before the Claremont Institute he identified how these unconstitutional conditions came into existence. He began his speech by analogy, talking about the facade of the Supreme Court Building beginning to crack thereby requiring some repairs; he followed this analogy of the law, by suggested that the very structure of our republic is beginning to crack and that some repairs are required. We do not need to tear the whole building down and start all over, we simply need to replace the pieces that have fallen out and repair the cracks while the foundational principles remain unaffected.

Justice Alito identified 3 cracks in legal system in critical need of repair:

1. *Lawmaking power has been transferred from Congress to the executive;*
2. *Factions have created deep and bitter divisions in our society that are pulling Americans apart;*
3. *There is a moral virus threatening the future of our country and it is attacking the people's voice and ability to express self-governing principles.*

Quoting Justice Learned Hand, Justice Alito reminds us that, "Liberty lies in the hearts of men and women; when it dies there, no constitution, no law,

no court can do much to help". The inevitable result: loss of liberty, unequal justice under the law, and failure to protect unalienable rights. The unconstitutional conditions exist only as long as we allow them to exist. Justice Alito continued:

> *Last year, it is said that the executive issued 97,000 pages of regulations. It is mind-boggling in total; the vast majority of federal law is made in this way and this way is never mentioned in the Constitution. Here's the basic drill: Congress enacts a broadly worded mandate that very few people can disagree with. Then it hands off the problem to a department or agency to make hard policy choices that are guaranteed to make one group or another, and maybe both sides, angry. Now, once a department or agency promulgates a regulation that purportedly interprets a statute enacted by Congress, the Supreme Court defers to that interpretation, unless it's unreasonable. The result has been a massive shift of lawmaking from the elected representatives of the people to unelected bureaucrats. The shift has had two other important effects other than who makes the law, first the kind of law that is made has changed and secondly the administrative perils related to the law have intensified at every level of society. Because it is so much easier to issue a regulation than it is to pass a statute, the shift has produced an enormous increase in regulations that we must experience with all of the attendant effects on our daily life and the economy. Because regulations are purported to be based on science, rather than the messy legislative process talk to your scientist not your Congressman if you don't like it. The framers of the Constitution thought that tyranny would result if the same unit of government had the power to make the law, and to enforce the law, and to decide disputes about the application of the law. They were right! Progressives like Wilson and FDR thought our Constitution was out of date, the lawmaking process set out in the Constitution was too slow and too cumbersome. The elected representatives of the people were often unenlightened, and sometimes corrupt. Modern society and modern economy needed a more efficient and scientific system. Important policy choices should be turned over to an elite group of unelected experts.*
>
> *The Framers knew that the fragile republics of the past had often been torn apart by factional strife. The population of the United States is drawn from every corner of the globe. Every race and religion and just about every ethnic group is represented. What has held us together are shared ideals embodied in our founding*

documents: liberty, inalienable rights, and equality under the law. (There)… is an obsession with putting people into racial categories. We live in a time when racial and ethnic divisions are stressed. On college campuses, and in some other quarters, they have become a near-obsession. That ideal, of course, does not mean forced uniformity. Our Constitution does not give free rein to the majority. Our Framers knew very well that the majority may oppress. And therefore, our Constitution places fundamental rights beyond the majority's reach, and the Supreme Court has the responsibility to protect those rights.

Unfortunately, freedom of speech on important subjects is, I believe, in greater danger than at any prior time during my life. Powerful forces want to silence the opposition. Consider this: in the last Congress, 48 Senators sponsored a resolution proposing a constitutional amendment that would preserve the free speech rights of the media elite but allow Congress and the state legislatures to restrict the speech of everybody else on any subject that came up during the political campaign, which is to say, any important social or economic problem facing the country. This is a startling development. The very idea of amending the First Amendment is quite something. (read full text in Appendix *) **[Reference]**

Yes, the very idea of amending the Constitution before it has been fully instituted should be shocking to the nation's conscience. Thank you, Justice Alito for providing this leadership and your modern prospective from which we can begin to redeem the law of the land, aware of how fragile our freedoms are without the separation of powers. Also singling out "progressive" presidents like Wilson and FDR who thought our Constitution was no longer relevant.

Franklin D. Roosevelt's Assault on Justice, Fairness and Liberty

The country needs, and unless I mistake its temper, the country demands bold, persistent experimentation. It is common sense to take a method and try it. If it fails, admit it and try another. But above all, try something.

Franklin D. Roosevelt

At first glance, the quote above appears inspiring, echoing bold, strong leadership. Yet, when one looks closer at the actions undertaken by him, this quote shows he meant something quite different -- that the Constitution is failing and therefore, that "the country" undertake new approaches, even

if contrary to the Constitution.

In his first month in office, Franklin D. Roosevelt, most commonly referred to as FDR, used his emergency war powers to initiate social reform, commonly known as Social Security or social insurance. The people in desperate need to feed their families following the great depression created by the Fed, were ready for a savior to put "America back to work". Even in those desperate times, the Supreme Court recognized the dangers and resisted his efforts as FDR sold out our nation to the banking interests. Frustrated by their resistance, FDR attempted to bully the Court into submission and found success through the legislative process, implementing changes and forcing the Court to submit to his agenda.

In his inaugural speech, FDR famously "called" the nation to action: "This is preeminently a time to speak the truth, the whole truth, frankly and boldly." Interestingly, FDR seems to have intentionally cut out the customary words that are engrained in every American's heart… *speak the truth, the whole truth and nothing but the truth so help me God*. Although some of what he said was truth, it was not the whole truth, and thus through omission and lies, he successfully transferred the rights previously held by the people to the banking cartel. Through bold and persistent experimentation, whether knowingly or not, FDR transferred your inherent, unalienable rights granted to you by your creator; to the central bankers.

He continued: "This great nation will endure as it has endured, will revive and will prosper. So first let me assert my firm belief that the only thing we have to fear is fear itself." As it turns out, the only thing we had to fear was FDR himself, who was in turn conned by the banks. In total, his first inaugural address on March 4, 1933 is an example of truth commingled with "common sense". FDR expressed the abstract needs of the country as demands, allowing him to claim emergency powers reserved for times of war outside the purview of the Constitution.

It is important to point out that a country is a fictional construct and thus, it is impossible for a country to demand anything. A country is composed of people, and it is the *people* who granted executive power to the President, not the *country collectively*. The people demand and deserve a higher level of authority than "common sense" when it comes to experimenting with our individual Constitutional rights affecting inheritance, life, liberty and property. Like a chronic disease passed down through generations, FDR's policies are to forever be known as incorporating "unconstitutional conditions" into every aspect of the law and our American way of life.

We continue suffering the consequences of this failed "bold, persistent experimentation" that defies our Constitutional principles. While these

consequences began before FDR with the Stock Market Crash in 1929, his policies continued and created an environment allowing for a long series of asset sweeps -- the Great Depression created by the Federal Reserve's manipulation of the money supply, WW II, the 2007 "subprime crisis", and the following bailout years that resulted in the single largest transfer of wealth in the history of the world. The banks have historically used these emergency situations to create laws contrary to the Constitution. It is time for us all to admit these failures of FDR's plans and experimentation that have negatively impacted virtually each woman, man, and child in our country for the past 86 years, as evidenced by our current situation.

It is time to synthesize the lesson learned from these "bold experiments", that the Constitution for the united States of America is a sacred document and we demand its redemption as the supreme law of the land. We the people hold the power to decide what the America of 2020 will be like. We insist it be founded once again upon equitable principles and authority grounded in the Constitution.

Our efforts, policies, and laws need to be aligned with the Constitution - the time for bold experimentation is over and needs to be replaced by vigilant and persistent defense of the Constitution.

These bold experimentations created an environment allowing factions to take hold, something George Washington warned us about in his farewell address on September 19, 1791, "All obstructions to the execution of the laws (the Constitution)… serve to organize faction… to become potent engines, by which cunning, ambitious, and unprincipled men will be enabled to subvert the power of the people and to usurp for themselves the reins of government". President Washington's words highlight the distinct difference between him and FDR – President Washington firmly believed in the underlying principles of the Constitution, while FDR believed that the American people could contract their inherent rights away to receive a privilege in the form of social insurance from the government.

Unalienable **or** ***Inalienable*** **Rights**

Can the individual rights granted to the people of the united States be transferred? This is an important question and gets to the heart of those actions undertaken by FDR and others. The answer lies in two key words used in various drafts of the Declaration of Independence -- *inalienable* found in early drafts and *unalienable* appearing in the final version. Many historians claim that inalienable and unalienable are defined the same and who made the change is unknown although a number of scholars believe it was John Adams. Interestingly, this fact shows that even during the drafting process there was a question over which word to use. Today, the

Center For Civic Education as well as most people use the words interchangeably assuming they are defined as equivalent. Upon further inquiry, however, there is a significant difference between these two words, which have deep implications for you and I and our ability to redeem.

The most common definition of inalienable and as applied in legal cases "... is defined as incapable of being surrendered or transferred; at least without one's consent." [Morrison v. State, 252 S.W.2d 97, 101 (Mo. Ct. App. 1952)]. It is clear here that an inalienable right is a right that is incapable of being surrendered unless one consents or volunteers. This is important and I invite you to keep this in mind.

Current evidence suggests that unalienable means exactly the same thing with one important caveat, a caveat that changes the whole picture. In order to better understand the difference, one needs to examine the intent behind the use of the word, and while it is not always easy discern common intent, however, we can draw upon other writings at the time to bring more clarity. On June 12, 1776, George Mason wrote in the Virginia Declaration of Rights, "That all men are by nature equally free and independent, and have certain inherent rights, of which, when they enter into a state of society, they cannot, by any compact, deprive or divest their posterity; namely, the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety."

Mason penned this Declaration just days before the national Declaration was completed. Mason did not use unalienable or inalienable, but rather used inherent. For him an inherent right was something that was embedded in humans naturally, prior to them entering a society. Historically, when humans appeared incapable of governing themselves, or felt threatened, they would enter into a compact with their leaders and entrusted their rights to a sovereign, entrusting the sovereign to protect those rights. It is clear from his writings that he believed *inherent rights* could not be given up no matter the severity of circumstance, even through contract. The primary reason one cannot give up an inherent right, is that the individual does not have the authority to give up that which they do not own; these rights are natural and part of being a living, breathing being. Therefore, it is logical to surmise that if an individual is not capable of giving up their inherent rights, the government cannot take these rights away. In other words, unlike the word *inalienable*, which permits the individual to divest his rights through contract, an *inherent* right is not divisible by any means. This is at the heart of Mason's writing.

Mason's *inherent rights* appear to have strongly influenced Thomas Jefferson's writing, as inherent rights are synonymous with the Declaration's wording as *unalienable rights*. Therefore, *unalienable* refers to rights, which

are inherently granted by the Creator to each individual. These are rights not owned; it is not possible to give away what one does not own. One reason our forefathers elected to enter war was because they believed inherent rights could not be given away nor taken by anyone who believed they had the authority to take these rights away. But there is more.

According to Black's Law Dictionary, "Unalienable: incapable of being alienated, that is, sold and transferred." So, as we understand these words more thoroughly, we recognize the difference between them changes everything. By the definition above, an unalienable right is a right, which is incapable (absolutely under no conditions) of being sold or transferred. There are many ways to transfer something and one way is through contract. An unalienable right cannot be transferred through a contract because it is unalienable from the individual who possesses it. This is significant. A citizen of a nation can enter into a social contract or compact with the government, but not to contract away their unalienable right to earn a living. As citizens we enter into a contract where we entrusted the government to protect individual unalienable rights.

Now, you might be asking yourself why this definitional difference is so important, the importance lies in the fact that the Constitution grants us the unlimited power to contract. Let's be really clear here - You have the ability to elect to contract without government involvement, or you can include the government in your contracts. Unfortunately, most of the people do not understand this as it applies to contractual agreements, just as our leaders were ignorant to this in 1913 when granting power to banks that was not theirs to grant. Today, we willingly sign social security agreements, driver's licenses, and apply for government authorized corporations, all of which make us a part of the commercial banking system. In the future, I believe these obstructions to our freedom and individual rights will be eliminated for all Americans. In the interim, however, my intention is to extinguish any contract that bonds me to this fraudulent system. You may elect to rescind these adhesion contracts then create new contracts that preserve and protect your unalienable and Constitutional rights.

Stated differently:

> **Inalienable**: The use of inalienable indicates that the individual has the ability to contract away inherent rights. Once contracted to a government or a single sovereign, this power can never be questioned or removed resulting in - tyranny. Under this scenario, the Constitution is a contract that pools your rights with all others and allows the government the power to administer your inherited rights.

Unalienable: The use of unalienable means there are certain rights which the individual may access yet can never be contracted to another. Thus, the Constitution becomes a contract with the government to protect the unalienable rights of the people or more accurately, a trust document placing restraint upon the government regarding action affecting these inherent rights. The result is that the people remain sovereign beneficiaries of the trust.

Now, let's delineate how our unalienable rights have been unlawfully taken from us as coordinated by the Federal Reserve. I encourage you to read and reread the Fed plan as outlined below by Edward Mandell House, president Woodrow Wilson's chief advisor to Federal Reserve. When I first read this, it made my blood boil and I suspect it will do the same to you; the plan has been in operation for over one hundred years. In the plan he outlines how your unalienable birth right granted by your Creator is given to the State by your parents as a bonded certificate to be enforced by the social security agreement you sign, thereby contracting unalienable rights away to the Federal Government:

[Very] soon, every American will be required to register their biological property in a national system designed to keep track of the people and that will operate under the ancient system of pledging. By such methodology, we can compel people to submit to our agenda, which will affect our security as a chargeback for our fiat paper currency. Every American will be forced to register or suffer being unable to work and earn a living. They will be our chattels, and we will hold the security interest over them forever, by operation of the law merchant under the scheme of secured transactions. Americans, by unknowingly or unwittingly delivering the bills of lading to us will be rendered bankrupt and insolvent, forever to remain economic slaves through taxation, secured by their pledges. They will be stripped of their rights and given a commercial value designed to make us a profit and they will be none the wiser, for not one man in a million could ever figure our plans and, if by accident one or two should figure it out, we have in our arsenal plausible deniability. After all, this is the only logical way to fund government, by floating liens and debt to the registrants in the form of benefits and privileges. This will inevitably reap to us huge profits beyond our wildest expectations and leave every American a contributor to this fraud which we will call 'Social Insurance.' Without realizing it, every American will insure us for any loss we may incur and in this manner; every American will unknowingly be our servant, however begrudgingly. The people will become helpless and

without any hope for their redemption and, we will employ the high office of the President of our dummy corporation to foment this plot against America. **[Reference]**

Where and when this dialog took place is uncertain, it is believed to have been part of a private conversation with President Wilson and others. Either Mr. House is a prophet or this was the original plan; because it has been implemented to perfection. We are experiencing the results of a plan created by the Fed to enslave us as outlined over a hundred years ago.

Deceived by this plan, my Mother and Father unknowingly delivered to the state the bill of lading, also known as my birth certificate, and pledged that I would submit to the bank's agenda. I was compelled to register for Social Security in order to obtain a card to work and earn a living. Thereby, the banks claim I became surety for any losses the banks incur; this is the justification for expending taxpayer funds to bailout these banks.

In his final sentence, Mr. House predicted that we would be without hope for redemption, yet, when faith is our polestar, redemption is certain. If I may be free so may you, where we go one we go all. This arduous journey became enjoyable when I accepted the truth about the condition of America, while trusting the guidance of the One who created me out of nothing. My creator grants or denies redemption. I have inherited the gifts of his son's sacrifice thus redemption is not for the government to withhold.

The myth that somehow our unalienable rights have been given away is now exposed as a lie that has been perpetuated. I'm honored to be that one in a million identified by Mr. House and am humble to present a way for you to join me. Together, we can put an end to their plausible deniability and do away with their social insurance, unconscionable contracts, and unlawful control of our money supply thereby redeeming our freedom.

I object to this banking plan, my parents could not grant unalienable right like my freedom to the UNITED STATES, a bank, or to any corporation. I pledge my allegiance to the united States of America. I have secured this bond with a gold coin of the united States of America as held in trust by the Clerk of the united States Supreme Court.

Our founders were experts in trust law, they were all competent at passing title to land, rights and property. They considered your right to earn a living, while being safe and secure in one's home as inherent rights… unalienable rights. When you and I act together as beneficiaries of the trust indenture they penned as the Constitution and we are able to express this trust relationship competently, we become self-governing. We become sovereign, standing in the shoes of the king as grantor his rights titles and

interests to the people of America as grantees. We hereby accept and perfect this gift.

The rules governing these transfers are grounded in 2,000 years of trust law. The Constitution is a trust agreement. The people grant limited powers to the trustees (elected and appointed officers of the government) to act for our benefit. When you understand the titles you hold as your inheritance, and you accept the gifts granted by your creator, you will be prepared to protect your family wealth and secure the safety and welfare of future generations as your posterity. This is how to build your legacy. Remember the words of the preamble, lock them in your heart -- these are our intentions.

The Federal Reserve is the real (hidden) government of the United States Corporation. What is unknown to most Americans is that Washington D.C. is merely the Federal Reserve System's puppet. "Passage of the Federal Reserve Act was a major milestone on the 'road to serfdom" Mandel House

Which government do you elect to entrust with your family's future? The UNTIED STATES Corporation or the original united States of America.

Chapter 4

Making this Practical: How to Protect your Family and your Assets

The most important decisions you make in life will be contractual by nature; learning how to competently represent your private interests is an essential skill set not taught in our public school system.

Decades of entrepreneurial experiences, massive mistakes (aka: learning opportunities) and extensive study; have provided me with a foundation to competently share inherent concepts. I hold certified court records proving that the concepts I present here actually work when properly administered. For the first time in my life, I am able to competently share from personal experience what I have learned from this path of discovery and litigation. What I am sharing is not theory, nor is this manual intended as a magic silver bullet, because there are none. My intention here is to provide information that I or one of our team of like-minded patriots, have tested. The proper use of this information holds the potential to accelerate you along your personal path towards freedom, wealth preservation, intergenerational safety and peace for you, your family and your community as guaranteed in our Constitution. I have stated this many times throughout this manual -- *If I can achieve this for my family so can you.*

This is important to understand, we live in dangerous times. Although I honestly believe that one day soon we all will be able to function safely in our private status, standing and capacity; the Constitution remains inaccessible to most. Witnessing with your own eyes the gold-fringed military or commercial flags that fly in every courtroom whether municipal, state or Federal will verify this fact. Look also at the flags, worn by your local sheriff deputies, every one involved with removing my family and I from our home also wears the same gold-fringed flag. You may elect to go back to sleep at this point or you can face the reality that this is not the same flag that you and I proudly pledged allegiance to every day growing up as children. Have you ever wondered why the flag has changed? Why saying the pledge of allegiance is mostly a thing of the past? For my family and I, we pledge our allegiance and love to the united States of America and to the republic for which the real American flag stands as one nation under God, living and choosing to be governed under the laws the people granted.

There are two distinct paths to freedom: you may extinguish all legal contracts you have entered; this is an arduous path fraught with danger. The other is learn how to create, administer and protect Constitutional trusts.

Leap of Faith

My intention in this chapter is to provide an outline of how you may privately protect your life your family and your legacy. When fully embodied and executed, this documentation unites us with our Constitution, while eliminating those laws and institutions that run contrary to our unalienable rights grounded in our founding documents. During this interim transition period of our journey to recapture our Constitution, it is essential that you understand the titles you hold and that you know how to express those titles under any legal circumstance and to any law enforcement officer, judge or jury. My mantra before entering a courtroom is, "When I and my creator are one, who can stand against me?"

In the interest of civil discourse, I challenge you to prove false any of the ideas that I present in this chapter. *In the absence of such facts,* I ask that you trust the information I present here. I pledge my life, my liberty and my sacred honor in order to form a more perfect union with you. As you read this chapter and take in the wholeness of this manual, being a leap of faith for some, I am confident this leap will positively empower your life.

Let's commence this journey together by first comprehending the difference between inherent law and common law.

Until we successfully overturn the legal obstructions to the Constitution, TRUST CREATION and the unrestrained power to contract must be understood and practiced immediately.

Understanding Inherent Law versus Commercial Law

In 1938, the United States Supreme Court merged the procedures of merchant or commercial law and military or marshal law into the Common Law. In the *Erie Railroad v. Tompkins* case, the Court ruled that, from that time on, Common Law was to be merged with Merchant Law in the Federal Rules of Civil Procedure (FRCP). The Center for the Study of Federalism notes the importance of this case:

> *Erie Railroad Co. v. Tompkins (1938) overruled Swift v. Tyson (1842), a decision that construed Section 34 of the Judiciary Act of 1789, the so-called Rules of Decision Act. The statute provided that "the laws of the several states" were to be the "rules of decision" in the federal courts in cases where federal law did not apply. In an opinion written by Justice Joseph Story, Swift held that the word "laws" in the statute referred to state constitutions, statutes, and "long-established local customs" but not to decisions of state courts involving matters of "general" commercial jurisprudence. Thus, under Swift, the federal courts were free to ignore state judicial decisions in "general" law cases and to make their own "independent" judgment as to the properly applicable rule of "state" common law. Rejecting the idea that there could be a "general" common law existing independent of the sovereign power of the states, Erie held that the word "laws" in Section 34 must be construed to include judicial decisions and that the federal courts were required, when adjudicating issues involving state-created rights, to follow state court decisions in determining the law of the different states.*

In this case, a man had sued the Erie Railroad for damages when a board sticking out of a boxcar of a passing train struck him as he walked along the tracks. Under the then existing Common Law, if the court had allowed it to be introduced, he would have been damaged and would have had the right

to sue. However the Court elected to use Commercial Law, the District Court had decided that since the injured party was not under contract with the Erie Railroad, he had no standing to sue the company. This decision overturned common law precedent that predated the Constitution. For example, a similar case and the leading precedent at the time, *Swift v. Tyson* (1840), the Court ruled that in any case of this type, the Court would judge the case based on the common law of the State where the incident occurred -- in this case Pennsylvania. But in the Erie Railroad case, the Supreme Court ruled that all federal cases will, from that date forward, be judged under Commercial Law (powered by negotiable instruments and the commerce clause of the Constitution), not federal common law. Essentially, the Court determined there would be no more decisions based on the "common law" at the federal level. Although this case received considerable criticism, by the 1960s, it had become commonly accepted. When considered in combination with the establishment of the Federal Rules of Civil Procedure in the same year, this case merged all man made law forms into one form of law, commercial law. Since 1938, our courts operate a procedural system of law blending together equity and commercial law and are no longer courts based upon the common law and the Constitution.

It is important to comprehend that this merging of the common law with merchant law, marshal law and military courts was a total convergence into one form of law now known as commercial law or simply, the law. The use of the gold-fringed military flag in civil courts verifies the administration of this one form of law. To contra-distinguish this law form from inherent law, consider that it is not written by man. Courts of equity are founded upon inherent laws demanding good reason and good conscience. Prior to the merger chancellors were considered keepers of the people’s conscience, their decrees supported by hundreds of years of tradition where equity is synonymous with justice and is the foundation of all law. In courts of law the federal rules of procedure replace the conscience of a judge. However, whenever there is a conflict or variance between law and equity, equity shall prevail; this is a maxim foundational to all law.

This explains why the merging of Law and Equity is different than the merging of the other forms of law. Article 111 section 2 subsection 1 guarantees that the judicial power of the united States shall extend to all cases in law and equity. Only the procedures of equity were merged into the Federal Rules of Civil Procedure (FRCP) not the substance or soul of equity including equitable remedies, principles and maxims. Therefore, equitable remedies remain as provided in the Constitution. It is critical to understand this distinction, as your right to redeem in equity is the very power usurped by the foreign banking interests. This usurpation of your power has allowed them to gain temporary control of our government. This usurpation prevents your personal access to your inherited beneficial rights titles and

interests. The merger was intended to eliminate or at least limit our fundamental, inherent rights for the benefit of banking factions. Further, its essential to comprehend that although equitable procedures were simultaneously merged with administrative law, equitable remedies and the rights of trust beneficiaries as granted in the Constitution remain the exclusive realm of equity.

Trusts

This manual consolidates thousands of hours of research intending to simplify a very complex subject for entrepreneurially minded folks. I have condensed it into key useable elements. In no way is this intended as comprehensive information regarding trusts. Yet anyone competent to operate a business entity of any kind will have no problem integrating these private trust concepts into their everyday life. Furthermore, I have attempted to make recommendations for ease of implementation, optimum lawful protection, simplicity of operation and clear understanding. The private express trust outlined herewith provides superior intergenerational transfer of wealth and is virtually impenetrable when properly created.

Although this may initially be confusing, trust that like every new endeavor, it will become easier with each review, use and practical application. The Private Express Trust outlined in this manual will be utilized to operate privately under the rules of equity while simultaneously providing public protection.

Attorneys and accountants have been educated to prepare legal trusts. Legal firms that specialize in trusts put their wealthy clients through awkward and costly maneuvers to establish complicated legal/statutory trusts. They profit best when their clients know nothing about the superior option of a private express trust or business trust organization. The process to unwind legal trusts during my last divorce cost me hundreds of thousands of dollars.

You cannot expect attorneys and accountants to help in matters they have received no training in. A licensed attorney is an officer of the military court and in order to represent the interests of the court must abide by certain written and unwritten rules. She is generally friends with or closely associated with others in the courtroom. Hence, although an attorney may represent her client, it is the best interests of the court and the bar that take preference. Therefore, the attorney cannot represent the client too strongly or creatively. Accountants, in order to practice income tax accounting, must be licensed and follow the IRS rules or be subject to fines. In this way, they are like "informants" for the IRS. To look out for the client's best interest would be risky for them- both legally and financially. You cannot expect

efficient assistance from either your licensed attorney or your licensed accountant to make estate and tax planning decisions that will preserve your private legacy and protect your estate. Also, it is important to comprehend that both attorneys and accountants are limited in practice, and if they "stray too far", their license can be revoked. Essentially, their hands are tied, both are acting as "agents" to enforce the government's statutory rules and regulations that have been lobbied and paid for by banks!

In *Money Magazine*, attorney Leo Kornfeld of New York pointed out that, "[L]awyers make their money handling estates, not planning them. Fees often bare no relationship to the amount of time spent by the lawyer ...This is the real racket in probate...to exact an enormous fee from a dead man's estate." Even the Chief Justice of the Supreme Court, Warren Berger, exposed excessive probate costs. In the Los Angeles Times, he called on the legal profession to reduce the high probate fees; reminding attorneys of their pledge to, "...place the public interest ahead of private gain!" He remarked that the profession allowed the "...relatively simple business of settling a will to become encrusted to the costs."

At this point, you may be wondering why can't I just create a corporation to protect myself and my family? While corporations, LLCs, partnerships, sole proprietors do provide some level of protection, those come at high cost. A corporation is a fictitious entity, licensed to operate in the stream of commerce. This is considered a "privilege" granted by the state and is an exchange of "rights" for "privileges" and "benefits". Corporations are "creatures of the state." When you form a corporation, you leave behind many of your Constitutional rights. Most states have special clauses that allow the state the unilateral right to change the rules governing corporations at will. Clearly, there are differences across states. Delaware offers a semi chancery court with equitable protections, this is why it has become a haven for incorporating. The impairment clause in the U.S. Constitution provides no protection for a corporation or against a unilateral change by the government in the corporate contract. An attorney must always represent the corporate entity. Your books and records are open to the public through the State Corporation Commission. Each year by contracting with the government, you must pay taxes, report to the state, file your annual financial status, comply with regulatory requirements and submit the names and addresses of the directors, in these ways you give up your privacy and Constitutional protections. As noted in *U.S. v. Dickerson.* 413F 2nd 1111, "[T]he cooperative taxpayer fares much worse than the individual who relies upon his constitutional rights. Only the rare citizen would be likely to know that he could refuse to produce his records to Internal Revenue Service agents."

There is no need for entrepreneurs to be burdened by legally imposed

barriers to building and preserving our private businesses and estates. We can legally protect assets, avoid excessive taxation, dramatically reduce liabilities, gain the ultimate in personal and business privacy, build a financially secure estate with the potential to eliminate inheritance tax, estate tax, avoid probate costs and remove the government from your private business affairs. It is important to know that this "secret" is not a secret to the nation's wealthiest families that have successfully utilized trusts for centuries, especially the prominent banking families and their associates. This demonstrates that a trust is a legal, lawful and effective solution to protect your estate and avoid estate shrinkage. This is possible because the united States of America is founded on the principle that the peoples' unalienable rights are originally granted directly from our Creator. This is why we acknowledge our country to be a "*Nation Under God*" and "*of the people, by the people, and for the people*."

In 1906, in *HALE V. HENKEL. 201 U.S. 43 at 89*, the United States Supreme Court established precedent that has never been overturned and has been cited thousands of times in nearly every state, appellate and federal court system. The Court stated:

> *The individual may stand upon his constitutional rights as a citizen. He is entitled to carry on his private business in his own way. His power to contract is unlimited. He owes no duty to the State or to his neighbors to divulge his business, or to open his doors to an investigation, so far as it may tend to incriminate him. He owes no duty to the State, since he receives nothing therefrom, beyond the protection of his life and property….His rights are such as existed by the Law of the Land (Common Law) long antecedent to the organization of the State, and can only be taken from him by due process of law, and in accordance with the Constitution…He owes nothing to the public so long as he does not trespass upon their rights.*

Embodied in this principle outlined in the Court's decision, is the "Key" to total protection of our personal and business assets. Under the Constitution as the supreme law of the land, our unalienable rights are recognized based upon one's status and standing. It is by this comprehension that we protect our freedoms, our life and our property. One of our most precious rights is the sacred *Unlimited Right of Contract*. This unalienable right to contract actually pre-dates the Constitution and is a foundational element of the Constitution itself, therefore, the U.S. Constitution does not give individuals the right to contract because every citizen already has that right, an inherent right granted to them by God. The U.S. Constitution, does however, guarantee that right in Article l Section 10, that "No state shall…pass any…law impairing the obligation of contracts…". The challenge

for most people, is to understand the nature of the contracts that bind us, after all, this type of information is not readily available nor is it taught in public schools. If you are unable to identify the titles you hold under such a trust contract, then you find your life situation is a holographic image of the chaos our nation is in today. You have failed to accept the gifts provided by your creator, as has the general public. As within, so without.

I know this is challenging because we make contracts each moment of each day of our lives – some more formal than others, some written, some verbal, some with ourselves, some with others. The most startling thing about our contracts is that somehow; we have been duped into believing that we must include the government in the most important contracts we ever enter. We are taught and even encouraged to seek the advice of an attorney, but when we place our affairs in the hands of someone else we admit we are incompetent to represent our private interests. In closing this section, I recommend that you read Carlton Weiss's, *Concise Trustee Handbook*, it is concise and is essential reading for every trustee. Mr. Weiss is an expert in legally piercing corporations and trusts. His experience and handbook provide a seasoned approach to operating in trust.

The Importance of Sovereignty and Trusts

An important element woven throughout this manual, is the concept of sovereignty, which is fundamental to our work here. First, it is essential to know that you hold the power to be sovereign and that your unalienable right of sovereignty simply exists. Why is this important? It is important because it is the inherent and independent right of self-governance. You were born a sovereign, however, there has been an attempt to keep that knowledge from you because it would result in a return of the power stolen from you and the people. This manual is designed to provide a glimpse of that knowledge. This knowledge is yours, it has been withheld from you in an effort to restrict your freedom and usurp your power. It is past time to take your power back, to gain the knowledge, and regain your sovereignty. Here is the importance of sovereignty as it pertains to trusts:

In the Treaty of Paris, 1783 the King as sovereign granted his rights titles and interest to the people of America who in turn granted a portion of that sovereign power to the government with their beneficial interests held in trust. The people as grantees granted a quantum of sovereign power to the government while reserving those powers not granted. Government officials are trustees holding the duty to see that the trust is managed according to the intent of the sovereign grantees as expressed in the preamble to the Constitution, and to see that the land is dealt with for the highest good of all parties. The trustees are the "trusted" stewards of this vision of property

held in trust, managed and passed on intact.

The trust then takes on energy of its own, and these energies must be enhanced so that the properties in the trust might grow. It becomes the legacy, a state of energy that continuously moves on. The stewardship is also passed on as others are chosen to manage and are entrusted with keeping the estate intact, as and for sovereign beings.

The sovereign knows how to operate in the highest state of integrity and manages with responsibility. The sovereign is a steward, not only of the trust but also of the land and estate. She knows that if others are also sovereign and take responsibility as stewards, that everyone and everything will be enhanced and grow. Abundance and prosperity are the natural outcomes. By shifting to non-ownership, integrity, stewardship and service allows the sovereign to create a higher form of living. When this higher form of living merges into society and government, we will see a shift back to the proper relational hierarchy.

The sovereign knows that when, as a steward, he seeks guidance first from his Creator that the rest will fall into place. Being sovereign is a choice an election to be free, a commitment to uphold this highest vision. The sovereign knows it's not about "getting out of" liability, taxes or responsibility - it's about commitment to stewardship, and being accountable, not to an unjustly imposed government jurisdiction, but to spirit and mankind.

A collective of sovereigns, by perfecting their union, solve America's problems before seeking solution for problems that are global. Until your oxygen mask is securely fashioned, you are not in a position to assist others. Understanding this context, we solve problems within our community before solving America's problems; neighborhood problems before community, family before neighborhood, self before family. Following this progression is to embrace and to charge the meaning of *As within, so without* and being in this world, yet not being of this world.

The higher vision is to serve as a steward to this land, managing and controlling your estate for the greatest good of all, rather than owning and hoarding it for one's self. Allowing one to, "Own nothing, control everything". This new vision is actually quite old and is the forerunner to changing the entire financial structure of this country, where privacy and custodial excellence are valued over money. A system where entrepreneurial enterprises flourish as value is added to every endeavor and product. It is the wise master who sees that he is indeed a servant to all he possesses, and in charge of managing it for the highest benefit of mankind.

This new structure is the merging of the vision of the Creator and the Trustee, in service to the property being held for the beneficial use of future generations. Of course, there is a level of confidence necessary among the people involved to hold the vision of non-ownership and so that the property being held is managed in its highest intention. One needs high levels of trust to let go of control and legal ownership and to understand that you are really being entrusted to take care of something. In this way, you will begin to see the transitory nature of possession and realize the eternal value of service and stewardship.

Together we create a new paradigm where the beneficiaries are seen as the real owners yet no one truly owns the earth. Portions are granted to our custodianship for a limited time. We must learn to trust the Trust as we return home to the Constitution.

Trust **the Trust**

The pure trust is an entity formed by contract, and thus is not subject to the same types of state regulations as a corporation.
(*Elliot v. Freeman. 220 U.S. 128)*

A trust is an entity that holds a beneficial interest in land, property and home in such a way that they are no longer held by you personally. Instead they are entrusted to a trustee to manage the property in the best interests of beneficiaries. The trust draws its authority from the ancient common law of England. During medieval times, Lords had occasionally left their castles, manors, and estates to venture forth on Crusades to the Holy Land or, quest for the Holy Grail. When they left, the King could declare their lands vacant and appropriate them for himself. He could also confiscate the towns, animals, serfs, and other treasure and wealth on the land (similar methods are employed today by banks to steal what belongs to the people). The Nobility became increasingly infuriated at this "theft" by the Crown. On June 15, 1215, the Lords of the kingdom confronted King John on a small island in the middle of the Thames River where he signed the Magna Carta, which became the foundation of the English Common Law. This "Grand Charter", inspired our founders and declared that the common man possessed certain God granted rights to life, freedom and property. One of these "rights" is the Right of Contract. This "Right" said that each person has the inalienable right to, with free will, enter into a contract -- and was then bound by it. This revolutionary idea continued down through history ultimately becoming one of the founding cornerstones for our nation, first in the Declaration of Independence, and then in the united States Constitution.

Let’s outline some of the benefits of a contractual trust organization. First, no one can take from you that which doesn't belong to you. If the trust

owns assets, they do not belong to you and when free from outside liens, no one including the government holds a valid claim to trust assets. Secondly, the assets are managed on behalf of the trust. You become a simple custodian and or beneficiary of the gifts granted to you by your creator. By exchanging your assets into a trust, you are giving up ownership of those assets. If you have nothing that anyone can take from you, what is there to lose? When one talks about diversifying investments, he means that he is segregating his wealth into as many different investments as possible. He does this to limit the possibility that he could lose all of his funds on one bad investment. It's simply a tactical strategy based on the old saying: "Don't put all of your eggs into one basket."

By employing this wisdom, you are spreading out your assets to reduce the possibility of losing all of them to one adverse event. The pure trust is treated as a person in the eyes of the law. It has all of the same rights we do, plus access to rights we have lost. However, it also has some of our liabilities, primarily that the pure trust organization can be sued. While it is more complex for an attorney to sue a trust organization then it is to sue an individual, the possibility does exist. This is why liens upon all assets protect beneficial interests in the name of a master private express trust.

My intention is to simplify this very complex topic by focusing exclusively upon simple, practical and Constitutionally protected private express trusts as contra distinguished from legal trusts. There are many variations of these, which are established for different purposes. For our purposes, in this manual we will focus upon Constitutional trusts in two forms: contractual pure trust organizations and private express trust.

First, let’s look specifically at pure trusts organizations. This trust organization has a business purpose and operates as a carefully constructed contract, there is an "offer" and "acceptance" between the parties (two or more) who are competent and are of legal age and there is "consideration" exchanged between the parties based upon a business objective with a termination date.

