

# Unified United States Common Law Grand Jury:

P.O. Box 59; Valhalla, New York, 10595; Fax – 888-891-8977

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THIS IS AN EXTRAORDINARY JUDICIAL ACTION filed via U.S. Postal Service in all 94 Federal District Courts and served upon all parties listed below by fax. All Clerks are to perform their ministerial function under penalty of law 18 USC §2076 to file<sup>1</sup> or deliver to the recipients listed below. Whoever intercepts, obstructs or impedes will be prosecuted to the fullest extent of the law 18 USC §1512(b).<sup>2</sup> This is a matter of national security and it is expected that the recipients, being oath-takers read and understand the nature and gravity of the contents of these papers. This official judicial process executed by the Unified United States Common Law Grand Juries concerning treason against the People of the United States of America in violation of the • United States Constitution Article III Section 3 treason; • 18 USC §2385 advocating overthrow of Government; • 18 USC §2384 seditious conspiracy; • 18 USC §2382 misprision of treason; • 18 USC §2381 treason; • 18 USC §1349 attempt and conspiracy; • 18 USC §1622 subornation of perjury; • 18 USC §115 treason, sedition, and subversive activities; • 18 USC §4 misprision of felony.

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The purpose of filing in ALL U.S. Federal District Courts is because of wide spread failing to file 18 USC § 2071.

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**ARTICLE IV 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;*

**FILED:** - via US Mail and fax for action

United States Supreme Court; under penalty of law, clerk is to forward to all Justices  
United States District Courts [94]; under penalty of law, clerk is to forward to all Judges/Magistrates

**SERVED:** - via fax for action

All State Courts; under penalty of law, clerk is to forward a copy to all Judges/Magistrates.  
United States Congressmen [435] under penalty of law clerk is to forward a copy to all congressmen.  
United States Senators [100] under penalty of law clerk is to forward a copy to all senators.  
Assemblymen all 50 States; under penalty of law clerk is to forward a copy to all assemblymen.  
Senators all 50 States; under penalty of law clerk is to forward a copy to all senators.  
Governors all 50 State; under penalty of law clerk is to forward a copy to Governor.  
All County Sheriffs [3133]; under penalty of law, clerk is to forward a copy to Sheriff.  
Federal Special Agent in Charge [94]; under penalty of law, clerk is to forward a copy to agent.  
US Marshal [94]; under penalty of law clerk is to forward a copy to Marshal.  
Joint Chiefs of Staff; under penalty of law clerk is to forward a copy to Joint Chiefs of Staff.  
State Militia; under penalty of law clerk is to forward a copy to highest ranking officers.

**SERVED:** - via e-mail 1<sup>st</sup> Amendment duty to inform

News media; under penalty of law Editors are to REPORT or PRINT a copy for the People. Failure to do so will be considered aiding & abetting the enemy.

This document is not for interpretation by BAR attorneys; "Laws are made for men of ordinary understanding and should, therefore, be construed by the ordinary rules of common sense. Their meaning is not to be sought for in metaphysical subtleties which may make anything mean everything or nothing at pleasure." - **Thomas Jefferson to William Johnson, 1823 ME 15:450**. All respondents took an oath to uphold and protect the Constitution and therefore should understand these documents; if not learn or resign your post.

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<sup>1</sup> **18 USC §2076 Clerk is to file:** Whoever, being a clerk willfully refuses or neglects to make or forward any report, certificate, statement, or document as required by law, shall be fined under this title or imprisoned not more than one year, or both.

<sup>2</sup> **18 USC §1512(b)** Whoever obstructs or impedes any official proceeding shall be fined under this title or imprisoned not more than 20 years, or both.

- Unified Alabama Common Law Grand Jury; PO Box 46; Gurley, AL, 35748
- Unified Alaska Common Law Grand Jury; PO Box 240952; Anchorage, AK, 99524-0952
- Unified Arizona Common Law Grand Jury; 2030 W. Baseline Road, Phoenix, AZ, 85041
- Unified Arkansas Common Law Grand Jury; PO Box 234; Roland, AR, 72135
- Unified California Common Law Grand Jury; 2681 Calloway Dr., Box 158; Bakersfield, CA, 93312
- Unified Colorado Common Law Grand Jury; 2000 Wadsworth #168, Lakewood, Colorado, 80214
- Unified Connecticut Common Law Grand Jury; PO Box 225; Southington, CT, 06489
- Unified Delaware Common Law Grand Jury; PO Box 26337; Wilmington, DE, 19899
- Unified Florida Common Law Grand Jury; 1532 US Hwy 41 Bypass So, PMB 301; Venice, FL 34293
- Unified Georgia Common Law Grand Jury; PO Box 587; Millen, GA, 30442
- Unified Hawaii Common Law Grand Jury; PO Box 7222; Ocean View, HI, 96737
- Unified Idaho Common Law Grand Jury; 16433 No Midland Boulevard, Suite 83; Nampa, ID, 83687
- Unified Illinois Common Law Grand Jury; PO Box 494; Wadsworth, IL, 60083
- Unified Indiana Common Law Grand Jury; PMB 344, 2113 East 62nd Street; Indianapolis, IN, 46220
- Unified Iowa Common Law Grand Jury; 5006 Sergeant Road PMB 125; Sioux City, IA, 51106
- Unified Kansas Common Law Grand Jury; PO Box 22; Dearing, KS, 67340
- Unified Kentucky Common Law Grand Jury; PO Box 270; Tollesboro, KY, 411189
- Unified Louisiana Common Law Grand Jury; 5860 Citrus Blvd, SUITE D#131; Harahan, LA, 70123
- Unified Maine Common Law Grand Jury; PO Box 463; Hallowell, ME, 04347
- Unified Maryland Common Law Grand Jury; PO Box 519; Stevensville, MD, 21666
- Unified Massachusetts Common Law Grand Jury; PO Box 433; Greenfield, MA, 01302
- Unified Michigan Common Law Grand Jury; PO Box 663; South Haven, MI, 49090
- Unified Minnesota Common Law Grand Jury; PO Box 56; Rockford, MN, 55373
- Unified Mississippi Common Law Grand Jury; 313 Telly Road; Picayune, MS, 39466
- Unified Missouri Common Law Grand Jury; PO Box 322; Mount Vernon, MO 65712
- Unified Montana Common Law Grand Jury; 1106 West Park Street, Box 160; Livingston, MT, 59047
- Unified Nebraska Common Law Grand Jury; PO Box 877; O'Neill, NE, 68763
- Unified Nevada Common Law Grand Jury; PO Box 20263; Reno, NV, 89515
- Unified New Hampshire Common Law Grand Jury; PO Box 4134; Manchester, NH, 03108
- Unified New Jersey Common Law Grand Jury; 957 Broadway, PMB # 126; Bayonne, NJ, 07002
- Unified New Mexico Common Law Grand Jury; PO Box 82; Santa Rosa, NM, 88435
- Unified New York Common Law Grand Jury; PO Box 59; Valhalla, NY, 10595
- Unified North Carolina Common Law Grand Jury; PO Box 391; Saxapahaw, NC, 27340
- Unified North Dakota Common Law Grand Jury 1515 Burnt Boat Dr. PMB 232; Bismarck, ND 58503
- Unified Ohio Common Law Grand Jury; PO Box 547; Jackson, OH, 45640
- Unified Oklahoma Common Law Grand Jury; PO Box 2391 Edmond, OK, 73083
- Unified Oregon Common Law Grand Jury; PO Box 781; Scappoose, OR, 97056
- Unified Pennsylvania Common Law Grand Jury; PO Box 278; Centre Hall, PA, 16828
- Unified Rhode Island Common Law Grand Jury; PO Box 105; CAROLINA, RI 02812
- Unified South Carolina Common Law Grand Jury; 104A Franklin Ave, 302; Spartanburg, SC, 29301
- Unified South Dakota Common Law Grand Jury; 1430 Haines Ave, 108, #224; Rapid City, SD, 57701
- Unified Tennessee Common Law Grand Jury; PO Box 681; Talbott, TN, 37877
- Unified Texas Common Law Grand Jury; PO Box 992; Onalaska, TX, 77360
- Unified Utah Common Law Grand Jury; PO Box 552351; Salt Lake City, UT, 84152-2351
- Unified Vermont Common Law Grand Jury; PO Box 58; Newport, VT 05855
- Unified Virginia Common Law Grand Jury; PO Box 500; Sandston, VA 23150
- Unified Washington Common Law Grand Jury; PO Box 4506; Richland, WA 99352
- Unified West Virginia Common Law Grand Jury; PO Box 1131; Princeton, WV 24740
- Unified Wisconsin Common Law Grand Jury; 2545 Roosevelt Rd, Suite 107-280; Marinette, WI, 54143
- Unified Wyoming Common Law Grand Jury; PO Box 2752; Gillette, WY, 82717-2752

