



Unified New York Common Law Grand Jury

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LEX NATURALIS DEI GRATIA

- 5 • Allegany County • Bronx County • Cattaraugus County • Chautauqua County • Chemung County • Columbia County
- Dutchess County • Erie County • Genesee County • Greene County • Kings County • Livingston County • Monroe County
- Nassau County • New York County • Niagara County • Ontario County • Orange County • Orleans County • Putnam County
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- 10 • Suffolk County • Sullivan County • Ulster County • Wayne County • Westchester County • Wyoming County • Yates County

Psa 89:14 Justice and judgment are the habitation of thy throne: mercy and truth shall go before thy face.

February 10, 2014

15 **Disclaimer** – This is an open letter to the People, and our public servants that took an oath to serve the People. The clerks have a sworn duty to protect Liberty, that presently rests on life support, to deliver this memorandum to the recipients listed below. The press like-wise has a duty to inform the People under the 1st amendment to protect Liberty and deliver this memorandum to the People.

20 If the American Press continues in their bias to distort or ignore vital information necessary for the survival of a free people then the press is no longer free or American. When the press has a duty to speak and they remain silent it is a wrongdoing. Any orchestrated or deliberate interception of said communiqué is a dereliction of duty, conspiracy and obstruction of justice. The People have a right to know the truth and what their servants are doing. If your superiors try to intercept truth you need to ask yourself why? Ron Paul said truth is treason in an empire of lies.

25

FROM: UNIFIED NEW YORK COMMON LAW GRAND JURY

TO: COURT CLERKS,
SUPREME COURT JUDGES, (distributed to by court clerks)
30 BAILIFFS, (distributed to by court clerks)
SHERIFFS,
COUNTY CLERKS
AND THE GOOD PEOPLE OF NEW YORK (distributed to by the press)

35 **RE:** This is an urgent message concerning Acts of Treason, Fraud, RICO, and Conspiracy at the highest level. These acts are perpetrated in plain sight, unseen because oath takers are derelict of their duties due to ignorance by design and conformity by non-attendance of duties thereby searing their discernment, and placing the People they have sworn to protect in jeopardy.

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MEMORANDUM¹

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THE Purpose of this memorandum is to make clear to all the Judges of the Unified New York Supreme Court: The Jurisdiction of the New York Supreme Court as prescribed by law; the Law of the land as ordained and established by the People; and that the replacement of the same by fiction is violence to the Constitution and treason against the sovereign People. And to inform the good People of New York and the crisis in our courts.

If said violence continues, by the will of the sixty-two Unified New York Common Law Grand Juries, it will result in a True Bill, removal of all New York Supreme Court Judges, clerks, and court officers who continue to terrorize the good People of New York through fraud on the court, by conspiracy, fiction, ignorance, and RICO.

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If the elected receivers of this memorandum are incapable of understanding the same, they either need to gain knowledge or resign their office immediately. Elected Supreme Court judges, court clerks, sheriffs, bailiffs, and county clerks took an oath to obey and protect the constitution and if they do not understand it, they should not have taken the oath, ignorance of the law is not an excuse and will not be tolerated. If you need to go to a government paid attorney, trained in statutes and not law, to interpret the Bill of Rights then they are derelict of duty.

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"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. If you do not understand a word "LOOK IT UP"! Our founding fathers did not write legalese, but plain English. They did not write the Bill of Rights to be qualified, ignored or licensed. The words "shall not be infringed" means exactly that and not "shall be" licensed, arrested or prohibited. It's freedom of religion (possessive) not from. All people have standing when it comes to redressing our grievances'. All people have a cause of action when they have been injured. It's time that We the People, by the Powers invested in us, by the Governor of the Universe, through this sovereign body ordained by the People, and protected by the 5th Amendment hold these conspirator accountable.

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THE QUESTIONS that will be answered by this memorandum is:

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- I. What is a court of Record.
- II. Who's court is the New York Supreme Court, the People's or the judges?
- III. Have the People repealed the Common Law?
- IV. Can legislators and/or Judges abrogate Common Law?
- V. What jurisdiction are you in when you go into the New York Supreme Court?
- VI. Are there differences between the Common Law Juries and the Juries the courts empanel.
- VII. By what authority do the People act upon to empanel and administrate their own juries?