It is a superior tool for estate planning because it can reduce or eliminate interference in your estate. Inheritance, income and probate taxes become truly voluntary, while privacy and limited liability along with other special benefits are gained. The pure trust organization is not registered with the government. The trustee(s) delegate a general manager or managing director to interface with the public and hold the only original copy of the trust agreement for safekeeping. It may be notarized for authenticity. A pure trust is not organized under any statute, and derives no power, benefit or privilege from any statute. A pure trust is not limited by statutory requirements, thus trustees write controlling rules and regulations in the

minutes of the pure trust. As long as trust activity is not against any existing law, against public policy or harming a neighbor or her property, trustees operate creatively to the beneficiaries best advantage. Additional protection is provided by private liens placed upon trust assets.

A pure trust is based upon the Constitution and founded under the common law prior to the merger and is not registered with the government, nor does it hold any federal or state identification or number, nor partake in any government privilege or exist under any statute. It is an agreement between three parties including a contract between trustees and a general manager. Here is a diagram showing the structure of a pure trust:

[INSERT PURE TRUST DIAGRAM]

By giving up ownership and maintaining the right to enjoy the property, you benefit without the legal requirements. A private estate held in trust may transfer free from probate and inheritance tax. When you die, there is nothing to probate, nothing to tax, nothing for the government or outsiders to control. Since a trust is a right and not a privilege, the government does not have the ability to have the same type of control over your estate as it does with a corporation, partnership, limited liability company (LLC), or sole proprietorship or franchise. The public is generally excluded from the affairs of a trust.

When you don't own anything, you can't lose anything. By having your estate in a properly managed trust, you can increase your ability to become judgment proof. The sovereign knows that by letting go and giving up ownership he is giving up liability, yet, keeping or passing the beneficial interests.

The economy of our country is built upon the success of entrepreneurs and their survival depends on their ability to legally protect assets, reduce taxes, and increase the privacy of business activities. The pure trust can provide privacy, asset protection, and asset diversification. "This type of Trust is referred to as a 'Pure Trust' because it finds its basis in the law of contracts and does not depend on any statute for its existence." *Schumann-Heink v. Folsom, 159 NE 250 (1927).*

The pure trust is an entity in its own right like any individual. Therefore, it can buy, own, sell, spend, and earn profits from some enterprise. It is also private since its assets and functions do not have to be recorded for any state, federal body, or country. The private express trust, on the other hand, protects assets from creditors, liens, judgments or personal liability.

The principal advantages which the Pure Trusts have over

partnerships are their centralized management, the introduction of large numbers of participants, the possibility of transferring beneficial interests without affecting the continuity of the enterprise, fact that the death or disability of a shareholder does not terminate the Trust, and the immunity of shareholders from personal liability. Morrissey v. Commissioner, Internal Revenue, 296 US 344; Spotwood v. Morris 12 Idaho 360, 85 P 1094; Hossack v. Ottawa Development Assn., 244 Ill, 274.

The pure trust is a specifically designed contract, which uses trust terminology. It can be used in place of a corporation or LLC to operate a business since its structure can consist of a trustee or group thereof, acting like a board of directors, using meetings, taking minutes and being empowered to act on behalf of the company. It is private thus does not require corporate characteristics. One of the objects of a pure trust sometimes referred to as a business trusts is to obtain for the associates most of the advantages of incorporation, without the authority of any legislative act and with freedom from the restrictions and regulations generally imposed by law upon corporations. "A Pure Trust may be organized to engage in any business in which individuals or corporations may lawfully engage." *Wagoner Oil and Gas Co. v. Marlow, 278 P 294, 137 Okl. 116; Weber Engine Co.v. Alter, 245 P 143, 120 Kan, 46 ALR 158.*

One caveat, conveying assets into a pure trust cannot leave you insolvent, or without the means to pay your present bills or expected future bills, or contribute to your personal bankruptcy. If so, then the transfer of assets into the pure trust can be legally set aside as a fraudulent conveyance. Therefore one must carefully consider loans and other personal debts when drafting these contracts.

As will be stated in the pure trust document the trust organization has no liability for the debts or earnings of the trustees. The contract states that the pure trust is automatically terminated at the end of twenty years. To renew it, you simply make a note in the minutes to renew it for another twenty years more or less as you see fit. A term limitation is provided so as to align with the Law of Perpetuities, which says a contract must have a time limitation.

Can a pure trust be sued? Yes. For example, if the home you inhabit is leased by the pure trust and the managing director is living in the house per private contract and someone falls down in the house and hurts themselves. Any lawsuit generated by such an accident would probably include the owner of the house, as well as the occupant. In today's highly litigious society, the risks to the owner of the house are as great as they are to the resident. A search of the public records by the victim's attorney would reveal that you

personally own nothing of value. Therefore, the attorney would have little interest in you, but the organization that owns the house might well be worth going after, this is why the assets owned by the pure trust should be aliened by a private express trust. There are other scenarios that could be used. For example, a car that is owned by a pure trust is just as likely to draw a lawsuit. Any accident involving the car could result in a lawsuit against the legal title holder, the pure trust. For these reasons, trustees may consider dividing ownership of automobiles, businesses, real estate, and investments among several pure trusts while further placing liens on those assets. My recommendation is to keep it as simple as possible.

The pure trust is a legal entity and an artificial individual with rights almost equal to a natural individual. It is irrevocable and no one has any reversionary rights to its assets, however, it can own property and conduct business like any person. A person may exchange assets, or any portion thereof, for Trust Certificates (TCs). Trust Certificate are units of exchange as evidence of limited rights and conveyance of legal title in the Trust property, no exchanger holds any voice in management and control thereof. This is a tax-free exchange. The Supreme Court ruled if property received in exchange has no fair market value, it does not represent taxable gain to the recipient (*Burnett v. Logan, 283 US 404*).

TCs can be distributed among family members or others free of any gift tax. No vested interest is transferred, only the right to receive distributions as directed by the Trustees. The pure trust is a pass thru entity, exempt from paying taxes and the TC holder pays tax only on "income" received. There is no estate tax because there is no estate owned by any person at death. All assets are owned in fee simple by the pure trust. TCs have no intrinsic value and cannot be taxed because they are not convertible on death. Assets of the pure trust are never probated because it is an artificial person that never dies. It is set up in contemplation of life, not death, which is one issue with using a public will. The life of the pure trust can be extended indefinitely or terminate at any time by action of the trustees in accordance with the Trust Indenture and Minutes.

How to Create a Pure Trust Organizations

There are two kinds of property which can be included in a trust, real property, which refers to land, buildings, homes, crops and mineral rights or personal property, which consists of movable objects such as furniture, vehicles, jewelry, stocks, etc. The legal title to the assets will be permanently transferred by contract to the pure trust. Once the pure trust has been created, the managing director may accept assets (equipment, cash, property) into the pure trust this is also referred to as funding the

trust. in return the managing director distributes trust certificates identifying beneficial interests. When those assets are exchanged for certificates in the pure trust, it is not a sale, nor is it a gift. It is an "exchange" for valuable consideration, but with only indeterminable value. Thus, there is no taxable event. In *Burnett v. Logan: 283 U.S. 404*, the United States Supreme Court ruled that "...if property received in exchange has no fair market value, it does not represent taxable gain to the recipient."

Therefore, the following contracts must be privately created:

Between the conveyor (the one exchanging) as exchanger and the Board of Trustees, giving the Trustees legal title to the assets and fiduciary authority over the artificial trust entity in order to hold and manage asset in exchange for trust certificates.

Between the board of trustees and the managing director for proper functioning of the day-to-day activities of the business as a pure trust organization.

Between the conveyor as grantor and the trustees in fiduciary relation to designated beneficiaries for preservation and protection of equitable interests. (A private express trust)

Elements of the Trust Declaration

The law of the trust is the indenture and the Constitution for the united States of America. This trust is irrevocable.

Trust contracts, records, member information and minutes are under the absolute control of the Board of Trustee (or appointed agent) who is/are the only person(s) privy to this information. Mangers and trustees are not required to divulge any facts about these documents. Grantors of this pure trust organization become exchangers upon receipt of certificates with access to the following information only:

1.) *Grantors/Exchangers shall express intent to create a trust including the public intentions and purposes for creating the trust. Grantors hold no power over trust management, operations or administration.*
2.) *As exchangers the titles are deposited with specific descriptions of the property exchanged so as to be easily identified.*
3.) *Name of a Trustee and redacted contact information.*
4.) *Name of a beneficiary redacted available on a need to know basis or as in #3 above should the names be the same.*

In consideration of funds and/or assets into the trust, the Board of Trustee(s) issue Certificates, which authorize the holder thereof to receive a distribution of the trust res upon the dissolution of the trust or upon entry into the 21st year of operation unless altered by the board. The Certificate holder has no voice in the pure trust's operations and is not entitled to any information about its management, nor do they hold any beneficial interest in the assets. (This noninvolvement assures the pure trust's organizational privacy!)

Non-interest bearing bank accounts, if necessary could be established in the name of an LLC owned and managed by a trustee or agent of the trust, in the alternative, listing the pure trust as transferee on death is a simple intermediate step if the account was originated using some governmental identification number, the legal signature should be that of the managing director who is required by contract to keep trust information private. (How to express this trust is beyond the scope on this introduction to trust formation)

Name trustee(s), three (3) preferred including one holding no trust certificates. Then determine procedure for the Chairwoman or Chairman to appoint new Trustees for the Trust.

Name the trust(s): Since a pure trust organization is strictly a contract, using the word "Trust" in its name is unnecessary, it can even prove confusing to an attorney who does not know the difference between pure trusts and statutory trusts. Consider names that will reflect the nature of the organization without attracting unwanted scrutiny.

Name of Conveyor or Exchanger: This is anyone receiving TC's.

Name of Creator(s): Board of trustees responsible to appoint a managing director: This is a trusted individual who will manage the business of the trust as directed by the trustees. Establish your organizational structure accordingly. The trustees shall appoint a chair woman or man from among themselves and a managing director based upon ability to competently manage trust business on a day-to-day basis.

Assign the power to name successor trustee(s): This is whomever the board grants the power to take control of the Trust assets whenever necessary changes are required by the Chair or the trust indenture.

The activities of the trust are recorded by the Trustee(s) in the Trust

Minutes which must be consistent with the Declaration of Trust.

The Trustee/s are bound by Resolutions of the Minutes and the indenture. They take an oath of office affirming to maintain them. Trustees have broad power to direct the management of trust res using it for the benefit of the beneficiaries. Trustees are entitled to compensation for work on behalf of the trust as determined by the Board.

The minutes may be subject to amendments, substitution, vacation or restriction as to any such rights. The trust may own property in any state or combination of states.

Duties of a Managing Director per board resolution:

1.) *Manage trust corpus, retain earnings and insulate yourself, the trust, it's beneficiaries, grantors and trustees from all liability for actions and direction followed when made in good faith and taken with good reason.*
2.) *Should a bank account be required, open a non-interest bearing account according to specific directions provided by the board.*
3.) *Manage trust property under fiduciary duty, only as directed by the board. Record all transfers of beneficial interest.*
4.) *Consider the trust to be a living entity, carry out the intentions of the board in a swift and efficient manner.*
5.) *Manage the trust to minimize taxation of trust business or property, follow private board resolutions.*
6.) *Never co-mingle funds or property, always protect the privacy of the trust, trustees and all private affairs; never register the trust with any governmental or banking entity. This is a contractual obligation that voids any contrary action. Permission to release any information or records of the trust can be given only at a Board meting.*
7.) *Treat the Board and trust beneficiaries, whether known or unknown, as you would have them treat you. Implement the 20 equity maxims into every trust transaction and administrative function.*
8.) *Engage in any legal action by following the direction of the Board. Accept and contribute charitable gifts.*
9.) *Secure capital through the exchange of certificates*
10.) *Notify trustees of all trust meetings as directed by the Chair. Keep minutes for all trust meetings.*
11.) *Trust records are always confidential, communication requests including with any government agency must be in writing and submitted for approval at the next regular Board meeting.*

12.) *Provide notice of the trust to every entity contracting with or having a potential to claim against the trust.*
13.) *Pay all expenses and collect all fees, rents, profits and proceeds; account to the Board in a monthly transaction report.*
14.) *Maintain and defend titles to all trust res.*
15.) *Terminate any existing businesses or obligations contrary to trust interests.*
16.) *Exchange res for certificates and maintain accurate register.*

The Trust Indenture

This is the law of the trust and requires great precision in its creation and administration. It includes all of the above and is the express intention declared by the Board of Trustees (in general):

1.) The trust exists by contract or patent with the united States of America outside of a federal district with no state of residence.
2.) Any dispute is to be resolved in chambers under the 1912 rules and maxims of equity and as expressed in the Constitution.
3.) The following are the guidelines specifying (who can do what, and how, when, where and why they can or cannot do it you must personalize this section to your unique situation.)
4.) Trust period extends to the date of the 21st anniversary of the signing of this agreement, until altered by the Board.
5.) Expressing your intentions becomes the heart and law of the trust. Thy will be done, when clearly stated following the maxims of equity.

This is where only you can prepare your intentions for creating the trust, this is your personal declaration that may only be written by you. I recommend placing pen on paper to express your intentions where "Thy will be done". Expressing your intentions in this way allows you to create your unique vision while preserving intergenerational wealth transfer and guaranteeing your legacy.

This is your home work: prepare and complete your own trust document.

In summary a pure trust organization has a business purpose and is a non-grantor contract. It is known by many names; Pure Equity Trust, Contractual Business Organization, Unincorporated Business Trust, Business Trust Organization, Massachusetts Business Trust, etc. to name a few. This entity is formed under Article 1 of the Constitution and does not require government approval or registration. The concepts of trust have intentionally been made infinitely more complex with a maze of

adjectives that require an expert to set-up, decipher, administer and litigate.

This is your opportunity to take back the power you have given away. Your options: continue to participate in the fraud or create your own litigation proof entity that you can defend as the trustee of a trust. This is powerful information and requires that you live your life and operate your businesses in alignment with the 20 Maxims of equity.

Private Express Trusts

When utilized in conjunction with a Pure Trust Organization, you can safely and confidently manage your business, life and legacy with limited liability and without government interference.

A Private Express Trust is created when the grantor/settlor expresses in writing an intention to transfer assets into a trust for beneficiaries. An express trust is what people usually mean when they refer to a trust. A trust is an interest in property with the legal title held by trustees and for the benefit of others and may be legal or private by nature.

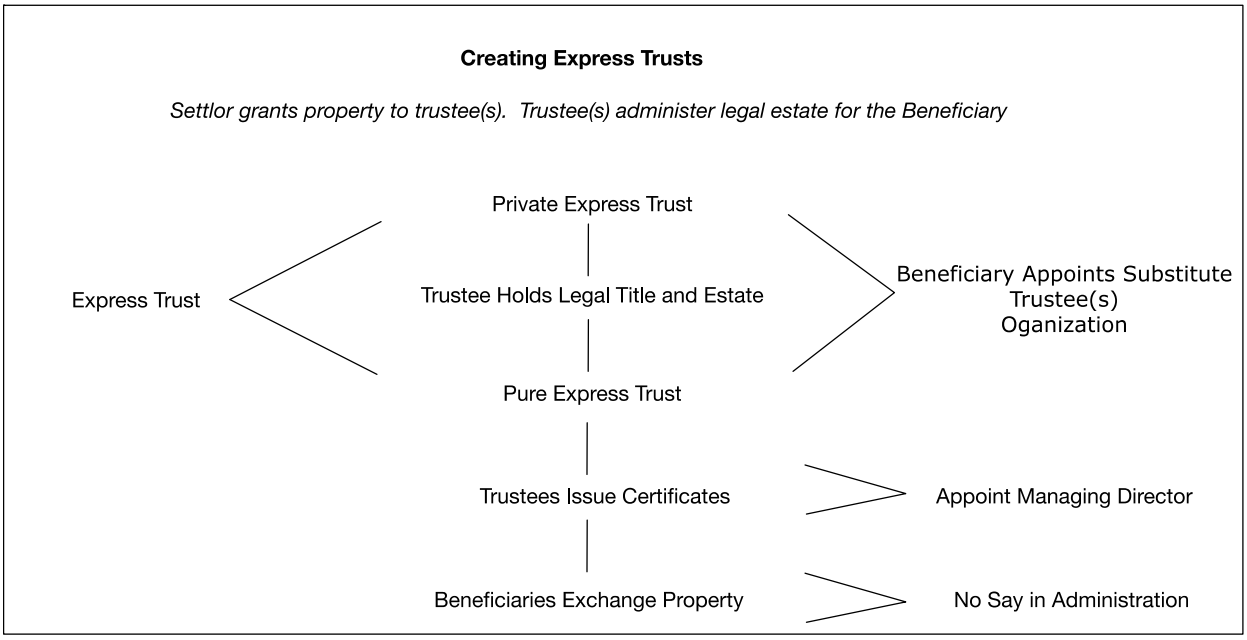
A typical legal example is when a parent grants asses such as stock to an attorney to manage as trustee for the benefit of a child, with instructions to give the dividend checks to the child each year until she becomes 21 years of age, at which time she is to receive all the stock. The parent is the grantor/settlor, the attorney is the trustee, the stock is the trust res, and the child is the beneficiary. In this scenario, a third-party intervenor controls legal title to the family's wealth and assets. Parents create trusts all the time without the awareness of what power they grant to the trustee who are often government entities. Not being licensed to practice law as an expert in legal matters these types of trust will not be addressed in this manual.

Another classic example of this legal interference in a relationship of trust is the obtaining of a marriage license. In my humble opinion, marriage should remain a sacred contract of trust between two parties, however, the license appoints the state as trustee of the marriage contract. The parties have voluntarily contracted with a third party to intervene in the most important decision of their private relationship. At first glance, this may not seem problematic, however, the government is now intimately involved when it comes to assets and dictating elements of your partnership (e.g., definition of your partnership, legal rights associated with your partnership, when and how you dissolve your partnership and the tax implications of

each situation). I do not consent! My relationships are private.

With this example, I have faith that you will be motivated to remove the government from your most sacred agreements! You do not need government approval to run your business, get married, protect your family or to live in peace and privacy. You need only to learn how to continue doing what you are doing with more ease and grace. You must be armed with knowledge of trust law pending the end of this banking emergency. As a self governing individual, you are able to withhold consent as intended by our founders, I do not consent and I hold the power to privately contract.

Figure 4.2



Every private express trust consists of four distinct elements: the intention of the grantor/settlor to create the trust, the conveyance of res or subject matter (also know as funding the trust), a trustee who accepts fiduciary duties, and a beneficiary for whom the trust is managed. When these elements are present, a court can enforce an arrangement as a trust. If you believe that a trust may be reviewed by a court of law or you currently have trust agreements in place, it is essential to understand the legal implications of keeping your trust private. The following definitions have been adapted from the American Bar Association and are provided to comprehend the legal and equitable implications of proper trust setup and operation in order to protect your interests. Implied trusts like the marriage license example often serve to appoint the state or independent third party as trustee.

Grantor/Settlor *(the person who creates the trust): The settlor*

must intend to impose enforceable duties on a trustee to deal with the property for the benefit of another. Words, conduct, or both can demonstrate intent. It is immaterial whether the word trust is used in the trust document. Sometimes, however, the words used by the settlor are equivocal and there is doubt whether the settlor intended to create a trust. If the settlor uses words that express merely the desire to do something, such as the terms desire, wish, or hope, these precatory words (words expressing a wish) may create a moral obligation, but they do not create a legal one. In this situation a court will consider the entire document and the circumstances of the person who attempted to create the trust to determine whether a trust should be established.

The settlor must intend to create a trust now, however demonstrating intent to create a trust in the future is legally ineffective. When a settlor does not immediately designate the beneficiary, the trustee, or the trust property, a trust is not created until the designations are made.

The terms of the trust are the duties and powers of the trustee and the rights of the beneficiary conferred by the settlor when he created the trust.

Res or Subject Matter: *An essential element of every trust is the trust property or Res. Property must exist and be definite or definitely ascertainable at the time the trust is created and throughout its existence. Although stocks, bonds, and deeds are the most common types of trust property, any property interest that can be freely transferred by the settlor can be held in trust, including patents, copyrights, and trademarks. A mere expectancy, the anticipation of receiving a gift by will, for example, cannot be held in trust for another because no property interest exists at that time.*

If the subject matter of a trust is totally destroyed, the trust ends. The beneficiary might have a claim against the trustee for breach of trust, however, if the trustee was negligent in failing to insure the trust property. If insurance proceeds are paid as a result of the destruction, the trust should be administered from them.

Trustee: *Any person who has the legal capacity to take, hold, and administer property for her own use can take, hold, and administer property in trust. Nonresidents of the state in which the trust is to be administered can be trustees. State law determines whether an alien can act as a trustee. A corporation can act as a trustee. For example, a trust company is a bank that has been named by a settlor to act as*

trustee in managing a trust.

The United States, a state, or a Municipal Corporation can take and hold property as trustee. This arrangement usually occurs when a settlor creates a trust, for example, for the benefit of a military academy or a state college, or when the settlor grants property to a bank. This is critical when dealing with a mortgage or bank loan.

A trustee takes legal title to the trust res, which means that the trustee's interest in the property appears to be one of complete ownership and possession at law, but the trustee does not have the right to receive any benefits from the property. In a court of equity, it is a maxim that the beneficiary is the real owner. The right to benefit from the property, known as equitable title, belongs to the beneficiary.

The trustee must act in good faith with strict honesty and due regard to protect and serve the interests of the beneficiaries. The trustee has a fiduciary relationship with the beneficiaries of the trust..

A trustee cannot resign without the permission from the Chair; unless the trust instrument so provides or unless all of the beneficiaries who are lawfully capable to do so consent to the resignation. The Chair usually permits the trustee to resign if continuing to serve will be an unreasonable burden for the trustee and the resignation will not be greatly detrimental to the trust.

The removal of a trustee is within the discretion of the Chair and the beneficiaries. A trustee can be removed for habitual drunkenness, dishonesty, incompetence in handling trust property, violation of trust privacy, the dissipation of the trust estate or any other violation of the indenture or Board directives. Mere friction or incompatibility between the trustee and the beneficiary is insufficient, however, to justify removal unless it endangers the trust property or makes the accomplishment of the trust impossible.

Beneficiary: *Every trust must have a designated beneficiary or one so described that his identity can be learned when the trust is created or as in this case of a pure trust organization, within the time limit of the legal Rule against Perpetuities, which is usually measured by the life of a person alive or conceived at the time the trust is created plus 21 years and in privacy at the Board's discretion.*

A person or corporation legally capable of taking and holding legal title to property can be a beneficiary of a trust. Partnerships and

unincorporated associations can also be beneficiaries. Unless restricted by law, aliens can also be beneficiaries.

A class of persons can be named the beneficiary of a trust as long as the class is definite or definitely ascertainable. If property is left in trust for "my children," the class is definite and the trust is valid. When a trust is designated "for my family," the validity of the trust depends on whether the court construes the term to mean immediate family—in which case the class is definite—or all relations. If the latter is meant, the trust will fail because the class is indefinite.

When an ascertainable class exists, a settlor may grant the trustee the right to select beneficiaries from that class. However, a trust created for the benefit of any person selected by the trustee is not enforceable.

If the settlor's designation of an individual beneficiary or a class of beneficiaries is so vague or indefinite that the individual or group cannot be determined with reasonable clarity, the trust will fail.

The beneficiaries of a legal trust hold their equitable interest as tenants in common unless the trust instrument provides that they shall hold as joint tenants. For example, three beneficiaries each own an undivided one-third of the equitable title in the trust property. If they take as tenants in common, upon their deaths their heirs will inherit their proportionate shares. If, however, the settlor specified in the trust document that they are to take as joint tenants, then upon the death of one, the two beneficiaries will divide his share. Upon the death of one of the remaining two, the lone survivor will enjoy the complete benefits of the trust. Remember these are purely legal considerations, transfers may be properly planed anticipated and exchanged absent legal consequences to any event.

Attorneys want you to believe that State statutes and court decisions govern the law of trusts. However, the Constitution is a trust deed we the people are the grantors/settlors as well as the beneficiaries. The government acting through elected and appointed officials are the trustees. Under this instrument, the people have the right to contract in whatever manner so chosen including to be protected by trustees. The law of the land where the property is located determines the validity of a trust and the supreme law of the land is the constitution.

For example, If one decides to transfer land into a trust, there are multiple ways to accomplish this. The ultimate protection would be to perfect chain of title preferably to a land patent. This accomplishes the goals outlined above

then we follow the contractual methodologies outlined under the section on pure trusts. We have adapted the methods by studying what the smartest legal minds on the planet, attorneys employed by banks, have implemented to manage the bank's assets and hold legal title.

To achieve the banks intention to pass title they create fictitious legal entities like an LLC or corporation sometimes referred to as a "special purpose vehicle" to transfer legal title to an asset in the form of a certificate of title, they then utilize a pass-through entity like a "pure trust organization" to hold legal title absent beneficial oversight; while passing beneficial interest through to the master trust in the form of liens. This works especially well when your businesses are already operating under a corporation form. Any asset can be purchased or transferred from the LLC or even from the name of a trustee. A pure trust holds legal title or is created to pass the legal title into another trust. (NOTE: Even given all the fraud perpetrated by the banks over the past 2 decades, these trusts have remained virtually impenetrable with few bankers facing any legal consequences for their behavior.)
Now, let's take a closer look at these types of trusts.

Creation of a Private Express Trusts

To create an express trust, the settlor must own or have Power of Attorney over the property that is to become the trust property or must have the power to create such property. The settlor must be legally competent to create a trust.

A trust cannot be created for an illegal purpose, such as to defraud creditors or to deprive a spouse of her rightful elective share. The purpose of a trust is considered illegal when it is aimed at accomplishing objectives contrary to public policy. For example, a trust provision that encourages divorce, prevents a marriage, or violates the rule against perpetuities generally will not be enforced.

If the illegal provision pertains to the whole trust, the trust fails in its entirety. If, however, it does not, that portion of the trust considered illegal will fail. Remember this all relates to courts of law we will never succumb to this jurisdiction by always remaining private and never causing harm to my neighbor or her property.

It is best that the trust be created by an express declaration of trust or indenture. A transfer in trust must be made either during a settlor's lifetime or under her will or as an exercise of the power of appointment or as designated in indenture or contractual

arrangement. (This would be done by statute if this were a legal trust.) The method used for creating the trust depends on the relationship of the settlor to the property interest that is to constitute the trust property. It is important to remember that although these are all legal considerations, is good practice in how to defend your trust. it is imperative as you read this that you begin to identify and to understand the distinctions between legal and equitable terms.

Declaration of Trust: *A trust is created by a declaration of trust or indenture when the owner of property announces that she/he intends that the legal title to the property be held by a trustee for the benefit of another. An oral declaration is usually sufficient to transfer equitable title to personal property, but a written declaration is usually required and recommended with respect to real property.*

Trust Transfers: *A trust is created when property is transferred in trust to a trustee for the benefit of another or even for the benefit of the settlor. Legal title passes to the trustee, and the beneficiary receives equitable title in the property. The settlor has no remaining interest in the property. If a transfer in trust can be executed by a deed or some other arrangement during the settlor's lifetime. This is known as an inter vivos trust or living trust.*

Powers of Appointment: *A power of appointment is the right that one person as beneficiary, "appoints" or selects individual(s), the appointees, who should benefit from the grantor's will, deed, or trust. A person holding a general power of appointment can create a trust according to the declared direction by appointing a person as trustee to hold the trust property for anyone, including herself or her estate. If that person holds a special power of appointment, she cannot appoint herself.*

Contract Trusts: *Can be created by various types of contractual arrangements. For example, a person can take out a life insurance policy on his own life and pay the premiums on the policy. The insurer, in return, promises to pay the proceeds of the policy to an individual who is to act as a trustee for an individual named by the insured. The trustee is given the duty to support the beneficiary of this trust from the proceeds during the beneficiary's life. The insured as settlor creates a trust by entering into a contract with the insurance company in favor of a trustee. The trust, called an insurance trust, is created when the insurance company issues its policy.*

Protection of Beneficiary's Interest from Creditors

Various trust devices have been developed to protect a beneficiary's interest from creditors. Placing liens upon pure trust assets with a private express trust is the Constitutional protection intended for us by our founders. In contrast, the most common legal by characteristic trusts are spendthrift trusts, discretionary trusts, and support trusts. Such devices safeguard the trust property while the trustee retains it. Once funds have been paid to the beneficiary, however, any attempt at imposing restraint on the transferability of his interest is invalid. This is legally significant and when creating our constitutional trusts as these issues must be considered. Here is an example:

A Spendthrift Trust is one in which, because of either a direction of the settlor or statute, the beneficiary is unable to transfer his right to future payments of income or capital, and creditors are unable to obtain the beneficiary's interest in future distributions from the trust for the payment of debts. Such trusts are ordinarily created with the aim of providing a fund for the maintenance of another, known as the spendthrift, while at the same time protecting the trust against the beneficiary's shortsightedness, extravagance, and inability to manage his financial affairs. Such trusts do not restrict creditors' rights to the property after the beneficiary receives it, but the creditors cannot compel the trustee to pay them directly.

The majority of states authorize spendthrift trusts. Those that do not will void such provisions so that the beneficiary can transfer his rights and creditors can reach the right to future income. This is an example of a legal trust, subject to the whims of the legislature. There are dozens of legal forms of trusts. Like the law you have an election: chose complexity and uncertainty of relying upon the legislative whim powered by banking resources or the constitution for the substance of your trust.

Management of a Trust

The terms of a trust indenture creates a trust whether written or oral and sets specific powers or duties that the trustee has in administering the trust property. These express powers, which are unequivocal and directly granted to the trustee, frequently consist

of the power to sell the original trust property, invest the proceeds of any property sold, and collect the income of the trust property and pay it to the beneficiaries. The trustee also has implied powers that the settlor is deemed to have intended because they are necessary to fulfill the purposes of the trust.

A settlor can order the trustee to perform a certain act during the administration of the trust, such as selling trust realty as soon as possible and investing the proceeds in bonds. This power to sell is a mandatory or an imperative power. If the trustee fails to execute this power, he has committed a breach of trust. The beneficiary can obtain a court order compelling the trustee to perform the act, or the court can order the trustee to pay damages for delaying or failing to use the power. The court can also remove the trustee and appoint one who will exercise the power.

Courts usually will not set aside the decision of a trustee as long as the trustee made the decision in good faith after considering the settlor's intended purpose of the trust and the circumstances of the beneficiaries. A court will not tell a trustee how to exercise his discretionary powers. It will only direct the trustee to use his own judgment. If, however, the trustee refuses to do so or does so in bad faith or arbitrarily, a beneficiary can seek court intervention.

A trustee as a fiduciary, must administer the trust with the skill and prudence that any reasonable and careful person would use in conducting her own financial affairs. The trustee's actions must conform to the trust purposes. Failure to act in this manner will render a trustee liable for breach of trust, regardless of whether she acted in good faith.

A trustee must be loyal to the beneficiaries, administering the trust solely for their benefit and to the exclusion of any considerations of personal profit or advantage. A trustee would violate her fiduciary duty and demonstrate a conflict of interest if, for example, she sold trust property to herself.

A trustee has the duty to defend the trust and the interests of the beneficiaries against all claims. If the claim is valid, however, and it would be useless to defend against such a challenge, the trustee should accede to the claim to avoid any unnecessary waste of property.

Trust property must be designated as such and segregated from a trustee's individual property and from property the trustee might

hold in trust for others. This requirement enables a trustee to properly maintain the property and allows the beneficiary to easily trace it in the event of the trustee's, incompetence, death or insolvency.

Generally, a trustee is directed to collect and distribute income and has the duty to invest the trust property in income-producing assets as soon as is reasonable. The settlor's directions in the trust document, court orders, the consent of the beneficiaries, or statute control this duty of investment. Some states have statutes that list various types of investments that a trustee may or must make. Such laws are known as legal list statutes and provide another excellent reason for the trust to remain private.

One of the principal duties of a trustee is to make payments of income and distribute the trust principal according to the terms of the trust, unless otherwise directed by a beneficiary or the court. Unless a settlor expressly reserves such power when creating the trust, she cannot modify its payment provisions. In addition, the trustee cannot alter the terms of payment without obtaining approval of all the beneficiaries. Courts are empowered to permit the trustee to deviate from the trust terms with respect to the time and the form of payment, but the relative size of the beneficiaries' interests cannot be changed.

I hope that after reviewing these legal examples that see for yourself that the Court not you are running your legal trust. With your own eyes you see the superiority of keeping your trust private. Let continue to see how rather than becoming more free your entire estate is headed for a train wreck.

Revocation or Modification of a Trust

The creation of a trust is actually a conveyance of the settlor's property, usually as a gift. A trust cannot be canceled or set aside at the option of the settlor should the settlor change his mind or become dissatisfied with the trust, unless the trust instrument so provides. If the settlor reserves the power to revoke or modify only in a particular manner, he can do so only in that manner. Otherwise, the revocation or modification can be accomplished in any manner that sufficiently demonstrates the settlor's intention to revoke or modify.

Termination of a Trust

> The period of time for which a pure trust organization is to operate is usually expressed in the trust instrument. A settlor can state that the trust shall last until the beneficiary reaches a particular age or until the beneficiary marries. When this period expires, the trust ends.
>
> When the duration of a trust is not expressly fixed, the basic rule is that a trust will last no longer than necessary for the accomplishment of its purpose. A trust to educate a person's grandchildren would terminate when their education is completed. A trust also concludes when its purposes become impossible or illegal.
>
> When all the beneficiaries and the settlor join in applying to the court to have the trust terminated, it will be ended even though the purposes that the settlor originally contemplated have not been accomplished. If the settlor does not join in the action, and if one or more of the purposes of the trust can still be attained by continuing the trust, the majority of U.S. courts refuse to grant a decree of termination. Testamentary trusts cannot be terminated.

If you currently have a legal trust you can now witness with your own eyes how you have given your power away. You need an expert to create, implement, interpret and litigate. Why when you now have an alternative would you keep placing your finger in the light socket?

I understand the information presented throughout this manual can feel complicated, but I hope you have found it useful, for you now hold in your hands a roadmap to your personal freedom. I would be very disappointed that you have invested this much time in you and now you fail to fulfill your destiny. This manual provides the starting point and the destination, you must determine what route to take in between. Like a road trip, what you desire to experience along the way exists first in your mind and is often expressed by what you are experiencing in each moment. When I began this journey, I visualized what my life would look and feel like when I was a sovereign living on my land. I first imagined how good it would feel to extinguish government intervention in my private affairs. Then I expressed those feelings in every communication with the government. All founded upon authority, guided by maxim, and grounded in equitable principles.

Individualizing Your Journey to becoming a Trustee

A few practical examples as to why the journey is different for each person. Most of us at one time or another and without consideration, have signed a contract with the word "borrower" appearing next to our name. Within this context, the term "borrower" is a legal definition that most likely varies from our common understanding of the term – a definition we are not familiar with and binds us to a contract in ways we do not fully understand.

Here are a few more examples: You used your social security number, EIN, or driver's license number to contract, do you understand how this impacts opening a bank account? Are you aware of the contractual obligations and duties you have agreed to by signing those documents? You must realize that these are contracts based upon other contracts, thus contractually binding you in ways not readily apparent nor legally explained. Many of us have, at one time or another, asked an attorney to review a documents or loan agreement for us and invariably, the attorney will always advise you to just sign with few changes because everyone must sign. Of course, your attorney has a duty to you as a client, yet first and foremost she/he is an officer of the court and a member of a bar association designed to keep this litigation mechanism in place. Which brings in the question, how many contracts does your attorney have that may impact the contract he has with you as a client? By the way, what is the definition of power of attorney? Even though you may think you have representation, in my opinion, you really should require representation to protect you from the contract you are signing with an attorney.

Even with these few examples, it becomes clear the importance of understanding the contracts you are bound to through your agreement whether voluntarily or otherwise. Therefor your second homework assignment is to identify and enumerate the contracts involved in these examples and others through out your life.

Now you see why it is a map and not a blueprint. Together we will master the ability to turn these contracts into trust *res.* Each of us has made choices and entered into agreements and contracts under circumstance unique to your life. Therefore, comprehending then implementing the principles are the key to any legal or lawful situation; know that the principles provides universal relief. Practice will build confidence, just remember, if you were smart enough to enter a contract then with this new knowledge you become competent to extinguish that contract. This of course is an oversimplification, you will experience that the folks who hold power over you seldom return it from the goodness of their heart. You are disrupting an

entire industry. No one said it would be easy and there are no silver bullets. This is challenging work that requires dedication and considerable levels of trust. We cannot win these battles from a mind set or vibration of anger, hatred, blame, shame, guilt and belligerence. We must do this from a place of intention, courage, strength, forgiveness, compassion and love. If you are not in this higher vibrational space, come back when you've done your inner work, following this map requires complete integrity. This material will be ready for you when you are ready for it.

Chapter 5

Declaring Our Freedom and Independence

"If we American people ever allow monopoly banking to control the issue of currency, first by inflation and then by deflation, these banks and bureaucracies that will grow up around them will deprive we, the people of all our property until our children will wake up homeless on the continent which God gave us for stewardship."