# Unified United States Common Law Grand Juries:

P.O. Box 59; Valhalla, New York, 10595; Fax – 888-891-8977

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## UNITED STATES DISTRICT COURT FOR ALL DISTRICTS

5 We the People, UUSCLGJ

Sureties of the Peace

No. 1776-1789-2015

- Commanding -

**CORAM NOBIS<sup>1</sup>**

10 County Sheriffs [3133]; Federal Special Agent in Charge [94];  
US Marshal [94]; Joint Chiefs of Staff; State Militia;  
Governors all 50 State; All Federal and State Courts  
Assemblymen all 50 States; Senators all 50 States;  
U.S. Congressmen [435]; U.S. Senators [100]; News media;

15 Respondents

## Writ Mandamus<sup>2</sup>

### TO THE COUNTY SHERIFF TO INFORM & FOR IMMEDIATE ACTION:

20 This series of informations, orders and writs by We the People filed in the United States Supreme Court of the  
United States District Courts, the State Supreme Courts and served upon our elected and appointed servants, when  
not acted upon, forms an indictment against the same. We the People are exposing the foundational errors of our  
judicial systems, errors founded on subversion and contempt of law by enemies past and present. It is expected that  
25 said servants and all recipients understand the subject matter. All servants and recipients have authority under the  
law, and have taken an oath to preserve, protect and defend the Constitution. Today these servants violate this sacred  
oath and now lives have been destroyed and liberty hangs in the balance. Silence when you have a duty to speak or  
act, advocates the present conspiracy to overthrow the Governments of the United States willfully and or knowingly.

30 **WARNING: Do not seek an Attorney's interpretation that is not responsible for the oath you took concerning  
this Information. Ignorance of the law or excuses that you were acting under advice of legal counsel, will not  
be an acceptable excuse for there is nothing to interpret.**

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35 The purpose of filing in ALL US Federal District Courts is because of 18 USC § 1961-68 wide spread  
RICO; 18 U.S. Code § 2385 - Advocating overthrow of Government; Seditious conspiracy 18 USC §  
2384 with wide spread mutilating and failing to file 18 USC § 2071.

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<sup>1</sup> CORAM NOBIS. Before us ourselves, (the king, i. e., in the king's or queen's bench.) Applied to writs of error directed to another branch of the same court, e. g., from the full bench to the court at nisi prius. 1 Archb. Pr. K. B. 234.

<sup>2</sup> MANDAMUS Lat. We command. This is the name of a writ (formerly a high prerogative writ) which issues from a court of superior jurisdiction, and is directed to a private or municipal corporation, or any of its officers, or to an executive, administrative or judicial officer, or to an inferior court, commanding the performance of a particular act therein specified, and belonging to his or their public, official, or ministerial duty, or directing the restoration of the complainant to rights or privileges of which he has been illegally deprived. Lahiff v. St. Joseph, etc., Soc., 76 Conn. 648, 57 A. 692, 65 L.R.A. 92, 100 Am.St.Rep. 1012.

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## I. COUNTY SHERIFF *conservator of the peace*

65 The purpose of this Mandamus is to inform, and educate and thereby empower Sheriffs and Marshals concerning their Constitutional Duties that Liberty requires in-order to flourish, without which America could not prevail. The County Sheriff is a Constitutional Officer, elected by the People, bound by oath as guardian of the Peoples' unalienable rights secured by the Constitution. The United States Constitution and its capstone Bill of Rights is the "*Law of the Land*"<sup>3</sup> and all statutes and state constitutions repugnant  
70 to the United States Constitution are null and void.<sup>4</sup> If the Sheriff is ignorant to the Constitution, "**which is common law**," it would stand to reason that he is in violation of his oath, not comprehending when judges and politicians violate the common law, and thereby technically guilty of treason.

The duties, responsibilities and authorities of the Sheriff cannot be diminished by those in the legislature, courts and state constitutions. When it comes to enforcing the Law (US Constitution) the Sheriff, being  
75 the "Chief Law Enforcement Officer," answers to no one, not even the Governor; like any other elected official the Sheriff cannot be removed from office by another elected official. He can only be removed by the People at the ballot box, recall or by an indictment or presentment by a Grand Jury.

The United States Supreme Court said:

80 *"The Sheriff is the "Chief Executive and Administrative Officer" of a county chosen by popular election. His principal duties are in aid of the criminal and civil courts of record [common law courts<sup>5</sup>]; such as serving process, summoning juries, executing judgments, holding judicial sales and the like. He is also the chief conservator of the peace within his territorial jurisdiction."*<sup>6</sup>

85 President Ronald Reagan stressed the importance of the modern sheriff in his address to the National Sheriffs' Association on June 21, 1984. He said, "*Thank you for standing up for this nation's dream of personal freedom under the rule of law. Thank you for standing against those who would transform that dream into a nightmare of wrongdoing and lawlessness. And thank you for your service to your communities, to your country, and to the cause of law and justice.*"

90 The Sheriff being the Chief Law Enforcement Officer and highest Peace Officer of the entire County in which he was elected is to secure the peace and answers to the People alone. Unlike the State Police who are code enforcement officers serving the state and answering to the governor; and city, town or village police who are also code enforcement officers serving the corporate municipalities and answering to commissioners or mayors. All have a conflict of interest because they have no constitutional authority or concerns; they cannot serve the code and the constitution. Whereas the Sheriff reports directly to the  
95 People and not the corporation, the duties, responsibilities and authorities of the County Sheriff as a Constitutional Officer are, at a minimum, the same as they were when the State Constitutions were originally written.

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<sup>3</sup> **United States Constitution Article VI.** This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the SUPREME LAW OF THE LAND; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

<sup>4</sup> "*All laws, rules and practices which are repugnant to the Constitution are null and void*" -- Marbury v. Madison, 5th US (2 Cranch) 137, 180

<sup>5</sup> **COURT OF RECORD** "*Proceeding according to the course of common law*" [Jones v. Jones, 188 Mo.App. 220, 175 S.W. 227, 229; Ex parte Gladhill, 8 Metc. Mass., 171, per Shaw, C.J. See, also, Ledwith v. Rosalsky, 244 N.Y. 406, 155 N.E. 688, 689][Black's Law Dictionary, 4th Ed., 425, 426]

<sup>6</sup> Harston v. Langston, Tex.Civ. App., 292 S.W. 648, 650.

If Sheriffs and Marshalls need to consult a BAR judge, BAR attorney or bureaucrat to know when they exceeded their authority it's no different than consulting with the fox concerning the hen house. If the Sheriff cannot ascertain if a judge or any other government servant is abusing their powers and thereby violating the unalienable rights of the People without asking the fox how can he perform his duty? If a politician, judge or prosecutor violates the Constitution it is the duty of the Sheriffs and Marshalls to call the Grand Jury and ask the People for an Indictment, this is your responsibility; if you seek permission of a prosecutor or judge on any arrest you shirk your authority, become a tool to the same and thereby violate your oath. No politician can come between you and the People. Regardless of what you have been taught, it is the duty of the Sheriff to seek an indictment not the prosecutor. Prosecutors call the Grand Jury when the state has an issue, but the Peoples' business is the Sheriffs business and it is his duty to protect the same from those who would encroach upon their rights. Likewise the courts exist to serve and protect the People from criminals and tyrants.

## 110 II. CONSTITUTIONAL OFFICER -V- CODE ENFORCEMENT OFFICERS

The principal challenges to the Sheriff are code enforcement officers. Codes (statutes) that control the behavior of People are repugnant to the Constitution and are therefore null and void. The Sheriff has a duty to uphold the Constitution. This poses a dilemma because the Sheriff must obey the United States Supreme Court rulings and the United States Constitution in order to uphold his oath; he must first understand it. This is the purpose of this writ.

Does the Sheriff have the fortitude to keep his oath and uphold the common law? Will he betray his oath and therefore the People who have entrusted him as their Constitutional law enforcer? Will he uphold the common law above the will of BAR driven legislators, judges, prosecutors and their code enforcement officers, who are true believers that statutes are above the Constitution? The Treasonous BAR schools have been teaching codes and statutes as law for more than fifty years. If we fail to correct this error America will be lost.