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¹ MEMORANDUM. Lat. To be remembered; be It remembered. A formal word with which the body of a record in the court of king's bench anciently commenced. Townsh. PL 486; 2 Tidd, Pr. 719.

80 **GOVERNMENTS WILL BE AS JUST AS OUR COURTS** and we the People thereafter. Our courts will be as just as the Laws they uphold. Our Courts represent the morality of the People, the very meaning of Justice is synonymous with Virtue (Black's Law 4th), which flows from God alone. Laws established by God are eternal, perfect, and natural; therein called "Natural Law", aka Common Law; so called because it is common to all men.

I

What is the definition of a Court of Record?

A COURT OF RECORD HAS THE FOLLOWING ATTRIBUTES:

- 1) "A judicial tribunal having attributes and exercising functions independently of the person of the magistrate designated generally to hold it;"² "Judges are magistrates"³
- 2) "Proceeds according to the course of common law."⁴
- 3) "Its acts and judicial proceedings are enrolled, or recorded, for a perpetual memory and testimony."⁵
- 4) "Has power to fine or imprison for contempt."⁶
- 5) "Generally possesses a seal."⁷

N.Y.JUD.LAW§753:(A) A "Court of Record" has power to punish, by fine and imprisonment.

"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". 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; Heining v. Davis, 96 Ohio St. 205, 117 N.E. 229, 231.

So, a court of record has a tribunal (jury/people) not a judge but a magistrate that proceeds according to common law not statutes, and has the power to fine and imprison. So why are judges judging people using statutes as law without a tribunal (people)?

II

Who's court is the New York Supreme Court?

THE COURT BELONGS TO THE SOVEREIGN - COURT [Black's 5th] *"The person and suit of the sovereign; the place where the sovereign sojourns with his regal retinue, wherever that may be".*

² 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;
³ [N.Y. CRC. LAW § 30 : NY Code - Section 30:
⁴ -- 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
⁵ 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; Heining v. Davis, 96 Ohio St. 205, 117 N.E. 229, 231
⁶ -- 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; Heining v. Davis, 96 Ohio St. 205, 117 N.E. 229, 231. Black's Law Dictionary, 4th Ed., 425, 426
⁷ 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; Heining v. Davis, 96 Ohio St. 205, 117 N.E. 229, 231.][Black's Law Dictionary, 4th Ed., 425, 426

"The state cannot diminish rights of the people." Hurtado v. People of the State of California, 110 U.S. 516

105 "Sovereignty itself is, of course, not subject to law, for it is the author and source of law;" Yick Wo v. Hopkins, 118 US 356, 370

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

"A consequence of this prerogative is the legal ubiquity of the king. His majesty in the eye of the law is always present in all his courts, though he cannot personally distribute justice". Fortesc.c.8. 2Inst.186
"His judges are the mirror by which the king's image is reflected". 1 Blackstone's Commentaries, 270, Chapter 7, Section 379.

115 So why do judges, who should not be judging, maintain the status quo and not justice? Why are people injured by government agents, bureaucrats, elected and appointed servants constantly found having no standing or cause of action and thrown out of their own court?

III

Have the People repealed the Common Law?

120 The people have unalienable rights. Blacks Law 3rd defines unalienable as: incapable of being aliened, that is, sold and transferred. So people may choose to exercise these rights or not, they certainly cannot sell or transfer their rights, the rights of others, or their posterity's, therefore they do not have the authority to sell or transfer said rights. Furthermore since unalienable rights are a gift of God, what man or group of men has the authority to revoke that gift? The violent take it by force, but God stopped the mouths of lions ^{Heb 11:33-34}.

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IV

Can the legislators and/or Judges abrogate Common Law?

130 **WITHOUT COMMON LAW THERE CAN BE NO AMERICA** - The idea that "Common Law" has been done away with is purely a fantasy of the BAR, a fiction indoctrinated in the minds of their minions (attorneys). Law is not a system of statutes but a system of jurisprudence⁸ administered by purely secular tribunals (the People). Jurisprudence is that branch of philosophy concerned with the law and the principles that lead courts to make the decisions they do, imposed by authority given by the People alone. Judges by their oath are to yield their minds to jurisprudence and when they refuse to do so they war against the People and the constitution, an act of high treason.