-Thomas Jefferson

The path forward to reclaim our shared American Dream and the equity that has been stolen from us is grounded in our founding documents. Throughout this manual, I have attempted to demonstrate the importance of these documents in holding the key to reform our union. These documents are sacred and we now have the opportunity to honor that sacredness, unlike we have before. They were created to provide a blueprint to navigate the current legal system so that our beautiful nation can reach her full potential through each of us performing our unique role in perfecting our union. These documents now hold more power than originally understood. Many have wondered where our founding fathers "hid" the code to a personal life of liberty and the pursuit of happiness. We know our forefathers belonged to many secret organizations, such as the free Masons. These organizations guarded much of the ancient wisdom passed down through the millennium. It is only logical that our forefathers left us clues to follow when we were ready to discover the keys to a true self-governing society. Ask yourself, where would these most brilliant men of all time hide the key to the future of this country? Just like the great masters, right in the most obvious place …right in front of our very eyes.

As we well know, these were not ordinary men with ordinary information. These brilliant minds gathered together to create the greatest nation on earth. They designed a document with the greatest potential to bring peace and happiness to the greatest number of people in this country. Yet, these brilliant leaders knew the average American in 1776 was not ready to embrace a plan for a purpose filled life. Survival was top of mind and action. The American Dream was for their posterity as a life lived in complete and total freedom with the pursuit of personal happiness being their prime endeavor. In fact, for most people during those times daily life was quite difficult, and many people struggled simply to survive.

It has only been within the last few decades that the majority our country could feel that their basic survival needs of clothing, shelter and food were taken care of and we are deeply blessed to live in these times. "We the People" are now collectively ready to evolve to a level where everyone in our union has their basic needs met so that together we may manifest the Dream of pursuing happiness imagined by our founders.

What an amazing time to be alive! So many opportunities exist for us to align our dream with the vision of our forefathers. Clearly this is new territory for most of us. For hundreds of thousands of years our ancestors have invested most of their energy into the basic survival needs of themselves and the community. Our forefathers foresaw this current time and they anticipated that vigilance in following these principles would allow each of us to pursue happiness. It is upon their wisdom, their foresight and their deep commitment to our union, that we now have the opportunity and indeed the obligation to examine the following questions: Now that my basic needs are meet... what brings meaning to my life? What gives my life purpose? What makes me happy? How can I best pursue happiness and freedom while contributing to this union and the future of my family?

It does not seem logical that the most brilliant minds in history, those who set forth the marvelous principles of independence, would fail to plan for this inevitable time in our history. They knew in 1776 the people were not ready for complete self-governance. Where would they hide a plan until we were ready for that freedom? Here's a clue as to what their vision of freedom in future would look like - they envisioned heaven on earth where… "All men are created equal, that they are endowed by their Creator with certain unalienable rights… LIFE, LIBERTY and the Pursuit of HAPPINESS"

From my current perspective and to most of those who I know, America in 2019 does not appear to be Heaven on Earth, at least on the surface. With all the talk of new world order and exponential global climate changes, we need leadership and guidance more than ever. Is it not likely that these incredible minds knew that there would be a transitory time in our not-too-distant future? Is it not likely that these brilliant individuals left us clues to decipher when we were ready to get back on track?

Well this is our time. Our time to discover the clues left behind in order that the people may create a new map for our new vision of America based upon universal principles and values. Our forefathers anticipated this very situation that we are facing right now. Our republic and our very freedoms are being threatened our very survival as a species is in jeopardy.

The American Dream, our dream, is deeply woven into our individuality and the fabric of our nation. This is important to remember – we are

reclaiming that which is rightfully ours. Currently, we are facing many challenging and difficult situations - our economic situation appears fragile at best, our foreign relations are strained on all levels. Our once great status as a beacon of hope and prosperity is flickering dim and we are losing the once deserved respect of the world. Clearly, what we are currently experiencing in this once great land is much more than a financial recession; it is actually a moral depression.

In a country that has more natural and economic resources than any other, we seem to be focusing most our efforts on things that we do not have as well all the things that appear negative or wrong. In this current scarcity mentality, our fear of the future prevents us from enjoying where we are at right now, in this present moment. The current situation is fueled by blame, anger and frustration over the past, and the consistent search for a responsible party to blame. We continue to elect individuals into political offices to lead us, to inspire hope, and collective unity, yet, these expectations are rarely met. We insist on better leadership, yet we do not make the same demands on ourselves. We are angry with our government for getting us in the situation. We feel powerless to do anything about it. We fear for our safety, so we allow our morally bankrupt government to continually fund wars that have no end. Through this fear we support the daily erosion of the very freedom we say is our legacy. We must stop looking for someone to save us.

Whatever happened to our most cherished rights of we the people to life, liberty and the pursuit of happiness?

Did our forefathers not risk everything they had to fight for the ideals of life liberty and happiness? Have we as a nation become so complacent, as to sit back and do nothing as this very foundation is being eroded out from underneath us? The more I think about the state of our union, the more I realized that while the specifics, may have changed, the circumstances that prevailed in 1776 are quite similar to those we are experiencing today. During that time, there was a growing concern and overall feeling that our precious freedoms were being taken away. There was a "consistent invasion on the rights of the people". There was "concern for the increasing military presence". It seemed as though "this military presence was independent and superior to civil power". There was "a myriad of new laws and swarms of new officers put in place to harass our people". "Judges have become dependent upon the will of government which obstruct(s) the administration of justice". "There were dangers of invasion from without and conversions from within". The government was imposing taxes on us without consent. Under Crown Rule, the government has "ravaged our coast, burned our towns, and destroyed the lives of our people". The government was "transporting large armies of foreign mercenaries to complete the works of

death, desolation, and tyranny already begun with circumstances of cruelty and profanity scarcely paralleled in most barbaric age and totally unworthy of the head of a civilized nation". They were being "taxed without representation" and they had no say on how those taxes were being spent.

All of these words in quotations above are derived from the original declaration of independence. When I recently reread this document, it felt as though I was reading it for the first time. These words are timeless, echoing through time to shine light on the very circumstances we are facing in our country today. Was I reading this correctly? Did our founding fathers foresee that history would indeed repeat itself? After all, the essence of these words could be found in any modern-day newspaper or from CNN headlines ABC/ CBS news. Yet, they are not, they are from a document that is 243 years old and there is more… Our forefathers tried to work within the system to resolve the circumstances and at every stage, they attempted to free the people. Our forefathers formally petitioned the government to change and they tried to bring all of this information to the attention of their fellow citizens, they warned the government and, yet, to no avail.

Our forefathers finally chose to take action; they unanimously declared their independence from the government that no longer served them. They mutually pledged their lives and fortunes and "sacred honor" to totally dissolve their allegiance to that government. They declared themselves free and independent states. On that day, after years of civil discourse, 56 men placed their signatures and their lives on the line to guarantee our unalienable rights of life liberty and the pursuit of happiness. 56 men changed the course of each our lives, of our communities, of our nation, and yes, of the world.

These words echo the sentiment of everyone reading this, understanding they were hesitant to take action, hoping that their requests would be honored this from this Declaration: "Governments long established should not be changed for light and transitory cause". Yet they declared, "when a long train of abuses and usurpations were designed to reduce them under absolute despotism…it was not only their right yet they considered it their duty to throw off such government and to provide new guard for their future security".

I am not suggesting that this is the hour when we the people should join together to throw out our existing form of government. I am suggesting that this is the time we the people warn this government to cease and desist from trampling on our rights. I believe this new freedom will be not be won in battle, but rather in the conscious uniting of we the people. For a government absent people to govern is no longer a government.

The sweeping change that is being demanded by the vast majority of the population of our country must begin in earnest. Many fear that dark forces will attempt to prevent this change and this is true, yet inconsequential compared to what the founders faced. We must prepare as a nation for the force to be used against us in order to create and design the implementation of a renewed declaration of independence.

As we now begin to further understand the clues that our forefathers left to us, they have provided us a blueprint for anyone with the eyes to see. This blueprint contains our duties that can be implemented into our daily lives immediately. In other words, each and every one of us must do our part to assure "life, liberty and the pursuit of happiness" for ourselves individually, then for our country. As an individual member of this great community, it is important that you understand that you need to first secure your own life. Only you can decide what you need to fill your role in the collective pursuit of happiness. Individual cells of your body must agree upon strategy for mutual survival, likewise each individual must work as a cooperative cell of the whole union. We must become a nation of individual citizens functioning in our highest potential while uniting our collective consciousness to reflect the evolution of our society aligning traits as one cohesive unit, historically stated as "one nation under God indivisible with liberty and justice for all".

So, let us examine closely the words contained within our Declaration of Independence and the intention behind those words, as revealed by our forefathers. The importance of this document is embedded in that it was the first step in our evolutionary process of freedom. It was a necessary instrument to guide us to the very point we find ourselves in this moment. It will take an equally brilliant evolutionary process and a substantial shift in the way we interact with one another and ourselves, for Americans to achieve the next vision of a community and nation living together in peace and harmony. The question becomes, “what are you as an individual cell of the collective ready to do in order to bring this vision into existence or more importantly, what are you willing to do right now?”

At this point in our collective history we are close to achieving this wonderful vision of the American Dream: a life well lived with honesty and dignity for all, a time and a means for all individuals to embrace the future in their own unique way and a time to find happiness for themselves, their friends and their family. Hope, freedom, peace, a shining beacon of light for the entire planet to see. Let us look closely at what the brilliant architects of this vision had to say about the future we find ourselves in now.

Upon emerging from the room where the Declaration of Independence was signed Benjamin Franklin was asked: "What kind of government have you

given us?" He replied: "A republic, if you can keep it". Thus, our country was founded upon principles that would only survive as long as we the people were willing to do our prescribed part in supporting those principles. Mr. Franklin wisely added that it was not what the government had created that was best, but rather "what is best for people is what they do for themselves". James Monroe added, "it was wise, manly and patriotic for us to establish a free government, it is equally wise to attain to the necessary means of its preservation". It is not as important what the government does to support these principles and it is what we people do to support the principles upon which the government has been based. James Madison added in his wisdom, "there are more instances of abridgment of the freedom of the people by gradual and silent encroachment of those in power than by violent and sudden usurpations".

Our forefathers were aware that unless we the people were diligent in our defense and support of our founding principles, those in power would increasingly encroach, erode and eventually override our founding principles. This is the exact situation in which we find ourselves today. Our forefathers warned us of this very situation, they told us we had an obligation that collectively needed to be fulfilled. It is time to realize we are not victims of unscrupulous politicians or a diabolical government. We have allowed this situation to occur, and we have not remained vigilant. We now see the inevitable results of our failure to accept individual responsibility for roles as members of this great community. However, we now have a choice to either accept this responsibility and take action, or accept the continued erosion of our principles and hijacking of our American Dream.

Thomas Jefferson provides us with more context, "my reading of history convinces me that bad government results from too much government". He was well aware that the government they were creating was the best the world has seen to date yet was imperative also that the people remain active to limit its roles. We must participate in the governing process, this does not just mean voting every couple of years, the governing process is a daily activity, one in which we must take part. Mr. Jefferson along with most of his fellow founding members, seem to have believed that the best form a government was self-government. Yet realistically, the people of 1776 were not ready for self-government, likewise many Americans today are not ready either, however, there are millions more like you and I who are ready. "The qualifications of self-government in society are not innate. They are the result of habit and long training". In other words, the qualifications to self-govern, do not occur absent dedicated effort. Mr. Jefferson was advising us it would require steadfast training in order to develop the habits required to govern ourselves collectively until our society was prepared to reach its highest potential.

Through the history of this great nation we have had some amazing leaders who warned us not to allow government to engage in activities that are really required of each of us individually. Abraham Lincoln summarizes our current situation; "it has long been a grave question whether any government not too strong for the liberties of its people, can be strong enough to maintain its existence in great emergencies". **[Reference]** Well folks, it does not take a genius to see that we are in a state of great emergency on many levels. Our current government's response has been to further erode our individual liberties and we have silently sat back and allow them to do it. Henry David Thoreau states this well when he stated, "there will never be a free and enlightened state until the state comes to recognize the individual as a higher independent power, from which all its own power and authority are derived and treats him accordingly". **[Reference]**

Collectively, we the people are finally ready to take responsible action. Everything has aligned to this moment, the time is now or never to take this step into your power of self-governance. We have seen the results of the erroneous belief that democracy is a thing set in stone. Democracy is more fluid, requiring us as a nation of individuals to be actively involved. Mr. Lincoln was willing to do whatever was necessary including giving his life to prove the following statement, "freedom is the last best hope of earth".

What are you willing to do to regain your freedom? If there were something you as an individual could do to reshape the current situation, would you do it? Would you have the courage to sign your name to a document with the potential to change every aspect of your current life as our forefathers did? Would you be willing to place everything on the line that you have worked your entire life to acquire? Do you believe enough in the importance of your personal freedom and the freedom of your friends and family to stand up to make a difference? Remember that no individual raindrop considers itself responsible for the flood, yet is critical to creating the flood that will change the landscape it overtakes. Does the task still seem too daunting? What if I told you the plan is in place, that this destiny has already been set for us for hundreds of years. What if I told you that the essence and intention of the plan has been infused into every cell of your body for 47 generations, what if I told you we collectively and as a community are awakening to this pre-agreed plan, the essence of which was prepared in 1776? Would you be willing to do your raindrop part to contribute to the flood of change that washes away fear to reveal our faith in this great nation? What is your role in the transformation of the new America?

If you are ready to make this commitment then sign this declaration presented below, if you are not, then returned to newspapers, journals and CNN headlines and the numbness of an unfulfilled life. It is time to accept

the great gifts and collective wisdom of all the teachers and guides of this great nation or to let that hope die with your inaction. I hope you have the courage to step forward and sign your name, thereby declaring your own independence.

Our forefathers in their great wisdom said "enough is enough" we can no longer sit back as our God granted rights are abolished. They made the decision it was more important to have freedom than it was to have safety. They made the ultimate commitment: "give me liberty or give me death". This is a great opportunity for each of us to decide how important freedom is to us. If I no longer have the freedom to breathe clean air, if I cannot choose to swim in clean fresh water, if I cannot protect my child from harmful vaccines, if I cannot purchase food free from pesticides, herbicides, fungicides and all forms of toxicity, then this lack of liberty is clearly giving me death.

To cling to the belief that we are powerless individuals, no longer serves us. We have been shown a way and a plan to live in a world filled with ease and abundance. I now have an obligation and collectively place that obligation upon you and our people to bring about a world in which we all want to live. I am not powerless, and I am choosing to make a difference, a choice deeply rooted in the wisdom and inspiration of our founding fathers.

Life Liberty and the Pursuit of Happiness

These words as artfully crafted by our founding fathers, hold the intention to inspire us to take responsibility for pursuing our own happiness, freedom and a more fulfilled life. The clues left behind by our forefathers are obvious - we cannot allow or count on a government to do something for us, which they have no ability to do. Each of us in our own way must live a life that allows us to pursue what makes us happy. That path when followed with integrity, will once again guide us individually and collectively to further brighten our dimming light that in the past, has shown so brightly as a beacon of hope, peace and prosperity for all life. A chance for a better life for everyone on this planet. We have an amazing opportunity before us. Let’s gather as empowered individuals.

Morgan’s Version of the Declaration of Freedom

When in the course of human events, it becomes necessary to dissolve the political ties which bind me by contract to a government that no longer serves the principles upon which this great country was founded; I assume among the powers of the earth, the separate and equal station to which the law of nature and nature's God entitle me and which impel me to thus alter

laws contrary to the constitution.

I hold these truths to be self-evident: that all people are created equal, that they are endowed by their Creator with certain unalienable rights that among these are life, liberty, privacy and the pursuit of happiness. That to secure these rights, governments are instituted among **we the people** deriving power 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 it.

I as a free and independent private orthodox American and state citizen withdraw my consent to being governed by laws that violate my unalienable rights. I hereby extinguish all adhesion contracts that bind me to the U.S. Corporation and banking system and I demand the extinguishment of all laws that provide unequal and extraordinary protections to corporations that endanger my life and contradict the constitution. I accept the power to limit government control over my family, my property, my livelihood and me. I declare my unalienable right to be self-governing and to live safe and secure in my home free from government intrusion.

Congress may not grant rights to corporations greater than the primary rights held by the people. Therefor we extinguish charters granted by Congress that allow corporations to exist while violating the supreme law of the land. These are not light or transitory causes, I refuse to lose my freedom under a long train of abuses and usurpations that were designed to reduce me to live under absolute despotism It is not only my right yet I considered it my duty to throw off such government laws and to provide new guard for my future security.

I declare the right and the duty to act as our forefathers did before us to alter this government and to redeem it from the hands of the bankers and attorneys. Government officials as trustees shall honor the rights of we the people. I submit these facts to a candidate world and I cannot pursue my personal happiness when the government allows banks to create money out of nothing. I declare the Fed Charter and charters of criminal organizations are hereby extinguished and the printing of fiat currency ended. I declare an end to the current assault on my personal liberties. I declare a return of those liberties taken from me in violation of our constitutional rights. I demand my right to redeem in equity. I demand the return of the gold stolen from our great nation. I demand that my government acknowledge the unity of all life and establish policies that respect the dignity and oneness of all life. I demand to live in a healthy supportive environment that adds life to my life and the lives of all beings.

I herby sign my name and pledge my life, my liberty and sacred honor to

protect the constitution for the united States of America.

Chapter 6

Enlightenment, Spirituality and Freedom

Although, all men are born free, slavery has been the general lot of the human race. Ignorant--they have been cheated; asleep--they have been surprised; divided--the yoke has been forced upon them. But what is the

lesson? ...the people ought to be enlightened, to be awakened, to be united, that after establishing a government they should watch over it....It is universally admitted that a well-instructed people alone can be permanently free.

-**James Madison**

Imagine what your life would be like right now if your family's future was 100% safe and secured by unlimited resources living in abundance for all. Would it be comforting to know that the next 7 generations of your family would be able to live in a comfortable home, have plenty of nutritional food on the table, drink safe water and never have to worry about having their freedom taken away unjustly? By now, I hope you comprehend that there is an inverse relationship between debt and freedom. The more debt the less freedom; thus ridding you and your family of debt is the single most important thing you can do to guarantee that your family will always be able to pursue happiness while living a life of meaning, secure and free from fear. Once you understand why you need to do this, the how to do it will appear.

While I think the one thing most Americans agree upon is that our country is in serious trouble, I recognize this may not be the case for everyone. Currently, there is a considerable lack of consensus on how to define the crisis let alone solve the crisis. At this point in your journey with this manual, you probably recognize that this guide provides conscious individuals with a single solution that we can focus on together. Success does not require everyone to be on board. The intention is to provide conscious individuals with the inspiration and methodology to make the necessary changes first within us then for our families, and as we reach a critical mass of individuals, then within our communities and ultimately within our nation.

In the presence of such light, darkness is not

This manual presents a solution and grassroots opportunity to reclaim our American Dream and ultimately our freedom; we must redeem our constitution and then demand the return of the resources the banks have stolen from us. In the presence of such light, darkness is not. I do not claim to possess all the procedures or answers; however, I am positive that our founding documents do and this is a once in lifetime perfect storm moment that together we shall change history.

This is the reason I am open sourcing all of my court records and research. I intend to inspire a new generation of competent, self-representing individuals, capable of litigation if necessary. I intend to

inspire awakened individuals ready to disrupt the current legal system. This legal monopoly has plagued our lives long enough. The most expensive lessons and losses to my health and wealth have occurred when I depended upon attorneys. When I finally learned to represent my own interests, the bullying stopped and the negotiation commenced. It is time for you to step into this power; the alternative is to deny the power granted to you and to continue to live under laws contrary to "the supreme law" inherited from your creator.

Each of us has a natural right granted by divine inheritance to defend our family, our freedom, our property and ourselves. Law exists to preserve these basic survival requirements in defense of life so that we need not resolve every dispute by force. The law also exists to enforce, protect and preserve these individual elements as rights that the people collectively granted to the government and are essential to the perpetuation of a just society. Until one attempts to defend these basic rights; one remains unaware that indeed our current judicial system no longer supports these basic requirements necessary for a just society. Collective rights are resultant from individual rights and are further protected by the Constitution. Just as one individual may not use force to coerce a neighbor, the collective may not force that neighbor to abide by the collective. These law exists to protect the rights of all parties; the one holding the superior equitable right prevails in a just society.

Life is a gift from God. The law is a the natural right to defend this gift with force if necessary. The creator has entrusted each of us with the responsibility to preserve and perfect this gift. As we evolve as a society, force should no longer be required to do what an individual has no natural or lawful right to do. A bank must no longer be allowed to remove a family from their home if an individual has no such power. Order will prevail among the people in thought and deed by observing the simple precept that the law may not take property from one and give it to another; the legalization of plunder creates the unconstitutional conditions we face today. There would be no dispute with our government if our labor and the fruits of our labor were protected against unjust attack and our survival and success was assured when doing no harm to our neighbor or his property.

In America our quality of life is dictated by type of labor one engages including the dedication effort and enthusiasm one invests in that labor. An entrepreneur applies natural skills to convert or add value to natural resources thereby determining the extent of one's property. By this method the vast majority of us earn our living and our property as the fruits of our pain and labor. However, throughout recorded history an unscrupulous minority was inclined to avoid the pain of labor, electing instead to plunder the property and resources of others using force. The

banking families have perfected this plunder by perverting the law so that instead of checking injustice, it has become an undeniable weapon and force for injustice. The law benefits the persons who make the laws including those lacking moral fortitude who assist the banks in legalizing plunder. No society can survive this lack of morals, principles and conversion of law. The plunder will stop when it becomes more painful and dangerous than actually contributing one's own labor to the betterment of society.

As indicated throughout this manual, the journey to implement just law can be challenging; prior to undertaking this journey, it is imperative that you know the titles you hold and you must be prepared to express those titles before any administrator, trustee, court, judge, jury or Justice in the land. My motto has always been when entering a courtroom: "*When I and my creator are one no one can stand against me"… also, no one knows my case better than I, nor can anyone represent my interest with more passion while holding a superior title*. Everyone talks about disruptive technologies, how about replacing millions of attorneys with self-representing individuals expressing equitable principals, utilizing the attorney fees to add value to their life and estate? Like Shakespeare said "The first thing we do, let's kill all the lawyers."
— William Shakespeare, Henry VI, Part 2

If you have received this message then you are here on earth at this time to make a difference; to do your part to bring about the changes that must be made. Of course the law is designed to punish illegal plunder by theft, violence etc. Conversely, the law now allows the banks to be the beneficiaries of legal plunder. Thus this manual has been written for you. If you have arrived at the conclusion that no politician, group of legislators or panel of judges is going to make the change for you, then you must realize that you hold a duty to make something remarkable happen and you are the only one that make it happen. Only you can redeem that which was taken from you by legal force of laws that takes property belonging to you and gives it to another person to whom it does not belong.

That's right, you and I are the only ones who can protect our property, guarantee our own freedom and demand the lawful return of our equity. You see our founding framers set equitable intentions and made the Constitution the supreme law of the land. The time is now for you and I to stop squandering the most valuable gift ever given to the people, our union depends upon it. I'm doing my part by providing the research and a solution to consider, yours is to digest this material and decide what part you will play.

Our founders shed their blood for our liberty; they left us a constitution

so our blood need not be shed that we can reclaim our American Dream through our elevated levels of consciousness and awareness. However, we still must dedicate our lives to protecting it as our duty and obligation. I have made this election, following the example set by the framers. I pledge my life, my liberty and my sacred honor to uphold and protect this Constitution for the united States of America. God bless this great union in this very dark time. May our nation once again shine brightly and may our union provide hope to foreclose on the banking version of the Dream so we may redeem a new collective vision planted in the fertile soil of love for our God, neighbor and country.

Finding Our Bearing

The UNITED STATES is sinking like a ship lost at sea without a compass. The urgent problem is that the ship has taken on a growing cargo of debt that is destroying the ship. We can continue to waste time hoping to bailout the ship or we can use the blue prints provided by our constitution to create a united States of America grounded in the spirit of our Constitution and the Declaration of Independence that promotes the general welfare of our nation, by insuring domestic tranquility and reestablishing justice for all as outlined in the preamble to the Constitution.

As way of analogy, this manual has been designed to assist you in building a life raft for your family and then an ark for your community. The intention is to inspire leaders who will safely guide us back to the land of the free and the home of the brave. The UNITED STATES is under water; not just morally bankrupt yet actually being operated by foreign interests in the form of a bankruptcy using a fiat currency that can never eliminate the debt.

Our families and communities cannot thrive under current conditions. We must abandon the shipload of debt that is pulling the people down with it and we must become grounded once again on this land free from debt. The future belongs to those brave souls ready to embrace a new way of being and living. The great news is you can protect your own home, and then connect this standing to others doing the same. The goal being to safely ground our reality upon the land. We do not need to delay until a new ship is fully constructed. This land is our land!

Additionally, the captains responsible for our navigation as a nation appear to be using a different polestar than the rest of us. We the people seek truth, peace, abundance, equality, justice, forgiveness, compassion, redemption and love. Our leaders focus on financial wealth and economic growth with the use of force for compliance with laws. The cost in terms of human suffering is beyond conception. The further down the economic

success ladder one goes, the greater the massive consequences this imbalance has on one's life and freedom. The people have been trained to think that money increases the right to live freely and enjoy liberty. Therefore, the less money one has, the more vulnerable one becomes. In this way, the people have also accepted money as the polestar guiding our sinking ship.

I invite those of you who are aware of your unique genius to embrace it and to express it now in service to our union. I love America, I love my home state, I love my community and I love my family and tribe. It is with a deep sense of sorrow that I look out and witness our national condition. What do we need to do to correct our course? What is my role in this endeavor?

Organize to lift the spirits of everyone by sharing your special gifts in true love and openness. Every village, town and city needs loving leadership to embrace change as never before in human history. Join us to know the truth of our history and origins while sharing the loving intention of union.

The Compass for the Manifestation of the American Dream

As a result of redeeming lawful money backed by substance created out of nothing by our creator; there will be a worldwide reset of our financial system, and relief from the trauma of moral bankruptcy. Additionally, our energy and food production, our media, and the whole structure of society in general will be upgraded. Clean technologies, which have been previously suppressed by government regulations and big corporations, will be released for entrepreneurial development. The natural abundance of this nation will be distributed for the benefit of all the people our eco-systems will be cleaned, and its inhabitants safe, healthy and liberated.

The greatest entrepreneurial boom in the history of the world will occur when the playing field is leveled and small companies are allowed to compete freely and equally against the Wall Street banking criminals and their friends who add nothing of value to the economy. It is past time they are thrown out of our nation once and for all. I am confident that entrepreneurs can outcompete criminal corporations in attracting investment funds and creating wealth for their clients.

At the beginning of this manual, I shared some of my story and would like to bring us back to some of my experiences. In 2014, I made one of the

most difficult decisions of my life, I decided that I could not participate in this banking fraud any longer. I had to use my resources to protect my home and our union. If my taxes continue to fund division, wars and killing, I no longer consent. If my neighbors were being abused by this money system, I could no longer look the other way. I had a duty to do my part to perfect our union; my part is to transform our legal system then the nature of money so that all life is supported by a fair and just financial system. For me this required first ridding myself from personal debts then admitting that I have made a lot of money by knowingly participating in this system while my brothers and sisters were suffering so I could live the banking version of the American Dream.

Learning about money has been a very humbling experience for me. Since I held an undergraduate degree in finance and a master's degree in business (MBA), I thought I understood the economy and how it functioned; I became a self-taught expert on "making money" as opposed to creating wealth. My education assisted me in gathering enough money to comfortably retire. For over 45 years real estate has been my safest and most reliable investment. In 2006 I arrogantly considered myself an expert in real estate investment. I owned a 90-acre resort that accommodated hundreds of visitors each week. It was situated on a wild and scenic river adjacent to the Trinity Alps Wilderness Area in Northern California. My 5,000 square foot custom cedar home sat in the middle of the original homestead ranch on 190 acres, surrounded by 550,000 acres of wilderness. My horses would winter pasture on my 144-acre Oak Creek ranch east of Redding, California and my days off were spent at my beach house on the North coast of California. I owned it all with virtually no debt. Sound like I'm bragging? I am, isn't that what we're supposed to do when living the banking version of the American Dream, right? Small town boy from humble beginnings in Montana makes good.

Then enter our American legal system and lawsuits on top of a couple of divorces and I learned quickly that you can lose everything in a heartbeat…ashes to ashes, dust-to-dust, humble beginnings to humble beginnings. I share this personal story from a very humble place, because I failed to understand the legal system and how money really functioned, I have lost it all and recovered many times in my career, that's what entrepreneurs do. Entrepreneurs are great at making money we are often terrible at keeping it. My business is now focused upon wealth building. Once I understood the nature of money, I understood that the system was created to steal all of my property and assets. I had no idea how powerful a bank was until I decided to sue one for providing fraudulent payoff information.

My reason for quickly taking the offensive was a combination of my

understanding of Sun Tzu and my Butte Montana bully training. I struck first appearing strong when I was really weak in order to require the bank to justify sending me vastly differing payoff amounts remaining on the loan balance, and to explain how different banks held title to the same loan with different account numbers. In fact, I had never heard of the banks before receiving their request for payoff. For me, suing the banks seemed like a smart business move, after all, they had breeched our agreement, I thought I had the upper hand because the contract required me to protect title to the property from all claims. Two banks claiming to hold my loan seemed like a title issue to me, I was contractually bound to figure this out before I finally paid the loan off.

Let's go back to the beginning in 2006. My education about banking was not just in books; my variety of entrepreneurial businesses provided me with practical experiences and first-hand knowledge dealing with banks for over 40 years. I understood the perks of working long term with a banker who understood and supported my business. I thought all banks and bankers were like my banker of 20 years, Bill Brobst of Humboldt Bank. Bill would drive out to my resort as a service to pick up my deposits if I was too busy to come into town. I loved being able to call him on the phone and receive personal attention to any need. Although my business was a big fish in a small pond, I thought that was the way all banking relationships were intended to be. I had a great relationship with my banker; he was my friend and confidante, who I trusted knowing the inner workings of my business. I considered him a board member along with my attorney and my accountant both of 30 years. I trusted these guys implicitly, however, because of our "friendship", I lived for over 30 years with my head buried in the sand. I trusted the experts to know more about the effects of law and taxation on my business and me than I did. The events of 2007 and 2008 changed the nature of banking forever and simultaneously opened my eyes to the reality of the U.S. economy and the true nature of these criminal organizations.

In 2007, I purchased a home and land in Arizona. Of course I trusted the integrity of the local real estate industry to guide me to the perfect location to build another resort. I contracted for loans of 50% of the value of the property, knowing my businesses would more than carry the debt load. Over the next 7 years I built my business and my relationship with a local bank and banker. I was not aware that the "local" bank was actually owned by one of the top 20 banks in the U.S. I also did not comprehend the difference between a locally owned and operated bank like Humboldt Bank and a major Wall Street bank.

2014 was the final wakeup call. This was when my real banking education began in earnest. Seven years with a perfect payment record while holding large average deposit amounts meant nothing to a Wall Street

bank. I was just another number and I was asking questions that they did not consider I had a right to have answered. You see Arizona is a non-judicial foreclosure state and rather than wasting time responding to my uncomfortable questions, the bank initiated foreclosure in State court where it was guaranteed that a judge would never question the bank's paperwork and they were certain they would win because they held legal title to my property.

The following years were a cascade of legal battles at every level of the Arizona state and federal court system. I have placed 4 actions before the Supreme Court of the United States (search the docket for my name) and three cases before the Arizona Supreme Court. What I've learned about banks, banking and money is a story that needs to be shared, and you need to listen to if you are concerned about the future of your family and our once great nation. I appreciate your willingness to participate in this journey with me and other conscious, like-minded individuals.

Power versus Force- Rewriting adhesion contracts

You would not be receiving this information if you were not ready to make some sort of amazing transformation in your life! Chances are that you have been trying to transform for many years. You have had your own journey and path to follow. A turn for the better awaits you when you comprehend then implement this information into your lifestyle! With proper planning you will be able to effectively install this information to manifesting a more joyful life for yourself and those you love. My personal story of pain, bankruptcy, divorce, illness and fear will be one I know you'll be able to relate. I also know that you will learn some valuable wisdom and practical know how to avoid the same mistakes I have made. I will guide you to recreate your own personal story to reflect the life of your wildest vision in order to attain your perfect existence.

The reality is, there is a BIG community of us who are already to make an amazing transformation and no matter your life circumstances or your life story, this is your time. I mean that quite literally. And even though this is both a physical and non-physical journey, it initiates from deep inside at your very core. The saints and sages of all time have left clues that this is where we're connected to our spirit. "As Within; so Without"; Peace inside you results ultimately in peace throughout the outside world. Peace Within, Peace Without.

This is the spiritual essence we have been aware of our entire life; it is also the physical engine of our body, the center of our emotions and the seat of our unconscious mind! The Buddha taught us to control our thoughts; Jesus showed us how to live in our heart. As the alignment of your

intellectual and emotional bodies occur inside your physical body, you are transformed into a conduit for your spirit for your soul's purpose to emerge.

There have been times along our journeys when we have felt this alignment, even for a brief moment. You know it! You feel it! This alignment is a wonderful experience. Yet one of the reason it is such a difficult state to sustain is that our world today and the world 2,000 years ago are vastly different. Wouldn't you agree?

If you want to understand and deal with your current most pressing issues, 2,000-year-old practices point the way yet they are not THE way. 2,000 years ago, there were no herbicides, fungicides, pesticides, genocides, and weapons of mass destruction; all broadcast moment-by-moment into every aspect of your daily life and run by an organized cabal. So, if you experience mental problems, relationship issues, financial problems, feelings of impotence or lack of power in life, then this is where YOU must begin! At the very core of your being, deep inside. This is where the real decisions about your enjoyment of life are being made… this is where your power lies… trust your intuition.

Much has been learned by science regarding the speed and power of the unconscious mind. While the conscious mind is capable of monitoring several activities at once, the unconscious mind is interactively involved in millions of activities simultaneously. It literally monitors the flow of life through your body, making decisions on how you operate through your daily life. During these times of massive chaos and exponential change, the best way to learn to control your life is to learn to better tap into the center of your intuitive knowing… your unconscious mind as connected to the source of your life.

The more efficient and effective your unconscious mind is at optimizing your emotional, intellectual and physiological functions, the more you are able to enjoy your life. And let's be really clear, enjoyment of life is the unifying purpose of LIFE! These practices made it possible for my family and I to survive being removed from our home, having guns pointed at us yet remaining to live in trust that these actions were unconstitutional and contrary to the intentions of my creator.

This level of trust in your unconscious mind frees up the conscious mind to be less involved because all systems supporting body functions are optimized. Life is more pleasant when you are not experiencing ongoing pain, negative thoughts or health complications while being attacked on every level. Most enlightened teachers advise that these "symptoms" exist to make you aware of whom you really are. When the pain becomes to great to endure, you become willing to do whatever is necessary to end it. Pain is inevitable, suffering is not. Optimizing inner control allows YOU to

focus freely on this present moment.

Pain will Push you Until Your Passion Pulls You

Being present requires the engagement and cooperation of the unconscious mind; this is why it is so difficult to thrive under stressful circumstances. Therefore, most of us simply intellectualize that the conscious mind controls the body that controls our actions. However, being in your personal Zone of Excellence requires control over your unconscious mind as well as your conscious mind.

Tending to this relationship should perhaps be the most important ongoing activity as we undertake this journey together. So this is the most important item to take away from this manual to pay close attention to, as it is the foundation that everything else builds upon -- this LIFE Principle: *As Within; So Without.*

The fundamental reasons that we become physically ill, mentally unstable or financially depleted are the same fundamental reasons why our relationships fail and our lives feel empty. "As within; so without" this is the literal language of the "Law of Attraction". It is also the REAL SECRET behind the Secret…

The unconscious Mind is hundreds of times more powerful than the conscious mind. If you have every tried to overcome an addiction you understand what I mean. Love of money is an addiction, making a conscious commitment requires a change of physical habits. We have become addicted to debt in much the same way. So here is the Key to understanding how to unlock your own personal life Code:

> Your Mind uses your brain to process your perception of your environment into thoughts, and then words. Your Unconscious Mind processes those thoughts and words along with all the feelings they create (Emotions) into actions that manifest into the physical elements (Cells) of your body. Where these minds meet is the essence of who you are. This is the seat of your power and the place from which you create your reality. From your emotions, your thoughts create energy within you that then attract similar energies, thus, creating your reality. This is how you manifest your destiny.

Thus, the physical core of your being simultaneously houses your individuated thoughts and feeling about your life as well as the animating principal of Your LIFE… YOUR SPIRIT! When this awareness aligns with the actions you take habitually, you enter a state known as FLOW. Although each and every one of us has had glimpses of this euphoric state, remaining

there consistently requires mastery of your conscious mind, and awareness of your unconscious mind. When combined with the humility and wisdom to receive intuitive guidance gracefully, your life becomes a flowing physical, mental, and spiritual process. You must trust, as trust is the line of demarcation above which compassion, forgiveness and love begin to create your experience.

The very core of your being is where you interpret sensory data, digest your body's fuel, metabolize your thoughts, experience your emotions and act upon the resulting feelings to create your current reality that is your life. If we are to win this war against our common enemy the banks, it is critical to design a system that incorporates all sectors of who you are into a lifestyle and a life lived with meaning. Meaning emanates from your core and is powered by your spirit.