We are a republican form of government, guaranteed by U.S. Constitution Article IV Section 4<sup>7</sup> which means rule by law and in America's case common law. When an organization like the BAR advocates the overthrow of the constitution (common law) they are advocating the overthrow of our Government in violation under 18 USC §2385<sup>8</sup>

When a judge violates the Constitution and the Sheriff seeks permission from the prosecutor to seek an indictment and if the prosecutor refuses to indict and the sheriff submits to the will of the prosecutor, did not the Sheriff break his oath and become part of the conspiracy to cover-up a crime? Is this Sheriff now guilty of felony rescue? When judges break the law it is the duty of the sheriff to arrest the judge and go directly to the grand jury for an indictment. It is only recently, fifty or so years that the Sheriff has been unlawfully told he must first filter the crime through the BAR taught prosecutors, who work for the state and not the People and almost always refuse to bring the crime before the grand jury when a state official

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<sup>7</sup> Article IV 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;

<sup>8</sup> 18 USC §2385 - Advocating overthrow of Government - Whoever knowingly or willfully advocates, abets, advises, or teaches the duty, necessity, desirability, or propriety of overthrowing or destroying the government of the United States or the government of any State, Territory, District or Possession thereof, or the government of any political subdivision therein, by force or violence, or by the assassination of any officer of any such government; or Whoever, with intent to cause the overthrow or destruction of any such government, prints, publishes, edits, issues, circulates, sells, distributes, or publicly displays any written or printed matter advocating, advising, or teaching the duty, necessity, desirability, or propriety of overthrowing or destroying any government in the United States by force or violence, or attempts to do so;

is involved. This is “**EXACTLY WHY**” America is in a Constitutional crisis. If we can educate the Sheriff We the People working with the Sheriff can save America.

135 Another obstacle the Sheriffs must recognize is the puppet grand and trial juries. Because the juries are controlled by the foxes (judges and prosecutors) the jurors they are led to deliberate by the all-controlling BAR prosecutor. They will first be instructed by the said prosecutor of the statutes they must follow and thereby trumping the common law. This of course is “jury tampering” and we will be setting our face against that soon.

140 The dilemma for the Sheriff is “what am I to do?” The solution is simple; take the case to the Common Law Grand Jury. Clearly you cannot take it to the unlawful puppet jury controlled by the foxes. Lysander Spooner, in Trial by Jury, 1852 said;

145 *“Any government that is its own judge of, and determines authoritatively for the people, what are its own powers over the people, is an absolute government of course; It has all the powers that it chooses to exercise. There is no other -- or at least no more accurate -- definition of despotism than this. On the other hand, any people, that judge of, and determine authoritatively for the government, what are their own liberties against the government, of course retain all the liberties they wish to enjoy. And this is freedom. At least, it is freedom to them; because, although it may be theoretically imperfect, it,*  
150 *nevertheless, corresponds to their highest notions of freedom.”*

We the People across America in every state of the union are doing exactly that which we should have been doing all along. Since we discovered this truth through a United States Supreme Court decision, whereas in the 1992 case US v Williams,<sup>9</sup> Justice Anton Scalia writing for the majority made clear the Law when he said:

155 *“Because the grand jury is an institution separate from the courts, over whose functioning the courts do not preside, we think it clear that, as a general matter at least, no such supervisory judicial authority exists, and that the disclosure rule applied here exceeded the Tenth Circuit's authority. [R]ooted in long centuries of Anglo-American history,<sup>10</sup> the grand jury is mentioned in the Bill of Rights, but not in the body of the*  
160 *Constitution. It has not been textually assigned, therefore, to any of the branches described in the first three Articles. It is a constitutional fixture in its own right.<sup>11</sup> In fact the whole theory of its function is that it belongs to no branch of the institutional government, serving as a kind of buffer or referee between the Government and the*  
165 *people.<sup>12</sup> Although the grand jury normally operates, of course, in the courthouse and under judicial auspices, its institutional relationship with the judicial branch has traditionally been, so to speak, at arm's length. Judges' direct involvement in the functioning of the grand jury has generally been confined to the constitutive one of calling the grand jurors together and administering their oaths of office.*

<sup>9</sup> 112 S.Ct. 1735 504 U.S. 36 118 L.Ed.2d 352

<sup>10</sup> *Hannah v. Larche*, 363 U.S. 420, 490, 80 S.Ct. 1502, 1544, 4 L.Ed.2d 1307 (1960) (Frankfurter, J., concurring in result),

<sup>11</sup> *United States v. Chanen*, 549 F.2d 1306, 1312 (CA9 1977) (quoting *Nixon v. Sirica*, 159 U.S.App.D.C. 58, 70, n. 54, 487 F.2d 700, 712, n. 54 (1973)), cert. denied, 434 U.S. 825, 98 S.Ct. 72, 54 L.Ed.2d 83 (1977).

<sup>12</sup> *Stirone v. United States*, 361 U.S. 212, 218, 80 S.Ct. 270, 273, 4 L.Ed.2d 252 (1960); *Hale v. Henkel*, 201 U.S. 43, 61, 26 S.Ct. 370, 373, 50 L.Ed. 652 (1906); *G. Edwards The Grand Jury* 28-32 (1906).

170 This is the authority by which ~~We the People~~ act and come with a determination to put that fox back in  
it's cage and save America. Now you know, and the question before you is: are you going to continue  
feeding that fox, and thereby participate in their treasonous acts against ~~We the People~~ of the United  
States of America, or will you develop a constitutional back-bone through education and join ~~We the~~  
~~People~~ to bring law and order back into our courts and thereby our government and save America?

175 Clearly it takes fortitude for a People to step up, take control and do the right thing, for God, country and  
your posterity. This is your duty. This is the moment in time and history that will define your integrity or  
your lack thereof. ~~We the People~~ under the Unified United States Common Law Grand Jury have  
tolerated your inaction because, like us, we were once ignorant of the truth. We have woken to the hard  
reality and have decided to do the just thing for ourselves and our posterity; now you know! Your  
choices: (1) step up and do the right thing; (2) resign and pass this mandamus to your successor; or (3)  
180 prepare yourself to face this body in due time for treason.

The US Constitution is a common law document which in turn demands obedience to the common law  
**Article VI Paragraph of the U.S. Constitution** reads:

185 *“This Constitution, and the laws of the United States which shall be made in pursuance  
thereof; and all treaties made, or which shall be made, under the authority of the United  
States, shall be the supreme law of the land; and the judges in every state shall be bound  
thereby, anything in the Constitution or laws of any State to the contrary  
notwithstanding.”*

190 Therefore when there is a conflict between the law and statutes, the Constitution must prevail because  
statutes are not law unless ~~We the People~~ gave the legislators authority to write such law through the  
Constitution. This is “law 101” it does not get any more difficult than this, *see Quo Warranto filed  
November 10, 2014.*

195 How can a sheriff uphold the Constitution if he was never trained in constitutional (law) enforcement?  
We are sure that the Sheriff and his deputies were trained in law (statutes/code) enforcement, techniques  
and self-defense. It is the sheriff's responsibility to make sure that his deputies know the Constitution so  
that they can serve the People. When deputies violate the Constitution, even unknowingly, the sheriff is as  
guilty and responsible as his deputies.

200 The sheriff is responsible for his entire county including the court and the jail. If legislators past or  
present removed the Constitutional Sheriff's Duties and replaced any of these duties by entrusting them to  
code enforcement officers, we can be sure that the common law (Constitution) is not being applied in our  
courts, jails and/or counties. Code enforcement offices serve the government not the People. If this is the  
case in your county notify us, Unified United States Common Law Grand Jury, and we will start the  
process to return theses duties back under its proper authority, the Sheriff.

### III. - SHERIFFS DUTY IN THE COURTS

205 Bailiffs “**must be sheriff's deputies**” trained to understand their duties. They must be approachable by  
the People in order to report constitutional violations in the court house. They must have the fortitude to  
remove a judge from the bench when judges violate Peoples unalienable rights. Unalienable rights are  
given by God and cannot be trumped by legislators. If there is a conflict between the two the Common



Law must prevail. The following U.S. Supreme Court rulings (to offer just a few) should empower you to enforce the law and the Common Law Grand Juries will stand behind you.

210        "*Law of the land, due course of law,*" and "*due process of law*" are synonymous;" --  
People v. Skinner, Cal., 110 P.2d 41, 45; State v. Rossi, 71 R.I. 284, 43 A.2d 323, 326;  
Direct Plumbing Supply Co. v. City of Dayton, 138 Ohio St. 540, 38 N.E.2d 70, 72, 137  
A.L.R.1058; Stoner v. Higginson, 316Pa.481, 175A. 527, 531.