⁸ **AMJUR** (for current American Jurisprudence, 2d); **CJS** (for current Corpus Juris Secundum);

135 State BAR judges and lawyers claim that the Constitution and the Bill of Rights are for Federal Courts
alone, but the Federal Courts say that the Supremacy Clause in the Constitution says it is for all the
states. The Declaration of Independence said: "*The unanimous Declaration of the **thirteen united States***
of America," in other words the thirteen States possesses the Declaration. Blacks Law identifies the
140 Federal government as the government "**of**" the United (50) States of America, again the word "**of**"
expresses possession and since the federal government cannot possess itself it must be the states that
possess the federal government. Thereby the United (50) States of America is the states united on the
continent of North America and therefore the Constitution is "**for**" both state & federal government. As
the people proclaimed "We the People ... ordained and established this Constitution "**for** the United (50)
States of America".

145 The Supremacy Clause is the provision in Article Six of the Constitution for the united States, Clause 2,
that establishes the U.S. Constitution, federal statutes, and U.S. treaties as "the supreme law of the
land." The text provides that these are the highest form of law in the U.S. legal system, and mandates
that all state judges must follow federal law when a conflict arises between federal law and either the
state constitution or state law of any state.

150 Furthermore the Bill of Rights does not give the People unalienable rights, unalienable rights are given
of God. The Bill of Rights, part of the constitution for the states, were written by the people to protect
and secure said unalienable rights. States cannot abrogate them. Any state constitution, statute, code or
rule to the contrary is null and void, Marbury v Madison.

The unalienable right of the People to administrate their own jury is protected by the 5th Amendment.
155 "*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

In the United States v Williams (1992) Justice Antonin Scalia said: "*The Court of Appeals' rule would*
neither preserve nor enhance the traditional functioning of the grand jury that the "common law" of the
Fifth Amendment demands,..." thereby making it clear that the 5th Amendment is common law and
160 therefore it stands to reason that the 5th Amendment's Grand Jury is a Common Law Grand Jury and not
a statutory Grand Jury which is not common law.

The question now to be asked is: if Common Law has been abrogated, as the BAR members claim, who
revoked it and by what authority? To abrogate Common Law would mean the Constitution for the
united (50) States has been revoked, the Declaration of Independence has been revoked, the Bill of
165 Rights have been revoked, the Magna Carta has been revoked, and the Holy Bible has been revoked. We
know of no assembly of man with such authority, but BAR members make these contemptible false
claims relying on their "title" to presume authority because they have none.

The sad truth, that the people and all those who have "taken the oath" need to understand, is that BAR
judges and lawyers "are indeed saying": "*the Declaration of Independence has been revoked, the Bill of*
170 *Rights has been revoked, the Magna Carta has been revoked, and the Holy Bible has been revoked, you*
have no 5th Amendment, you have no 2nd Amendment, etc" and they have the statutes to prove it, they
just don't say it in public but it is that seditious attitude that rule the Peoples courts. If the people don't

start paying attention to what these BAR members are doing and begin to do something about it now, like standing up with the Peoples' Common Law Grand Jury in each county, tomorrow will be too late.
175 Find out more at <http://www.nationallibertyalliance.org>.

Nowhere will elected judges find any authority to act upon statutes against the People. Furthermore in common Law, judges are "Magistrates" and are not the tribunal. The tribunal in common law is the sovereign (people/jury). The state cannot charge a person with a crime without the approval of the people (Grand Jury). And if charged only a jury can judge both facts and law.

180 We the people of the united (50) States, [not the judges or legislators] 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 (50) States of America. The oath takers better stand up and do your duty.

185 **§ SUPREMACY CLAUSE - Article VI. 2** "This Constitution, and the laws of the united (50) 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." Constitution for the United (50) States of America.