So before you get too much into your head about these concepts of freedom, it is necessary to feel them, to embody them…yes, to feel them in your gut. Because repeatedly feeling the experience of something is always the most powerful way to allow transformation. In order to achieve this level of inner knowing, it is absolutely essential that you believe in your innate wisdom, that you believe in yourself, and your believe that you are exactly whole and perfect as you are – yes, you are perfect. Disease is nothing more than a toxicity crisis. Our nation is facing a toxicity crisis and we must eliminate this foreign infestation of bankers living like parasites inside the body of our nation.

"As within… So without". When we begin to understand the subtle implications of this concept, we realize that our power to change the world is within us. Literally hidden in the most obvious place a creator could place it; right behind your very eyes, deep inside your heart and soul. This is where we traditionally spend the least amount of time focusing on the problems that exist for us.

A Den of Vipers and Thieves

We have countless examples of how this powerful awareness has impacted the world. Gandhi overpowered the most important nation on the planet by first going within. Let me give you an example even closer to home, enlightened individuals who walked the planet a mere 240 years ago created an opportunity for all of us to experience Freedom.

These battles against the banks have been ongoing for hundreds of years; from the foundation of the nation to this current day. Yet at no time has the contention or consequences escalated to the level we are currently experiencing. Never have the stakes been higher. This is the momentous

time in which we the people must chose to act now to stop these foreign banking families from further destroying our union. Or accept a fate worse than death…the continuing loss of freedom and a future of enslavement for your children. As we bring this manual to an end, we must call upon the same intestinal fortitude that President Jackson demonstrated when he was locked in a literal life or death struggle with the Second Bank of the United States one hundred and eighty seven years ago. Folks, we are dealing with the descendants of these same people today. Because these powerful families understand trust law they are able to very efficiently transfer intergenerational wealth. More than wealth, however, they thrive on power. That power belongs to the people and must be redeemed by us. Let us soak in the wisdom of Andrew Jackson as a very brave president teaches us how to defeat this banking cartel, then for now:

The bold efforts that the present bank has made to control the government, the distress it has wantonly caused, are but premonitions of the fate which awaits the American people should they be deluded into a perpetuation of this institution. If the people only understood the rank injustice of the money and banking system, there would be a revolution before morning. President Jackson (February 1834), the original minutes of the Philadelphia citizens' committee and as continued below:

"Gentlemen! I too have been a close observer of the doings of the Bank of the United States. I have had men watching you for a long time, and am convinced that you have used the funds of the bank to speculate in the breadstuff of the country. When you won, you divided the profits amongst you, and when you lost, you charged it to the bank. You tell me that if I take the deposits from the bank and annul its charter I shall ruin ten thousand families. That may be true gentlemen, but that is your sin! Should I let you go on, you will ruin fifty thousand families, and that would be my sin! You are a den of vipers and thieves. I have determined to rout you out, and by the Eternal, I will rout you out!"

The Following Message delivered to Congress by President Jackson revealed that he intended to veto the renewal of the charter for the Second Bank of the United States (10 July 1832):

"It is maintained by some that the bank is a means of executing the constitutional power "to coin money and regulate the value thereof." Congress have established a mint to coin money and passed laws to regulate the value thereof. The money so coined, with its value so regulated, and such foreign coins as Congress may adopt are the only currency known to the Constitution. But if they have other power to regulate the currency, it was conferred to be exercised by themselves, and not to be transferred to a corporation. If the bank be established for that purpose, with a charter unalterable without its consent, Congress have parted with their power for a

term of years, during which the Constitution is a dead letter. It is neither necessary nor proper to transfer its legislative power to such a bank, and therefore unconstitutional.

It is to be regretted that the rich and powerful too often bend the acts of government to their selfish purposes. Distinctions in society will always exist under every just government. Equality of talents, of education, or of wealth can not be produced by human institutions. In the full enjoyment of the gifts of Heaven and the fruits of superior industry, economy, and virtue, every man is equally entitled to protection by law; but when the laws undertake to add to these natural and just advantages artificial distinctions, to grant titles, gratuities, and exclusive privileges, to make the rich richer and the potent more powerful, the humble members of society — the farmers, mechanics, and laborers — who have neither the time nor the means of securing like favors to themselves, have a right to complain of the injustice of their government. There are no necessary evils in government. Its evils exist only in its abuses. If it would confine itself to equal protection, and, as Heaven does its rains, shower its favors alike on the high and the low, the rich and the poor, it would be an unqualified blessing.

It is from within, among yourselves--from cupidity, from corruption, from disappointed ambition and inordinate thirst for power--that factions will be formed and liberty endangered. It is against such designs, whatever disguise the actors may assume, that you have especially to guard yourselves. You have the highest of human trusts committed to your care. Providence has showered on this favored land blessings without number, and has chosen you as the guardians of freedom, to preserve it for the benefit of the human race. May He who holds in His hands the destinies of nations make you worthy of the favors He has bestowed and enable you, with pure hearts and pure hands and sleepless vigilance, to guard and defend to the end of time the great charge He has committed to your keeping."
Veto Message Regarding the Bank of the United States [1] (10 July 1832)

From his Farewell Address, (4 March 1837):

But you must remember, my fellow-citizens, that eternal vigilance by the people is the price of liberty, and that you must pay the price if you wish to secure the blessing.

My fellow Americans, my brothers and sisters, this is our time. Today we stop complaining. Today we take action by committing to draw upon our inner power and the inspiration of a brave president so that together we may rise to perfect our union. So that our children may truly experience freedom when our union is perfected and we elect to live together as one nation under God.

Pledge to Freedom:

1.)I understand that the tools discussed in this manual are very powerful; I will never use these tools to harm my neighbor or her property. I will allow the 20 Equity Maxims to guide my daily existence. I love the united States of America, I am not belligerent or combative. I am a private American seeking financial and lawful redemption.

2.)There are no "silver bullets" on the journey to sovereignty. I will integrate before I initiate. My focus is to establish my standing upon the land, my status in relation to the United States and enhance my capacity to express sovereign concepts.

3.)There are no short cuts in the journey to sovereignty. The path begins and ends at the heart of my creator. Thus the inner journey is a prerequisite to changing the world.

4.)My decisions regarding personal sovereignty will have real world impact on my life. I will never elect an action absent the personal ability to defend the action even in a court of law.

5.)Slow and steady is the course. Moving away from anger, frustration, judgment, fear, anxiety, even hatred begins with trust. I trust and accept that all my past experiences were designed to prepare me for self-governance and personal freedom.

6.)This "war" is won by forgiving those involved in our enslavement, by having compassion for those who live in a mansion paid for by human suffering, by loving your neighbor as yourself and trusting that this entire existence is lovingly guided by one divine creator. Thank you, Thank you, Thank you I am so grateful, please show me the way. May Thy will be done through the expression of my free will

With our mutual agreement to the above terms we enter into a relationship of trust for our mutual benefit as a society. The purpose of the law is to allow justice to reign. As promised throughout this manual I am now providing an actual Map of the Conscious Journey to Freedom as inspired by Dr. David Hawkins in Power versus Force in exchange for this map: I trust you will see the benefits of becoming a member of our family; building communities together limiting the force of law through the power of equity as synonymous with justice.

The Map to Conscious Freedom

Insert Map

Become a member of our trust organization so that we may share the author's interpretation of this map that reveals how you become self-governing.

Appendices

Give Me Liberty Or Give Me Death

Patrick Henry, March 23, 1775

No man thinks more highly than I do of the patriotism, as well as abilities, of the very worthy gentlemen who have just addressed the House. But different men often see the same subject in different lights; and, therefore, I hope it will not be thought disrespectful to those gentlemen if, entertaining as I do opinions of a character very opposite to theirs, I shall speak forth my sentiments freely and without reserve. This is no time for ceremony. The question before the House is one of awful moment to this country. For my own part, I consider it as nothing less than a question of freedom or slavery; and in proportion to the magnitude of the subject ought to be the freedom of the debate. It is only in this way that we can hope to arrive at truth, and fulfill the great responsibility which we hold to God and our country. Should I keep back my opinions at such a time, through fear of giving offense, I should consider myself as guilty of treason towards my country, and of an act of disloyalty toward the Majesty of Heaven, which I revere above all earthly kings.

Mr. President, it is natural to man to indulge in the illusions of hope. We are apt to shut our eyes against a painful truth, and listen to the song of that siren till she transforms us into beasts. Is this the part of wise men,

engaged in a great and arduous struggle for liberty? Are we disposed to be of the number of those who, having eyes, see not, and, having ears, hear not, the things which so nearly concern their temporal salvation? For my part, whatever anguish of spirit it may cost, I am willing to know the whole truth; to know the worst, and to provide for it.

I have but one lamp by which my feet are guided, and that is the lamp of experience. I know of no way of judging of the future but by the past. And judging by the past, I wish to know what there has been in the conduct of the British ministry for the last ten years to justify those hopes with which gentlemen have been pleased to solace themselves and the House. Is it that insidious smile with which our petition has been lately received? Trust it not, sir; it will prove a snare to your feet. Suffer not yourselves to be betrayed with a kiss. Ask yourselves how this gracious reception of our petition comports with those warlike preparations which cover our waters and darken our land. Are fleets and armies necessary to a work of love and reconciliation? Have we shown ourselves so unwilling to be reconciled that force must be called in to win back our love? Let us not deceive ourselves, sir. These are the implements of war and subjugation; the last arguments to which kings resort. I ask gentlemen, sir, what means this martial array, if its purpose be not to force us to submission? Can gentlemen assign any other possible motive for it? Has Great Britain any enemy, in this quarter of the world, to call for all this accumulation of navies and armies? No, sir, she has none. They are meant for us: they can be meant for no other. They are sent over to bind and rivet upon us those chains which the British ministry have been so long forging. And what have we to oppose to them? Shall we try argument? Sir, we have been trying that for the last ten years. Have we anything new to offer upon the subject? Nothing. We have held the subject up in every light of which it is capable; but it has been all in vain. Shall we resort to entreaty and humble supplication? What terms shall we find which have not been already exhausted? Let us not, I beseech you, sir, deceive ourselves. Sir, we have done everything that could be done to avert the storm which is now coming on. We have petitioned; we have remonstrated; we have supplicated; we have prostrated ourselves before the throne, and have implored its interposition to arrest the tyrannical hands of the ministry and Parliament. Our petitions have been slighted; our remonstrances have produced additional violence and insult; our supplications have been disregarded; and we have been spurned, with contempt, from the foot of the throne! In vain, after these things, may we indulge the fond hope of peace and reconciliation. There is no longer any room for hope. If we wish to be free-- if we mean to preserve inviolate those inestimable privileges for which we have been so long contending--if we mean not basely to abandon the noble struggle in which we have been so long engaged, and which we have pledged ourselves never to abandon until the glorious object of our contest shall be obtained--we must fight! I repeat it, sir, we must fight! An appeal to

arms and to the God of hosts is all that is left us!

They tell us, sir, that we are weak; unable to cope with so formidable an adversary. But when shall we be stronger? Will it be the next week, or the next year? Will it be when we are totally disarmed, and when a British guard shall be stationed in every house? Shall we gather strength by irresolution and inaction? Shall we acquire the means of effectual resistance by lying supinely on our backs and hugging the delusive phantom of hope, until our enemies shall have bound us hand and foot? Sir, we are not weak if we make a proper use of those means which the God of nature hath placed in our power. The millions of people, armed in the holy cause of liberty, and in such a country as that which we possess, are invincible by any force which our enemy can send against us. Besides, sir, we shall not fight our battles alone. There is a just God who presides over the destinies of nations, and who will raise up friends to fight our battles for us. The battle, sir, is not to the strong alone; it is to the vigilant, the active, the brave. Besides, sir, we have no election. If we were base enough to desire it, it is now too late to retire from the contest. There is no retreat but in submission and slavery! Our chains are forged! Their clanking may be heard on the plains of Boston! The war is inevitable--and let it come! I repeat it, sir, let it come.

It is in vain, sir, to extenuate the matter. Gentlemen may cry, Peace, Peace-- but there is no peace. The war is actually begun! The next gale that sweeps from the north will bring to our ears the clash of resounding arms! Our brethren are already in the field! Why stand we here idle? What is it that gentlemen wish? What would they have? Is life so dear, or peace so sweet, as to be purchased at the price of chains and slavery? Forbid it, Almighty God! I know not what course others may take; but as for me, give me liberty or give me death!

Source

https://avalon.law.yale.edu/18th_century/patrick.asp

Declaration of Independence: A Transcription

Note: The following text is a transcription of the Stone Engraving of the parchment Declaration of Independence (the document on display in the Rotunda at the National Archives Museum.) The spelling and punctuation reflects the original.

In Congress, July 4, 1776.

The unanimous Declaration of the thirteen united States of America, When in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.--That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, --That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness. Prudence, indeed, will dictate that Governments long established should not be

changed for light and transient causes; and accordingly all experience hath shewn, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security.--Such has been the patient sufferance of these Colonies; and such is now the necessity which constrains them to alter their former Systems of Government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute Tyranny over these States. To prove this, let Facts be submitted to a candid world.

He has refused his Assent to Laws, the most wholesome and necessary for the public good.

He has forbidden his Governors to pass Laws of immediate and pressing importance, unless suspended in their operation till his Assent should be obtained; and when so suspended, he has utterly neglected to attend to them.

He has refused to pass other Laws for the accommodation of large districts of people, unless those people would relinquish the right of Representation in the Legislature, a right inestimable to them and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public Records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved Representative Houses repeatedly, for opposing with manly firmness his invasions on the rights of the people.

He has refused for a long time, after such dissolutions, to cause others to be elected; whereby the Legislative powers, incapable of Annihilation, have returned to the People at large for their exercise; the State remaining in the mean time exposed to all the dangers of invasion from without, and convulsions within.

He has endeavored to prevent the population of these States; for that purpose obstructing the Laws for Naturalization of Foreigners; refusing to pass others to encourage their migrations hither, and raising the conditions of new Appropriations of Lands.

He has obstructed the Administration of Justice, by refusing his Assent to Laws for establishing Judiciary powers.

He has made Judges dependent on his Will alone, for the tenure of their

offices, and the amount and payment of their salaries.

He has erected a multitude of New Offices, and sent hither swarms of Officers to harass our people, and eat out their substance.

He has kept among us, in times of peace, Standing Armies without the Consent of our legislatures.

He has affected to render the Military independent of and superior to the Civil power.

He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his Assent to their Acts of pretended Legislation:

For Quartering large bodies of armed troops among us:

For protecting them, by a mock Trial, from punishment for any Murders which they should commit on the Inhabitants of these States:

For cutting off our Trade with all parts of the world:

For imposing Taxes on us without our Consent:

For depriving us in many cases, of the benefits of Trial by Jury:

For transporting us beyond Seas to be tried for pretended offenses

For abolishing the free System of English Laws in a neighboring Province, establishing therein an Arbitrary government, and enlarging its Boundaries so as to render it at once an example and fit instrument for introducing the same absolute rule into these Colonies:

For taking away our Charters, abolishing our most valuable Laws, and altering fundamentally the Forms of our Governments:

For suspending our own Legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

He has abdicated Government here, by declaring us out of his Protection and waging War against us.

He has plundered our seas, ravaged our Coasts, burnt our towns, and destroyed the lives of our people.

He is at this time transporting large Armies of foreign Mercenaries to complete the works of death, desolation and tyranny, already begun with circumstances of Cruelty & perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the Head of a civilized nation.

He has constrained our fellow Citizens taken Captive on the high Seas to bear Arms against their Country, to become the executioners of their friends and Brethren, or to fall themselves by their Hands.

He has excited domestic insurrections amongst us, and has endeavored to bring on the inhabitants of our frontiers, the merciless Indian Savages, whose known rule of warfare, is an undistinguished destruction of all ages, sexes and conditions.

In every stage of these Oppressions We have Petitioned for Redress in the most humble terms: Our repeated Petitions have been answered only by repeated injury. A Prince whose character is thus marked by every act which may define a Tyrant, is unfit to be the ruler of a free people.

Nor have We been wanting in attentions to our British brethren. We have warned them from time to time of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred to disavow these usurpations, which, would inevitably interrupt our connections and correspondence. They too have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity, which denounces our Separation, and hold them, as we hold the rest of mankind, Enemies in War, in Peace Friends.

We, therefore, the Representatives of the United States of America, in General Congress, Assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the Name, and by Authority of the good People of these Colonies, solemnly publish and declare, That these United Colonies are, and of Right ought to be Free and Independent States; that they are Absolved from all Allegiance to the British Crown, and that all political connection between them and the State of Great Britain, is and ought to be totally dissolved; and that as Free and Independent States, they have full Power to levy War, conclude Peace, contract Alliances, establish Commerce, and to do all other Acts and Things which Independent States may of right do. And for the support of this Declaration, with a firm reliance on the protection of divine Providence, we mutually pledge to each other our Lives, our Fortunes and our sacred Honor.

Georgia	**Maryland**	**Delaware**	**Massachusetts**
Button Gwinnett	Samuel Chase	Caesar Rodney	Samuel Adams
Lyman Hall	William Paca	George Read	John Adams
George Walton	Thomas Stone	Thomas McKean	Robert Treat Paine
	Charles Carroll of Carrollton		Elbridge Gerry
North Carolina		**New York**	
William Hooper		William Floyd	**Rhode Island**
Joseph Hewes	**Virginia**	Philip Livingston	Stephen Hopkins

John Penn	George Wythe	Francis Lewis	William Ellery
	Richard Henry Lee	Lewis Morris	
South Carolina	Thomas Jefferson		**Connecticut**
Edward Rutledge	Benjamin Harrison	**New Jersey**	Roger Sherman
Thomas Heyward, Jr.	Thomas Nelson, Jr.	Richard Stockton	Samuel Huntington
Thomas Lynch, Jr.	Francis Lightfoot Lee	John Witherspoon	William Williams
Arthur Middleton	Carter Braxton	Francis Hopkinson	Oliver Wolcott
		John Hart	
Massachusetts	**Pennsylvania**	Abraham Clark	**New Hampshire**
John Hancock	Robert Morris		Matthew Thornton
	Benjamin Rush	**New Hampshire**	
	Benjamin Franklin	Josiah Bartlett	
	John Morton	William Whipple	
	George Clymer		
	James Smith		
	George Taylor		
	James Wilson		
	George Ross		

Source

https://www.archives.gov/founding-docs/declaration-transcript

The Federalist 1

General Introduction
Hamilton for the Independent Journal.

To the People of the State of New York:
AFTER an unequivocal experience of the inefficiency of the subsisting federal government, you are called upon to deliberate on a new Constitution for the United States of America. The subject speaks its own importance; comprehending in its consequences nothing less than the existence of the union, the safety and welfare of the parts of which it is composed, the fate of an empire in many respects the most interesting in the world. It has been frequently remarked that it seems to have been reserved to the people of this country, by their conduct and example, to decide the important question, whether societies of men are really capable or not of establishing good government from reflection and choice, or whether they are forever destined to depend for their political constitutions on accident and force. If there be any truth in the remark, the crisis at which we are arrived may with propriety be regarded as the era in which that decision is to be made; and a wrong election of the part we shall act may, in this view, deserve to be considered as the general misfortune of mankind.

This idea will add the inducements of philanthropy to those of patriotism, to heighten the solicitude which all considerate and good men must feel for the event. Happy will it be if our choice should be directed by a judicious estimate of our true interests, unperplexed and unbiased by considerations not connected with the public good. But this is a thing more ardently to be wished than seriously to be expected. The plan offered to our deliberations affects too many particular interests, innovates upon too many local institutions, not to involve in its discussion a variety of objects foreign to its merits, and of views, passions and prejudices little favorable to the

discovery of truth.

Among the most formidable of the obstacles which the new Constitution will have to encounter may readily be distinguished the obvious interest of a certain class of men in every State to resist all changes which may hazard a diminution of the power, emolument, and consequence of the offices they hold under the State establishments; and the perverted ambition of another class of men, who will either hope to aggrandize themselves by the confusions of their country, or will flatter themselves with fairer prospects of elevation from the subdivision of the empire into several partial confederacies than from its union under one government.

It is not, however, my design to dwell upon observations of this nature. I am well aware that it would be disingenuous to resolve indiscriminately the opposition of any set of men (merely because their situations might subject them to suspicion) into interested or ambitious views. Candor will oblige us to admit that even such men may be actuated by upright intentions; and it cannot be doubted that much of the opposition which has made its appearance, or may hereafter make its appearance, will spring from sources, blameless at least, if not respectable--the honest errors of minds led astray by preconceived jealousies and fears. So numerous indeed and so powerful are the causes which serve to give a false bias to the judgment, that we, upon many occasions, see wise and good men on the wrong as well as on the right side of questions of the first magnitude to society. This circumstance, if duly attended to, would furnish a lesson of moderation to those who are ever so much persuaded of their being in the right in any controversy. And a further reason for caution, in this respect, might be drawn from the reflection that we are not always sure that those who advocate the truth are influenced by purer principles than their antagonists. Ambition, avarice, personal animosity, party opposition, and many other motives not more laudable than these, are apt to operate as well upon those who support as those who oppose the right side of a question. Were there not even these inducements to moderation, nothing could be more ill-judged than that intolerant spirit which has, at all times, characterized political parties. For in politics, as in religion, it is equally absurd to aim at making proselytes by fire and sword. Heresies in either can rarely be cured by persecution.

And yet, however just these sentiments will be allowed to be, we have already sufficient indications that it will happen in this as in all former cases of great national discussion. A torrent of angry and malignant passions will be let loose. To judge from the conduct of the opposite parties, we shall be led to conclude that they will mutually hope to evince the justness of their opinions, and to increase the number of their converts by the loudness of their declamations and the bitterness of their invectives. An enlightened zeal

for the energy and efficiency of government will be stigmatized as the offspring of a temper fond of despotic power and hostile to the principles of liberty. An over-scrupulous jealousy of danger to the rights of the people, which is more commonly the fault of the head than of the heart, will be represented as mere pretense and artifice, the stale bait for popularity at the expense of the public good. It will be forgotten, on the one hand, that jealousy is the usual concomitant of love, and that the noble enthusiasm of liberty is apt to be infected with a spirit of narrow and illiberal distrust. On the other hand, it will be equally forgotten that the vigor of government is essential to the security of liberty; that, in the contemplation of a sound and well-informed judgment, their interest can never be separated; and that a dangerous ambition more often lurks behind the specious mask of zeal for the rights of the people than under the forbidden appearance of zeal for the firmness and efficiency of government. History will teach us that the former has been found a much more certain road to the introduction of despotism than the latter, and that of those men who have overturned the liberties of republics, the greatest number have begun their career by paying an obsequious court to the people; commencing demagogues, and ending tyrants.

In the course of the preceding observations, I have had an eye, my fellow-citizens, to putting you upon your guard against all attempts, from whatever quarter, to influence your decision in a matter of the utmost moment to your welfare, by any impressions other than those which may result from the evidence of truth. You will, no doubt, at the same time, have collected from the general scope of them, that they proceed from a source not unfriendly to the new Constitution. Yes, my countrymen, I own to you that, after having given it an attentive consideration, I am clearly of opinion it is your interest to adopt it. I am convinced that this is the safest course for your liberty, your dignity, and your happiness. I affect not reserves which I do not feel. I will not amuse you with an appearance of deliberation when I have decided. I frankly acknowledge to you my convictions, and I will freely lay before you the reasons on which they are founded. The consciousness of good intentions disdains ambiguity. I shall not, however, multiply professions on this head. My motives must remain in the depository of my own breast. My arguments will be open to all, and may be judged of by all. They shall at least be offered in a spirit which will not disgrace the cause of truth.

I propose, in a series of papers, to discuss the following interesting particulars:

The utility of the union to your political prosperity the insufficiency of the present confederation to preserve that union the necessity of a government at least equally energetic with the one proposed, to the attainment of this object the conformity of the proposed constitution to the true principles of

republican government its analogy to your own state constitution
and lastly, the additional security which its adoption will afford to the preservation of that species of government, to liberty, and to property.
In the progress of this discussion I shall endeavor to give a satisfactory answer to all the objections which shall have made their appearance, that may seem to have any claim to your attention.

It may perhaps be thought superfluous to offer arguments to prove the utility of the UNION, a point, no doubt, deeply engraved on the hearts of the great body of the people in every State, and one, which it may be imagined, has no adversaries. But the fact is, that we already hear it whispered in the private circles of those who oppose the new Constitution, that the thirteen States are of too great extent for any general system, and that we must of necessity resort to separate confederacies of distinct portions of the whole.[1] This doctrine will, in all probability, be gradually propagated, till it has votaries enough to countenance an open avowal of it. For nothing can be more evident, to those who are able to take an enlarged view of the subject, than the alternative of an adoption of the new Constitution or a dismemberment of the Union. It will therefore be of use to begin by examining the advantages of that Union, the certain evils, and the probable dangers, to which every State will be exposed from its dissolution. This shall accordingly constitute the subject of my next address.

Publius.

The same idea, tracing the arguments to their consequences, is held out in several of the late publications against the new Constitution.

Source

http://www.let.rug.nl/usa/documents/1786-1800/the-federalist-papers/index.php

The Federalist 2

Concerning Dangers from Foreign Force and Influence
Jay for the Independent Journal.

To the People of the State of New York:
WHEN the people of America reflect that they are now called upon to decide a question, which, in its consequences, must prove one of the most important that ever engaged their attention, the propriety of their taking a very comprehensive, as well as a very serious, view of it, will be evident.

Nothing is more certain than the indispensable necessity of government, and it is equally undeniable, that whenever and however it is instituted, the people must cede to it some of their natural rights in order to vest it with requisite powers. It is well worthy of consideration therefore, whether it would conduce more to the interest of the people of America that they should, to all general purposes, be one nation, under one federal government, or that they should divide themselves into separate confederacies, and give to the head of each the same kind of powers which they are advised to place in one national government.

It has until lately been a received and uncontradicted opinion that the prosperity of the people of America depended on their continuing firmly united, and the wishes, prayers, and efforts of our best and wisest citizens have been constantly directed to that object. But politicians now appear, who insist that this opinion is erroneous, and that instead of looking for safety and happiness in union, we ought to seek it in a division of the States into distinct confederacies or sovereignties. However extraordinary this new doctrine may appear, it nevertheless has its advocates; and certain characters who were much opposed to it formerly, are at present of the number. Whatever may be the arguments or inducements which have

wrought this change in the sentiments and declarations of these gentlemen, it certainly would not be wise in the people at large to adopt these new political tenets without being fully convinced that they are founded in truth and sound policy.

It has often given me pleasure to observe that independent America was not composed of detached and distant territories, but that one connected, fertile, wide spreading country was the portion of our western sons of liberty. Providence has in a particular manner blessed it with a variety of soils and productions, and watered it with innumerable streams, for the delight and accommodation of its inhabitants. A succession of navigable waters forms a kind of chain round its borders, as if to bind it together; while the most noble rivers in the world, running at convenient distances, present them with highways for the easy communication of friendly aids, and the mutual transportation and exchange of their various commodities.

With equal pleasure I have as often taken notice that Providence has been pleased to give this one connected country to one united people--a people descended from the same ancestors, speaking the same language, professing the same religion, attached to the same principles of government, very similar in their manners and customs, and who, by their joint counsels, arms, and efforts, fighting side by side throughout a long and bloody war, have nobly established general liberty and independence.

This country and this people seem to have been made for each other, and it appears as if it was the design of Providence, that an inheritance so proper and convenient for a band of brethren, united to each other by the strongest ties, should never be split into a number of unsocial, jealous, and alien sovereignties.

Similar sentiments have hitherto prevailed among all orders and denominations of men among us. To all general purposes we have uniformly been one people each individual citizen everywhere enjoying the same national rights, privileges, and protection. As a nation we have made peace and war; as a nation we have vanquished our common enemies; as a nation we have formed alliances, and made treaties, and entered into various compacts and conventions with foreign states.

A strong sense of the value and blessings of union induced the people, at a very early period, to institute a federal government to preserve and perpetuate it. They formed it almost as soon as they had a political existence; nay, at a time when their habitations were in flames, when many of their citizens were bleeding, and when the progress of hostility and desolation left little room for those calm and mature inquiries and reflections which must ever precede the formation of a wise and well balanced

government for a free people. It is not to be wondered at, that a government instituted in times so inauspicious, should on experiment be found greatly deficient and inadequate to the purpose it was intended to answer.

This intelligent people perceived and regretted these defects. Still continuing no less attached to union than enamored of liberty, they observed the danger which immediately threatened the former and more remotely the latter; and being persuaded that ample security for both could only be found in a national government more wisely framed, they as with one voice, convened the late convention at Philadelphia, to take that important subject under consideration.

This convention composed of men who possessed the confidence of the people, and many of whom had become highly distinguished by their patriotism, virtue and wisdom, in times which tried the minds and hearts of men, undertook the arduous task. In the mild season of peace, with minds unoccupied by other subjects, they passed many months in cool, uninterrupted, and daily consultation; and finally, without having been awed by power, or influenced by any passions except love for their country, they presented and recommended to the people the plan produced by their joint and very unanimous councils.

Admit, for so is the fact, that this plan is only **recommended**, not imposed, yet let it be remembered that it is neither recommended to **blind** approbation, nor to **blind** reprobation; but to that sedate and candid consideration which the magnitude and importance of the subject demand, and which it certainly ought to receive. But this (as was remarked in the foregoing number of this paper) is more to be wished than expected, that it may be so considered and examined. Experience on a former occasion teaches us not to be too sanguine in such hopes. It is not yet forgotten that well-grounded apprehensions of imminent danger induced the people of America to form the memorable Congress of 1774. That body recommended certain measures to their constituents, and the event proved their wisdom; yet it is fresh in our memories how soon the press began to teem with pamphlets and weekly papers against those very measures. Not only many of the officers of government, who obeyed the dictates of personal interest, but others, from a mistaken estimate of consequences, or the undue influence of former attachments, or whose ambition aimed at objects which did not correspond with the public good, were indefatigable in their efforts to persuade the people to reject the advice of that patriotic Congress. Many, indeed, were deceived and deluded, but the great majority of the people reasoned and decided judiciously; and happy they are in reflecting that they did so.

They considered that the Congress was composed of many wise and experienced men. That, being convened from different parts of the country, they brought with them and communicated to each other a variety of useful information. That, in the course of the time they passed together in inquiring into and discussing the true interests of their country, they must have acquired very accurate knowledge on that head. That they were individually interested in the public liberty and prosperity, and therefore that it was not less their inclination than their duty to recommend only such measures as, after the most mature deliberation, they really thought prudent and advisable.

These and similar considerations then induced the people to rely greatly on the judgment and integrity of the Congress; and they took their advice, notwithstanding the various arts and endeavors used to deter them from it. But if the people at large had reason to confide in the men of that Congress, few of whom had been fully tried or generally known, still greater reason have they now to respect the judgment and advice of the convention, for it is well known that some of the most distinguished members of that Congress, who have been since tried and justly approved for patriotism and abilities, and who have grown old in acquiring political information, were also members of this convention, and carried into it their accumulated knowledge and experience.

It is worthy of remark that not only the first, but every succeeding Congress, as well as the late convention, have invariably joined with the people in thinking that the prosperity of America depended on its Union. To preserve and perpetuate it was the great object of the people in forming that convention, and it is also the great object of the plan which the convention has advised them to adopt. With what propriety, therefore, or for what good purposes, are attempts at this particular period made by some men to depreciate the importance of the Union? Or why is it suggested that three or four confederacies would be better than one? I am persuaded in my own mind that the people have always thought right on this subject, and that their universal and uniform attachment to the cause of the Union rests on great and weighty reasons, which I shall endeavor to develop and explain in some ensuing papers. They who promote the idea of substituting a number of distinct confederacies in the room of the plan of the convention, seem clearly to foresee that the rejection of it would put the continuance of the Union in the utmost jeopardy. That certainly would be the case, and I sincerely wish that it may be as clearly foreseen by every good citizen, that whenever the dissolution of the Union arrives, America will have reason to exclaim, in the words of the poet: ''Farewell! A long farewell to all my greatness.''

Publius.

Source

http://www.let.rug.nl/usa/documents/1786-1800/the-federalist-papers/index.php

The Federalist 78

The Judiciary Department
Hamilton From McLean's Edition, New York.

To the People of the State of New York:
WE PROCEED now to an examination of the judiciary department of the proposed government.

In unfolding the defects of the existing Confederation, the utility and necessity of a federal judicature have been clearly pointed out. It is the less necessary to recapitulate the considerations there urged, as the propriety of the institution in the abstract is not disputed; the only questions which have been raised being relative to the manner of constituting it, and to its extent. To these points, therefore, our observations shall be confined.

The manner of constituting it seems to embrace these several objects: 1st. The mode of appointing the judges. 2d. The tenure by which they are to hold their places. 3d. The partition of the judiciary authority between different courts, and their relations to each other.

First. As to the mode of appointing the judges; this is the same with that of appointing the officers of the Union in general, and has been so fully discussed in the two last numbers, that nothing can be said here which would not be useless repetition.

Second. As to the tenure by which the judges are to hold their places; this chiefly concerns their duration in office; the provisions for their support; the precautions for their responsibility.

According to the plan of the convention, all judges who may be appointed by the United States are to hold their offices during good behavior; which is conformable to the most approved of the State constitutions and among the rest, to that of this State. Its propriety having been drawn into question by the adversaries of that plan, is no light symptom of the rage for objection,

which disorders their imaginations and judgments. The standard of good behavior for the continuance in office of the judicial magistracy, is certainly one of the most valuable of the modern improvements in the practice of government. In a monarchy it is an excellent barrier to the despotism of the prince; in a republic it is a no less excellent barrier to the encroachments and oppressions of the representative body. And it is the best expedient which can be devised in any government, to secure a steady, upright, and impartial administration of the laws.

Whoever attentively considers the different departments of power must perceive, that, in a government in which they are separated from each other, the judiciary, from the nature of its functions, will always be the least dangerous to the political rights of the Constitution; because it will be least in a capacity to annoy or injure them. The Executive not only dispenses the honors, but holds the sword of the community. The legislature not only commands the purse, but prescribes the rules by which the duties and rights of every citizen are to be regulated. The judiciary, on the contrary, has no influence over either the sword or the purse; no direction either of the strength or of the wealth of the society; and can take no active resolution whatever. It may truly be said to have neither force nor will, but merely judgment; and must ultimately depend upon the aid of the executive arm even for the efficacy of its judgments.

This simple view of the matter suggests several important consequences. It proves incontestably, that the judiciary is beyond comparison the weakest of the three departments of power[1]; that it can never attack with success either of the other two; and that all possible care is requisite to enable it to defend itself against their attacks. It equally proves, that though individual oppression may now and then proceed from the courts of justice, the general liberty of the people can never be endangered from that quarter; I mean so long as the judiciary remains truly distinct from both the legislature and the Executive. For I agree, that ``there is no liberty, if the power of judging be not separated from the legislative and executive powers.''[2] And it proves, in the last place, that as liberty can have nothing to fear from the judiciary alone, but would have every thing to fear from its union with either of the other departments; that as all the effects of such a union must ensue from a dependence of the former on the latter, notwithstanding a nominal and apparent separation; that as, from the natural feebleness of the judiciary, it is in continual jeopardy of being overpowered, awed, or influenced by its co-ordinate branches; and that as nothing can contribute so much to its firmness and independence as permanency in office, this quality may therefore be justly regarded as an indispensable ingredient in its constitution, and, in a great measure, as the citadel of the public justice and the public security.

The complete independence of the courts of justice is peculiarly essential in a limited Constitution. By a limited Constitution, I understand one which contains certain specified exceptions to the legislative authority; such, for instance, as that it shall pass no bills of attainder, no ex-post-facto laws, and the like. Limitations of this kind can be preserved in practice no other way than through the medium of courts of justice, whose duty it must be to declare all acts contrary to the manifest tenor of the Constitution void. Without this, all the reservations of particular rights or privileges would amount to nothing.

Some perplexity respecting the rights of the courts to pronounce legislative acts void, because contrary to the Constitution, has arisen from an imagination that the doctrine would imply a superiority of the judiciary to the legislative power. It is urged that the authority which can declare the acts of another void, must necessarily be superior to the one whose acts may be declared void. As this doctrine is of great importance in all the American constitutions, a brief discussion of the ground on which it rests cannot be unacceptable.

There is no position which depends on clearer principles, than that every act of a delegated authority, contrary to the tenor of the commission under which it is exercised, is void. No legislative act, therefore, contrary to the Constitution, can be valid. To deny this, would be to affirm, that the deputy is greater than his principal; that the servant is above his master; that the representatives of the people are superior to the people themselves; that men acting by virtue of powers, may do not only what their powers do not authorize, but what they forbid.

If it be said that the legislative body are themselves the constitutional judges of their own powers, and that the construction they put upon them is conclusive upon the other departments, it may be answered, that this cannot be the natural presumption, where it is not to be collected from any particular provisions in the Constitution. It is not otherwise to be supposed, that the Constitution could intend to enable the representatives of the people to substitute their will to that of their constituents. It is far more rational to suppose, that the courts were designed to be an intermediate body between the people and the legislature, in order, among other things, to keep the latter within the limits assigned to their authority. The interpretation of the laws is the proper and peculiar province of the courts. A constitution is, in fact, and must be regarded by the judges, as a fundamental law. It therefore belongs to them to ascertain its meaning, as well as the meaning of any particular act proceeding from the legislative body. If there should happen to be an irreconcilable variance between the two, that which has the superior obligation and validity ought, of course, to be preferred; or, in other words, the Constitution ought to be preferred to

the statute, the intention of the people to the intention of their agents.