215        "*All laws, rules and practices which are repugnant to the Constitution are null and void*"  
-- Marbury v. Madison, 5th US (2 Cranch) 137, 180

220        "*The general rule is that an unconstitutional statute, though having the form and name of  
law, is in reality no law, but is wholly void and ineffective for any purpose, since its  
unconstitutionality dates from the time of its enactment... In legal contemplation, it is as  
inoperative as if it had never been passed... Since an unconstitutional law is void, the  
general principles follow that it imposes no duties, confers no right, creates no office,  
bestows no power or authority on anyone, affords no protection and justifies no acts  
performed under it... A void act cannot be legally consistent with a valid one. An  
unconstitutional law cannot operate to supersede any existing law. Indeed insofar as a  
statute runs counter to the fundamental law of the land, (the Constitution) it is  
superseded thereby. No one is bound to obey an unconstitutional law and no courts are  
bound to enforce it.*" -- Bonnett v. Vallier, 116 N.W. 885, 136 Wis. 193 (1908);  
225        NORTON v. SHELBY COUNTY, 118 U.S. 425 (1886)

230        "*...every man is independent of all laws, except those prescribed by nature. He is not  
bound by any institutions formed by his fellowman without his consent.*" -- Cruden v.  
Neale, 2 N.C. 338 (1796) 2 S.E.

235        "*Under our system of government upon the individuality and intelligence of the citizen,  
the state does not claim to control him/her, except as his/her conduct to others, leaving  
him/her the sole judge as to all that affects himself/herself.*" -- Mugler v. Kansas 123 U.S.  
623, 659-60.

240        "*Statutes that violate the plain and obvious principles of common right and common  
reason are null and void.*" -- Bennett v. Boggs, 1 Baldw 60

240        "*The assertion of federal rights, when plainly and reasonably made, is not to be defeated  
under the name of local practice.*" -- Davis v. Wechsler, 263 US22, at 24

240        "*A State may not impose a charge for the enjoyment of a right granted by the Federal  
Constitution.*" -- Murdock v. Pennsylvania, 319 U.S. 105, at 113

#### IV. JURISDICTIONS OF THE COURTS

Today's courts are de facto operating contrary to Common Law under the rules of chancery and not common law. Bailiffs being the sheriff's deputies trained to understand their duties must make sure courts operate according to law.

245 There are only two courts We the People ordained to operate on the said land under the Constitution called law and equity, as we read:

*U.S. Constitution Article III 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;*

250 (a) **COURTS OF EQUITY** - These courts are the Jurisdiction where Judges hear and decide commercial/contract cases and other disputes whereas there exist only one jurist called the judge who is bound by the aforesaid Article VI law of the land. Equity court cases can be appealed to higher courts.

(b) **COURTS OF LAW** - These courts are the Jurisdiction where juries (tribunal) hear and decide "ALL" criminal cases and commercial cases and other disputes, if so demanded by one of the parties; all 255 criminal courts are called courts of record which proceed under common law. In a trial by jury, the judge is to act as administrator and can make "NO RULINGS"; if he does make a ruling, he acts under the color of law which is a crime; under the constitution this is called bad behavior such a judge should be removed from the bench by the bailiff immediately and brought before the Grand Jury for indictment;

260 *Bill of Rights 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 reexamined in any Court of the United States, than according to the rules of the common law.*

*U.S. Constitution Article III Section 1 The judges, both of the supreme and inferior courts, shall hold their offices during good behavior,*

265 The requirements for a criminal case to proceed are as follows:

1) There must be an injured party; - "*Corpus delicti. The body of a crime. The body (material substance) upon which a crime has been committed, e. g., the corpse of a murdered man, the charred remains of a house burned down. In a derivative sense, the substance or foundation of a crime; the substantial fact that a crime has been committed.*" People v. Dick, 37 Cal. 281;

270 "*For a crime to exist, there must be an injured party. There can be no sanction or penalty imposed upon one because of this exercise of Constitutional rights.*"- Sherar v. Cullen, 481 F. 945.

2) There must be an indictment by an unfettered (not controlled by judge or prosecutor) Grand Jury. If there is no indictment a person cannot be "held" to answer:

275 *U.S. Constitution Amendment V No person shall be held to answer for a capital, or otherwise infamous crime, [a crime that requires a prison sentence] unless on a presentment or indictment of a Grand Jury;*

280 3) All decisions in a court of record are by the jury alone called a tribunal without any interference from a judge; - Definition of a court of record is "*A judicial tribunal having attributes and exercising functions independently of the person of the magistrate [judge] designated generally to hold it Proceeding according to the course of common law. Its acts and judicial proceedings are enrolled, or*

recorded, for a perpetual memory and testimony. Has power to fine or imprison for contempt. Generally possesses a seal.<sup>13</sup>

(c) **JUDICIAL PROCESS**;

285 **Warrants - The Bill of Rights Amendment V** provides that: No person shall be deprived of life, liberty, or property without due process of law as supported by the following U.S. Supreme Court rulings:

"...no man shall be deprived of his property without being heard in his own defense." -- Kinney V. Beverly, 2 Hen. & M(VA) 381, 336.

290 "Amendment V of the Constitution of the United States provides: "No person shall---be deprived of life, liberty, or property without due process of law. A similar provision exists in all the state constitutions; the phrases "due course of law", and the "law of the land" are sometimes used; but all three of these phrases have the same meaning and that applies conformity with the ancient and customary laws of the English people or laws indicated by parliament;" -- Davidson V. New Orleans 96 U.S. 97, 24, L Ed 616

295 Therefore no warrant is to be executed by a Sheriff without a wet ink signature of a judge; a rubber stamp or a clerks' signature is not sufficient. No legal instrument has executorial powers without a signature, and must be accompanied with a sworn affidavit; this includes federal liens and IRS liens. A notice of lien or notice of levy is not due process according to the Bill of Rights;

300 **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.*

**HABEAS CORPUS - "THE GREAT WRIT OF LIBERTY"** - In the early days habeas corpus was not connected with the idea of liberty. It was a useful device in the struggle for control between common law and equity courts. By the middle of the fifteenth century, the issue of habeas corpus, together with privilege, was a well-established way to remove a cause from an inferior court where the defendant could show some special connection with one of the central courts which entitled him to have his case tried there.<sup>14</sup> In the early seventeenth century The Five Knights' Case<sup>15</sup> involved the clash between the Stuart claims of prerogative and the common law, and was, in the words of one of the judges, "the greatest cause that I ever knew in this court."<sup>16</sup> Over the centuries the writ became a viable bulwark between the powers of government and the rights of the people in both England and the United States.

315 In the United States habeas corpus exists in two forms: common law and statutory. The Constitution for the United States of America acknowledges the Peoples' right to the common law of England as it was in 1789. What is that common law? It does not consist of absolute, fixed and inflexible rules, but broad and comprehensive principles based on justice, reason, and common

<sup>13</sup> Jones v. Jones, 188 Mo.App. 220, 175 S.W. 227, 229; Ex parte Gladhill, 8 Metc. Mass., 171, per Shaw, C.J. See, also, Ledwith v. Rosalsky, 244 N.Y. 406, 155 N.E. 688, 689][Black's Law Dictionary, 4th Ed., 425, 426

<sup>14</sup> See, e.g., De Vine (1456) O. Bridg. 288; Fizherbert, Abridg., sub tit. 'Corpus Cum Causa'.

<sup>15</sup> Darnel's Case, 3 St. Tr. 1)

<sup>16</sup> Ibid., at 31 per Doderidge J

sense....<sup>17</sup> The Constitution for the United States of America mandates that, "The judicial Power<sup>18</sup> 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;..."<sup>19</sup> habeas corpus is a case in law, i.e., proceeding according to the common law in a court of record therefore it is the Grand Jury as arbiter that shall be enforcer of the law whereas we read:

*"If any of our civil servants shall have transgressed against any of the people in any respect and they shall ask us to cause that error to be amended without delay, or shall have broken some one of the articles of peace or security, and their transgression shall have been shown to four Jurors of the aforesaid twenty five and if those four Jurors are unable to settle the transgression they shall come to the twenty-five, showing to the Grand Jury the error which shall be enforced by the law of the land."* MAGNA CARTA, JUNE 15, A.D. 1215, 61.

Article IV Section 4 guarantees a republican form of government<sup>20</sup> against domestic violence, when a judge enforces acts beyond his authority under color of law,<sup>21</sup> judicial immunity is lost,<sup>22</sup> it is nothing less than lawless violence.<sup>23</sup> Likewise legislative jurisdiction that is not authorized by the United States Constitution is as inoperative as though it had never been passed<sup>24</sup> and judges proceeding without jurisdiction are indictable for treason,<sup>25</sup> judges are expected to know the law.