190 **⚖ JUDGES ARE UNDER OATH. NY SUPREME COURT "IS" A COMMON LAW COURT.** "*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

195 "*... Thus, the particular phraseology of the constitution of the United (50) States confirms and strengthens the principle, supposed to be essential to all written constitutions, that **a law repugnant to the constitution is void**, and that courts, as well as other departments, are bound by that instrument.*" After more than 200 years this decision still stands [Marbury v. Madison 5 U.S. 137 (1803)]

200 "*On the other hand it is clear that Congress cannot by authorization or ratification give the slightest effect to a state law or constitution which is in conflict with the Constitution of the United (50) States.*" -- 16Am Jur 2d., Sec. 258

205 So the clear answer to the question "can the legislators and/or Judges abrogate Common Law" is **NO!** Now!, what are you, the oath taker, going to do? Continue in ignorance as you watch our nation sink deeper into despotism, or are you going to stand for Justice, by keeping your common law oath? Its time you start talking to each other and figure out who you are and what you stand for because the People are coming and we want our government back.

It is doubtful that these despots will counter these memorandums but if they do look for their authority, they have none but self righteousness. And if they claim the legislature, through statutes, gave them authority ask the question where in the Constitution did the legislators find this authority? If the people did not give it to them the legislators surly can't give it to the BAR judges and lawyers. "*In the united*

210 *States, sovereignty resides in people. The Congress cannot invoke the sovereign power of the People to override their will as thus declared.” [in the Constitution] Perry v. US, 294 U.S.330*

V

What jurisdiction are you in when you go into the New York Supreme Court?

215 **NY Constitution ARTICLE VI §1.b.** *“The court of appeals, the supreme court including the appellate divisions thereof, the court of claims, the county court, the surrogate’s court, the family court, the courts or court of civil and criminal jurisdiction of the city of New York, and such other courts as the legislature may determine shall be courts of record” [which proceed according to common law].*

220 **NY Constitution ARTICLE VI §3.(b);(2)** *“As of right, from a judgment or order of a court of record of original jurisdiction which finally determines an action or special proceeding where the only question involved on the appeal is the validity of a statutory provision of the state or of the United States under the constitution of the state or of the United States; and on any such appeal only the constitutional question shall be considered and determined by the court”.*

225 **JUDGES ARE TO OBEY THE CONSTITUTION IRRESPECTIVE OF THEIR OPINION:** *“Since the constitution is intended for the observance of the judiciary as well as other departments of government and the judges are sworn to support its provisions, the courts are not at liberty to overlook or disregard its commands or counteract evasions thereof. It is their duty in authorized proceedings to give full effect to the existing constitution and to obey all constitutional provisions, irrespective of their opinion as to the wisdom or the desirability of such provisions and irrespective of the consequences. Thus it is said that the courts should be on alert to enforce the provisions of the United States Constitution and guard against their infringement by legislative fiat or otherwise in accordance with these basic principles. The rule is fixed that the duty in the proper case to declare a law unconstitutional cannot be declined and must be performed in accordance with the delivered judgment of the tribunal before which the validity of the enactment it is directly drawn into question. If the Constitution prescribes one rule and the statute the another in a different rule, it is the duty of the courts to declare that the Constitution and not the statute governs in cases before them for judgment.” 16Am Jur 2d., Sec. 155;*

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STATUTES ARE NOT COMMON LAW, statutes are a creation of man (legislation). The constitutional purpose of statutes are for controlling the behavior of bureaucrat and commercial activities. Because government servants need guidelines, policies, and procedures “We the People” gave the legislators the authority to write statutes that are to be obeyed as laws, under the penalty of said statute as law. But the People never gave legislators the authority to write legislation to control the behavior of the People, nor could they because rights are unalienable.

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COURT THAT PROCEEDS ON STATUTES are called nisi prius court. "Nisi prius" is a Latin term (Black's 5th) "Prius" means "first." "Nisi" means "unless." A "nisi prius" procedure is a procedure to which a party FIRST agrees UNLESS he objects. A rule of procedure in courts is that if a party fails to object to something, then it means he agrees to it. A nisi procedure is a procedure to which a person has failed to object, a "nisi prius court" is a court which will proceed.