Nor does this conclusion by any means suppose a superiority of the judicial to the legislative power. It only supposes that the power of the people is superior to both; and that where the will of the legislature, declared in its statutes, stands in opposition to that of the people, declared in the Constitution, the judges ought to be governed by the latter rather than the former. They ought to regulate their decisions by the fundamental laws, rather than by those which are not fundamental.

This exercise of judicial discretion, in determining between two contradictory laws, is exemplified in a familiar instance. It not uncommonly happens, that there are two statutes existing at one time, clashing in whole or in part with each other, and neither of them containing any repealing clause or expression. In such a case, it is the province of the courts to liquidate and fix their meaning and operation. So far as they can, by any fair construction, be reconciled to each other, reason and law conspire to dictate that this should be done; where this is impracticable, it becomes a matter of necessity to give effect to one, in exclusion of the other. The rule which has obtained in the courts for determining their relative validity is, that the last in order of time shall be preferred to the first. But this is a mere rule of construction, not derived from any positive law, but from the nature and reason of the thing. It is a rule not enjoined upon the courts by legislative provision, but adopted by themselves, as consonant to truth and propriety, for the direction of their conduct as interpreters of the law. They thought it reasonable, that between the interfering acts of an equal authority, that which was the last indication of its will should have the preference.

But in regard to the interfering acts of a superior and subordinate authority, of an original and derivative power, the nature and reason of the thing indicate the converse of that rule as proper to be followed. They teach us that the prior act of a superior ought to be preferred to the subsequent act of an inferior and subordinate authority; and that accordingly, whenever a particular statute contravenes the Constitution, it will be the duty of the judicial tribunals to adhere to the latter and disregard the former.

It can be of no weight to say that the courts, on the pretense of a repugnancy, may substitute their own pleasure to the constitutional intentions of the legislature. This might as well happen in the case of two contradictory statutes; or it might as well happen in every adjudication upon any single statute. The courts must declare the sense of the law; and if they should be disposed to exercise will instead of judgment, the consequence would equally be the substitution of their pleasure to that of the legislative body. The observation, if it prove any thing, would prove that there ought to

be no judges distinct from that body.

If, then, the courts of justice are to be considered as the bulwarks of a limited Constitution against legislative encroachments, this consideration will afford a strong argument for the permanent tenure of judicial offices, since nothing will contribute so much as this to that independent spirit in the judges which must be essential to the faithful performance of so arduous a duty.

This independence of the judges is equally requisite to guard the Constitution and the rights of individuals from the effects of those ill humors, which the arts of designing men, or the influence of particular conjunctures, sometimes disseminate among the people themselves, and which, though they speedily give place to better information, and more deliberate reflection, have a tendency, in the meantime, to occasion dangerous innovations in the government, and serious oppressions of the minor party in the community. Though I trust the friends of the proposed Constitution will never concur with its enemies,[3] in questioning that fundamental principle of republican government, which admits the right of the people to alter or abolish the established Constitution, whenever they find it inconsistent with their happiness, yet it is not to be inferred from this principle, that the representatives of the people, whenever a momentary inclination happens to lay hold of a majority of their constituents, incompatible with the provisions in the existing Constitution, would, on that account, be justifiable in a violation of those provisions; or that the courts would be under a greater obligation to connive at infractions in this shape, than when they had proceeded wholly from the cabals of the representative body. Until the people have, by some solemn and authoritative act, annulled or changed the established form, it is binding upon themselves collectively, as well as individually; and no presumption, or even knowledge, of their sentiments, can warrant their representatives in a departure from it, prior to such an act. But it is easy to see, that it would require an uncommon portion of fortitude in the judges to do their duty as faithful guardians of the Constitution, where legislative invasions of it had been instigated by the major voice of the community.

But it is not with a view to infractions of the Constitution only, that the independence of the judges may be an essential safeguard against the effects of occasional ill humors in the society. These sometimes extend no farther than to the injury of the private rights of particular classes of citizens, by unjust and partial laws. Here also the firmness of the judicial magistracy is of vast importance in mitigating the severity and confining the operation of such laws. It not only serves to moderate the immediate mischiefs of those which may have been passed, but it operates as a check upon the legislative body in passing them; who, perceiving that obstacles to

the success of iniquitous intention are to be expected from the scruples of the courts, are in a manner compelled, by the very motives of the injustice they meditate, to qualify their attempts. This is a circumstance calculated to have more influence upon the character of our governments, than but few may be aware of. The benefits of the integrity and moderation of the judiciary have already been felt in more States than one; and though they may have displeased those whose sinister expectations they may have disappointed, they must have commanded the esteem and applause of all the virtuous and disinterested. Considerate men, of every description, ought to prize whatever will tend to beget or fortify that temper in the courts: as no man can be sure that he may not be to-morrow the victim of a spirit of injustice, by which he may be a gainer to-day. And every man must now feel, that the inevitable tendency of such a spirit is to sap the foundations of public and private confidence, and to introduce in its stead universal distrust and distress.

That inflexible and uniform adherence to the rights of the Constitution, and of individuals, which we perceive to be indispensable in the courts of justice, can certainly not be expected from judges who hold their offices by a temporary commission. Periodical appointments, however regulated, or by whomsoever made, would, in some way or other, be fatal to their necessary independence. If the power of making them was committed either to the Executive or legislature, there would be danger of an improper complaisance to the branch which possessed it; if to both, there would be an unwillingness to hazard the displeasure of either; if to the people, or to persons chosen by them for the special purpose, there would be too great a disposition to consult popularity, to justify a reliance that nothing would be consulted but the Constitution and the laws.

There is yet a further and a weightier reason for the permanency of the judicial offices, which is deducible from the nature of the qualifications they require. It has been frequently remarked, with great propriety, that a voluminous code of laws is one of the inconveniences necessarily connected with the advantages of a free government. To avoid an arbitrary discretion in the courts, it is indispensable that they should be bound down by strict rules and precedents, which serve to define and point out their duty in every particular case that comes before them; and it will readily be conceived from the variety of controversies which grow out of the folly and wickedness of mankind, that the records of those precedents must unavoidably swell to a very considerable bulk, and must demand long and laborious study to acquire a competent knowledge of them. Hence it is, that there can be but few men in the society who will have sufficient skill in the laws to qualify them for the stations of judges. And making the proper deductions for the ordinary depravity of human nature, the number must be still smaller of those who unite the requisite integrity with the requisite knowledge. These

considerations apprise us, that the government can have no great option between fit character; and that a temporary duration in office, which would naturally discourage such characters from quitting a lucrative line of practice to accept a seat on the bench, would have a tendency to throw the administration of justice into hands less able, and less well qualified, to conduct it with utility and dignity. In the present circumstances of this country, and in those in which it is likely to be for a long time to come, the disadvantages on this score would be greater than they may at first sight appear; but it must be confessed, that they are far inferior to those which present themselves under the other aspects of the subject.

Upon the whole, there can be no room to doubt that the convention acted wisely in copying from the models of those constitutions which have established good behavior as the tenure of their judicial offices, in point of duration; and that so far from being blamable on this account, their plan would have been inexcusably defective, if it had wanted this important feature of good government. The experience of Great Britain affords an illustrious comment on the excellence of the institution.

Publius.

Notes:

1. The celebrated Montesquieu, speaking of them, says: ``Of the three powers above mentioned, the judiciary is next to nothing.'' ``Spirit of Laws.'' vol. i., page 186.
2. Idem, page 181.
3. Vide ``Protest of the Minority of the Convention of Pennsylvania,'' Martin's Speech, etc.

Source

http://www.let.rug.nl/usa/documents/1786-1800/the-federalist-papers/index.php

The Federalist 79

The Judiciary Continued
Hamilton From McLean's Edition, New York.

To the People of the State of New York:
NEXT to permanency in office, nothing can contribute more to the independence of the judges than a fixed provision for their support. The remark made in relation to the President is equally applicable here. In the general course of human nature, a power over a man's subsistence amounts to a power over his will. And we can never hope to see realized in practice, the complete separation of the judicial from the legislative power, in any system which leaves the former dependent for pecuniary resources on the occasional grants of the latter. The enlightened friends to good government in every State, have seen cause to lament the want of precise and explicit precautions in the State constitutions on this head. Some of these indeed have declared that permanent[1] salaries should be established for the judges; but the experiment has in some instances shown that such expressions are not sufficiently definite to preclude legislative evasions. Something still more positive and unequivocal has been evinced to be requisite. The plan of the convention accordingly has provided that the judges of the United States "shall at stated times receive for their services a compensation which shall not be diminished during their continuance in office.''

This, all circumstances considered, is the most eligible provision that could have been devised. It will readily be understood that the fluctuations in the value of money and in the state of society rendered a fixed rate of compensation in the Constitution inadmissible. What might be extravagant to-day, might in half a century become penurious and inadequate. It was therefore necessary to leave it to the discretion of the legislature to vary its provisions in conformity to the variations in circumstances, yet under such restrictions as to put it out of the power of that body to change the condition of the individual for the worse. A man may then be sure of the ground upon which he stands, and can never be deterred from his duty by the apprehension of being placed in a less eligible situation. The clause which has been quoted combines both advantages. The salaries of judicial officers may from time to time be altered, as occasion shall require, yet so as never to lessen the allowance with which any particular judge comes into office, in respect to him. It will be observed that a difference has been made by the

convention between the compensation of the President and of the judges, That of the former can neither be increased nor diminished; that of the latter can only not be diminished. This probably arose from the difference in the duration of the respective offices. As the President is to be elected for no more than four years, it can rarely happen that an adequate salary, fixed at the commencement of that period, will not continue to be such to its end. But with regard to the judges, who, if they behave properly, will be secured in their places for life, it may well happen, especially in the early stages of the government, that a stipend, which would be very sufficient at their first appointment, would become too small in the progress of their service.

This provision for the support of the judges bears every mark of prudence and efficacy; and it may be safely affirmed that, together with the permanent tenure of their offices, it affords a better prospect of their independence than is discoverable in the constitutions of any of the States in regard to their own judges.

The precautions for their responsibility are comprised in the article respecting impeachments. They are liable to be impeached for misconduct by the House of Representatives, and tried by the Senate; and, if convicted, may be dismissed from office, and disqualified for holding any other. This is the only provision on the point which is consistent with the necessary independence of the judicial character, and is the only one which we find in our own Constitution in respect to our own judges.

The want of a provision for removing the judges on account of inability has been a subject of complaint. But all considerate men will be sensible that such a provision would either not be practiced upon or would be more liable to abuse than calculated to answer any good purpose. The mensuration of the faculties of the mind has, I believe, no place in the catalogue of known arts. An attempt to fix the boundary between the regions of ability and inability, would much oftener give scope to personal and party attachments and enmities than advance the interests of justice or the public good. The result, except in the case of insanity, must for the most part be arbitrary; and insanity, without any formal or express provision, may be safely pronounced to be a virtual disqualification.

The constitution of New York, to avoid investigations that must forever be vague and dangerous, has taken a particular age as the criterion of inability. No man can be a judge beyond sixty. I believe there are few at present who do not disapprove of this provision. There is no station, in relation to which it is less proper than to that of a judge. The deliberating and comparing faculties generally preserve their strength much beyond that period in men who survive it; and when, in addition to this circumstance, we consider how few there are who outlive the season of intellectual vigor, and how

improbable it is that any considerable portion of the bench, whether more or less numerous, should be in such a situation at the same time, we shall be ready to conclude that limitations of this sort have little to recommend them. In a republic, where fortunes are not affluent, and pensions not expedient, the dismission of men from stations in which they have served their country long and usefully, on which they depend for subsistence, and from which it will be too late to resort to any other occupation for a livelihood, ought to have some better apology to humanity than is to be found in the imaginary danger of a superannuated bench.

Publius.

Vide “Constitution of Massachusetts,'' chapter 2, section I, article 13.

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The Federalist 80

The Powers of the Judiciary
Hamilton From McLean's Edition, New York.

To the People of the State of New York:
To judge with accuracy of the proper extent of the federal judicature, it will be necessary to consider, in the first place, what are its proper objects.

It seems scarcely to admit of controversy, that the judiciary authority of the Union ought to extend to these several descriptions of cases: 1st, to all those which arise out of the laws of the United States, passed in pursuance of their just and constitutional powers of legislation; 2d, to all those which concern the execution of the provisions expressly contained in the articles of Union; 3d, to all those in which the United States are a party; 4th, to all those which involve the peace of the confederacy, whether they relate to the intercourse between the United States and foreign nations, or to that between the States themselves; 5th, to all those which originate on the high seas, and are of admiralty or maritime jurisdiction; and, lastly, to all those in which the State tribunals cannot be supposed to be impartial and unbiased.

The first point depends upon this obvious consideration, that there ought always to be a constitutional method of giving efficacy to constitutional provisions. What, for instance, would avail restrictions on the authority of the State legislatures, without some constitutional mode of enforcing the observance of them? The States, by the plan of the convention, are prohibited from doing a variety of things, some of which are incompatible with the interests of the Union, and others with the principles of good government. The imposition of duties on imported articles, and the emission of paper money, are specimens of each kind. No man of sense will believe, that such prohibitions would be scrupulously regarded, without some effectual power in the government to restrain or correct the infractions of them. This power must either be a direct negative on the State laws, or an authority in the federal courts to overrule such as might be in manifest contravention of the articles of Union. There is no third course that I can imagine. The latter appears to have been thought by the convention preferable to the former, and, I presume, will be most agreeable to the States.

As to the second point, it is impossible, by any argument or comment, to

make it clearer than it is in itself. If there are such things as political axioms, the propriety of the judicial power of a government being coextensive with its legislative, may be ranked among the number. The mere necessity of uniformity in the interpretation of the national laws, decides the question. Thirteen independent courts of final jurisdiction over the same causes, arising upon the same laws, is a hydra in government, from which nothing but contradiction and confusion can proceed.

Still less need be said in regard to the third point. Controversies between the nation and its members or citizens, can only be properly referred to the national tribunals. Any other plan would be contrary to reason, to precedent, and to decorum.

The fourth point rests on this plain proposition, that the peace of the whole ought not to be left at the disposal of a part. The Union will undoubtedly be answerable to foreign powers for the conduct of its members. And the responsibility for an injury ought ever to be accompanied with the faculty of preventing it. As the denial or perversion of justice by the sentences of courts, as well as in any other manner, is with reason classed among the just causes of war, it will follow that the federal judiciary ought to have cognizance of all causes in which the citizens of other countries are concerned. This is not less essential to the preservation of the public faith, than to the security of the public tranquillity. A distinction may perhaps be imagined between cases arising upon treaties and the laws of nations and those which may stand merely on the footing of the municipal law. The former kind may be supposed proper for the federal jurisdiction, the latter for that of the States. But it is at least problematical, whether an unjust sentence against a foreigner, where the subject of controversy was wholly relative to the lex loci, would not, if unredressed, be an aggression upon his sovereign, as well as one which violated the stipulations of a treaty or the general law of nations. And a still greater objection to the distinction would result from the immense difficulty, if not impossibility, of a practical discrimination between the cases of one complexion and those of the other. So great a proportion of the cases in which foreigners are parties, involve national questions, that it is by far most safe and most expedient to refer all those in which they are concerned to the national tribunals.

The power of determining causes between two States, between one State and the citizens of another, and between the citizens of different States, is perhaps not less essential to the peace of the Union than that which has been just examined. History gives us a horrid picture of the dissensions and private wars which distracted and desolated Germany prior to the institution of the Imperial Chamber by Maximilian, towards the close of the fifteenth century; and informs us, at the same time, of the vast influence of that institution in appeasing the disorders and establishing the tranquillity of the

empire. This was a court invested with authority to decide finally all differences among the members of the Germanic body.

A method of terminating territorial disputes between the States, under the authority of the federal head, was not unattended to, even in the imperfect system by which they have been hitherto held together. But there are many other sources, besides interfering claims of boundary, from which bickerings and animosities may spring up among the members of the Union. To some of these we have been witnesses in the course of our past experience. It will readily be conjectured that I allude to the fraudulent laws which have been passed in too many of the States. And though the proposed Constitution establishes particular guards against the repetition of those instances which have heretofore made their appearance, yet it is warrantable to apprehend that the spirit which produced them will assume new shapes, that could not be foreseen nor specifically provided against. Whatever practices may have a tendency to disturb the harmony between the States, are proper objects of federal superintendence and control.

It may be esteemed the basis of the Union, that "the citizens of each State shall be entitled to all the privileges and immunities of citizens of the several States.'' And if it be a just principle that every government ought to possess the means of executing its own provisions by its own authority, it will follow, that in order to the inviolable maintenance of that equality of privileges and immunities to which the citizens of the Union will be entitled, the national judiciary ought to preside in all cases in which one State or its citizens are opposed to another State or its citizens. To secure the full effect of so fundamental a provision against all evasion and subterfuge, it is necessary that its construction should be committed to that tribunal which, having no local attachments, will be likely to be impartial between the different States and their citizens, and which, owing its official existence to the Union, will never be likely to feel any bias inauspicious to the principles on which it is founded.

The fifth point will demand little animadversion. The most bigoted idolizers of State authority have not thus far shown a disposition to deny the national judiciary the cognizance of maritime causes. These so generally depend on the laws of nations, and so commonly affect the rights of foreigners, that they fall within the considerations which are relative to the public peace. The most important part of them are, by the present Confederation, submitted to federal jurisdiction.

The reasonableness of the agency of the national courts in cases in which the State tribunals cannot be supposed to be impartial, speaks for itself. No man ought certainly to be a judge in his own cause, or in any cause in respect to which he has the least interest or bias. This principle has no

inconsiderable weight in designating the federal courts as the proper tribunals for the determination of controversies between different States and their citizens. And it ought to have the same operation in regard to some cases between citizens of the same State. Claims to land under grants of different States, founded upon adverse pretensions of boundary, are of this description. The courts of neither of the granting States could be expected to be unbiased. The laws may have even prejudged the question, and tied the courts down to decisions in favor of the grants of the State to which they belonged. And even where this had not been done, it would be natural that the judges, as men, should feel a strong predilection to the claims of their own government.

Having thus laid down and discussed the principles which ought to regulate the constitution of the federal judiciary, we will proceed to test, by these principles, the particular powers of which, according to the plan of the convention, it is to be composed. It is to comprehend ``all cases in law and equity arising under the Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; between a State and citizens of another State; between citizens of different States; between citizens of the same State claiming lands and grants of different States; and between a State or the citizens thereof and foreign states, citizens, and subjects.'' This constitutes the entire mass of the judicial authority of the Union. Let us now review it in detail. It is, then, to extend:

First. To all cases in law and equity, arising under the constitution and the laws of the United States. This corresponds with the two first classes of causes, which have been enumerated, as proper for the jurisdiction of the United States. It has been asked, what is meant by "cases arising under the Constitution,'' in contradiction from those "arising under the laws of the United States''? The difference has been already explained. All the restrictions upon the authority of the State legislatures furnish examples of it. They are not, for instance, to emit paper money; but the interdiction results from the Constitution, and will have no connection with any law of the United States. Should paper money, notwithstanding, be emitted, the controversies concerning it would be cases arising under the Constitution and not the laws of the United States, in the ordinary signification of the terms. This may serve as a sample of the whole.

It has also been asked, what need of the word "equity''. What equitable causes can grow out of the Constitution and laws of the United States? There is hardly a subject of litigation between individuals, which may not

involve those ingredients of fraud, accident, trust, or hardship, which would render the matter an object of equitable rather than of legal jurisdiction, as the distinction is known and established in several of the States. It is the peculiar province, for instance, of a court of equity to relieve against what are called hard bargains: these are contracts in which, though there may have been no direct fraud or deceit, sufficient to invalidate them in a court of law, yet there may have been some undue and unconscionable advantage taken of the necessities or misfortunes of one of the parties, which a court of equity would not tolerate. In such cases, where foreigners were concerned on either side, it would be impossible for the federal judicatories to do justice without an equitable as well as a legal jurisdiction. Agreements to convey lands claimed under the grants of different States, may afford another example of the necessity of an equitable jurisdiction in the federal courts. This reasoning may not be so palpable in those States where the formal and technical distinction between law and equity is not maintained, as in this State, where it is exemplified by every day's practice.

The judiciary authority of the Union is to extend:

Second. To treaties made, or which shall be made, under the authority of the United States, and to all cases affecting ambassadors, other public ministers, and consuls. These belong to the fourth class of the enumerated cases, as they have an evident connection with the preservation of the national peace.

Third. To cases of admiralty and maritime jurisdiction. These form, altogether, the fifth of the enumerated classes of causes proper for the cognizance of the national courts.

Fourth. To controversies to which the United States shall be a party. These constitute the third of those classes.

Fifth. To controversies between two or more States; between a State and citizens of another State; between citizens of different States. These belong to the fourth of those classes, and partake, in some measure, of the nature of the last.

Sixth. To cases between the citizens of the same State, claiming lands under grants of different states. These fall within the last class, and are the only instances in which the proposed constitution directly contemplates the

cognizance of disputes between the citizens of the same state.

Seventh. To cases between a State and the citizens thereof, and foreign States, citizens, or subjects. These have been already explained to belong to the fourth of the enumerated classes, and have been shown to be, in a peculiar manner, the proper subjects of the national judicature.

From this review of the particular powers of the federal judiciary, as marked out in the Constitution, it appears that they are all conformable to the principles which ought to have governed the structure of that department, and which were necessary to the perfection of the system. If some partial inconvenience should appear to be connected with the incorporation of any of them into the plan, it ought to be recollected that the national legislature will have ample authority to make such exceptions, and to prescribe such regulations as will be calculated to obviate or remove these inconveniences. The possibility of particular mischiefs can never be viewed, by a well informed mind, as a solid objection to a general principle, which is calculated to avoid general mischiefs and to obtain general advantages.

Publius.

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The Judiciary Continued, and the Distribution of the Judicial Authority
Hamilton From McLean's Edition, New York.

To the People of the State of New York:
LET US now return to the partition of the judiciary authority between different courts, and their relations to each other, "The judicial power of the United States is'' (by the plan of the convention) "to be vested in one Supreme Court, and in such inferior courts as the Congress may, from time to time, ordain and establish.''[1]

That there ought to be one court of supreme and final jurisdiction, is a proposition which is not likely to be contested. The reasons for it have been assigned in another place, and are too obvious to need repetition. The only question that seems to have been raised concerning it, is, whether it ought to be a distinct body or a branch of the legislature. The same contradiction is observable in regard to this matter which has been remarked in several other cases. The very men who object to the Senate as a court of impeachments, on the ground of an improper intermixture of powers, advocate, by implication at least, the propriety of vesting the ultimate decision of all causes, in the whole or in a part of the legislative body.

The arguments, or rather suggestions, upon which this charge is founded, are to this effect: "The authority of the proposed Supreme Court of the United States, which is to be a separate and independent body, will be superior to that of the legislature. The power of construing the laws according to the spirit of the Constitution, will enable that court to mold them into whatever shape it may think proper; especially as its decisions will not be in any manner subject to the revision or correction of the legislative body. This is as unprecedented as it is dangerous. In Britain, the judicial power, in the last resort, resides in the House of Lords, which is a branch of the legislature; and this part of the British government has been imitated in the State constitutions in general. The Parliament of Great Britain, and the legislatures of the several States, can at any time rectify, by law, the exceptionable decisions of their respective courts. But the errors and usurpations of the Supreme Court of the United States will be uncontrollable and remediless.'' This, upon examination, will be found to be made up altogether of false reasoning upon misconceived fact.

In the first place, there is not a syllable in the plan under consideration which directly empowers the national courts to construe the laws according to the spirit of the Constitution, or which gives them any greater latitude in this respect than may be claimed by the courts of every State. I admit, however, that the Constitution ought to be the standard of construction for the laws, and that wherever there is an evident opposition, the laws ought to give place to the Constitution. But this doctrine is not deducible from any circumstance peculiar to the plan of the convention, but from the general theory of a limited Constitution; and as far as it is true, is equally applicable to most, if not to all the State governments. There can be no objection,

therefore, on this account, to the federal judicature which will not lie against the local judicatures in general, and which will not serve to condemn every constitution that attempts to set bounds to legislative discretion.

But perhaps the force of the objection may be thought to consist in the particular organization of the Supreme Court; in its being composed of a distinct body of magistrates, instead of being one of the branches of the legislature, as in the government of Great Britain and that of the State. To insist upon this point, the authors of the objection must renounce the meaning they have labored to annex to the celebrated maxim, requiring a separation of the departments of power. It shall, nevertheless, be conceded to them, agreeably to the interpretation given to that maxim in the course of these papers, that it is not violated by vesting the ultimate power of judging in a part of the legislative body. But though this be not an absolute violation of that excellent rule, yet it verges so nearly upon it, as on this account alone to be less eligible than the mode preferred by the convention. From a body which had even a partial agency in passing bad laws, we could rarely expect a disposition to temper and moderate them in the application. The same spirit which had operated in making them, would be too apt in interpreting them; still less could it be expected that men who had infringed the Constitution in the character of legislators, would be disposed to repair the breach in the character of judges. Nor is this all. Every reason which recommends the tenure of good behavior for judicial offices, militates against placing the judiciary power, in the last resort, in a body composed of men chosen for a limited period. There is an absurdity in referring the determination of causes, in the first instance, to judges of permanent standing; in the last, to those of a temporary and mutable constitution. And there is a still greater absurdity in subjecting the decisions of men, selected for their knowledge of the laws, acquired by long and laborious study, to the revision and control of men who, for want of the same advantage, cannot but be deficient in that knowledge. The members of the legislature will rarely be chosen with a view to those qualifications which fit men for the stations of judges; and as, on this account, there will be great reason to apprehend all the ill consequences of defective information, so, on account of the natural propensity of such bodies to party divisions, there will be no less reason to fear that the pestilential breath of faction may poison the fountains of justice. The habit of being continually marshaled on opposite sides will be too apt to stifle the voice both of law and of equity.

These considerations teach us to applaud the wisdom of those States who have committed the judicial power, in the last resort, not to a part of the legislature, but to distinct and independent bodies of men. Contrary to the supposition of those who have represented the plan of the convention, in this respect, as novel and unprecedented, it is but a copy of the constitutions of New Hampshire, Massachusetts, Pennsylvania, Delaware,

Maryland, Virginia, North Carolina, South Carolina, and Georgia; and the preference which has been given to those models is highly to be commended.

It is not true, in the second place, that the Parliament of Great Britain, or the legislatures of the particular States, can rectify the exceptionable decisions of their respective courts, in any other sense than might be done by a future legislature of the United States. The theory, neither of the British, nor the State constitutions, authorizes the revisal of a judicial sentence by a legislative act. Nor is there any thing in the proposed Constitution, more than in either of them, by which it is forbidden. In the former, as well as in the latter, the impropriety of the thing, on the general principles of law and reason, is the sole obstacle. A legislature, without exceeding its province, cannot reverse a determination once made in a particular case; though it may prescribe a new rule for future cases. This is the principle, and it applies in all its consequences, exactly in the same manner and extent, to the State governments, as to the national government now under consideration. Not the least difference can be pointed out in any view of the subject.

It may in the last place be observed that the supposed danger of judiciary encroachments on the legislative authority, which has been upon many occasions reiterated, is in reality a phantom. Particular misconstructions and contraventions of the will of the legislature may now and then happen; but they can never be so extensive as to amount to an inconvenience, or in any sensible degree to affect the order of the political system. This may be inferred with certainty, from the general nature of the judicial power, from the objects to which it relates, from the manner in which it is exercised, from its comparative weakness, and from its total incapacity to support its usurpations by force. And the inference is greatly fortified by the consideration of the important constitutional check which the power of instituting impeachments in one part of the legislative body, and of determining upon them in the other, would give to that body upon the members of the judicial department. This is alone a complete security. There never can be danger that the judges, by a series of deliberate usurpations on the authority of the legislature, would hazard the united resentment of the body intrusted with it, while this body was possessed of the means of punishing their presumption, by degrading them from their stations. While this ought to remove all apprehensions on the subject, it affords, at the same time, a cogent argument for constituting the Senate a court for the trial of impeachments.

Having now examined, and, I trust, removed the objections to the distinct and independent organization of the Supreme Court, I proceed to consider the propriety of the power of constituting inferior courts,[2] and the

relations which will subsist between these and the former.

The power of constituting inferior courts is evidently calculated to obviate the necessity of having recourse to the Supreme Court in every case of federal cognizance. It is intended to enable the national government to institute or authorize, in each State or district of the United States, a tribunal competent to the determination of matters of national jurisdiction within its limits.

But why, it is asked, might not the same purpose have been accomplished by the instrumentality of the State courts? This admits of different answers. Though the fitness and competency of those courts should be allowed in the utmost latitude, yet the substance of the power in question may still be regarded as a necessary part of the plan, if it were only to empower the national legislature to commit to them the cognizance of causes arising out of the national Constitution. To confer the power of determining such causes upon the existing courts of the several States, would perhaps be as much "to constitute tribunals," as to create new courts with the like power. But ought not a more direct and explicit provision to have been made in favor of the State courts? There are, in my opinion, substantial reasons against such a provision: the most discerning cannot foresee how far the prevalence of a local spirit may be found to disqualify the local tribunals for the jurisdiction of national causes; whilst every man may discover, that courts constituted like those of some of the States would be improper channels of the judicial authority of the Union. State judges, holding their offices during pleasure, or from year to year, will be too little independent to be relied upon for an inflexible execution of the national laws. And if there was a necessity for confiding the original cognizance of causes arising under those laws to them there would be a correspondent necessity for leaving the door of appeal as wide as possible. In proportion to the grounds of confidence in, or distrust of, the subordinate tribunals, ought to be the facility or difficulty of appeals. And well satisfied as I am of the propriety of the appellate jurisdiction, in the several classes of causes to which it is extended by the plan of the convention. I should consider every thing calculated to give, in practice, an unrestrained course to appeals, as a source of public and private inconvenience.

I am not sure, but that it will be found highly expedient and useful, to divide the United States into four or five or half a dozen districts; and to institute a federal court in each district, in lieu of one in every State. The judges of these courts, with the aid of the State judges, may hold circuits for the trial of causes in the several parts of the respective districts. Justice through them may be administered with ease and dispatch; and appeals may be safely circumscribed within a narrow compass. This plan appears to me at present the most eligible of any that could be adopted; and in order to it, it

is necessary that the power of constituting inferior courts should exist in the full extent in which it is to be found in the proposed Constitution.

These reasons seem sufficient to satisfy a candid mind, that the want of such a power would have been a great defect in the plan. Let us now examine in what manner the judicial authority is to be distributed between the supreme and the inferior courts of the Union. The Supreme Court is to be invested with original jurisdiction, only "in cases affecting ambassadors, other public ministers, and consuls, and those in which a state shall be a party.'' Public ministers of every class are the immediate representatives of their sovereigns. All questions in which they are concerned are so directly connected with the public peace, that, as well for the preservation of this, as out of respect to the sovereignties they represent, it is both expedient and proper that such questions should be submitted in the first instance to the highest judicatory of the nation. Though consuls have not in strictness a diplomatic character, yet as they are the public agents of the nations to which they belong, the same observation is in a great measure applicable to them. In cases in which a State might happen to be a party, it would ill suit its dignity to be turned over to an inferior tribunal. Though it may rather be a digression from the immediate subject of this paper, I shall take occasion to mention here a supposition which has excited some alarm upon very mistaken grounds. It has been suggested that an assignment of the public securities of one State to the citizens of another, would enable them to prosecute that State in the federal courts for the amount of those securities; a suggestion which the following considerations prove to be without foundation.

It is inherent in the nature of sovereignty not to be amenable to the suit of an individual without its consent. This is the general sense, and the general practice of mankind; and the exemption, as one of the attributes of sovereignty, is now enjoyed by the government of every State in the Union. Unless, therefore, there is a surrender of this immunity in the plan of the convention, it will remain with the States, and the danger intimated must be merely ideal. The circumstances which are necessary to produce an alienation of State sovereignty were discussed in considering the article of taxation, and need not be repeated here. A recurrence to the principles there established will satisfy us, that there is no color to pretend that the State governments would, by the adoption of that plan, be divested of the privilege of paying their own debts in their own way, free from every constraint but that which flows from the obligations of good faith. The contracts between a nation and individuals are only binding on the conscience of the sovereign, and have no pretensions to a compulsive force. They confer no right of action, independent of the sovereign will. To what purpose would it be to authorize suits against States for the debts they owe? How could recoveries be enforced? It is evident, it could not be done without

waging war against the contracting State; and to ascribe to the federal courts, by mere implication, and in destruction of a pre-existing right of the State governments, a power which would involve such a consequence, would be altogether forced and unwarrantable.

Let us resume the train of our observations. We have seen that the original jurisdiction of the Supreme Court would be confined to two classes of causes, and those of a nature rarely to occur. In all other cases of federal cognizance, the original jurisdiction would appertain to the inferior tribunals; and the Supreme Court would have nothing more than an appellate jurisdiction, "with such exceptions and under such regulations as the Congress shall make.''

The propriety of this appellate jurisdiction has been scarcely called in question in regard to matters of law; but the clamors have been loud against it as applied to matters of fact. Some well-intentioned men in this State, deriving their notions from the language and forms which obtain in our courts, have been induced to consider it as an implied supersedure of the trial by jury, in favor of the civil-law mode of trial, which prevails in our courts of admiralty, probate, and chancery. A technical sense has been affixed to the term "appellate,'' which, in our law parlance, is commonly used in reference to appeals in the course of the civil law. But if I am not misinformed, the same meaning would not be given to it in any part of New England. There an appeal from one jury to another, is familiar both in language and practice, and is even a matter of course, until there have been two verdicts on one side. The word ``appellate,'' therefore, will not be understood in the same sense in New England as in New York, which shows the impropriety of a technical interpretation derived from the jurisprudence of any particular State. The expression, taken in the abstract, denotes nothing more than the power of one tribunal to review the proceedings of another, either as to the law or fact, or both. The mode of doing it may depend on ancient custom or legislative provision (in a new government it must depend on the latter), and may be with or without the aid of a jury, as may be judged advisable. If, therefore, the re-examination of a fact once determined by a jury, should in any case be admitted under the proposed Constitution, it may be so regulated as to be done by a second jury, either by remanding the cause to the court below for a second trial of the fact, or by directing an issue immediately out of the Supreme Court.

But it does not follow that the re-examination of a fact once ascertained by a jury, will be permitted in the Supreme Court. Why may not it be said, with the strictest propriety, when a writ of error is brought from an inferior to a superior court of law in this State, that the latter has jurisdiction of the fact as well as the law? It is true it cannot institute a new inquiry concerning the fact, but it takes cognizance of it as it appears upon the record, and

pronounces the law arising upon it.[3] This is jurisdiction of both fact and law; nor is it even possible to separate them. Though the common-law courts of this State ascertain disputed facts by a jury, yet they unquestionably have jurisdiction of both fact and law; and accordingly when the former is agreed in the pleadings, they have no recourse to a jury, but proceed at once to judgment. I contend, therefore, on this ground, that the expressions, "appellate jurisdiction, both as to law and fact,'' do not necessarily imply a re-examination in the Supreme Court of facts decided by juries in the inferior courts.

The following train of ideas may well be imagined to have influenced the convention, in relation to this particular provision. The appellate jurisdiction of the Supreme Court (it may have been argued) will extend to causes determinable in different modes, some in the course of the common law, others in the course of the civil law. In the former, the revision of the law only will be, generally speaking, the proper province of the Supreme Court; in the latter, the re-examination of the fact is agreeable to usage, and in some cases, of which prize causes are an example, might be essential to the preservation of the public peace. It is therefore necessary that the appellate jurisdiction should, in certain cases, extend in the broadest sense to matters of fact. It will not answer to make an express exception of cases which shall have been originally tried by a jury, because in the courts of some of the States all causes are tried in this mode[4]; and such an exception would preclude the revision of matters of fact, as well where it might be proper, as where it might be improper. To avoid all inconveniences, it will be safest to declare generally, that the Supreme Court shall possess appellate jurisdiction both as to law and fact, and that this jurisdiction shall be subject to such exceptions and regulations as the national legislature may prescribe. This will enable the government to modify it in such a manner as will best answer the ends of public justice and security.

This view of the matter, at any rate, puts it out of all doubt that the supposed abolition of the trial by jury, by the operation of this provision, is fallacious and untrue. The legislature of the United States would certainly have full power to provide, that in appeals to the Supreme Court there should be no re-examination of facts where they had been tried in the original causes by juries. This would certainly be an authorized exception; but if, for the reason already intimated, it should be thought too extensive, it might be qualified with a limitation to such causes only as are determinable at common law in that mode of trial.

The amount of the observations hitherto made on the authority of the judicial department is this: that it has been carefully restricted to those causes which are manifestly proper for the cognizance of the national judicature; that in the partition of this authority a very small portion of

original jurisdiction has been preserved to the Supreme Court, and the rest consigned to the subordinate tribunals; that the Supreme Court will possess an appellate jurisdiction, both as to law and fact, in all the cases referred to them, both subject to any exceptions and regulations which may be thought advisable; that this appellate jurisdiction does, in no case, abolish the trial by jury; and that an ordinary degree of prudence and integrity in the national councils will insure us solid advantages from the establishment of the proposed judiciary, without exposing us to any of the inconveniences which have been predicted from that source.