No State can 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. Any court that ignores due process is not a common law court; such an action proves a court unlawful and consequently has no legal authority over the petitioner without his consent.

*Confirmatio Cartarum*<sup>26</sup> – "*sovereign People shall not be taken, or imprisoned, or disseised, or outlawed, or exiled, or anywise destroyed...but by lawful judgment of his peers or by the law of the land.*" Magna Charta, Chapter 39. [Sometimes referred to as Chapter 29]

<sup>17</sup> Miller v. Mosen, 37 N.W.2d 543, 547, 228 Minn. 400

<sup>18</sup> Judicial Power is the power to decide and pronounce a judgment and carry it into effect between persons and parties who bring a case before court for decision. Power that adjudicates upon and protects the rights and interests of persons or property, and to that end declares, construes and applies the law. *Black's Law Dictionary*, Sixth Edition

<sup>19</sup> *Constitution for the United States of America*, Article III, Sect. 2, Clause 1.

<sup>20</sup> **U.S. CONSTITUTION ARTICLE IV. 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.

<sup>21</sup> **COLOR OF LAW.** [Black's Law 4th] -- The appearance or semblance, without the substance, of legal right. [State v. Brechler, 185 Wis. 599, 202 N.W. 144, 148] Misuse of power, possessed by virtue of state law and made possible only because wrongdoer is clothed with authority of state, is action taken under "color of state law." (Atkins v. Lanning, 415 F. Supp. 186, 188)

<sup>22</sup> "When a judge knows that he lacks jurisdiction, or acts in the face of clearly valid statutes expressly depriving him of jurisdiction, judicial immunity is lost." -- Rankin v. Howard, (1980) 633 F.2d 844, cert. den. Zeller v. Rankin, 101 S.Ct. 2020, 451 U.S. 939, 68 L.Ed 2d 326

<sup>23</sup> "No judicial process, whatever form it may assume, can have any lawful authority outside of the limits of the jurisdiction of the court or judge by whom it is issued; and an attempt to enforce it beyond these boundaries is nothing less than lawless violence." - Ableman v. Booth, 21 Howard 506 (1859)

<sup>24</sup> "An unconstitutional act is not law; it confers no right; it imposes no duties; affords no protection; it creates no office; it is in legal contemplation, as inoperative as though it had never been passed." Norton vs Shelby County 118 US 425 p. 442

<sup>25</sup> "We (judges) have no more right to decline the exercise of jurisdiction which is given, than to usurp that which is not given. The one or the other would be treason to the Constitution." -- Cohen v. Virginia, (1821), 6 Wheat. 264 and U.S. v. Will, 449 U.S. 200

<sup>26</sup> **CONFIRMATIO CARTARUM 1297** The Magna Carta must be accepted as the common law by government. The Magna Carta is the supreme law. All other contrary law and judgments are void.

345           *"No person shall be ... deprived of life, liberty, or property, without due process of law; Due course of law, this phrase is synonymous with due process of law or "law of the land" and means law in its regular course of administration through courts of justice"*  
[court of record]. Kansas Pac. Ry. Co. v. Dunmeyer 19 KAN 542. *"Law in its regular*  
350           *course of administration through courts of justice [court of record] is due process."*  
Leeper vs. Texas, 139, U.S. 462, II SUP CT. 577, 35 L ED 225.

Some have argued that the People have relinquished sovereignty through various contractual devices in which rights were not expressly reserved. However, that cannot hold because rights are  
355           inalienable.<sup>27</sup> The People retain all rights of sovereignty at all times.<sup>28</sup> The exercise of sovereignty by the People is further clarified when one considers that the Constitutional government agencies have no genuine sovereign power of their own, but must rely upon such authority as is granted by the People.<sup>29</sup>

In the 1930's in New York, the Judiciary and the BAR pressed for a Constitutional Convention endeavoring to eliminate the unalienable right of habeas corpus among other issues. The People were so concerned about the attack on their liberties that instead of abolishing habeas corpus the people wrote in and approved overwhelmingly §4. The privilege of a writ or order of habeas corpus shall not be suspended. (Amended by Constitutional Convention of 1938 and approved by vote of the people November 8, 1938)

360           When our founders debated the Constitution they included habeas corpus as a remedy against evil as we read in the Federalist papers No. 83 and 84 Hamilton to the People of the State of New York:  
*"The trial by jury in criminal cases, aided by the habeas-corporus 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."... The creation of crimes after the commission of the fact, or, in other words, the*  
365           *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,<sup>30</sup> in reference to the latter, are well worthy of recital: "To bereave a man of life, Usays he,e 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*  
370           *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-corporus act, which in one place he

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<sup>27</sup> INALIENABLE. Not subject to alienation; the characteristic of those things which cannot be bought or sold or transferred from one person to another, such as rivers and public highways, and certain personal rights; e. g., liberty. Inalienable; incapable of being aliened, that is, sold and transferred.[Black's Law 4th edition, 1891]

<sup>28</sup> RESERVATION OF SOVEREIGNTY: "[15] (b) ...The Tribe's role as commercial partner with petitioners should not be confused with its role as sovereign. It is one thing to find that the Tribe has agreed to sell the right to use the land and take valuable minerals from it, and quite another to find that the Tribe has abandoned its sovereign powers simply because it has not expressly reserved them through a contract. To presume that a sovereign forever waives the right to exercise one of its powers unless it expressly reserves the right to exercise that power in a commercial agreement turns the concept of sovereignty on its head. MERRION ET AL., DBA MERRION & BAYLESS, ET AL. v. JICARILLA APACHE TRIBE ET AL. 1982.SCT.394 <http://www.versuslaw.com>, 455 U.S. 130, 102 S. Ct. 894, 71 L. Ed. 2d 21, 50 U.S.L.W. 4169 pp. 144-148

<sup>29</sup> The words "sovereign state" are cabalistic words, not understood by the disciple of liberty, who has been instructed in our constitutional schools. It is our appropriate phrase when applied to an absolute despotism. The idea of sovereign power in the government of a republic is incompatible with the existence and foundation of civil liberty and the rights of property. Gaines v. Buford, 31 Ky. (1 Dana) 481, 501.

<sup>30</sup> Vide Blackstone's "Commentaries," vol. 1., p. 136.

375 *calls "the bulwark of the British Constitution."*<sup>31</sup> Thus we read Article 1 Section 9 paragraph 2 *The privilege of the writ of habeas corpus shall not be suspended.*

Title 28 of the United States Code<sup>32</sup> acknowledges that it is not the responsibility of the petitioner to know by what claim or authority the state acts, but that the petitioner may inquire as to the cause of the restraint by habeas corpus. 28 USC 2243 A court, justice or judge [tribunal] entertaining an application for a writ of habeas corpus shall forthwith award the writ or issue an order directing  
380 the respondents to show cause why the writ should not be granted

When the persons holding the prisoner neglect to answer said habeas corpus then the Federal Rules of Civil Procedure, Rule 55 activates and the prisoner must be released under the entry of default. Whereas we read: *When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend as provided by these rules and that fact is made to appear by*  
385 *affidavit or otherwise [under seal], the clerk shall enter the party's default.*

18 USC § 2071 (a) Whoever willfully and unlawfully removes or conceals a proceeding filed or deposited with any clerk or officer of any court of the United States, or in any public office, or with any judicial or public officer of the United States, shall be fined under this title or imprisoned not more than three years, or  
390 both. (b) Whoever, having the custody of any such proceeding willfully and unlawfully conceals shall be fined under this title or imprisoned not more than three years, or both; and shall forfeit his office and be disqualified from holding any office under the United States.

Habeas corpus is a judicial process, not open for debate. If the prisoner is not released, the party  
395 that continues to restrain the prisoner would be guilty of false imprisonment and kidnaping. The arrest of said perpetrators is the appropriate action by the Sheriff and the said perpetrators are to be brought before the Grand Jury for indictment.

#### **(d) COURT FILING**

If a clerk refuses to file any legal document the clerk commits a crime as per the following law:

400 **18 USC § 2076** - *Whoever, being a clerk of a district court of the United States, willfully refuses or neglects to make or forward any report, certificate, statement, or document as required by law, shall be fined under this title or imprisoned not more than one year, or both.*

If a clerk, judge or anyone conceals, removes or mutilates any document filed within the court that person  
405 commits a crime as per the following law, and the Sheriff is duty bound to arrest him:

**18 USC § 2071** - *Concealment, removal, or mutilation generally (a) Whoever willfully and unlawfully conceals, removes, mutilates, obliterates, or destroys, or attempts to do so, or, with intent to do so takes and carries away any record, proceeding, map, book,*

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<sup>31</sup> Vide Blackstone's "Commentaries," vol. iv., p. 438.