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The Governor of the Universe wrote the Law in a Book and in the hearts of men⁹, that is to be enforced by the People (juries)¹⁰ and not political judges. He also wrote statutes to be enforced by Him alone and not man, wherein Jefferson said: "I tremble for my country when I reflect that God is just; that his justice cannot sleep forever." So if God himself has written statutes for us to obey as law but will not judge us in this world but in the world to come, how much more is the irrelevance of the statutes of ungodly men?

IFRAUD UPON THE PEOPLE, EVERY JUDGE KNOWS: Since the courts are controlled by lawyers who are BAR taught to proceed according to statutes, and the BAR taught judges are taught to presume the mantle and proceed, while the clueless victim hires an Attorney and remains dumb¹¹, and if he tries to speak he is quickly muzzled by the officers of the court, because by the hiring of an Attorney he is considered by the court a person of unsound mind¹² thereby becoming a ward of the court¹³ and rendered incompetent¹⁴ to defend himself. See corpus juris secundum, (C.J.S.) volume 7, section 4.¹⁵

When a judge of such a court moves forward with the fraudulent nisi prius process, under color of law, (s)he presumes a contract that (s)he believes gives him immunity, and therefore places him above the law. And, since this fraud is repeated every day for filthy lucre¹⁶ in "**EVERY**" courthouse that is -

1. the epitome of RICO;
2. every BAR member proceeds with a wink, a nod, and a hand shake to protect each other, that's Felony Rescue;
3. every BAR member remains silent when they have a duty, as an officer of the court who took an oath, to speak, that's a conspiracy,
4. and since all of this is done under color of law in order to deprive the sovereign people of their unalienable rights under court arrest¹⁷, that's High Treason.

After puzzling over many a court cases, watching the contortion of the court officers and their belligerent demeanors as they struggle irrationally to maintain control of the victim that has denied

⁹ Rom 2:12-16 For as many as have sinned without law shall also perish without law: and as many as have sinned in the law shall be judged by the law; (For not the hearers of the law are just before God, but the doers of the law shall be justified. For when the Gentiles, which have not the law, do by nature the things contained in the law, these, having not the law, are a law unto themselves: Which show the work of the law written in their hearts, their conscience also bearing witness, and their thoughts the mean while accusing or else excusing one another;) In the day when God shall judge the secrets of men by Jesus Christ according to my gospel.

¹⁰ Mat 22:36-40 Master, which is the great commandment in the law? Jesus said unto him, Thou shalt love the Lord thy God with all thy heart, and with all thy soul, and with all thy mind. This is the first and great commandment. And the second is like unto it, Thou shalt love thy neighbour as thyself. On these two commandments hang all the law and the prophets.

¹¹ **DUMB.** [Blacks 4th] One who cannot speak; a person who is mute.

¹² **LUNATIC.** [Black's Law 4th edition] A person of deranged or unsound mind; a person whose mental faculties are in the condition called "lunacy"; one who possessed reason, but through disease, grief, or other cause has lost it. May mean all insane persons or persons of unsound mind, sometimes including and sometimes excluding idiots. [*Oklahoma Natural Gas Corporation v. Lay*, 175 Okl. 75, 51 P.2d 580, 582.]

¹³ Wards of court. Infants and persons of unsound mind. [*Davis' Committee v. Loney*, 290 Ky. 644, 162 S.W.2d 189, 190. **Their rights must be guarded jealously.** *Montgomery v. Erie R. Co.*, C.C.A.N.J., 97 F.2d 289, 292.] a **ward** is someone placed under the protection of a legal guardian

¹⁴ **INCOMPETENCY.** Lack of ability, legal qualification, or fitness to discharge the required duty. [In re Leonard's Estate, 95 Mich. 295, 54 N.W. 1082].

¹⁵ If We consult the latest Corpus Juris Secundurr (C.J.S.) legal encyclopedia, volume 7, section 4, We will find that an attorney's first duty is to the courts and the public; not the client: According to Section 2 in said Section 7, we find that clients are "wards of the court."

¹⁶ **LUCRE.** Gain in money or goods; profit; usually in an ill sense, or with the sense of something base or unworthy.

¹⁷ **ARREST.** (Blacks 4th)To deprive a person of his liberty by legal authority. Taking, under real or assumed authority, custody of another for the purpose .of holding or detaining him to answer a criminal charge or civil demand. Ex parte Sherwood, 29 Tex.App. 334, 15 S.W. 812.