Publius.

Notes:

1. Article 3, sec. I.
2. This power has been absurdly represented as intended to abolish all the county courts in the several States, which are commonly called inferior courts. But the expressions of the Constitution are, to constitute ``tribunals **inferior to the supreme court**''; and the evident design of the provision is to enable the institution of local courts, subordinate to the Supreme, either in States or larger districts. It is ridiculous to imagine that county courts were in contemplation.
3. This word is composed of **jus** and **dictio**, juris dictio or a speaking and pronouncing of the law. I hold that the States will have concurrent jurisdiction with the subordinate federal judicatories, in many cases of federal cognizance, as will be explained in my next paper.

Source

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The Federalist 82

The Judiciary Continued
Hamilton From McLean's Edition, New York.

To the People of the State of New York:
THE erection of a new government, whatever care or wisdom may distinguish the work, cannot fail to originate questions of intricacy and nicety; and these may, in a particular manner, be expected to flow from the establishment of a constitution founded upon the total or partial incorporation of a number of distinct sovereignties. 'T is time only that can

mature and perfect so compound a system, can liquidate the meaning of all the parts, and can adjust them to each other in a harmonious and consistent whole.

Such questions, accordingly, have arisen upon the plan proposed by the convention, and particularly concerning the judiciary department. The principal of these respect the situation of the State courts in regard to those causes which are to be submitted to federal jurisdiction. Is this to be exclusive, or are those courts to possess a concurrent jurisdiction? If the latter, in what relation will they stand to the national tribunals? These are inquiries which we meet with in the mouths of men of sense, and which are certainly entitled to attention.

The principles established in a former paper[1] teach us that the States will retain all pre-existing authorities which may not be exclusively delegated to the federal head; and that this exclusive delegation can only exist in one of three cases: where an exclusive authority is, in express terms, granted to the Union; or where a particular authority is granted to the Union, and the exercise of a like authority is prohibited to the States; or where an authority is granted to the Union, with which a similar authority in the States would be utterly incompatible. Though these principles may not apply with the same force to the judiciary as to the legislative power, yet I am inclined to think that they are, in the main, just with respect to the former, as well as the latter. And under this impression, I shall lay it down as a rule, that the State courts will retain the jurisdiction they now have, unless it appears to be taken away in one of the enumerated modes.

The only thing in the proposed Constitution, which wears the appearance of confining the causes of federal cognizance to the federal courts, is contained in this passage: "The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress shall from time to time ordain and establish." This might either be construed to signify, that the supreme and subordinate courts of the Union should alone have the power of deciding those causes to which their authority is to extend; or simply to denote, that the organs of the national judiciary should be one Supreme Court, and as many subordinate courts as Congress should think proper to appoint; or in other words, that the United States should exercise the judicial power with which they are to be invested, through one supreme tribunal, and a certain number of inferior ones, to be instituted by them. The first excludes, the last admits, the concurrent jurisdiction of the State tribunals; and as the first would amount to an alienation of State power by implication, the last appears to me the most natural and the most defensible construction.

But this doctrine of concurrent jurisdiction is only clearly applicable to those

descriptions of causes of which the State courts have previous cognizance. It is not equally evident in relation to cases which may grow out of, and be peculiar to, the Constitution to be established; for not to allow the State courts a right of jurisdiction in such cases, can hardly be considered as the abridgment of a pre-existing authority. I mean not therefore to contend that the United States, in the course of legislation upon the objects intrusted to their direction, may not commit the decision of causes arising upon a particular regulation to the federal courts solely, if such a measure should be deemed expedient; but I hold that the State courts will be divested of no part of their primitive jurisdiction, further than may relate to an appeal; and I am even of opinion that in every case in which they were not expressly excluded by the future acts of the national legislature, they will of course take cognizance of the causes to which those acts may give birth. This I infer from the nature of judiciary power, and from the general genius of the system. The judiciary power of every government looks beyond its own local or municipal laws, and in civil cases lays hold of all subjects of litigation between parties within its jurisdiction, though the causes of dispute are relative to the laws of the most distant part of the globe. Those of Japan, not less than of New York, may furnish the objects of legal discussion to our courts. When in addition to this we consider the State governments and the national governments, as they truly are, in the light of kindred systems, and as parts of one whole, the inference seems to be conclusive, that the State courts would have a concurrent jurisdiction in all cases arising under the laws of the Union, where it was not expressly prohibited.

Here another question occurs: What relation would subsist between the national and State courts in these instances of concurrent jurisdiction? I answer, that an appeal would certainly lie from the latter, to the Supreme Court of the United States. The Constitution in direct terms gives an appellate jurisdiction to the Supreme Court in all the enumerated cases of federal cognizance in which it is not to have an original one, without a single expression to confine its operation to the inferior federal courts. The objects of appeal, not the tribunals from which it is to be made, are alone contemplated. From this circumstance, and from the reason of the thing, it ought to be construed to extend to the State tribunals. Either this must be the case, or the local courts must be excluded from a concurrent jurisdiction in matters of national concern, else the judiciary authority of the Union may be eluded at the pleasure of every plaintiff or prosecutor. Neither of these consequences ought, without evident necessity, to be involved; the latter would be entirely inadmissible, as it would defeat some of the most important and avowed purposes of the proposed government, and would essentially embarrass its measures. Nor do I perceive any foundation for such a supposition. Agreeably to the remark already made, the national and State systems are to be regarded as ONE WHOLE. The courts of the latter will of course be natural auxiliaries to the execution of the laws of the Union,

and an appeal from them will as naturally lie to that tribunal which is destined to unite and assimilate the principles of national justice and the rules of national decisions. The evident aim of the plan of the convention is, that all the causes of the specified classes shall, for weighty public reasons, receive their original or final determination in the courts of the Union. To confine, therefore, the general expressions giving appellate jurisdiction to the Supreme Court, to appeals from the subordinate federal courts, instead of allowing their extension to the State courts, would be to abridge the latitude of the terms, in subversion of the intent, contrary to every sound rule of interpretation.

But could an appeal be made to lie from the State courts to the subordinate federal judicatories? This is another of the questions which have been raised, and of greater difficulty than the former. The following considerations countenance the affirmative. The plan of the convention, in the first place, authorizes the national legislature "to constitute tribunals inferior to the Supreme Court.''[2] It declares, in the next place, that "the judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as Congress shall ordain and establish''; and it then proceeds to enumerate the cases to which this judicial power shall extend. It afterwards divides the jurisdiction of the Supreme Court into original and appellate, but gives no definition of that of the subordinate courts. The only outlines described for them, are that they shall be ``inferior to the Supreme Court,'' and that they shall not exceed the specified limits of the federal judiciary. Whether their authority shall be original or appellate, or both, is not declared. All this seems to be left to the discretion of the legislature. And this being the case, I perceive at present no impediment to the establishment of an appeal from the State courts to the subordinate national tribunals; and many advantages attending the power of doing it may be imagined. It would diminish the motives to the multiplication of federal courts, and would admit of arrangements calculated to contract the appellate jurisdiction of the Supreme Court. The State tribunals may then be left with a more entire charge of federal causes; and appeals, in most cases in which they may be deemed proper, instead of being carried to the Supreme Court, may be made to lie from the State courts to district courts of the Union.

Publius.

Notes:

1. No. 31.
2. Sec. 8th art. 1st.

Source

http://www.let.rug.nl/usa/documents/1786-1800/the-federalist-papers/index.php

The Federalist 83

The Judiciary Continued in Relation to Trial by Jury
Hamilton From McLean's Edition, New York.

To the People of the State of New York:
THE objection to the plan of the convention, which has met with most success in this State, and perhaps in several of the other States, is that relative to the want of a constitutional provision for the trial by jury in civil cases. The disingenuous form in which this objection is usually stated has been repeatedly alluded to and exposed, but continues to be pursued in all the conversations and writings of the opponents of the plan. The mere

silence of the Constitution in regard to civil causes, is represented as an abolition of the trial by jury, and the declamations to which it has afforded a pretext are artfully calculated to induce a persuasion that this pretended abolition is complete and universal, extending not only to every species of civil, but even to criminal causes. To argue with respect to the latter would, however, be as vain and fruitless as to attempt the serious proof of the existence of matter, or to demonstrate any of those propositions which, by their own internal evidence, force conviction, when expressed in language adapted to convey their meaning.

With regard to civil causes, subtleties almost too contemptible for refutation have been employed to countenance the surmise that a thing which is only not provided for, is entirely abolished. Every man of discernment must at once perceive the wide difference between silence and abolition. But as the inventors of this fallacy have attempted to support it by certain legal maxims of interpretation, which they have perverted from their true meaning, it may not be wholly useless to explore the ground they have taken.

The maxims on which they rely are of this nature: "A specification of particulars is an exclusion of generals''; or, "The expression of one thing is the exclusion of another.'' Hence, say they, as the Constitution has established the trial by jury in criminal cases, and is silent in respect to civil, this silence is an implied prohibition of trial by jury in regard to the latter.

The rules of legal interpretation are rules of commonsense, adopted by the courts in the construction of the laws. The true test, therefore, of a just application of them is its conformity to the source from which they are derived. This being the case, let me ask if it is consistent with common-sense to suppose that a provision obliging the legislative power to commit the trial of criminal causes to juries, is a privation of its right to authorize or permit that mode of trial in other cases? Is it natural to suppose, that a command to do one thing is a prohibition to the doing of another, which there was a previous power to do, and which is not incompatible with the thing commanded to be done? If such a supposition would be unnatural and unreasonable, it cannot be rational to maintain that an injunction of the trial by jury in certain cases is an interdiction of it in others.

A power to constitute courts is a power to prescribe the mode of trial; and consequently, if nothing was said in the Constitution on the subject of juries, the legislature would be at liberty either to adopt that institution or to let it alone. This discretion, in regard to criminal causes, is abridged by the express injunction of trial by jury in all such cases; but it is, of course, left at large in relation to civil causes, there being a total silence on this head. The specification of an obligation to try all criminal causes in a particular mode,

excludes indeed the obligation or necessity of employing the same mode in civil causes, but does not abridge the power of the legislature to exercise that mode if it should be thought proper. The pretense, therefore, that the national legislature would not be at full liberty to submit all the civil causes of federal cognizance to the determination of juries, is a pretense destitute of all just foundation.

>From these observations this conclusion results: that the trial by jury in civil cases would not be abolished; and that the use attempted to be made of the maxims which have been quoted, is contrary to reason and common-sense, and therefore not admissible. Even if these maxims had a precise technical sense, corresponding with the idea of those who employ them upon the present occasion, which, however, is not the case, they would still be inapplicable to a constitution of government. In relation to such a subject, the natural and obvious sense of its provisions, apart from any technical rules, is the true criterion of construction.

Having now seen that the maxims relied upon will not bear the use made of them, let us endeavor to ascertain their proper use and true meaning. This will be best done by examples. The plan of the convention declares that the power of Congress, or, in other words, of the national legislature, shall extend to certain enumerated cases. This specification of particulars evidently excludes all pretension to a general legislative authority, because an affirmative grant of special powers would be absurd, as well as useless, if a general authority was intended.

In like manner the judicial authority of the federal judicatures is declared by the Constitution to comprehend certain cases particularly specified. The expression of those cases marks the precise limits, beyond which the federal courts cannot extend their jurisdiction, because the objects of their cognizance being enumerated, the specification would be nugatory if it did not exclude all ideas of more extensive authority.

These examples are sufficient to elucidate the maxims which have been mentioned, and to designate the manner in which they should be used. But that there may be no misapprehensions upon this subject, I shall add one case more, to demonstrate the proper use of these maxims, and the abuse which has been made of them.

Let us suppose that by the laws of this State a married woman was incapable of conveying her estate, and that the legislature, considering this as an evil, should enact that she might dispose of her property by deed executed in the presence of a magistrate. In such a case there can be no doubt but the specification would amount to an exclusion of any other mode of conveyance, because the woman having no previous power to alienate

her property, the specification determines the particular mode which she is, for that purpose, to avail herself of. But let us further suppose that in a subsequent part of the same act it should be declared that no woman should dispose of any estate of a determinate value without the consent of three of her nearest relations, signified by their signing the deed; could it be inferred from this regulation that a married woman might not procure the approbation of her relations to a deed for conveying property of inferior value? The position is too absurd to merit a refutation, and yet this is precisely the position which those must establish who contend that the trial by juries in civil cases is abolished, because it is expressly provided for in cases of a criminal nature.

From these observations it must appear unquestionably true, that trial by jury is in no case abolished by the proposed Constitution, and it is equally true, that in those controversies between individuals in which the great body of the people are likely to be interested, that institution will remain precisely in the same situation in which it is placed by the State constitutions, and will be in no degree altered or influenced by the adoption of the plan under consideration. The foundation of this assertion is, that the national judiciary will have no cognizance of them, and of course they will remain determinable as heretofore by the State courts only, and in the manner which the State constitutions and laws prescribe. All land causes, except where claims under the grants of different States come into question, and all other controversies between the citizens of the same State, unless where they depend upon positive violations of the articles of union, by acts of the State legislatures, will belong exclusively to the jurisdiction of the State tribunals. Add to this, that admiralty causes, and almost all those which are of equity jurisdiction, are determinable under our own government without the intervention of a jury, and the inference from the whole will be, that this institution, as it exists with us at present, cannot possibly be affected to any great extent by the proposed alteration in our system of government.

The friends and adversaries of the plan of the convention, if they agree in nothing else, concur at least in the value they set upon the trial by jury; or if there is any difference between them it consists in this: the former regard it as a valuable safeguard to liberty; the latter represent it as the very palladium of free government. For my own part, the more the operation of the institution has fallen under my observation, the more reason I have discovered for holding it in high estimation; and it would be altogether superfluous to examine to what extent it deserves to be esteemed useful or essential in a representative republic, or how much more merit it may be entitled to, as a defense against the oppressions of an hereditary monarch, than as a barrier to the tyranny of popular magistrates in a popular government. Discussions of this kind would be more curious than beneficial, as all are satisfied of the utility of the institution, and of its friendly aspect to

liberty. But I must acknowledge that I cannot readily discern the inseparable connection between the existence of liberty, and the trial by jury in civil cases. Arbitrary impeachments, arbitrary methods of prosecuting pretended offenses, and arbitrary punishments upon arbitrary convictions, have ever appeared to me to be the great engines of judicial despotism; and these have all relation to criminal proceedings. The trial by jury in criminal cases, aided by the habeas-corpus act, seems therefore to be alone concerned in the question. And both of these are provided for, in the most ample manner, in the plan of the convention.

It has been observed, that trial by jury is a safeguard against an oppressive exercise of the power of taxation. This observation deserves to be canvassed.

It is evident that it can have no influence upon the legislature, in regard to the amount of taxes to be laid, to the objects upon which they are to be imposed, or to the rule by which they are to be apportioned. If it can have any influence, therefore, it must be upon the mode of collection, and the conduct of the officers intrusted with the execution of the revenue laws. As to the mode of collection in this State, under our own Constitution, the trial by jury is in most cases out of use. The taxes are usually levied by the more summary proceeding of distress and sale, as in cases of rent. And it is acknowledged on all hands, that this is essential to the efficacy of the revenue laws. The dilatory course of a trial at law to recover the taxes imposed on individuals, would neither suit the exigencies of the public nor promote the convenience of the citizens. It would often occasion an accumulation of costs, more burdensome than the original sum of the tax to be levied.

And as to the conduct of the officers of the revenue, the provision in favor of trial by jury in criminal cases, will afford the security aimed at. Wilful abuses of a public authority, to the oppression of the subject, and every species of official extortion, are offenses against the government, for which the persons who commit them may be indicted and punished according to the circumstances of the case.

The excellence of the trial by jury in civil cases appears to depend on circumstances foreign to the preservation of liberty. The strongest argument in its favor is, that it is a security against corruption. As there is always more time and better opportunity to tamper with a standing body of magistrates than with a jury summoned for the occasion, there is room to suppose that a corrupt influence would more easily find its way to the former than to the latter. The force of this consideration is, however, diminished by others. The sheriff, who is the summoner of ordinary juries, and the clerks of courts, who have the nomination of special juries, are

themselves standing officers, and, acting individually, may be supposed more accessible to the touch of corruption than the judges, who are a collective body. It is not difficult to see, that it would be in the power of those officers to select jurors who would serve the purpose of the party as well as a corrupted bench. In the next place, it may fairly be supposed, that there would be less difficulty in gaining some of the jurors promiscuously taken from the public mass, than in gaining men who had been chosen by the government for their probity and good character. But making every deduction for these considerations, the trial by jury must still be a valuable check upon corruption. It greatly multiplies the impediments to its success. As matters now stand, it would be necessary to corrupt both court and jury; for where the jury have gone evidently wrong, the court will generally grant a new trial, and it would be in most cases of little use to practice upon the jury, unless the court could be likewise gained. Here then is a double security; and it will readily be perceived that this complicated agency tends to preserve the purity of both institutions. By increasing the obstacles to success, it discourages attempts to seduce the integrity of either. The temptations to prostitution which the judges might have to surmount, must certainly be much fewer, while the co-operation of a jury is necessary, than they might be, if they had themselves the exclusive determination of all causes.

Notwithstanding, therefore, the doubts I have expressed, as to the essentiality of trial by jury in civil cases to liberty, I admit that it is in most cases, under proper regulations, an excellent method of determining questions of property; and that on this account alone it would be entitled to a constitutional provision in its favor if it were possible to fix the limits within which it ought to be comprehended. There is, however, in all cases, great difficulty in this; and men not blinded by enthusiasm must be sensible that in a federal government, which is a composition of societies whose ideas and institutions in relation to the matter materially vary from each other, that difficulty must be not a little augmented. For my own part, at every new view I take of the subject, I become more convinced of the reality of the obstacles which, we are authoritatively informed, prevented the insertion of a provision on this head in the plan of the convention.

The great difference between the limits of the jury trial in different States is not generally understood; and as it must have considerable influence on the sentence we ought to pass upon the omission complained of in regard to this point, an explanation of it is necessary. In this State, our judicial establishments resemble, more nearly than in any other, those of Great Britain. We have courts of common law, courts of probates (analogous in certain matters to the spiritual courts in England), a court of admiralty and a court of chancery. In the courts of common law only, the trial by jury prevails, and this with some exceptions. In all the others a single judge

presides, and proceeds in general either according to the course of the canon or civil law, without the aid of a jury.[1] In New Jersey, there is a court of chancery which proceeds like ours, but neither courts of admiralty nor of probates, in the sense in which these last are established with us. In that State the courts of common law have the cognizance of those causes which with us are determinable in the courts of admiralty and of probates, and of course the jury trial is more extensive in New Jersey than in New York. In Pennsylvania, this is perhaps still more the case, for there is no court of chancery in that State, and its common-law courts have equity jurisdiction. It has a court of admiralty, but none of probates, at least on the plan of ours. Delaware has in these respects imitated Pennsylvania. Maryland approaches more nearly to New York, as does also Virginia, except that the latter has a plurality of chancellors. North Carolina bears most affinity to Pennsylvania; South Carolina to Virginia. I believe, however, that in some of those States which have distinct courts of admiralty, the causes depending in them are triable by juries. In Georgia there are none but common-law courts, and an appeal of course lies from the verdict of one jury to another, which is called a special jury, and for which a particular mode of appointment is marked out. In Connecticut, they have no distinct courts either of chancery or of admiralty, and their courts of probates have no jurisdiction of causes. Their common-law courts have admiralty and, to a certain extent, equity jurisdiction. In cases of importance, their General Assembly is the only court of chancery. In Connecticut, therefore, the trial by jury extends in practice further than in any other State yet mentioned. Rhode Island is, I believe, in this particular, pretty much in the situation of Connecticut. Massachusetts and New Hampshire, in regard to the blending of law, equity, and admiralty jurisdictions, are in a similar predicament. In the four Eastern States, the trial by jury not only stands upon a broader foundation than in the other States, but it is attended with a peculiarity unknown, in its full extent, to any of them. There is an appeal of course from one jury to another, till there have been two verdicts out of three on one side.

From this sketch it appears that there is a material diversity, as well in the modification as in the extent of the institution of trial by jury in civil cases, in the several States; and from this fact these obvious reflections flow: first, that no general rule could have been fixed upon by the convention which would have corresponded with the circumstances of all the States; and secondly, that more or at least as much might have been hazarded by taking the system of any one State for a standard, as by omitting a provision altogether and leaving the matter, as has been done, to legislative regulation.

The propositions which have been made for supplying the omission have rather served to illustrate than to obviate the difficulty of the thing. The

minority of Pennsylvania have proposed this mode of expression for the purpose "Trial by jury shall be as heretofore'' and this I maintain would be senseless and nugatory. The United States, in their united or collective capacity, are the object to which all general provisions in the Constitution must necessarily be construed to refer. Now it is evident that though trial by jury, with various limitations, is known in each State individually, yet in the United States, as such, it is at this time altogether unknown, because the present federal government has no judiciary power whatever; and consequently there is no proper antecedent or previous establishment to which the term heretofore could relate. It would therefore be destitute of a precise meaning, and inoperative from its uncertainty.

As, on the one hand, the form of the provision would not fulfill the intent of its proposers, so, on the other, if I apprehend that intent rightly, it would be in itself inexpedient. I presume it to be, that causes in the federal courts should be tried by jury, if, in the State where the courts sat, that mode of trial would obtain in a similar case in the State courts; that is to say, admiralty causes should be tried in Connecticut by a jury, in New York without one. The capricious operation of so dissimilar a method of trial in the same cases, under the same government, is of itself sufficient to indispose every well regulated judgment towards it. Whether the cause should be tried with or without a jury, would depend, in a great number of cases, on the accidental situation of the court and parties.

But this is not, in my estimation, the greatest objection. I feel a deep and deliberate conviction that there are many cases in which the trial by jury is an ineligible one. I think it so particularly in cases which concern the public peace with foreign nations that is, in most cases where the question turns wholly on the laws of nations. Of this nature, among others, are all prize causes. Juries cannot be supposed competent to investigations that require a thorough knowledge of the laws and usages of nations; and they will sometimes be under the influence of impressions which will not suffer them to pay sufficient regard to those considerations of public policy which ought to guide their inquiries. There would of course be always danger that the rights of other nations might be infringed by their decisions, so as to afford occasions of reprisal and war. Though the proper province of juries be to determine matters of fact, yet in most cases legal consequences are complicated with fact in such a manner as to render a separation impracticable.

It will add great weight to this remark, in relation to prize causes, to mention that the method of determining them has been thought worthy of particular regulation in various treaties between different powers of Europe, and that, pursuant to such treaties, they are determinable in Great Britain, in the last resort, before the king himself, in his privy council, where the

fact, as well as the law, undergoes a re-examination. This alone demonstrates the impolicy of inserting a fundamental provision in the Constitution which would make the State systems a standard for the national government in the article under consideration, and the danger of encumbering the government with any constitutional provisions the propriety of which is not indisputable.

My convictions are equally strong that great advantages result from the separation of the equity from the law jurisdiction, and that the causes which belong to the former would be improperly committed to juries. The great and primary use of a court of equity is to give relief in extraordinary cases, which are exceptions[2] to general rules. To unite the jurisdiction of such cases with the ordinary jurisdiction, must have a tendency to unsettle the general rules, and to subject every case that arises to a special determination; while a separation of the one from the other has the contrary effect of rendering one a sentinel over the other, and of keeping each within the expedient limits. Besides this, the circumstances that constitute cases proper for courts of equity are in many instances so nice and intricate, that they are incompatible with the genius of trials by jury. They require often such long, deliberate, and critical investigation as would be impracticable to men called from their occupations, and obliged to decide before they were permitted to return to them. The simplicity and expedition which form the distinguishing characters of this mode of trial require that the matter to be decided should be reduced to some single and obvious point; while the litigations usual in chancery frequently comprehend a long train of minute and independent particulars.

It is true that the separation of the equity from the legal jurisdiction is peculiar to the English system of jurisprudence: which is the model that has been followed in several of the States. But it is equally true that the trial by jury has been unknown in every case in which they have been united. And the separation is essential to the preservation of that institution in its pristine purity. The nature of a court of equity will readily permit the extension of its jurisdiction to matters of law; but it is not a little to be suspected, that the attempt to extend the jurisdiction of the courts of law to matters of equity will not only be unproductive of the advantages which may be derived from courts of chancery, on the plan upon which they are established in this State, but will tend gradually to change the nature of the courts of law, and to undermine the trial by jury, by introducing questions too complicated for a decision in that mode.

These appeared to be conclusive reasons against incorporating the systems of all the States, in the formation of the national judiciary, according to what may be conjectured to have been the attempt of the Pennsylvania minority. Let us now examine how far the proposition of Massachusetts is calculated

to remedy the supposed defect.

It is in this form: “In civil actions between citizens of different States, every issue of fact, arising in actions at common law, may be tried by a jury if the parties, or either of them request it.''

This, at best, is a proposition confined to one description of causes; and the inference is fair, either that the Massachusetts convention considered that as the only class of federal causes, in which the trial by jury would be proper; or that if desirous of a more extensive provision, they found it impracticable to devise one which would properly answer the end. If the first, the omission of a regulation respecting so partial an object can never be considered as a material imperfection in the system. If the last, it affords a strong corroboration of the extreme difficulty of the thing.

But this is not all: if we avert to the observations already made respecting the courts that subsist in the several States of the Union, and the different powers exercised by them, it will appear that there are no expressions more vague and indeterminate than those which have been employed to characterize that species of causes which it is intended shall be entitled to a trial by jury. In this State, the boundaries between actions at common law and actions of equitable jurisdiction, are ascertained in conformity to the rules which prevail in England upon that subject. In many of the other States the boundaries are less precise. In some of them every cause is to be tried in a court of common law, and upon that foundation every action may be considered as an action at common law, to be determined by a jury, if the parties, or either of them, choose it. Hence the same irregularity and confusion would be introduced by a compliance with this proposition, that I have already noticed as resulting from the regulation proposed by the Pennsylvania minority. In one State a cause would receive its determination from a jury, if the parties, or either of them, requested it; but in another State, a cause exactly similar to the other, must be decided without the intervention of a jury, because the State judicatories varied as to common-law jurisdiction.

It is obvious, therefore, that the Massachusetts proposition, upon this subject cannot operate as a general regulation, until some uniform plan, with respect to the limits of common-law and equitable jurisdictions, shall be adopted by the different States. To devise a plan of that kind is a task arduous in itself, and which it would require much time and reflection to mature. It would be extremely difficult, if not impossible, to suggest any general regulation that would be acceptable to all the States in the Union, or that would perfectly quadrate with the several State institutions.

It may be asked, Why could not a reference have been made to the

constitution of this State, taking that, which is allowed by me to be a good one, as a standard for the United States? I answer that it is not very probable the other States would entertain the same opinion of our institutions as we do ourselves. It is natural to suppose that they are hitherto more attached to their own, and that each would struggle for the preference. If the plan of taking one State as a model for the whole had been thought of in the convention, it is to be presumed that the adoption of it in that body would have been rendered difficult by the predilection of each representation in favor of its own government; and it must be uncertain which of the States would have been taken as the model. It has been shown that many of them would be improper ones. And I leave it to conjecture, whether, under all circumstances, it is most likely that New York, or some other State, would have been preferred. But admit that a judicious selection could have been effected in the convention, still there would have been great danger of jealousy and disgust in the other States, at the partiality which had been shown to the institutions of one. The enemies of the plan would have been furnished with a fine pretext for raising a host of local prejudices against it, which perhaps might have hazarded, in no inconsiderable degree, its final establishment.

To avoid the embarrassments of a definition of the cases which the trial by jury ought to embrace, it is sometimes suggested by men of enthusiastic tempers, that a provision might have been inserted for establishing it in all cases whatsoever. For this I believe, no precedent is to be found in any member of the Union; and the considerations which have been stated in discussing the proposition of the minority of Pennsylvania, must satisfy every sober mind that the establishment of the trial by jury in all cases would have been an unpardonable error in the plan.

In short, the more it is considered the more arduous will appear the task of fashioning a provision in such a form as not to express too little to answer the purpose, or too much to be advisable; or which might not have opened other sources of opposition to the great and essential object of introducing a firm national government.

I cannot but persuade myself, on the other hand, that the different lights in which the subject has been placed in the course of these observations, will go far towards removing in candid minds the apprehensions they may have entertained on the point. They have tended to show that the security of liberty is materially concerned only in the trial by jury in criminal cases, which is provided for in the most ample manner in the plan of the convention; that even in far the greatest proportion of civil cases, and those in which the great body of the community is interested, that mode of trial will remain in its full force, as established in the State constitutions, untouched and unaffected by the plan of the convention; that it is in no case

abolished[3] by that plan; and that there are great if not insurmountable difficulties in the way of making any precise and proper provision for it in a Constitution

1. It has been erroneously insinuated. with regard to the court of chancery, that this court generally tries disputed facts by a jury. The truth is, that references to a jury in that court rarely happen, and are in no case necessary but where the validity of a devise of land comes into question.
2. It is true that the principles by which that relief is governed are now reduced to a regular system; but it is not the less true that they are in the main applicable to special circumstances, which form exceptions to general rules.
3. Vide No. 81, in which the supposition of its being abolished by the appellate jurisdiction in matters of fact being vested in the Supreme Court, is examined and refuted.

Publius.

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The Federalist 84

Certain General and Miscellaneous Objections to the Constitution Considered and Answered
Hamilton From McLean's Edition, New York.

To the People of the State of New York:
IN THE course of the foregoing review of the Constitution, I have taken notice of, and endeavored to answer most of the objections which have appeared against it. There, however, remain a few which either did not fall naturally under any particular head or were forgotten in their proper places. These shall now be discussed; but as the subject has been drawn into great length, I shall so far consult brevity as to comprise all my observations on these miscellaneous points in a single paper.

The most considerable of the remaining objections is that the plan of the convention contains no bill of rights. Among other answers given to this, it has been upon different occasions remarked that the constitutions of several of the States are in a similar predicament. I add that New York is of the number. And yet the opposers of the new system, in this State, who profess an unlimited admiration for its constitution, are among the most

intemperate partisans of a bill of rights. To justify their zeal in this matter, they allege two things: one is that, though the constitution of New York has no bill of rights prefixed to it, yet it contains, in the body of it, various provisions in favor of particular privileges and rights, which, in substance amount to the same thing; the other is, that the Constitution adopts, in their full extent, the common and statute law of Great Britain, by which many other rights, not expressed in it, are equally secured.

To the first I answer, that the Constitution proposed by the convention contains, as well as the constitution of this State, a number of such provisions.

Independent of those which relate to the structure of the government, we find the following: Article 1, 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.'' Section 9, of the same article, clause 2 "The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.'' Clause 3 "No bill of attainder or ex-post-facto law shall be passed.'' Clause 7 "No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title of any kind whatever, from any king, prince, or foreign state.'' Article 3, section 2, clause 3 "The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.'' Section 3, of the same article "Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on confession in open court.'' And clause 3, of the same section "The Congress shall have power to declare the punishment of treason; but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.'' It may well be a question, whether these are not, upon the whole, of equal importance with any which are to be found in the constitution of this State. The establishment of the writ of habeas corpus, the prohibition of ex-post-facto laws, and of titles of nobility, to which we have no corresponding provision in our constitution, are perhaps greater securities to liberty and republicanism than any it contains. The creation of crimes after the commission of the fact, or, in other words, the subjecting of men to punishment for things which, when they were done, were breaches of no

law, and the practice of arbitrary imprisonments, have been, in all ages, the favorite and most formidable instruments of tyranny. The observations of the judicious Blackstone,[1] in reference to the latter, are well worthy of recital: "To bereave a man of life, says he, or by violence to confiscate his estate, without accusation or trial, would be so gross and notorious an act of despotism, as must at once convey the alarm of tyranny throughout the whole nation; but confinement of the person, by secretly hurrying him to jail, where his sufferings are unknown or forgotten, is a less public, a less striking, and therefore a more dangerous engine of arbitrary government." And as a remedy for this fatal evil he is everywhere peculiarly emphatical in his encomiums on the habeas-corpus act, which in one place he calls "the bulwark of the British Constitution."[2]

Nothing need be said to illustrate the importance of the prohibition of titles of nobility. This may truly be denominated the corner-stone of republican government; for so long as they are excluded, there can never be serious danger that the government will be any other than that of the people.

To the second that is, to the pretended establishment of the common and state law by the Constitution, I answer, that they are expressly made subject "to such alterations and provisions as the legislature shall from time to time make concerning the same." They are therefore at any moment liable to repeal by the ordinary legislative power, and of course have no constitutional sanction. The only use of the declaration was to recognize the ancient law and to remove doubts which might have been occasioned by the Revolution. This consequently can be considered as no part of a declaration of rights, which under our constitutions must be intended as limitations of the power of the government itself.

It has been several times truly remarked that bills of rights are, in their origin, stipulations between kings and their subjects, abridgements of prerogative in favor of privilege, reservations of rights not surrendered to the prince. Such was MAGNA CHARTA, obtained by the barons, sword in hand, from King John. Such were the subsequent confirmations of that charter by succeeding princes. Such was the petition of right assented to by Charles I., in the beginning of his reign. Such, also, was the Declaration of Right presented by the Lords and Commons to the Prince of Orange in 1688, and afterwards thrown into the form of an act of parliament called the Bill of Rights. It is evident, therefore, that, according to their primitive signification, they have no application to constitutions professedly founded upon the power of the people, and executed by their immediate representatives and servants. Here, in strictness, the people surrender nothing; and as they retain every thing they have no need of particular reservations. "We, the people of the United States, to secure the blessings of liberty to ourselves and our posterity, do ordain and establish this

Constitution for the United States of America.'' Here is a better recognition of popular rights, than volumes of those aphorisms which make the principal figure in several of our State bills of rights, and which would sound much better in a treatise of ethics than in a constitution of government.

But a minute detail of particular rights is certainly far less applicable to a Constitution like that under consideration, which is merely intended to regulate the general political interests of the nation, than to a constitution which has the regulation of every species of personal and private concerns. If, therefore, the loud clamors against the plan of the convention, on this score, are well founded, no epithets of reprobation will be too strong for the constitution of this State. But the truth is, that both of them contain all which, in relation to their objects, is reasonably to be desired.

I go further, and affirm that bills of rights, in the sense and to the extent in which they are contended for, are not only unnecessary in the proposed Constitution, but would even be dangerous. They would contain various exceptions to powers not granted; and, on this very account, would afford a colorable pretext to claim more than were granted. For why declare that things shall not be done which there is no power to do? Why, for instance, should it be said that the liberty of the press shall not be restrained, when no power is given by which restrictions may be imposed? I will not contend that such a provision would confer a regulating power; but it is evident that it would furnish, to men disposed to usurp, a plausible pretense for claiming that power. They might urge with a semblance of reason, that the Constitution ought not to be charged with the absurdity of providing against the abuse of an authority which was not given, and that the provision against restraining the liberty of the press afforded a clear implication, that a power to prescribe proper regulations concerning it was intended to be vested in the national government. This may serve as a specimen of the numerous handles which would be given to the doctrine of constructive powers, by the indulgence of an injudicious zeal for bills of rights.

On the subject of the liberty of the press, as much as has been said, I cannot forbear adding a remark or two: in the first place, I observe, that there is not a syllable concerning it in the constitution of this State; in the next, I contend, that whatever has been said about it in that of any other State, amounts to nothing. What signifies a declaration, that ``the liberty of the press shall be inviolably preserved''? What is the liberty of the press? Who can give it any definition which would not leave the utmost latitude for evasion? I hold it to be impracticable; and from this I infer, that its security, whatever fine declarations may be inserted in any constitution respecting it, must altogether depend on public opinion, and on the general spirit of the people and of the government.[3] And here, after all, as is intimated upon

another occasion, must we seek for the only solid basis of all our rights.

There remains but one other view of this matter to conclude the point. The truth is, after all the declamations we have heard, that the Constitution is itself, in every rational sense, and to every useful purpose, a bill of rights. The several bills of rights in Great Britain form its Constitution, and conversely the constitution of each State is its bill of rights. And the proposed Constitution, if adopted, will be the bill of rights of the Union. Is it one object of a bill of rights to declare and specify the political privileges of the citizens in the structure and administration of the government? This is done in the most ample and precise manner in the plan of the convention; comprehending various precautions for the public security, which are not to be found in any of the State constitutions. Is another object of a bill of rights to define certain immunities and modes of proceeding, which are relative to personal and private concerns? This we have seen has also been attended to, in a variety of cases, in the same plan. Averting therefore to the substantial meaning of a bill of rights, it is absurd to allege that it is not to be found in the work of the convention. It may be said that it does not go far enough, though it will not be easy to make this appear; but it can with no propriety be contended that there is no such thing. It certainly must be immaterial what mode is observed as to the order of declaring the rights of the citizens, if they are to be found in any part of the instrument which establishes the government. And hence it must be apparent, that much of what has been said on this subject rests merely on verbal and nominal distinctions, entirely foreign from the substance of the thing.