<sup>32</sup> 28 USC 2242 states in part: Application for a writ of habeas corpus...shall allege the facts concerning the applicant's commitment or detention, the name of the person who has custody over him and by virtue of what claim or authority, if known.

410 *paper, document, or other thing, filed or deposited with any clerk or officer of any court*  
*of the United States, or in any public office, or with any judicial or public officer of the*  
*United States, shall be fined under this title or imprisoned not more than three years, or*  
*both. (b) Whoever, having the custody of any such record, proceeding, map, book,*  
415 *document, paper, or other thing, willfully and unlawfully conceals, removes, mutilates,*  
*obliterates, falsifies, or destroys the same, shall be fined under this title or imprisoned*  
*not more than three years, or both; and shall forfeit his office and be disqualified from*  
*holding any office under the United States. As used in this subsection, the term "office"*  
*does not include the office held by any person as a retired officer of the Armed Forces of*  
*the United States.*

### (e) RIGHT TO COUNCIL BY NON-BAR MEMBERS

420 Often in criminal courts when people desire to speak for themselves or have *Assistance of Counsel* that  
are not BAR members, judges reject and resist any moves in that direction. Judges continue to force BAR  
lawyers that were taught in their BAR schools, to never bring common law into the courts. If they do the  
BAR judge and or BAR prosecutor would report them and they would lose their BAR license and be  
425 barred from the court. If the victim continues to resist, the judge may incarcerate the victim for contempt  
or order a competency test and then force a BAR attorney on their victim; Sheriffs and deputies fail to  
realize that the judge is violating their victims' unalienable right protected by the 6<sup>th</sup> Amendment. If the  
Sheriff does nothing he is compliant to conspiracy;

#### **Bill of Rights Amendment VI** *Right to have the Assistance of Counsel*

430 "*The practice of law cannot be licensed by any state.*" -- Schwartz v. Board of  
Examiners, United State Reports 353 U.S. pages 238, 239

"*The practice of law is an occupational of common right.*" [Sims v. Aherns, 271 SW 720  
(1925)]

435 "*Litigants can be assisted by unlicensed laymen during judicial proceedings.*  
[*Brotherhood of Trainmen*] v. Virginia ex rel. Virginia State Bar, 377 U.S. 1; v.  
Wainwright, 372 U.S. 335; Argersinger v. Hamlin, Sheriff 407 U.S. 425]

### (f) AMERICA RUNS ON FICTION OF LAW

All attorneys and judges are BAR taught. The courts operate under the rules of chancery and not the rules  
of common law. Our founding fathers rejected chancery and did not include it in the Constitution and it is  
in direct conflict with common law, whereas we read:

440 **U.S. Constitution Article III Section 2** *The judicial power shall extend to all cases, in*  
*law and equity, arising under this Constitution.*

Therefore most of our courts are running on fiction and not law:

445 **FICTION OF LAW** – "*Something known to be false is assumed to be true.*" **Ryan v.**  
**Motor Credit Co., 130 N.J.Eq. 531, 23 A.2d 607, 621.** "*...that statutes which would*  
*deprive a citizen of the rights of person or property without a regular trial, according to*

*the course and usage of common law, would not be the law of the land". Hoke vs. Henderson,15, N.C.15,25 AM Dec 677.*

Our elected servants are out of control, and America is operating under fiction of law. It is the duty of the Sheriff, working with the People if necessary, to protect the unalienable rights of the People by simply enforcing the aforesaid laws and only then will America run on the Law again.

**Thomas Jefferson said:** *"If a nation expects to be ignorant and free in a state of civilization, it expects what never was and never will be."*

Sheriffs took an oath to uphold and defend the Constitution but, if they don't know the Constitution, how can they uphold and defend it? Sheriffs need to learn the common law and teach it to their deputies or resign their position.

### **(g) ONLY THE PEOPLE CAN SAVE AMERICA**

*And it is the Sheriffs duty to lawfully protect and serve the People*

Only when ~~We~~ the People rise up to stand against tyrants in our government will we be able to return to our former state under common law; and in order to accomplish that all of us must first be educated in the law. This has been the challenge of this body, we are a national movement with a presence in every state with the desire of returning justice back into our courts and this is now your challenge if we are going to save America or lose it to fascism.

*"Educate and inform the whole mass of the people... They are the only sure reliance for the preservation of our liberty." -- Thomas Jefferson*

*"I know no safe depository of the ultimate powers of the society but the people themselves; and if we think them not enlightened enough to exercise their control with a wholesome discretion, the remedy is not to take it from them, but to inform their discretion by education. This is the true corrective of abuses of constitutional power." -- Thomas Jefferson*

*"An enlightened citizenry is indispensable for the proper functioning of a republic. Self-government is not possible unless the citizens are educated sufficiently to enable them to exercise oversight. It is therefore imperative that the nation see to it that a suitable education be provided for all its citizens." -- Thomas Jefferson*

### **(h) POWER OF THE GRAND JURY**

In a stunning 6 to 3 decision Justice Antonin Scalia, writing for the majority in the 1992 case United States -v- Williams, confirming that:

*"the American grand jury is neither part of the judicial, executive nor legislative branches of government, but instead belongs to the people; It is in effect a fourth branch of government "governed" and administered to directly by and on behalf of the American people, and its authority emanates from the Bill of Rights."*

Justice Antonin Scalia went on to say:



485 “The grand jury is mentioned in the Bill of Rights, but not in the body of the Constitution.  
It has not been textually assigned, therefore, to any of the branches described in the first  
three Articles. “It is a constitutional fixture in its own right. In fact the whole theory of its  
function is that it belongs to no branch of the institutional government, serving as a kind  
of buffer or referee between the Government and the people. The common law of the Fifth  
Amendment demands a traditional functioning grand jury” ... “It is in effect a fourth  
490 branch of government governed and administered to directly by and on behalf of the  
American people, and its authority emanates from the Bill of Rights”. “The grand jury  
requires no authorization from its constituting court to initiate an investigation,<sup>33</sup> And in  
its day-to-day functioning, the grand jury generally operates without the interference of a  
presiding judge,<sup>34</sup> and deliberates in total secrecy,<sup>35</sup> We have insisted that the grand jury  
remain “free to pursue its investigations unhindered by external influence or supervision  
so long as it does not trench upon the legitimate rights of any witness called before it.”<sup>36</sup>  
495 Recognizing this tradition of independence, we have said that the Fifth Amendment's  
"constitutional guarantee presupposes an investigative body 'acting independently of  
either prosecuting attorney or judge.’”<sup>37</sup> **United States -v- Williams**

And it is under that authority and the preamble in the Declaration of Independence being the sureties of the peace that we act, whereas we read:

500 “That whenever any Form of Government becomes destructive of these ends, it is the  
Right of the People to alter it, ... 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.” **Preamble**

505 The governments of the United States belong to ~~We~~ the ~~People~~ and not these tyrants that fleece us daily  
in our own courts, of which that they seized control of.

## V. - SHERIFFS DUTY IN THE JAIL

510 The sheriff is responsible for the lawful implementation of the county correctional facility and is therefore  
liable for any unlawful detention. Simply stated an unlawful detention would be anyone held without a  
presentment or indictment by a grand jury, (unless for a violent act being held for indictment of a grand  
jury), and then brought before a court of law to answer, this is the Peoples’ unalienable right protected by  
the 5<sup>th</sup> Amendment.

“Law in its regular course of administration through courts of justice is due process.” --  
Leeper vs. Texas, 139, U.S. 462, II SUP CT. 577, 35 L ED 225

515 “By the law of the land is more clearly intended the general law, a law which hears  
before it condemns; which proceeds upon inquiry and renders judgment only after trial.”  
-- Dartmouth College Case, 4 Wheat, U.S. 518, 4 ED 629

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<sup>33</sup> Hale, *supra*, 201 U.S., at 59-60, 65, 26 S.Ct., at 373, 375,

<sup>34</sup> Calandra, *supra*, 414 U.S., at 343, 94 S.Ct., at 617. It swears in its own witnesses, Fed.Rule Crim.Proc. 6(c),

<sup>35</sup> United States v. Sells Engineering, Inc., 463 U.S., at 424-425, 103 S.Ct., at 3138

<sup>36</sup> United States v. Dionisio, 410 U.S. 1, 17-18, 93 S.Ct. 764, 773, 35 L.Ed.2d 67 (1973).

<sup>37</sup> *Id.*, at 16, 93 S.Ct., at 773 (emphasis added) (quoting Stirone, *supra*, 361 U.S., at 218, 80 S.Ct., at 273).