Another objection which has been made, and which, from the frequency of its repetition, it is to be presumed is relied on, is of this nature: ``It is improper, say the objectors, to confer such large powers, as are proposed, upon the national government, because the seat of that government must of necessity be too remote from many of the States to admit of a proper knowledge on the part of the constituent, of the conduct of the representative body.'' This argument, if it proves any thing, proves that there ought to be no general government whatever. For the powers which, it seems to be agreed on all hands, ought to be vested in the Union, cannot be safely intrusted to a body which is not under every requisite control. But there are satisfactory reasons to show that the objection is in reality not well founded. There is in most of the arguments which relate to distance a palpable illusion of the imagination. What are the sources of information by which the people in Montgomery County must regulate their judgment of the conduct of their representatives in the State legislature? Of personal observation they can have no benefit. This is confined to the citizens on the spot. They must therefore depend on the information of intelligent men, in whom they confide; and how must these men obtain their information? Evidently from the complexion of public measures, from the public prints,

from correspondences with their representatives, and with other persons who reside at the place of their deliberations. This does not apply to Montgomery County only, but to all the counties at any considerable distance from the seat of government.

It is equally evident that the same sources of information would be open to the people in relation to the conduct of their representatives in the general government, and the impediments to a prompt communication which distance may be supposed to create, will be overbalanced by the effects of the vigilance of the State governments. The executive and legislative bodies of each State will be so many sentinels over the persons employed in every department of the national administration; and as it will be in their power to adopt and pursue a regular and effectual system of intelligence, they can never be at a loss to know the behavior of those who represent their constituents in the national councils, and can readily communicate the same knowledge to the people. Their disposition to apprise the community of whatever may prejudice its interests from another quarter, may be relied upon, if it were only from the rivalry of power. And we may conclude with the fullest assurance that the people, through that channel, will be better informed of the conduct of their national representatives, than they can be by any means they now possess of that of their State representatives.

It ought also to be remembered that the citizens who inhabit the country at and near the seat of government will, in all questions that affect the general liberty and prosperity, have the same interest with those who are at a distance, and that they will stand ready to sound the alarm when necessary, and to point out the actors in any pernicious project. The public papers will be expeditious messengers of intelligence to the most remote inhabitants of the Union.

Among the many curious objections which have appeared against the proposed Constitution, the most extraordinary and the least colorable is derived from the want of some provision respecting the debts due to the United States. This has been represented as a tacit relinquishment of those debts, and as a wicked contrivance to screen public defaulters. The newspapers have teemed with the most inflammatory railings on this head; yet there is nothing clearer than that the suggestion is entirely void of foundation, the offspring of extreme ignorance or extreme dishonesty. In addition to the remarks I have made upon the subject in another place, I shall only observe that as it is a plain dictate of common-sense, so it is also an established doctrine of political law, that "states neither lose any of their rights, nor are discharged from any of their obligations, by a change in the form of their civil government."[4]

The last objection of any consequence, which I at present recollect, turns

upon the article of expense. If it were even true, that the adoption of the proposed government would occasion a considerable increase of expense, it would be an objection that ought to have no weight against the plan.

The great bulk of the citizens of America are with reason convinced, that Union is the basis of their political happiness. Men of sense of all parties now, with few exceptions, agree that it cannot be preserved under the present system, nor without radical alterations; that new and extensive powers ought to be granted to the national head, and that these require a different organization of the federal government a single body being an unsafe depositary of such ample authorities. In conceding all this, the question of expense must be given up; for it is impossible, with any degree of safety, to narrow the foundation upon which the system is to stand. The two branches of the legislature are, in the first instance, to consist of only sixty-five persons, which is the same number of which Congress, under the existing Confederation, may be composed. It is true that this number is intended to be increased; but this is to keep pace with the progress of the population and resources of the country. It is evident that a less number would, even in the first instance, have been unsafe, and that a continuance of the present number would, in a more advanced stage of population, be a very inadequate representation of the people.

Whence is the dreaded augmentation of expense to spring? One source indicated, is the multiplication of offices under the new government. Let us examine this a little.

It is evident that the principal departments of the administration under the present government, are the same which will be required under the new. There are now a Secretary of War, a Secretary of Foreign Affairs, a Secretary for Domestic Affairs, a Board of Treasury, consisting of three persons, a Treasurer, assistants, clerks, etc. These officers are indispensable under any system, and will suffice under the new as well as the old. As to ambassadors and other ministers and agents in foreign countries, the proposed Constitution can make no other difference than to render their characters, where they reside, more respectable, and their services more useful. As to persons to be employed in the collection of the revenues, it is unquestionably true that these will form a very considerable addition to the number of federal officers; but it will not follow that this will occasion an increase of public expense. It will be in most cases nothing more than an exchange of State for national officers. In the collection of all duties, for instance, the persons employed will be wholly of the latter description. The States individually will stand in no need of any for this purpose. What difference can it make in point of expense to pay officers of the customs appointed by the State or by the United States? There is no good reason to suppose that either the number or the salaries of the latter will be greater

than those of the former.

Where then are we to seek for those additional articles of expense which are to swell the account to the enormous size that has been represented to us? The chief item which occurs to me respects the support of the judges of the United States. I do not add the President, because there is now a president of Congress, whose expenses may not be far, if any thing, short of those which will be incurred on account of the President of the United States. The support of the judges will clearly be an extra expense, but to what extent will depend on the particular plan which may be adopted in regard to this matter. But upon no reasonable plan can it amount to a sum which will be an object of material consequence.

Let us now see what there is to counterbalance any extra expense that may attend the establishment of the proposed government. The first thing which presents itself is that a great part of the business which now keeps Congress sitting through the year will be transacted by the President. Even the management of foreign negotiations will naturally devolve upon him, according to general principles concerted with the Senate, and subject to their final concurrence. Hence it is evident that a portion of the year will suffice for the session of both the Senate and the House of Representatives; we may suppose about a fourth for the latter and a third, or perhaps half, for the former. The extra business of treaties and appointments may give this extra occupation to the Senate. From this circumstance we may infer that, until the House of Representatives shall be increased greatly beyond its present number, there will be a considerable saving of expense from the difference between the constant session of the present and the temporary session of the future Congress.

But there is another circumstance of great importance in the view of economy. The business of the United States has hitherto occupied the State legislatures, as well as Congress. The latter has made requisitions which the former have had to provide for. Hence it has happened that the sessions of the State legislatures have been protracted greatly beyond what was necessary for the execution of the mere local business of the States. More than half their time has been frequently employed in matters which related to the United States. Now the members who compose the legislatures of the several States amount to two thousand and upwards, which number has hitherto performed what under the new system will be done in the first instance by sixty-five persons, and probably at no future period by above a fourth or fifth of that number. The Congress under the proposed government will do all the business of the United States themselves, without the intervention of the State legislatures, who thenceforth will have only to attend to the affairs of their particular States, and will not have to sit in any proportion as long as they have heretofore done. This difference in the time

of the sessions of the State legislatures will be clear gain, and will alone form an article of saving, which may be regarded as an equivalent for any additional objects of expense that may be occasioned by the adoption of the new system.

The result from these observations is that the sources of additional expense from the establishment of the proposed Constitution are much fewer than may have been imagined; that they are counterbalanced by considerable objects of saving; and that while it is questionable on which side the scale will preponderate, it is certain that a government less expensive would be incompetent to the purposes of the Union.

Publius.

1. Vide Blackstone's ``Commentaries,'' vol. 1., p. 136.
2. Vide Blackstone's ``Commentaries,'' vol. iv., p. 438.
3. To show that there is a power in the Constitution by which the liberty of the press may be affected, recourse has been had to the power of taxation. It is said that duties may be laid upon the publications so high as to amount to a prohibition. I know not by what logic it could be maintained, that the declarations in the State constitutions, in favor of the freedom of the press, would be a constitutional impediment to the imposition of duties upon publications by the State legislatures. It cannot certainly be pretended that any degree of duties, however low, would be an abridgment of the liberty of the press. We know that newspapers are taxed in Great Britain, and yet it is notorious that the press nowhere enjoys greater liberty than in that country. And if duties of any kind may be laid without a violation of that liberty, it is evident that the extent must depend on legislative discretion, respecting the liberty of the press, will give it no greater security than it will have without them. The same invasions of it may be effected under the State constitutions which contain those declarations through the means of taxation, as under the proposed Constitution, which has nothing of the kind. It would be quite as significant to declare that government ought to be free, that taxes ought not to be excessive, etc., as that the liberty of the press ought not to be restrained.

Source

http://www.let.rug.nl/usa/documents/1786-1800/the-federalist-papers/index.php

The Constitution of the United States: A Transcription

Note: The following text is a transcription of the Constitution as it was inscribed by Jacob Shallus on parchment (the document on display in the Rotunda at the National Archives Museum.) *The spelling and punctuation reflect the original.*

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.

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.

Section. 2.

The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most

numerous Branch of the State Legislature.

No Person shall be a Representative who shall not have attained to the Age of twenty five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons. The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct. The Number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at Least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode-Island and Providence Plantations one, Connecticut five, New-York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.

The House of Representatives shall choose their Speaker and other Officers; and shall have the sole Power of Impeachment.

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.

Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Classes. The Seats of the Senators of the first Class shall be vacated at the Expiration of the second Year, of the second Class at the Expiration of the fourth Year, and of the third Class at the Expiration of the sixth Year, so that one third may be chosen every second Year; and if Vacancies happen by Resignation, or otherwise, during the Recess of the Legislature of any State, the Executive thereof may make temporary Appointments until the next Meeting of the Legislature, which shall then fill such Vacancies.

No Person shall be a Senator who shall not have attained to the Age of thirty Years, and been nine Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen.

The Vice President of the United States shall be President of the Senate, but

shall have no Vote, unless they be equally divided.

The Senate shall choose their other Officers, and also a President pro tempore, in the Absence of the Vice President, or when he shall exercise the Office of President of the United States.

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.

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.

Section. 4.

The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of choosing Senators.

The Congress shall assemble at least once in every Year, and such Meeting shall be on the first Monday in December, unless they shall by Law appoint a different Day.

Section. 5.

Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do Business; but a smaller Number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide.

Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behavior, and, with the Concurrence of two thirds, expel a Member.

Each House shall keep a Journal of its Proceedings, and from time to time publish the same, excepting such Parts as may in their Judgment require Secrecy; and the Yeas and Nays of the Members of either House on any question shall, at the Desire of one fifth of those Present, be entered on the Journal.

Neither House, during the Session of Congress, shall, without the Consent of the other, adjourn for more than three days, nor to any other Place than

that in which the two Houses shall be sitting.

Section. 6.

The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States. They shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same; and for any Speech or Debate in either House, they shall not be questioned in any other Place.

No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been increased during such time; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office.

Section. 7.

All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills.

Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States; If he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration two thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a Law. But in all such Cases the Votes of both Houses shall be determined by yeas and Nays, and the Names of the Persons voting for and against the Bill shall be entered on the Journal of each House respectively. If any Bill shall not be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him, the Same shall be a Law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law.

Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States; and before the Same shall take Effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed

in the Case of a Bill.

Section. 8.

The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

To borrow Money on the credit of the United States;

To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;

To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;

To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;

To establish Post Offices and post Roads;

To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;

To constitute Tribunals inferior to the supreme Court;

To define and punish Piracies and Felonies committed on the high Seas, and Offenses against the Law of Nations;

To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;

To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;

To provide and maintain a Navy;

To make Rules for the Government and Regulation of the land and naval Forces;

To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;

To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline

prescribed by Congress;

To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings;—And

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.

Section. 9.

The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a Tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person.

The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.

No Bill of Attainder or ex post facto Law shall be passed.

No Capitation, or other direct, Tax shall be laid, unless in Proportion to the Census or enumeration herein before directed to be taken.

No Tax or Duty shall be laid on Articles exported from any State.

No Preference shall be given by any Regulation of Commerce or Revenue to the Ports of one State over those of another: nor shall Vessels bound to, or from, one State, be obliged to enter, clear, or pay Duties in another.

No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.

Section. 10.

No State shall enter into any Treaty, Alliance, or Confederation; grant

Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.

No State shall, without the Consent of the Congress, lay any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing it's inspection Laws: and the net Produce of all Duties and Imposts, laid by any State on Imports or Exports, shall be for the Use of the Treasury of the United States; and all such Laws shall be subject to the Revision and Control of the Congress.

No State shall, without the Consent of Congress, lay any Duty of Tonnage, keep Troops, or Ships of War in time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of delay.

Article. II.

Section. 1.

The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice President, chosen for the same Term, be elected, as follows

Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

The Electors shall meet in their respective States, and vote by Ballot for two Persons, of whom one at least shall not be an Inhabitant of the same State with themselves. And they shall make a List of all the Persons voted for, and of the Number of Votes for each; which List they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the Presence of the Senate and House of Representatives, open all the Certificates, and the Votes shall then be counted. The Person having the greatest Number of Votes shall be the President, if such Number be a Majority of the whole Number of Electors appointed; and if there be more than one who have such Majority, and have an equal Number of Votes, then the House of Representatives shall immediately choose by Ballot one of them for President; and if no Person have a Majority, then from the five

highest on the List the said House shall in like Manner choose the President. But in choosing the President, the Votes shall be taken by States, the Representation from each State having one Vote; A quorum for this Purpose shall consist of a Member or Members from two thirds of the States, and a Majority of all the States shall be necessary to a Choice. In every Case, after the Choice of the President, the Person having the greatest Number of Votes of the Electors shall be the Vice President. But if there should remain two or more who have equal Votes, the Senate shall choose from them by Ballot the Vice President.

The Congress may determine the Time of choosing the Electors, and the Day on which they shall give their Votes; which Day shall be the same throughout the United States.

No Person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President; neither shall any Person be eligible to that Office who shall not have attained to the Age of thirty five Years, and been fourteen Years a Resident within the United States.

In Case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office, the Same shall devolve on the Vice President, and the Congress may by Law provide for the Case of Removal, Death, Resignation or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected.

The President shall, at stated Times, receive for his Services, a Compensation, which shall neither be increased nor diminished during the Period for which he shall have been elected, and he shall not receive within that Period any other Emolument from the United States, or any of them.

Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation:—"I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States."

Section. 2.

The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices, and he shall have Power to grant Reprieves and Pardons for Offenses against the United

States, except in Cases of Impeachment.

He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session.

Section. 3.

He shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient; he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the Time of Adjournment, he may adjourn them to such Time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall take Care that the Laws be faithfully executed, and shall Commission all the Officers of the United States.

Section. 4.

The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

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 Behavior, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.

Section. 2.

The judicial Power shall extend to all Cases, in Law and Equity, arising under

this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;—to all Cases affecting Ambassadors, other public Ministers and Consuls;—to all Cases of admiralty and maritime Jurisdiction;—to Controversies to which the United States shall be a Party;—to Controversies between two or more States;— between a State and Citizens of another State,—between Citizens of different States,—between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.

Section. 3.

Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.

The Congress shall have Power to declare the Punishment of Treason, but no Attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attainted.

Article. IV.

Section. 1.

Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.

Section. 2.

The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.

A Person charged in any State with Treason, Felony, or other Crime, who

shall flee from Justice, and be found in another State, shall on Demand of the executive Authority of the State from which he fled, be delivered up, to be removed to the State having Jurisdiction of the Crime.

No Person held to Service or Labor in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labor, but shall be delivered up on Claim of the Party to whom such Service or Labor may be due.

Section. 3.

New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or Parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.

The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

Section. 4.

The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened), against domestic Violence.

Article. V.

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.

Article. VI.

All Debts contracted and Engagements entered into, before the Adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

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, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

Article. VII.

The Ratification of the Conventions of nine States, shall be sufficient for the Establishment of this Constitution between the States so ratifying the Same.

The Word, "the," being interlined between the seventh and eighth Lines of the first Page, The Word "Thirty" being partly written on an Erasure in the fifteenth Line of the first Page, The Words "is tried" being interlined between the thirty second and thirty third Lines of the first Page and the Word "the" being interlined between the forty third and forty fourth Lines of the second Page.

Attest William Jackson Secretary

done in Convention by the Unanimous Consent of the States present the Seventeenth Day of September in the Year of our Lord one thousand seven hundred and Eighty seven and of the Independence of the United States of America the Twelfth In witness whereof We have hereunto subscribed our Names,

G°. Washington

President and deputy from Virginia

Delaware Geo: Read Gunning Bedford jun John Dickinson Richard Bassett Jaco: Broom **Maryland** James McHenry Dan of St Thos. Jenifer Danl. Carroll **Virginia** John Blair James Madison Jr. **North Carolina** Wm. Blount Richd. Dobbs Spaight Hu Williamson	**South Carolina** J. Rutledge Charles Cotesworth Pinckney Charles Pinckney Pierce Butler **Georgia** William Few Abr Baldwin **New Hampshire** John Langdon Nicholas Gilman **Massachusetts** Nathaniel Gorham Rufus King **Connecticut** Wm. Saml. Johnson Roger Sherman	**New York** Alexander Hamilton **New Jersey** Wil: Livingston David Brearley Wm. Paterson Jona: Dayton **Pennsylvania** B Franklin Thomas Mifflin Robt. Morris Geo. Clymer Thos. FitzSimons Jared Ingersoll James Wilson Gouv Morris

Source:

https://www.archives.gov/founding-docs/constitution-transcript

The Bill of Rights: A Transcription

Note: The following text is a transcription of the enrolled original of the Joint Resolution of Congress proposing the Bill of Rights, which is on permanent display in the Rotunda at the National Archives Museum. The spelling and punctuation reflects the original.

On September 25, 1789, the First Congress of the United States proposed 12 amendments to the Constitution. The 1789 Joint Resolution of Congress proposing the amendments is on display in the Rotunda in the National Archives Museum. Ten of the proposed 12 amendments were ratified by three-fourths of the state legislatures on December 15, 1791. The ratified Articles (Articles 3–12) constitute the first 10 amendments of the Constitution, or the U.S. Bill of Rights. In 1992, 203 years after it was proposed, Article 2 was ratified as the 27th Amendment to the Constitution. Article 1 was never ratified.

Transcription of the 1789 Joint Resolution of Congress Proposing 12 Amendments to the U.S. Constitution

Congress of the United States begun and held at the City of New-York, on Wednesday the fourth of March, one thousand seven hundred and eighty nine.

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.

RESOLVED by the Senate and House of Representatives of the United States of America, in Congress assembled, two thirds of both Houses concurring, that the following Articles be proposed to the Legislatures of the several States, as amendments to the Constitution of the United States, all, or any of which Articles, when ratified by three fourths of the said Legislatures, to be valid to all intents and purposes, as part of the said Constitution; viz.

ARTICLES in addition to, and Amendment of the Constitution of the United States of America, proposed by Congress, and ratified by the Legislatures of the several States, pursuant to the fifth Article of the original Constitution.

Article the first... After the first enumeration required by the first article of the Constitution, there shall be one Representative for every thirty thousand, until the number shall amount to one hundred, after which the proportion shall be so regulated by Congress, that there shall be not less than one hundred Representatives, nor less than one Representative for every forty thousand persons, until the number of Representatives shall amount to two hundred; after which the proportion shall be so regulated by Congress, that there shall not be less than two hundred Representatives, nor more than one Representative for every fifty thousand persons.

Article the second... No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened.

Article the third... Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Article the fourth... A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

Article the fifth... No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

Article the sixth... The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Article the seventh... No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Article the eighth... In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall

have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense.

Article the ninth... In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

Article the tenth... Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Article the eleventh... The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

Article the twelfth... 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.

ATTEST,

Frederick Augustus Muhlenberg, Speaker of the House of Representatives
John Adams, Vice-President of the United States, and President of the Senate
John Beckley, Clerk of the House of Representatives.
Sam. A Otis Secretary of the Senate

The U.S. Bill of Rights

The Preamble to The Bill of Rights

Congress of the United States
begun and held at the City of New-York, on
Wednesday the fourth of March, one thousand seven hundred and eighty nine.

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.

RESOLVED by the Senate and House of Representatives of the United States of America, in Congress assembled, two thirds of both Houses concurring, that the following Articles be proposed to the Legislatures of the several States, as amendments to the Constitution of the United States, all, or any of which Articles, when ratified by three fourths of the said Legislatures, to be valid to all intents and purposes, as part of the said Constitution; viz.

ARTICLES in addition to, and Amendment of the Constitution of the United States of America, proposed by Congress, and ratified by the Legislatures of the several States, pursuant to the fifth Article of the original Constitution.

Note: The following text is a transcription of the first ten amendments to the Constitution in their original form. These amendments were ratified December 15, 1791, and form what is known as the "Bill of Rights."

Amendment I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Amendment II

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

Amendment III

No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

Amendment IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Amendment V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Amendment VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense.

Amendment VII

In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

Amendment VIII

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Amendment IX

The enumeration in the Constitution, of certain rights, shall not be construed

to deny or disparage others retained by the people.

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.

Note: The capitalization and punctuation in this version is from the enrolled original of the Joint Resolution of Congress proposing the Bill of Rights, which is on permanent display in the Rotunda of the National Archives Building, Washington, D.C.

Source:

https://www.archives.gov/founding-docs/bill-of-rights-transcript

The Constitution: Amendments 11-27

AMENDMENT XI

Passed by Congress March 4, 1794. Ratified February 7, 1795.

Note: Article III, section 2, of the Constitution was modified by amendment 11. The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.

AMENDMENT XII

Passed by Congress December 9, 1803. Ratified June 15, 1804.

Note: A portion of Article II, section 1 of the Constitution was superseded by the 12th amendment. The Electors shall meet in their respective states and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate; -- the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted; -- The person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. [And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in case of the death or other constitutional disability of the President. --]* The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States. *Superseded by section 3 of the 20th amendment.

AMENDMENT XIII

Passed by Congress January 31, 1865. Ratified December 6, 1865.

Note: A portion of Article IV, section 2, of the Constitution was superseded by the 13th amendment.

Section 1.

Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Section 2.

Congress shall have power to enforce this article by appropriate legislation.

AMENDMENT XIV

Passed by Congress June 13, 1866. Ratified July 9, 1868.

Note: Article I, section 2, of the Constitution was modified by section 2 of the 14th amendment.

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 2.

Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age,* and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens

shall bear to the whole number of male citizens twenty-one years of age in such State.

Section 3.

No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

Section 4.

The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

Section 5.

The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

**Changed by section 1 of the 26th amendment.*

AMENDMENT XV

Passed by Congress February 26, 1869. Ratified February 3, 1870.

Section 1.

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or

previous condition of servitude--

Section 2.

The Congress shall have the power to enforce this article by appropriate legislation.

AMENDMENT XVI

Passed by Congress July 2, 1909. Ratified February 3, 1913.

Note: Article I, section 9, of the Constitution was modified by amendment 16.

The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.

AMENDMENT XVII

Passed by Congress May 13, 1912. Ratified April 8, 1913.

Note: Article I, section 3, of the Constitution was modified by the 17th amendment.

The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: Provided, That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.

This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution.

AMENDMENT XVIII

Passed by Congress December 18, 1917. Ratified January 16, 1919. Repealed by amendment 21.

Section 1.

After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

Section 2.

The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

Section 3.

This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.

AMENDMENT XIX

Passed by Congress June 4, 1919. Ratified August 18, 1920.

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

Congress shall have power to enforce this article by appropriate legislation.

AMENDMENT XX

Passed by Congress March 2, 1932. Ratified January 23, 1933.

Note: Article I, section 4, of the Constitution was modified by section 2 of this amendment. In addition, a portion of the 12th amendment was superseded by section 3.

Section 1.

The terms of the President and the Vice President shall end at noon on the 20th day of January, and the terms of Senators and Representatives at noon

on the 3d day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.

Section 2.

The Congress shall assemble at least once in every year, and such meeting shall begin at noon on the 3d day of January, unless they shall by law appoint a different day.

Section 3.

If, at the time fixed for the beginning of the term of the President, the President elect shall have died, the Vice President elect shall become President. If a President shall not have been chosen before the time fixed for the beginning of his term, or if the President elect shall have failed to qualify, then the Vice President elect shall act as President until a President shall have qualified; and the Congress may by law provide for the case wherein neither a President elect nor a Vice President elect shall have qualified, declaring who shall then act as President, or the manner in which one who is to act shall be selected, and such person shall act accordingly until a President or Vice President shall have qualified.

Section 4.

The Congress may by law provide for the case of the death of any of the persons from whom the House of Representatives may choose a President whenever the right of choice shall have devolved upon them, and for the case of the death of any of the persons from whom the Senate may choose a Vice President whenever the right of choice shall have devolved upon them.

Section 5.

Sections 1 and 2 shall take effect on the 15th day of October following the ratification of this article.

Section 6.

This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission.

AMENDMENT XXI

Passed by Congress February 20, 1933. Ratified December 5, 1933.

Section 1.

The eighteenth article of amendment to the Constitution of the United States is hereby repealed.

Section 2.

The transportation or importation into any State, Territory, or possession of the United States for delivery or use therein of intoxicating liquors, in violation of the laws thereof, is hereby prohibited.

Section 3.

This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by conventions in the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.

AMENDMENT XXII

Passed by Congress March 21, 1947. Ratified February 27, 1951.

Section 1.

No person shall be elected to the office of the President more than twice, and no person who has held the office of President, or acted as President, for more than two years of a term to which some other person was elected President shall be elected to the office of the President more than once. But this Article shall not apply to any person holding the office of President when this Article was proposed by the Congress, and shall not prevent any person who may be holding the office of President, or acting as President, during the term within which this Article becomes operative from holding the office of President or acting as President during the remainder of such term.

Section 2.

This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress.

AMENDMENT XXIII

Passed by Congress June 16, 1960. Ratified March 29, 1961.

Section 1.

The District constituting the seat of Government of the United States shall appoint in such manner as the Congress may direct:

A number of electors of President and Vice President equal to the whole number of Senators and Representatives in Congress to which the District would be entitled if it were a State, but in no event more than the least populous State; they shall be in addition to those appointed by the States, but they shall be considered, for the purposes of the election of President and Vice President, to be electors appointed by a State; and they shall meet in the District and perform such duties as provided by the twelfth article of amendment.

Section 2.

The Congress shall have power to enforce this article by appropriate legislation.

AMENDMENT XXIV

Passed by Congress August 27, 1962. Ratified January 23, 1964.

Section 1.

The right of citizens of the United States to vote in any primary or other election for President or Vice President, for electors for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any State by reason of failure to pay any poll tax or other tax.

Section 2.

The Congress shall have power to enforce this article by appropriate legislation.

AMENDMENT XXV

Passed by Congress July 6, 1965. Ratified February 10, 1967.

Note: Article II, section 1, of the Constitution was affected by the 25th amendment.

Section 1.

In case of the removal of the President from office or of his death or resignation, the Vice President shall become President.

Section 2.

Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress.

Section 3.

Whenever the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Vice President as Acting President.

Section 4.

Whenever the Vice President and a majority of either the principal officers of the executive departments or of such other body as Congress may by law provide, transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President.

Thereafter, when the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice President and a majority of either the principal officers of the executive department or of such other body as Congress may by law provide, transmit within four days to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office. Thereupon Congress shall decide the issue, assembling within forty-eight hours for that purpose if not in session. If the Congress, within twenty-one days after receipt of the latter written declaration, or, if

Congress is not in session, within twenty-one days after Congress is required to assemble, determines by two-thirds vote of both Houses that the President is unable to discharge the powers and duties of his office, the Vice President shall continue to discharge the same as Acting President; otherwise, the President shall resume the powers and duties of his office.

AMENDMENT XXVI

Passed by Congress March 23, 1971. Ratified July 1, 1971.

Note: Amendment 14, section 2, of the Constitution was modified by section 1 of the 26th amendment.

Section 1.

The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.

Section 2.

The Congress shall have power to enforce this article by appropriate legislation.

AMENDMENT XXVII

Originally proposed Sept. 25, 1789. Ratified May 7, 1992.

No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened.

Source:

https://www.archives.gov/founding-docs/amendments-11-27

Transcript of President George Washington's Farewell Address (1796)

Friends and Fellow Citizens:

The period for a new election of a citizen to administer the executive government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed, to decline being considered among the number of those out of whom a choice is to be made.

I beg you, at the same time, to do me the justice to be assured that this resolution has not been taken without a strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country; and that in withdrawing the tender of service, which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest, no deficiency of grateful respect for your past kindness, but am supported by a full conviction that the step is compatible with both.

The acceptance of, and continuance hitherto in, the office to which your suffrage have twice called me have been a uniform sacrifice of inclination to the opinion of duty and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this, previous to the last election, had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations, and the unanimous advice of persons entitled to my confidence, impelled me to abandon the idea.

I rejoice that the state of your concerns, external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety, and am persuaded, whatever partiality may be retained for my services, that, in the present circumstances of our country, you will not disapprove my determination to retire.

The impressions with which I first undertook the arduous trust were explained on the proper occasion. In the discharge of this trust, I will only say that I have, with good intentions, contributed towards the organization and administration of the government the best exertions of which a very fallible judgment was capable. Not unconscious in the outset of the inferiority of my qualifications, experience in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself; and every day the increasing weight of years admonishes me more and more that the shade of retirement is as necessary to me as it will be welcome. Satisfied that if any circumstances have given peculiar value to my services, they were temporary, I have the consolation to believe that, while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is intended to terminate the career of my public life, my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I owe to my beloved country for the many honors it has conferred upon me; still more for the steadfast confidence with which it has supported me; and for the opportunities I have thence enjoyed of manifesting my inviolable attachment, by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise, and as an instructive example in our annals, that under circumstances in which the passions, agitated in every direction, were liable to mislead, amidst appearances sometimes dubious, vicissitudes of fortune often discouraging, in situations in which not infrequently want of success has countenanced the spirit of criticism, the constancy of your support was the essential prop of the efforts,

and a guarantee of the plans by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave, as a strong incitement to unceasing vows that heaven may continue to you the choicest tokens of its beneficence; that your union and brotherly affection may be perpetual; that the free Constitution, which is the work of your hands, may be sacredly maintained; that its administration in every department may be stamped with wisdom and virtue; that, in fine, the happiness of the people of these States, under the auspices of liberty, may be made complete by so careful a preservation and so prudent a use of this blessing as will acquire to them the glory of recommending it to the applause, the affection, and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare, which cannot end but with my life, and the apprehension of danger, natural to that solicitude, urge me, on an occasion like the present, to offer to your solemn contemplation, and to recommend to your frequent review, some sentiments which are the result of much reflection, of no inconsiderable observation, and which appear to me all-important to the permanency of your felicity as a people. These will be offered to you with the more freedom, as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel. Nor can I forget, as an encouragement to it, your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government which constitutes you one people is also now dear to you. It is justly so, for it is a main pillar in the edifice of your real independence, the support of your tranquility at home, your peace abroad; of your safety; of your prosperity; of that very liberty which you so highly prize. But as it is easy to foresee that, from different causes and from different quarters, much pains will be taken, many artifices employed to weaken in your minds the conviction of this truth; as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed, it is of infinite moment that you should properly estimate the immense value of your national union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can in any event be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens, by birth or choice, of a common country, that country has a right to concentrate your affections. The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have in a common cause fought and triumphed together; the independence and liberty you possess are the work of joint counsels, and joint efforts of common dangers, sufferings, and successes.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest. Here every portion of our country finds the most commanding motives for carefully guarding and preserving the union of the whole.

The North, in an unrestrained intercourse with the South, protected by the equal laws of a common government, finds in the productions of the latter great additional resources of maritime and commercial enterprise and precious materials of manufacturing industry. The South, in the same intercourse, benefiting by the agency of the North, sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the North, it finds its particular navigation invigorated; and, while it contributes, in different ways, to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength, to which itself is unequally adapted. The East, in a like intercourse with the West, already finds, and in the progressive improvement of interior communications by land and water, will more and more find a valuable vent for the commodities which it brings from abroad, or manufactures at home. The West derives from the East supplies requisite to its growth and comfort, and, what is perhaps of still greater consequence, it must of necessity owe the secure enjoyment of indispensable outlets for its own productions to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as one nation. Any other tenure by which the West can hold this essential advantage, whether derived from its own separate strength, or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While, then, every part of our country thus feels an immediate and particular interest in union, all the parts combined cannot fail to find in the united mass of means and efforts greater strength, greater resource, proportionably greater security from external danger, a less frequent interruption of their peace by foreign nations; and, what is of inestimable value, they must derive from union an exemption from those broils and wars between themselves, which so frequently afflict neighboring countries not

tied together by the same governments, which their own rival ships alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues would stimulate and embitter. Hence, likewise, they will avoid the necessity of those overgrown military establishments which, under any form of government, are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty. In this sense it is that your union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind, and exhibit the continuance of the Union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? Let experience solve it. To listen to mere speculation in such a case were criminal. We are authorized to hope that a proper organization of the whole with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union, affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who in any quarter may endeavor to weaken its bands.

In contemplating the causes which may disturb our Union, it occurs as matter of serious concern that any ground should have been furnished for characterizing parties by geographical discriminations, Northern and Southern, Atlantic and Western; whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts is to misrepresent the opinions and aims of other districts. You cannot shield yourselves too much against the jealousies and heartburning which spring from these misrepresentations; they tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our Western country have lately had a useful lesson on this head; they have seen, in the negotiation by the Executive, and in the unanimous ratification by the Senate, of the treaty with Spain, and in the universal satisfaction at that event, throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the General Government and in the Atlantic States unfriendly to their interests in regard to the Mississippi; they have been witnesses to the formation of two treaties, that with Great Britain, and that with Spain, which secure to them everything they could desire, in respect to our foreign relations, towards confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the Union by which they were procured ? Will they not henceforth be deaf to those advisers, if such there are, who

would sever them from their brethren and connect them with aliens?

To the efficacy and permanency of your Union, a government for the whole is indispensable. No alliance, however strict, between the parts can be an adequate substitute; they must inevitably experience the infractions and interruptions which all alliances in all times have experienced. Sensible of this momentous truth, you have improved upon your first essay, by the adoption of a constitution of government better calculated than your former for an intimate union, and for the efficacious management of your common concerns. This government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political systems is the right of the people to make and to alter their constitutions of government. But the Constitution which at any time exists, till changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power and the right of the people to establish government presupposes the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations, under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberation and action of the constituted authorities, are destructive of this fundamental principle, and of fatal tendency. They serve to organize faction, to give it an artificial and extraordinary force; to put, in the place of the delegated will of the nation the will of a party, often a small but artful and enterprising minority of the community; and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill-concerted and incongruous projects of faction, rather than the organ of consistent and wholesome plans digested by common counsels and modified by mutual interests.

However combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines, by which cunning, ambitious, and unprincipled men will be enabled to subvert the power of the people and to usurp for themselves the reins of government, destroying afterwards the very engines which have lifted them to unjust dominion.

Towards the preservation of your government, and the permanency of your present happy state, it is requisite, not only that you steadily discountenance irregular oppositions to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however

specious the pretexts. One method of assault may be to effect, in the forms of the Constitution, alterations which will impair the energy of the system, and thus to undermine what cannot be directly overthrown. In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of governments as of other human institutions; that experience is the surest standard by which to test the real tendency of the existing constitution of a country; that facility in changes, upon the credit of mere hypothesis and opinion, exposes to perpetual change, from the endless variety of hypothesis and opinion; and remember, especially, that for the efficient management of your common interests, in a country so extensive as ours, a government of as much vigor as is consistent with the perfect security of liberty is indispensable. Liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is, indeed, little else than a name, where the government is too feeble to withstand the enterprises of faction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the State, with particular reference to the founding of them on geographical discriminations. Let me now take a more comprehensive view, and warn you in the most solemn manner against the baneful effects of the spirit of party generally.

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind. It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but, in those of the popular form, it is seen in its greatest rankness, and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge, natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism. But this leads at length to a more formal and permanent despotism. The disorders and miseries which result gradually incline the minds of men to seek security and repose in the absolute power of an individual; and sooner or later the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purposes of his own elevation, on the ruins of public liberty.

Without looking forward to an extremity of this kind (which nevertheless ought not to be entirely out of sight), the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils and enfeeble the public administration. It agitates the community with ill-founded jealousies and

false alarms, kindles the animosity of one part against another, foments occasionally riot and insurrection. It opens the door to foreign influence and corruption, which finds a facilitated access to the government itself through the channels of party passions. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the government and serve to keep alive the spirit of liberty. This within certain limits is probably true; and in governments of a monarchical cast, patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency, it is certain there will always be enough of that spirit for every salutary purpose. And there being constant danger of excess, the effort ought to be by force of public opinion, to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent its bursting into a flame, lest, instead of warming, it should consume.

It is important, likewise, that the habits of thinking in a free country should inspire caution in those entrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power, and proneness to abuse it, which predominates in the human heart, is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositaries, and constituting each the guardian of the public weal against invasions by the others, has been evinced by experiments ancient and modern; some of them in our country and under our own eyes. To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit, which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public

felicity. Let it simply be asked: Where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths which are the instruments of investigation in courts of justice ? And let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle.

It is substantially true that virtue or morality is a necessary spring of popular government. The rule, indeed, extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric?

Promote then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it is essential that public opinion should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace, but remembering also that timely disbursements to prepare for danger frequently prevent much greater disbursements to repel it, avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertion in time of peace to discharge the debts which unavoidable wars may have occasioned, not ungenerously throwing upon posterity the burden which we ourselves ought to bear. The execution of these maxims belongs to your representatives, but it is necessary that public opinion should co-operate. To facilitate to them the performance of their duty, it is essential that you should practically bear in mind that towards the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment, inseparable from the selection of the proper objects (which is always a choice of difficulties), ought to be a decisive motive for a candid construction of the conduct of the government in making it, and for a spirit of acquiescence in the measures for obtaining revenue, which the public exigencies may at any time dictate.