**Bill of Rights Amendment V** *No person shall be held to answer for a ... crime, unless on a presentment or indictment of a Grand Jury, ... nor be deprived of life, liberty, or property, without due process of law;*

520 “Due course of law, this phrase is synonymous with "due process of law" or "law of the land" and means law in its regular course of administration through courts of justice.” -  
**Kansas Pac. Ry. Co. v. Dunmeyer 19 KAN 542**

525 All federal and state courts are courts of record. If declared in a State Constitution county courts are courts of record and proceed according to the common law. All city, town and village courts are not courts of record and proceed according to statutes and not the Constitution thereby violating due process and therefore do not have the power to fine or incarcerate. There are a few exceptions whereas NYC courts as per the New York State Constitution are courts of record and therefore are to proceed according to the common law.

530 “Courts of record and courts not of record; the former being those whose acts and judicial proceedings are enrolled, or recorded, for a perpetual memory and testimony, and which have power to fine or imprison for contempt; Error lies to their judgments, and they generally possess a seal. Courts not of record are those of inferior dignity, which have no power to fine or imprison, and in which the proceedings are not enrolled or recorded.”<sup>38</sup>

535 “The decisions of a superior court may only be challenged in a court of appeal. The decisions of an inferior court are subject to collateral attack. In other words, in a superior court one may sue an inferior court directly, rather than resort to appeal to an appellate court. Decision of a court of record may not be appealed. It is binding on ALL other courts. However, no statutory or constitutional court (whether it be an appellate or supreme court) can second guess the judgment of a court of record. “The judgment of a court of record whose jurisdiction is final, is as conclusive on all the world as the judgment of this court would be. It is as conclusive on this court as it is on other courts. It puts an end to inquiry concerning the fact, by deciding it.” SCHNECKLOTH v. BUSTAMONTE, 412 U.S. 218, 255 (1973)

545 It is imperative that Sheriffs know the difference between courts of records and courts not of record because courts not of record cannot incarcerate; and if a Sheriff incarcerates someone held or tried in a court not of record that Sheriff participates in a crime by violating a person’s unalienable right of due process protected by the 4<sup>th</sup> and 5<sup>th</sup> Amendment.

550 **Bill of Rights 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.*

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<sup>38</sup> 3 Bl. Comm. 24; 3 Steph. Comm. 383; The Thomas Fletcher, C.C.Ga., 24 F. 481; Ex parte Thistleton, 52 Cal 225; Erwin v. U.S., D.C.Ga., 37 F. 488, 2 L.R.A. 229; Heininger v. Davis, 96 Ohio St. 205, 117 N.E. 229, 231

**Bill of Rights 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.*

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We realize this is a major problem considering that county jails are filled with people tried in courts not of record. Some of these people may be guilty of a crime and We the People through grand and trial juries will endeavor to solve these problems as soon as we are able to access the courts. Never-the-less, Sheriffs cannot continue to receive prisoners that were tried in courts not of record. If the Sheriff believes that some of the accused are guilty of a crime, he will need to bring the issue to a Grand Jury for indictment to be tried in a court of record. The following U.S. Supreme Court rulings, being common law proves our point:

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Right to Travel: *"the right of the citizen to travel upon the public highways and to transport his property thereon, either by carriage or by automobile, is not a mere privilege which a city may prohibit or permit at will, but a common right which he has under the right to life, liberty, and the pursuit of happiness."*-- Thompson v Smith, 154 SE 579

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*"Undoubtedly the right of locomotion, the right to remove from one place to another according to inclination, is an attribute of personal liberty, and the right, ordinarily, of free transit from or through the territory of any State is a right secured by the 14th Amendment and by other provisions of the Constitution."* - Schactman v Dulles, 96 App D.C. 287, 293.

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*"The claim and exercise of a constitution right cannot be converted into a crime."* -- Miller v. U.S. 230 F 486 at 489

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*"There can be no sanction or penalty imposed upon one because of his exercise of Constitution rights."* -- Sherar vs. Cullen 481 F 2D 946, (1973)

*"We find it intolerable that one constitutional right should have to be surrendered in order to assert another."* -- Simmons vs. U.S. 390, U.S. 389(1968)

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*"Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them"* -- Miranda v. Arizona, 384 U.S. 436, 491

**Bill of Rights Amendment II** *The right of the people to keep and bear Arms shall not be infringed. –*

*"The general rule is that an unconstitutional statute, though having the form and name of law, is in reality no law, but is wholly void and ineffective for any purpose, since its unconstitutionality dates from the time of its enactment... In legal contemplation, it is as inoperative as if it had never been passed... Since an unconstitutional law is void, the general principles follow that it imposes no duties, confers no right, creates no office, bestows no power or authority on anyone, affords no protection and justifies no acts performed under it... A void act cannot be legally consistent with a valid one. An unconstitutional law cannot operate to supersede any existing law. Indeed insofar as a statute runs counter to the fundamental law of the land, (the Constitution) it is superseded thereby. No one is bound to obey an unconstitutional law and no courts are*

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bound to enforce it." -- **Bonnett v. Vallier, 116 N.W. 885, 136 Wis. 193 (1908);**  
**NORTON v. SHELBY COUNTY, 118 U.S. 425 (1886)**

595 "…every man is independent of all laws, except those prescribed by nature. He is not  
bound by any institutions formed by his fellowman without his consent." -- **Cruden v.**  
**Neale, 2 N.C. 338 (1796) 2 S.E.**

600 "Under our system of government upon the individuality and intelligence of the citizen,  
the state does not claim to control him/her, except as his/her conduct to others, leaving  
him/her the sole judge as to all that affects himself/herself." -- **Mugler v. Kansas 123**  
**U.S. 623, 659-60**

"Statutes that violate the plain and obvious principles of common right and common  
reason are null and void." -- **Bennett v. Boggs, 1 Baldw 60.**

605 "The assertion of federal rights, when plainly and reasonably made, is not to be defeated  
under the name of local practice." -- **Davis v Wechsler, 263 US 22 at 24**

"A State may not impose a charge for the enjoyment of a right granted by the Federal  
Constitution." -- **Murdock v. Pennsylvania, 319 U.S. 105, at 113**

"The State cannot diminish rights of the people." -- **Hertado v. California, 110 U.S. 516**

610 "There can be no sanction or penalty imposed upon one because of his exercise of  
Constitutional Rights." -- **Sherar v. Cullen, 481 F. 2d 946 (1973)**

"…those things which are considered as inalienable rights which all citizens possess  
cannot be licensed since those acts are not held to be a privilege." City of Chicago v.  
Collins, 51 N.E. 907, 910

615 "Constitutional 'rights' would be of little value if they could be indirectly denied." --  
**Gomillion v. Lightfoot, 364 U.S. 155 (1966), cited also in Smith v. Allwright, 321 U.S.**  
**649.644**

"We find it intolerable that one constitutional right should have to be surrendered in  
order to assert another." -- **Simmons vs. U.S. 390, U.S. 389(1968)**

620 "Where rights secured by the Constitution are involved, there can be no rule making or  
legislation which would abrogate them" -- **Miranda v. Arizona, 384 U.S. 436, 491**

"If the state converts a liberty into a privilege the citizen can engage in the right with  
impunity" -- **Shuttlesworth v Birmingham , 373 USs 262**

625 "Sovereignty itself is, of course, not subject to law, for it is the author and source of law;  
but in our system, while sovereign powers are delegated to the agencies of government,  
sovereignty itself remains with the people, by whom and for whom all government exists  
and acts And the law is the definition and limitation of power ... For, the very idea that  
man may be compelled to hold his life, or the means of living, or any material right  
essential to the enjoyment of life, at the mere will of another, seems to be intolerable in

any country where freedom prevails, as being the essence of slavery itself.” -- Yick Wo v. Hopkins, 118 US 356, 370

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## VI. - SHERIFFS DUTY IN THE COUNTY

The Sheriff being Chief Executive, Administrative, Chief Law Enforcement Officer (CLEO) and highest Peace Officer of the entire County in which he was elected has the absolute authority to arrest even the Governor or a Judge and then call the Grand Jury directly for an indictment; a Sheriff need not get permission from the district attorney.

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The Sheriff also has the authority and duty to secure liberty and the peace within his county and if necessary call the posse comitatus to assist. The challenge to the Sheriff today is from forces within our federal government that is unlawfully moving forward to martial law in order to disarm the American People; the only purpose for martial law is to control a captured population. ~~We~~ the People have not given authority to the three branches of Government to declare Martial Law; to have done so would be self-destruction. Any attempt by Congress or the Executive to use military forces, foreign or domestic, against the People to bring them under martial law is an act of treason, war against the People, and We the People will be dependent upon the Sheriffs within our counties to secure the peace by any means necessary, seeing that congress has been negligent in providing for the militia.