Observe good faith and justice towards all nations; cultivate peace and harmony with all. Religion and morality enjoin this conduct; and can it be, that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and at no distant period, a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt that, in the course of time and things, the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it ? Can it be that Providence has not connected the permanent felicity of a nation with its

virtue ? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vices?

In the execution of such a plan, nothing is more essential than that permanent, inveterate antipathies against particular nations, and passionate attachments for others, should be excluded; and that, in place of them, just and amicable feelings towards all should be cultivated. The nation which indulges towards another a habitual hatred or a habitual fondness is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable, when accidental or trifling occasions of dispute occur. Hence, frequent collisions, obstinate, envenomed, and bloody contests. The nation, prompted by ill-will and resentment, sometimes impels to war the government, contrary to the best calculations of policy. The government sometimes participates in the national propensity, and adopts through passion what reason would reject; at other times it makes the animosity of the nation subservient to projects of hostility instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty, of nations, has been the victim.

So likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter without adequate inducement or justification. It leads also to concessions to the favorite nation of privileges denied to others which is apt doubly to injure the nation making the concessions; by unnecessarily parting with what ought to have been retained, and by exciting jealousy, ill-will, and a disposition to retaliate, in the parties from whom equal privileges are withheld. And it gives to ambitious, corrupted, or deluded citizens (who devote themselves to the favorite nation), facility to betray or sacrifice the interests of their own country, without odium, sometimes even with popularity; gilding, with the appearances of a virtuous sense of obligation, a commendable deference for public opinion, or a laudable zeal for public good, the base or foolish compliance of ambition, corruption, or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils? Such an attachment of a small or weak towards a great and powerful nation dooms the former to be the satellite of the latter.

Against the insidious wiles of foreign influence (I conjure you to believe me,

fellow-citizens) the jealousy of a free people ought to be constantly awake, since history and experience prove that foreign influence is one of the most baneful foes of republican government. But that jealousy to be useful must be impartial; else it becomes the instrument of the very influence to be avoided, instead of a defense against it. Excessive partiality for one foreign nation and excessive dislike of another cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots who may resist the intrigues of the favorite are liable to become suspected and odious, while its tools and dupes usurp the applause and confidence of the people, to surrender their interests.

The great rule of conduct for us in regard to foreign nations is in extending our commercial relations, to have with them as little political connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith. Here let us stop. Europe has a set of primary interests which to us have none; or a very remote relation. Hence she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves by artificial ties in the ordinary vicissitudes of her politics, or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people under an efficient government. the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation; when we may choose peace or war, as our interest, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalry, interest, humor or caprice?

It is our true policy to steer clear of permanent alliances with any portion of the foreign world; so far, I mean, as we are now at liberty to do it; for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than to private affairs, that honesty is always the best policy. I repeat it, therefore, let those engagements be observed in their genuine sense. But, in my opinion, it is unnecessary and would be unwise to extend them.

Taking care always to keep ourselves by suitable establishments on a respectable defensive posture, we may safely trust to temporary alliances

for extraordinary emergencies.

Harmony, liberal intercourse with all nations, are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand; neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying by gentle means the streams of commerce, but forcing nothing; establishing (with powers so disposed, in order to give trade a stable course, to define the rights of our merchants, and to enable the government to support them) conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary, and liable to be from time to time abandoned or varied, as experience and circumstances shall dictate; constantly keeping in view that it is folly in one nation to look for disinterested favors from another; that it must pay with a portion of its independence for whatever it may accept under that character; that, by such acceptance, it may place itself in the condition of having given equivalents for nominal favors, and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect or calculate upon real favors from nation to nation. It is an illusion, which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old and affectionate friend, I dare not hope they will make the strong and lasting impression I could wish; that they will control the usual current of the passions, or prevent our nation from running the course which has hitherto marked the destiny of nations. But, if I may even flatter myself that they may be productive of some partial benefit, some occasional good; that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism; this hope will be a full recompense for the solicitude for your welfare, by which they have been dictated.

How far in the discharge of my official duties I have been guided by the principles which have been delineated, the public records and other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own conscience is, that I have at least believed myself to be guided by them.

In relation to the still subsisting war in Europe, my proclamation of the twenty-second of April, I793, is the index of my plan. Sanctioned by your approving voice, and by that of your representatives in both houses of Congress, the spirit of that measure has continually governed me, uninfluenced by any attempts to deter or divert me from it.

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take, and was bound in duty and interest to take, a neutral

position. Having taken it, I determined, as far as should depend upon me, to maintain it, with moderation, perseverance, and firmness.

The considerations which respect the right to hold this conduct, it is not necessary on this occasion to detail. I will only observe that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without anything more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity towards other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions, and to progress without interruption to that degree of strength and consistency which is necessary to give it, humanly speaking, the command of its own fortunes.

Though, in reviewing the incidents of my administration, I am unconscious of intentional error, I am nevertheless too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence; and that, after forty five years of my life dedicated to its service with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love towards it, which is so natural to a man who views in it the native soil of himself and his progenitors for several generations, I anticipate with pleasing expectation that retreat in which I promise myself to realize, without alloy, the sweet enjoyment of partaking, in the midst of my fellow-citizens, the benign influence of good laws under a free government, the ever-favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors, and dangers.

United States
19th September, 1796

Geo. Washington

Source

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tle=Transcript+of+President+George+Washingtons+Farewell+Address+%281796%29

Justice Samuel Alito's remarks at the Claremont Institute, 2/11/2017

On February 11th, 2017, Justice Samuel Alito received the Statesmanship Award and delivered the keynote speech at the Claremont Institute's annual dinner in honor of Sir Winston S. Churchill. This is a transcript of videos, which can be found here:
https://www.youtube.com/user/dianelenning/videos

… It is just about impossible to imagine anything like that happening today, but that's what happened in Philadelphia in 1787. So, after the convention had finished its work, but before the text of the new proposed Constitution was made public, Franklin was accosted by a woman named Elizabeth Powell. And she said, "Well, doctor, what have we got? A republic or a monarchy?"

And Franklin replied, "A republic, if you can keep it."

A republic, if you can keep it. Franklin's words betrayed a real fear on the part of the Founders—something that haunted their work. Because they knew, all too well, that republics of the past, the republics of the ancient city-states—of ancient Greece, and Renaissance Italy – had been notoriously fragile. The Founders did their best to shore up weaknesses that had toppled those earlier republics, but I think it is fair to say that they emerged from the Convention with their fingers crossed, and I also think it's fair to say that if they came back today, I'm sure they would be astonished that we are still living under the same Constitution that they put together 240 years ago.

But they built very well, and their Constitution is still esteemed by ordinary Americans. Franklin's words, nevertheless, remain important. They remind us that the republican form of government created by our Constitution requires vigilance. It requires work. Now, if any of you visited Washington,

DC, in recent years, you probably noticed scaffolding on some of the most famous and symbolic structures in the nation's capital. The Washington monument was badly damaged by the earthquake in 2011—we're not supposed to have those things on the East Coast, you're supposed to keep them here—but we did have one, and the monument was damaged. It was covered in 500 tons of scaffolding for the next three years.

Sometime later, the iron dome of the Capitol was inspected, and it was discovered that there were 1,300 cracks in the iron dome. And the architect of the Capitol raced to complete the repairs on the dome before the inauguration last month. The slate roof on the Lincoln Memorial is crumbling, and the memorial is going to undergo a 100-million dollar overhaul. Green slime is creeping up the sides of the Jefferson Memorial—Washington was really built on a swamp. And the Supreme Court building, where I work, has been under construction projects almost continuously for the 11 years that I've been on the Court.

Indeed, just a few weeks after I was nominated, I was on a train from New Jersey to Washington, and the woman who was seated in the seat in front of me was reading an article about something that had happened at the Supreme Court. A basketball-sized chunk of marble had fallen from the side of the Court and crashed on the steps. Fortunately, nobody was there at the time. So, she was discussing this article with her friend, and she said, "You know what, I think this is a sign from God that he is really upset about that horrible Alito nomination."

True story. Well, I didn't interpret it that way.

In any event, that incident triggered an inspection of the façade and they discovered a lot of cracks and worked laboriously to repair over a period of time.

What is the relevance of all this? Well, the relevance is this, I think. What is true of these structures is true of our Constitution. If we want to keep the republic, we need to be alert for cracks. We need to be prepared to take corrective action when it is needed. And if we look at our constitutional structure in that way and assess its current situation, what do we find? I think there are some repairs to be done.

Let me begin with something very basic and fundamental. Mr. Klingenstein has already covered a lot of this ground, but it's important, so I think it bears repeating. What I want to talk about is the way in which laws are supposed to be made under our Constitution.

Back in the days when schools still taught something called civics, every

student could recite the way in which the law is made under the Constitution of the United States. The bill has to be passed in the same form by both houses of Congress, it has to be presented to the president, the president has to sign it, or the bill has to be passed again by two-thirds majority in both houses.

In reality, however, the vast majority of federal law is not made in this way. It is made in a way that is never mentioned in the Constitution. It is promulgated by unelected executive branch officials in the form of federal regulations. If we stacked up all of the statutes enacted by Congress during the past decade, and next to that stacked up all of the regulations that were issued in that same time period by federal departments and agencies, the regulations would tower over the laws. Last year, it is said that the executive issued 97,000 pages of regulations. It is mind-boggling in total.

Now, how did this happen? And again, I'm going to go over ground that was covered before. To make a long story short, toward the end of the 19th century and the beginning of the 20th century, the progressives of the day came to believe that our 18th century Constitution—our horse-and-buggy Constitution, as they sometimes called it—was outmoded. Woodrow Wilson—our only PhD President, by the way—is a picture of this thinking.

Most presidents publicly proclaim admiration for the Constitution, but Wilson wrote about the Constitution while he was still in academia and before he ran for public office, so he did not hide what he really thought, and he did not think very much of our Constitution. He scoffed at the very idea of inalienable rights. Talk about such rights, he said, was a great deal of nonsense and a lot of pleasing speculation. He also deplored the separation of powers.

Now, just as an aside, I think it is interesting that of all the presidents, the one who best understood our constitution, who got to the real core of its meaning, was the one with the least formal education—and that, of course, was Abraham Lincoln. And Wilson, the president with the most formal education, was the most openly hostile.

Progressives like Wilson thought our Constitution was out of date. It would not do in modern age. In the age of Darwin and Hegel, it was Madisonian and Newtonian. The lawmaking process set out in the Constitution was too slow and too cumbersome. The elected representatives of the people were often unenlightened, and sometimes corrupt. Modern society and modern economy needed a more efficient and scientific system. Important policy choices should be turned over to an elite group of unelected experts.

As another aside, I will note that in Europe, this approach has now reached

a near apotheosis. A number of nations in the European Union still have their popularly-elected legislatures and their parliaments, but the law made by those bodies—bodies that are actually elected by the people—is subordinate to the EU law. And EU law, in turn, is made for the most part by the European Commission, which is a group of unelected bureaucrats in Brussels.

… The European parliament. But it is a very unusual kind of parliament. It is a parliament that is unable to propose legislation. We have not yet gone quite that far in the United States, but the trend is in the same direction. Over the years, Congress has shed more and more lawmaking authority, the executive has been only too happy to fill the gap, and the Supreme Court has either acquiesced in this shift in lawmaking power or has actually facilitated it.

Here's the basic drill: Congress enacts a broadly worded mandate that very few people can disagree with. Then it hands off the problem to a department or agency to make hard policy choices that are guaranteed to make one group or another, and maybe both sides, angry. There was a time when the Supreme Court put at least some limits on the degree of legislative power that Congress could delegate, but that ended a long time ago. Now, once a department or agency promulgates a regulation that purportedly interprets a statute enacted by Congress, the Supreme Court defers to that interpretation, unless it's unreasonable. And that result has been a massive shift of lawmaking from the elected representatives of the people to unelected bureaucrats.

The shift has had two other important effects. It's not just a question of who makes the law. There are effects that go to the kind of law that is made. Because it is so much easier to issue a regulation than it is to pass a statute, the shift has produced an enormous increase in regulations that we have experienced with all of the attendant effects on our economy.

And second, because the regulations are purported to be based on science, rather than the messy legislative process, the messy compromises that go to the creation of legislation in an elected body—whom by regulation has a tendency to lead to administrative perils.

Here are two examples. The Clean Water Act regulates the discharge of pollutants into, quote, the waters of the United States. So, what are "the waters of the United States?" Congress did not provide a clue. This was not a legal term of art that anybody understood. They created this new term, "the waters of the United States," and didn't bother to tell us what it means. Well, we can assume it means rivers and lakes. But what about a stream that is dry for most of the year? What about an irrigation ditch? What about

a soggy backyard?

The framers of the Constitution thought that tyranny would result if the same unit of government had the power to make the law, and to enforce the law, and to decide disputes about the application of the law. And we saw an example of this in a case involving the meaning of the "waters of the United States." It involved a couple called the Sacketts. They had long wanted to build their dream home near Priest Lake in Idaho. They bought a lot near the lake, but not directly adjacent to the lake, and their contractor began work. But one day, they got a letter from the Environmental Protection Agency, and the letter said that the Sacketts were violating the Clean Water Act by disturbing wetlands. They said that their backyard was part of the waters of the United States. They were ordered to cease construction of their home and to restore the land to its prior condition, something that would have cost probably more than the price that they paid to buy the lot in the first place. They were also informed that they were liable for a fine of $75,000 a day, if they did not do exactly what the EPA commanded.

But it gets worse than that. The Sacketts did not agree that their backyard was part of the waters of the United States. They wanted some neutral body to decide that legal question. But according to the federal government, they had no way of obtaining such a ruling. They could not go to court, according to the federal government, and get a decision on the question. They had to wait until the EPA chose to take them to court and the EPA could wait as long as it wanted while the fines—the $75,000 per day—accumulated. They had two options: they could knuckle under, or they could do what the EPA wanted.

So they went to the district court, and then they went to the Ninth Circuit, and those tribunals were not responsive to the Sacketts' claim of a property right. They had to take their case all the way to the Supreme Court.

Here's another example: regulation of the emission of carbon dioxide and other greenhouse gases. Now, Americans are, obviously, of two minds about the regulation of greenhouse gases and the question of climate change. But one thing that I think is beyond dispute is that whatever our country does about this matter is important. It will have a profound effect on the environment, or the economy, or on both. In a healthy republic, this issue would be publicly debated, and the basic policy choices would be made by the elected representatives of the people. That is the system prescribed by our Constitution. But that is not what has happened. The Clean Air Act was enacted by Congress way back in 1970, and it regulates the emission of "pollutants" – that's the term in the statute. Now, what is a pollutant? A pollutant is a subject that is harmful to human beings or to animals or to plants. Carbon dioxide is not a pollutant. Carbon dioxide is not harmful to

ordinary things, to human beings, or to animals, or to plants. It's actually needed for plant growth. All of us are exhaling carbon dioxide right now. So, if it's a pollutant, we're all polluting.

When Congress authorized the regulation of pollutants, what it had in mind were substances like sulfur dioxide, or particulate matter—basically, soot or smoke in the air. Congress was not thinking about carbon dioxide or other greenhouse gases. Yet in an important case decided by the Supreme Court in 2007, called Massachusetts v. EPA, a bare majority of the Court held that the Clean Air Act authorizes EPA to regulate greenhouse gases. Armed with that statutory authority, the EPA has issued detailed regulations for power plants, for factories, for motor vehicles. The economic effects of these regulations are said to be enormous. I am not a scientist or an economist, and it is not my place to say whether these regulations represent good or bad public policy. But I will say that a policy of this importance should have been decided by elected representatives of the people in accordance with the Constitution and not by unelected members of the judiciary and bureaucrats. But that is the system we have today, and it is a big crack in our constitutional structure.

One more related Supreme Court case that is along the same lines. This one shows just how far an executive department or agency may be tempted to go under the scheme that is enforced in place today. A provision of the Clean Air Act says that a stationary source must obtain a license if it emits more than a specified quantity of pollutants. There are actual numbers in the statute. Well, if you apply those numbers to sulfur dioxide or particulate matter, they make sense. But if you apply them to greenhouse gases, the result is absurd, and the EPA expressly acknowledged that that's an absurd result.

OK, then what is the EPA to do? Well, no problem. They took out their pen and crossed out the numbers that Congress enacted, and they wrote in their own numbers. Amazingly, four of my colleagues said this is a reasonable interpretation of the statute. And therefore, it is OK.

Now, if the administrative agency can do that, I don't know what an administrative agency cannot do. Lawmaking power has been transferred from Congress to the executive.

Here is the second crack: the development of deep and bitter divisions in our society—what our Framers called factions. The Framers knew that the fragile republics of the past had often been torn apart by factional strife. Montesquieu thought that for this reason a republic could endure only if it was small and homogenous, not prone to the development of these factions. But even in 1787, the United States was neither small nor homogenous. And

today, of course, the country is much bigger and immensely more diverse.

… More divided than at any time since the Civil War, and I know that Dennis Prager recently wrote an article called "A Second Civil War," along those lines. Now, I hope that we are not divided to that extent—but the signs of fracture are hard to ignore.

What holds us together as a country? I traveled to China in September so a comparison between our country and China comes to mind. China has been a unified country for more than two thousand years. A great majority of the population regards itself as belonging to the same ethnic group, the Han. China is held together by blood, by long history, and by a shared ancient culture.

The United States, by contrast, is an upstart. The population of the United States is drawn from every corner of the globe. Every race and religion and just about every ethnic group is represented. What has held us together are shared ideals embodied in our founding documents: liberty, inalienable rights, and equality under the law.

Now, the political and cultural forces that are pulling Americans apart are too strong for the Supreme Court or for any other court to stop, but we can do our part. And unfortunately, in an important case that we decided at the end of the last term of the Court, we failed in that responsibility.

The case was Fisher v. University of Texas, and it concerned the old question of affirmative action in college admissions.

At one time, the University of Texas had an admissions plan that gave preferences to applicants of particular minority groups over other applicants. But classifying Americans by race is a very sensitive matter, and the legislature of Texas thought it had a better idea. It thought it could achieve diversity in the student body at the University of Texas—something that is widely desired and is thought to be very beneficial to the development of our students—they thought they could do this without taking race into account. And what they did was to enact a law called the Top 10% Plan.

Under this law, any high school student in Texas who finishes in the top 10% of his or her high school class is automatically admitted to the University of Texas. So this plan did not take race or ethnicity into account, but it resulted in the admission of just about the same number of African American and Latino students who had been admitted under the prior race-based plan. And it also had the advantage of helping students who were stuck in inferior high schools. Whatever school that you're in, if it's a high school in a poor area of Dallas or Houston, or if it's a high school along the

border—if you work hard and you finish in the top 10% of your high school class, you can go to the University of Texas.

Well, the administration of the university was unsatisfied with this plan. They were fixated on taking race and ethnicity into account. So, what did they do? They created some categories—white, African American, Hispanic, Asian—and they told applicants to put themselves into one of those categories. Now, never mind that an increasing number of applicants have parents who belong to different ethnic groups, never mind that the university made no effort to check the accuracy of the students' categorization.

Why was this needed? The university was hard pressed to explain. Its explanations were a moving target. But here is what is perhaps the leading explanation. In a university's expert judgment, the top 10% plan, although it admitted a lot of African American and Hispanic students—it didn't admit the right kind of African American and Hispanic students.

The case was argued twice. The first time it was argued, the university's lawyer said the top 10% plan did not allow the school to give preference to the child of successful black or Hispanic lawyers or doctors who lived in an affluent Dallas suburb. I'm not making this up. I thought it was an incredible argument. Affirmative action programs, as I'm sure you know, were developed in the late 1960s, in the 1970s when the Jim Crow era was not very far behind us, and the idea was to give a leg up to students who were disadvantaged. But now, the university was arguing that it needed this plan to give a preference to students who were privileged.

As I said, the case was argued two times. That was the first time. On the second time, the university doubled down. It went even further with this argument. We were told that the top 10% plan was defective because it did not allow the school to give a preference to a black student from Andover.

Now I have nothing against Andover. Any Andover grads here tonight? I'm indebted to Andover. The two presidents of the United States who appointed me to judicial positions are both graduates of Andover. The official name of school is the Philips Academy in Andover, Massachusetts. It was founded in 1778. It is one of the oldest, richest, and most prestigious boarding schools in the United States. In addition to claiming two US presidents as alumni, other alumni include Oliver Wendell Holmes Sr., Samuel Morse, Frederick Law Olmstead, Benjamin Spock, Jack Lemmon, and for you football fans, Bill Belichick.

Its website features the following quotation from a student: Some colleges don't even have facilities like this. So, what was the University of Texas

administration saying? What they were saying was: suppose the two candidates for the last available spot in the entering class were, on one hand, the black or Hispanic student who had the benefit of an Andover education, and an equally well-qualified applicant who is an Asian student from a poor family, with parents who didn't speak any English. Weighing these two, we want to be able to give the preference to the Andover graduate.

This is an obsession with putting people into racial categories. We live in a time when racial and ethnic divisions are stressed. On college campuses, and in some other quarters, they have become a near-obsession. And at such a time, I think the Supreme Court has a special obligation to hold fast to the ideal of equal justice under law.

That ideal, of course, does not mean forced uniformity. Our Constitution does not give free rein to the majority. Our Framers knew very well that the majority may oppress. And therefore, our Constitution places fundamental rights beyond the majority's reach, and the Supreme Court has the responsibility to protect those rights.

A case that came before us at the end of the last Court term concerned one of the issues in the so-called culture wars that divide our country. Now, there are those who have no tolerance for the opposite side in these battles. Here are the words of a professor from Harvard Law School, in May of last year, proclaiming, maybe prematurely, that the left had won the culture wars—the professor had the following advice. "My own judgment is that taking a hard line—you lost, live with it—is better than trying to accommodate the losers. Trying to be nice to the losers didn't work well after the Civil War, and taking a hard line seemed to work decently well in Germany and Japan after 1945."

So, in other words, we have Nazis and former slave owners, we have people who cling to traditional moral beliefs, same difference. They are losers in the war and they just have to accept it.

And, anticipating that Justice Kennedy would no longer be the deciding vote in controversial cases in the Supreme Court, this professor had this delightful advice: eff Anthony Kennedy.

At the end of the last term of the Court, we were presented with a case that looked like the implementation of this healing attitude. Washington state enacted a law that requires every pharmacy to sell every drug that is approved by the Food and Drug Administration. Now…

… And thousands of drugs, including drugs for all sorts of obscure ailments.

We had amicus briefs filed by national and local pharmacists' associations, that told us…

… This pharmacy does not have one stock. They find a pharmacy that carries the drug, and they refer the customer to that pharmacy. In Washington state, some pharmacists objected to dispensing emergency contraceptives, so-called morning after pills, because they thought that they are abortifacients. Therefore, if a customer came to one of these—if a customer sought one of these drugs, the pharmacists would refer them to stores that distribute them, as do all of the major pharmacy chains.

The record before the Court strongly suggested that this practice had not caused any significant problems. Nevertheless, there was evidence that the governor of Wisconsin [sic] sought to suppress the practices of these pharmacists who objected on religious grounds and moral grounds to dispensing emergency contraceptives. So she pressured state officials to support the new law requiring every pharmacy to carry every drug you can buy from the FDA. She threatened to remove the members of the state human rights commission if they didn't go along.

Well, this was done even though it would have the effect of making it impossible for a pharmacist with these religious or moral objections to work in the state of Washington. They would have two choices—they could either give up their unenlightened notions, or they could leave the state and seek to be licensed someplace else. They could move to Idaho, I suppose.

The new law took effect. It was challenged by the owners of a pharmacy – one of the Ralph's stores in Olympia, Washington. A customer came into that store and asked for one of these drugs. The pharmacy referred the customer to one of more than 30 pharmacies within a five-mile radius that had those drugs in stock. They won in the district court—they challenged the law as a violation of their right to free exercise of religion and they won in the district court—but the Ninth Circuit was not sympathetic to their claim of religious liberty, and unfortunately, when the case came to our court at the end of last term, the Court did not think that case even deserved review.

This brings me to the final crack. Our constitutional system cannot survive unless citizens are allowed to speak freely on issues of public importance. Freedom of speech is not a prerogative of those in positions of power or influence. It is not the property of those who control the media. It is the birthright of all Americans.

But today, unfortunately, freedom of speech on important subjects is, I believe, in greater danger than at any prior time during my life. Powerful forces want to silence the opposition. Consider this: in the last Congress, 48

Senators sponsored a resolution proposing a constitutional amendment that would preserve the free speech rights of the media elite but allow Congress and the state legislatures to restrict the speech of everybody else on any subject that came up during the political campaign, which is to say, any important social or economic problem facing the country.

This is a startling development. The very idea of amending the First Amendment is quite something. And if this amendment were adopted, freedom of speech as we have known it would be transformed. In the East where I live, we sometimes keep a watch on the weather conditions here in the West, because we know that the jet stream blows from west to east. So if you're being hit with a big storm here today, that storm may hit us a couple of days later.

I think there is something similar with respect to culture. There is a sort of perpetual jet stream that blows from Europe across the Atlantic to our shores, and a number of my colleagues have been quite outspoken in advocating that we take European law into account when interpreting our Constitution. We can learn from them; that is what they say.

For this reason, it is not comforting to see how European nations that profess to respect freedom of speech deal with the speech of the unenlightened side on cultural issues. I'll give you two examples. In France, a group recently wanted to air a video on Down Syndrome Awareness Day. It is called, Hello, Future Mom. And in the video, children speaking a number of different languages, children with Down Syndrome speaking a number of different languages, attempt to show that they are able to live happy lives, albeit not without a lot of difficulty and sacrifice on the parts of their parents. The message is entirely positive. I advise you to view it on YouTube. I found it quite moving. You may agree with it, you may not agree with it, but that is not really the point.

The French authorities banned the video on French TV. Why? Because it was, quote, likely to disturb the conscience of women who have lawfully made different personal life choices.

Alright, you may say, this is France, they have a different legal system and a different history. Let's move across the English Channel to Great Britain. In a leading case in Great Britain, a street evangelist named Harry Hammond made a sign that says, quote, Jesus gives peace, Jesus is alive, Stop immorality, Stop Homosexuality, Jesus is Lord. Now again, you may agree with it, you may disagree with it, that's really beside the point.

What did Mr. Hammond do? One afternoon, he took his sign to the town square and held it up, and some of the people who saw it took offense. They

attacked him. They threw mud on him, they pushed him to the ground, they tried to take his sign away. The police arrived, and they made an arrest. Who did they arrest? They arrested Hammond. He was charged with a crime and he was convicted and fined because his sign was insulting. He gave offense.

More troubling than these developments abroad is the erosion of support for free speech among the young, particularly students, and particularly college students. Students increasingly believe that it is legitimate, and indeed, essential, to ban speech that gives offense, or, to use a popular phrase, speech that makes them feel unsafe.

A recent article just within the time I've been here reported these survey results: a majority of high school students share this view. They think it's right to ban offensive speech. Now where did they get this idea? The survey shows that a near majority of high school teachers also share this view.

What came to my mind when I read this article was a song from—now this is really going to date me—a song from 'South Pacific.' "They Have to be Carefully Taught." I'm sure that is a lot of the reason why the students have this view. This song, interestingly, came out in the late 1940s and was very offensive to some people in the United States. It was very offensive to people who supported segregation in the South and they were not pleased when 'South Pacific' was performed in the South. The song made them feel unsafe.

Now, I think we should aim in our public discourse for debate that is rational, that is civil, and that is conducted in the spirit of goodwill. But important ideas are sometimes disturbing. They may offend. Self-government is not for the faint of heart. But what is going on in these schools is really a moral virus that is threatening to the future of our country. As Learned Hand aptly said years ago, liberty lies in the hearts of men and women; when it dies there, no constitution, no law, no court can do much to help it.

If the American people come to accept the views of our European friends, or the university vanguard, that speech can be banned if it makes them feel uneasy, if it gives offense, it is really hard to see how government of the people, by the people, and for the people can survive.

Well, I don't want to end on that gloomy note. Our Constitution still stands, it is still held in high regard by ordinary Americans. The buildings and monuments in Washington DC to which I referred at the beginning of my talk are being repaired. The cracks in the Constitution can likewise be fixed. It will not be easy, and it will take time, but it can be done. And if we are

ever tempted to become discouraged, we should remember that the greatest statesman for whom tonight's dinner is named – we should remember his optimism, his indomitable spirit, and his courage. So, to the Claremont Institute, and to all of those who still revere our old Constitution and the principles on which it is based: take heart, keep up the good work, and to all of you—thanks for your support, and thanks for your interest.

Source

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Executive Order Blocking the Property of Persons Involved in Serious Human Rights Abuse or Corruption

Issued on: December 21, 2017

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) (IEEPA), the National Emergencies Act (50 U.S.C. 1601 et seq.) (NEA), the Global Magnitsky Human Rights Accountability Act (Public Law 114-328) (the "Act"), section 212(f) of the Immigration and Nationality Act of 1952 (8 U.S.C. 1182(f)) (INA), and section 301 of title 3, United States Code,

I, DONALD J. TRUMP, President of the United States of America, find that the prevalence and severity of human rights abuse and corruption that have their source, in whole or in substantial part, outside the United States, such as those committed or directed by persons listed in the Annex to this order, have reached such scope and gravity that they threaten the stability of international political and economic systems. Human rights abuse and corruption undermine the values that form an essential foundation of stable, secure, and functioning societies; have devastating impacts on individuals; weaken democratic institutions; degrade the rule of law; perpetuate violent conflicts; facilitate the activities of dangerous persons; and undermine economic markets. The United States seeks to impose tangible and significant consequences on those who commit serious human rights abuse or engage in corruption, as well as to protect the financial system of the United States from abuse by these same persons.

I therefore determine that serious human rights abuse and corruption around the world constitute an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States, and I hereby declare a national emergency to deal with that threat.

I hereby determine and order:

Section 1. (a) All property and interests in property that are in the United States, that hereafter come within the United States, or that are or hereafter come within the possession or control of any United States person of the following persons are blocked and may not be transferred, paid, exported, withdrawn, or otherwise dealt in:

(i) the persons listed in the Annex to this order;

(ii) any foreign person determined by the Secretary of the Treasury, in consultation with the Secretary of State and the Attorney General:

(A) to be responsible for or complicit in, or to have directly or indirectly engaged in, serious human rights abuse;

(B) to be a current or former government official, or a person acting for or on behalf of such an official, who is responsible for or complicit in, or has directly or indirectly engaged in:

(1) corruption, including the misappropriation of state assets, the expropriation of private assets for personal gain, corruption related to government contracts or the extraction of

natural resources, or bribery; or

(2) the transfer or the facilitation of the transfer of the proceeds of corruption;

(C) to be or have been a leader or official of:

(1) an entity, including any government entity, that has engaged in, or whose members have engaged in, any of the activities described in subsections (ii)(A), (ii)(B)(1), or (ii)(B)(2) of this section relating to the leader's or official's tenure; or

(2) an entity whose property and interests in property are blocked pursuant to this order as a result of activities related to the leader's or official's tenure; or

(D) to have attempted to engage in any of the activities described in subsections (ii)(A), (ii)(B)(1), or (ii)(B)(2) of this section; and

(iii) any person determined by the Secretary of the Treasury, in consultation with the Secretary of State and the Attorney General:

(A) to have materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of:

(1) any activity described in subsections (ii)(A), (ii)(B)(1), or (ii)(B)(2) of this section that is conducted by a foreign person;

(2) any person whose property and interests in property are blocked pursuant to this order; or

(3) any entity, including any government entity, that has engaged in, or whose members have engaged in, any of the activities described in subsections (ii)(A), (ii)(B)(1), or (ii)(B)(2) of this section, where the activity is conducted by a foreign person;

(B) to be owned or controlled by, or to have acted or purported to act for or on behalf of, directly or indirectly, any person whose property and interests in property are blocked pursuant to this order; or

(C) to have attempted to engage in any of the activities described in subsections (iii)(A) or (B) of this section.

(b) The prohibitions in subsection (a) of this section apply except to the extent provided by statutes, or in regulations, orders, directives, or licenses that may be issued pursuant to this order, and notwithstanding any contract entered into or any license or permit granted

before the effective date of this order.

Sec. 2. The unrestricted immigrant and nonimmigrant entry into the United States of aliens determined to meet one or more of the criteria in section 1 of this order would be detrimental to the interests of the United States, and the entry of such persons into the United States, as immigrants or nonimmigrants, is hereby suspended. Such persons shall be treated as persons covered by section 1 of Proclamation 8693 of July 24, 2011 (Suspension of Entry of Aliens Subject to United Nations Security Council Travel Bans and International Emergency Economic Powers Act Sanctions).

Sec. 3. I hereby determine that the making of donations of the types of articles specified in section 203(b)(2) of IEEPA (50 U.S.C. 1702(b)(2)) by, to, or for the benefit of any person whose property and interests in property are blocked pursuant to this order would seriously impair my ability to deal with the national emergency declared in this order, and I hereby prohibit such donations as provided by section 1 of this order.

Sec. 4. The prohibitions in section 1 include:

(a) the making of any contribution or provision of funds, goods, or services by, to, or for the benefit of any person whose property and interests in property are blocked pursuant to this order; and

(b) the receipt of any contribution or provision of funds, goods, or services from any such person.

Sec. 5. (a) Any transaction that evades or avoids, has the purpose of evading or avoiding, causes a violation of, or attempts to violate any of the prohibitions set forth in this order is prohibited.

(b) Any conspiracy formed to violate any of the prohibitions set forth in this order is prohibited.

Sec. 6. For the purposes of this order:

(a) the term “person” means an individual or entity;

(b) the term “entity” means a partnership, association, trust, joint venture, corporation, group, subgroup, or other organization; and

(c) the term “United States person” means any United States citizen, permanent resident alien, entity organized under the laws of the United States or any jurisdiction within the United States (including foreign branches), or any person in the United States.

Sec. 7. For those persons whose property and interests in property are blocked pursuant to this order who might have a constitutional presence in the United States, I find that

because of the ability to transfer funds or other assets instantaneously, prior notice to such persons of measures to be taken pursuant to this order would render those measures ineffectual. I therefore determine that for these measures to be effective in addressing the national emergency declared in this order, there need be no prior notice of a listing or determination made pursuant to this order.

Sec. 8. The Secretary of the Treasury, in consultation with the Secretary of State, is hereby authorized to take such actions, including adopting rules and regulations, and to employ all powers granted to me by IEEPA and the Act as may be necessary to implement this order and section 1263(a) of the Act with respect to the determinations provided for therein. The Secretary of the Treasury may, consistent with applicable law, redelegate any of these functions to other officers and agencies of the United States. All agencies shall take all appropriate measures within their authority to implement this order.

Sec. 9. The Secretary of State is hereby authorized to take such actions, including adopting rules and regulations, and to employ all powers granted to me by IEEPA, the INA, and the Act as may be necessary to carry out section 2 of this order and, in consultation with the Secretary of the Treasury, the reporting requirement in section 1264(a) of the Act with respect to the reports provided for in section 1264(b)(2) of that Act. The Secretary of State may, consistent with applicable law, redelegate any of these functions to other officers and agencies of the United States consistent with applicable law.

Sec. 10. The Secretary of the Treasury, in consultation with the Secretary of State and the Attorney General, is hereby authorized to determine that circumstances no longer warrant the blocking of the property and interests in property of a person listed in the Annex to this order, and to take necessary action to give effect to that determination.

Sec. 11. The Secretary of the Treasury, in consultation with the Secretary of State, is hereby authorized to submit recurring and final reports to the Congress on the national emergency declared in this order, consistent with section 401(c) of the NEA (50 U.S.C. 1641(c)) and section 204(c) of IEEPA (50 U.S.C. 1703(c)).

Sec. 12. This order is effective at 12:01 a.m., Eastern Standard Time, December 21, 2017.

Sec. 13. This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

DONALD J. TRUMP

THE WHITE HOUSE,
December 20, 2017.

ANNEX

1. Mukhtar Hamid Shah; Date of Birth (DOB) August 11, 1939; alt. DOB November 8, 1939; nationality, Pakistan

2. Angel Rondon Rijo; DOB July 16, 1950; nationality, Dominican Republic

3. Dan Gertler; DOB December 23, 1973; nationality, Israel; alt. nationality, Democratic Republic of the Congo

4. Maung Maung Soe; DOB March 1964; nationality, Burma

5. Yahya Jammeh; DOB May 25, 1965; nationality, The Gambia

6. Sergey Kusiuk; DOB December 1, 1966; nationality, Ukraine; alt. nationality, Russia

7. Benjamin Bol Mel; DOB January 3, 1978; alt. DOB December 24, 1978; nationality, South Sudan; alt. nationality, Sudan

8. Julio Antonio Juárez Ramírez; DOB December 1, 1980; nationality, Guatemala

9. Goulnora Islamovna Karimova; DOB July 8, 1972; nationality, Uzbekistan

10. Slobodan Tesic; DOB December 21, 1958; nationality, Serbia

11. Artem Yuryevich Chayka; DOB September 25, 1975; nationality, Russia

12. Gao Yan; DOB April 1963; nationality, China

13. Roberto Jose Rivas Reyes; DOB July 6, 1954; nationality, Nicaragua

Source:

https://www.whitehouse.gov/presidential-actions/executive-order-blocking-property-persons-involved-serious-human-rights-abuse-corruption/