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Therefore in times of emergency, the “ONLY” Constitutional Authority to keep the peace during an invasion is posse comitatus under the II Amendment whereas our Sheriff is to call upon ~~We~~ the People of the counties to secure the peace. Federal agents and foreign troops on State soil would be repugnant to our Constitution, an act of WAR.

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**POSSE COMITATUS** - *“The power or force of the county, the entire population of a county above the age of fifteen, which a sheriff may summon to his assistance in certain cases; as to aid him in keeping the peace, in pursuing and arresting felons, etc.”* 1 Bl.Comm. 343; Com. v, Martin, 7 Pa.Dist.R. 224.

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**The Bill of Rights Amendment II states:** *“A well-regulated Militia, being necessary to the security of a Free State shall not be infringed.”*

**U.S. Constitution Section 8 paragraph 16** *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;*

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## VII - US MARSHAL:

The power, authority and duty of a US Marshal is similar to that of the County Sheriff in that he is a constitutional officer having the power and authority to arrest judges that violate the unalienable rights of the People. One Marshal is appointed for each of the 94 federal districts by the President. The Marshals powers are defined, by constitutional authority, under the Judiciary act of 1789. He serves for a term of four years, takes an oath of office, has the power to appoint deputies and shall produce a bond.

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His duties like the Sheriff are to attend the district and circuit courts, execute throughout the district all lawful precepts directed to him; deliver writs; summons jurors; secure an impartial trial; execute warrants; and is responsible for retaining, delivering and transporting prisoners in his custody as directed by the courts.

670 Once a Marshal is appointed he can only be removed from office by the People (Grand Jury) for bad behavior.

*"The power of appointing the person nominated, are political powers, to be exercised by the president according to his own discretion. When he has made an appointment, he has exercised his whole power, and his discretion has been completely applied to the case... the appointment cannot be annihilated; and consequently if the officer is by law not removable at the will of the president, the rights he has acquired are protected by the law..."* **MARBURY v. MADISON, 5 U.S. 137 (1803) 5 U.S. 137 (Cranch) 1803**

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Marshals take an oath of office swearing to faithfully execute all **lawful precepts** thereby he must execute all the "lawful orders" of the court. Marshals are Constitutional Judicial Officers and therefore, like the Sheriff are to execute only the Law of the Land<sup>39</sup> and protect the Peoples' due process;<sup>40</sup> failure to do so puts them in bad behavior and therefore they can be removed from office by the People (grand jury).

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When federal swat teams in the middle of the night knock down doors terrifying families and sometimes killing people, even children and pets, because of a federal lien; or because they are a liberty group member interested in reinstating the constitution and thereby a threat to some federal agency that is breaking the Law; it is the Marshals duty to prevent such Gestapo abuse of power. For the Marshal to allow this abuse is felony rescue; and the Sheriff is now duty bound to arrest all parties involved. The Common Law Grand Jury is on high-alert concerning such abuse and will be seeking indictments across the nation.

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Marshals like Sheriffs are the guardians of the Constitution thereby duty bound to protect the due process of anyone standing before the court, as much as they are bound to execute all the lawful orders of the court. Due process<sup>41</sup> requires a presentment or indictment of an impartial Grand Jury for all criminal cases.

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Therefore juries decide if the law is just or should be applied concerning the case at hand and any interference with that jury's prerogative is jury tampering and thereby a denial of due process. If a judge or prosecutor addresses the jury to persuade in the law, the jury is no longer impartial and that judge or prosecutor is guilty of jury tampering.

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<sup>39</sup> US Constitution Article VI. This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

<sup>40</sup> "Law of the land," "due course of law," and "due process of law" are synonymous. People v. Skinner, Cal., 110 P.2d 41, 45; State v. Rossi, 71 R.I. 284, 43 A.2d 323, 326; Direct Plumbing Supply Co. v. City of Dayton, 138 Ohio St. 540, 38 N.E.2d 70, 72, 137 A.L.R. 1058; Stoner v. Higginson, 316 Pa. 481, 175 A. 527, 531.

<sup>41</sup> **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 offence 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.

700 *“The constitutions of most of our states assert that all power is inherent in the people; that they may exercise it by themselves, in all cases to which they think themselves competent, (as in electing their functionaries executive and legislative, and deciding by a jury of themselves, both fact and law, in all judiciary cases in which any fact is involved) or they may ask by representatives, freely and equally chosen; that it is their right and duty to be at all times armed; to freedom of person; freedom of religion; freedom of property; and freedom of the press.” -- Thomas Jefferson, letter to John Cartwright; June 5, 1824*

705 Nullification of Law - A series of resolutions drawn up by Jefferson, and adopted by the legislature of Kentucky in 1799, protesting against the "alien and sedition laws," declaring their illegality, announcing the strict constructionist theory of the federal government, and declaring "nullification" to be "the rightful remedy." -- KENTUCKY RESOLUTIONS

### VIII. CONCLUSION:

710 THE LAWFUL PATH - The Sheriff is the Peoples' last line of defense. The American Sheriffs must educate themselves of the aforesaid duties and work with the awakened People across America to enforce the law with arrests and indictments. Only then can we save America from the tyrants that are destroying our American way of life replacing law with fiction. If the Sheriff is unsure of his duties, he can call upon the Jury Administrators once they are seated in the courts and until that time you can fax your concerns to  
715 this Common Law Grand Jury at the number above, and we will answer your concerns with the necessary law that will empower you. The fate of America literally rests in you doing the just thing.

*Wherefore the Unified Common Law Grand Juries*, stewards of the common law, on behalf of the People and in the interest of Justice:

720 **ORDERED:** All Federal Agents; FBI; US Marshals; state, city town and village code enforcement officers are subservient to the County Sheriffs, being the only elected Law enforcement officer, he is the Chief Law Enforcement Officer (CLEO) and highest Peace Officer of the entire County in which he was elected to secure the peace.

725 In all emergencies, and in a "state of emergency", the Sheriffs are the CLEO's with the power of posse comitatus; to resist the power of the Sheriff during a state of emergency is to resist the People and therefore an act of sedition.

730 **ORDERED:** in a state of Emergency, all Sheriffs shall perform their sworn duty to preserve, protect and defend the Constitution for the United States of America; protect the People of the county, private property and all the assets of the county. The Sheriff alone is responsible to maintain Law and Order in the county and to work with other county Sheriffs across the state and across the nation to do the same. If the Sheriff permits the suspension of the U.S. Constitution in his county, Liberty will be lost forever. The Sheriff, too, wars against the People.

**ORDERED:** All Sheriffs and Marshals have received free copies of the "Constitution" and "Common Law Handbooks" from the Unified Common Law Grand Jury in their States; additional copies can be

735 ordered at [www.nationallibertyalliance.org](http://www.nationallibertyalliance.org). All Sheriffs, Marshalls and their deputies are to take a civics course such as the free one at [www.NationalLibertyAlliance.org](http://www.NationalLibertyAlliance.org).

**ORDERED:** All Sheriffs and Marshalls are to protect the Peoples unalienable right of due process

740 **SPECIAL CONSIDERATIONS:** Connecticut Constitution Article 4 Sec 25 requires the election of a Sheriff every four years; legislators by act and referendum had no lawful authority to abolish the Sheriff, the only Constitutional officer;

*“The legislature cannot alter the constitution by an ordinary act... an act of the legislature repugnant to the constitution is void.” - **MARBURY v. MADISON, 5 U.S. 137 (1803) 5 U.S. 137 (Cranch) 1803***

745 Therefor until the law, and thereby the Sheriff is reinstated, State marshalls are responsible to protect the Constitution above any order given by an elected official.

The office of Sheriff never existed in Alaska; therefore, until a Constitutional Officer can be established, the Alaska State Troopers are to keep the duty of Sheriffs as law enforcers, not code enforcers, and are also responsible to protect the Constitution above any order given by any elected official.

750 **ORDERED:** Legislators of Connecticut State and Alaska State are to remedy the elected sheriff predicament immediately.

**ORDERED:** News media; under penalty of law Editors are ordered to perform their 1<sup>st</sup> Amendment duty and REPORT and/or PRINT a copy for the People, failure to do so seeing you have a duty to inform will be considered aiding & abetting the enemy.

755 **QUESTIONS** concerning the common law may be directed to the Unified United States Common Law Grand Jury by fax 888-891-8977 and we will respond forthwith by fax.

**ORDERED under SEAL: Dated May 20<sup>th</sup> 2015**

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Grand Jury Foreman