270 their jurisdiction, it has become clear that they are conscious of the fraud that the BAR orchestrates
under its communist iron fist.

So the question “what jurisdiction are you in when you go into the New York Supreme Court” is, you
should be in a common law jurisdiction but the BAR judges and lawyers, under the color of law, every
time hijack your court to a nisi prius court that tries your case under statutes and not common law and
275 that is fraud on your court, violence on the Constitution, and an act of treason.

VI

Are there differences between the Common Law Juries and the Juries the courts empanel?

POWER IS TO BE FOUND IN THE PEOPLE; Thomas Jefferson said: *"I know no safe depository of the
ultimate powers of the society but the people themselves; and if we think them not enlightened enough
280 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." ...
Educate and inform the whole mass of the people... They are the only sure reliance for the preservation
of our liberty." ... "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
285 oversight. It is therefore imperative that the nation see to it that a suitable education be provided for all
its citizens."*

Thomas Jefferson spoke of the Jury in the Declaration of Independence when he penned “*governments
are instituted among men, deriving their just powers from the consent of the governed*”. The American
Jury is that institution whereby the People themselves consent to their actions, there exists no others,
290 therefore to deny the Jury is to deny the consent of the people and thereby self rule and Liberty.

Justice James Wilson, 1790, said; “*The Jury is an important instrument of government, a great conduit of
communication between those who make [legislators] and administer [court officers] the laws and the
People. All the operations of government and all its officers come before the scrutiny of Juries, thereby
giving them an unrivaled ability to advocate public improvements and expose corruption in
295 government*”.

Thomas Jefferson said: *"On every unauthoritative exercise of power by the legislature must the people
rise in rebellion or their silence be construed into a surrender of that power to them? If so, how many
rebellions should we have had already?" ... "It has long been my opinion, and I have never shrunk from its
expression... that the germ of dissolution of our Federal Government is in the constitution of the Federal
300 Judiciary – an irresponsible body...working like gravity by night and by day, gaining a little today and a
little tomorrow, and advancing its noiseless step like a thief over the field of jurisdiction until all shall be
usurped from the States and the government be consolidated into one. To this I am opposed."* And so,
contrary to our framers, the concerns of Jefferson visit us today, the battle of jurisdiction, Common Law
-v- fiction¹⁸.

¹⁸ **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

305 The progressives who have seized control of our political and judicial system, have removed all
knowledge of the same from our schools, to dumb down America in order to enslave them. Today's
Grand Jury is controlled by the prosecutor who screens, empanels, and orientates the grand jury until
(s)he develops a grand jury who believes that statutes are law and then (s)he can indict his ham
sandwich. This same prosecutor has become a gate keeper who prevents the people access to their
310 Grand Juries, thereby preventing them remedy against corrupt political and judicial officials. All this is
orchestrated by the communist BAR association, amounting to fraud and subversion against the
common law America was "founded upon", and the People they were hired to serve.

Likewise the trial jury is controlled by the judge who's administration screens, empanels, and orientates
the trial jury until they develop a jury who believe that statutes are law. Then the judge addresses the
315 jury explaining how they must only decide the facts as to whether or not "statutes have been violated",
thereby sabotaging the common law and removing jury nullification and making the legislators, who
were created by the constitution, overrule the People who created the constitution, this is an act of war
against the constitution and its author the People.

Lysander Spooner, in his 1852 Trial by Jury book, page 92; said: *"If the government can select the
320 jurors, it will, of course, select those whom it supposes will be favorable to its enactments. And an
exclusion of any of the freemen from eligibility is a selection of those not excluded. It will be seen, from
the statutes cited, that the most absolute authority over the jury box that is, over the right of the people
to sit in juries has been usurped by the government";*

So the question "are there differences between the Common Law Juries and the Juries the courts
325 empanel. Clearly one is people controlled and the other is government control. It is obvious that the
government cannot consent to itself. Only the people can consent to the actions of the government. As
Jefferson said: "*we have government by the consent of the people*", not government by the consent of
the government, for that would be dictatorship.

VII

330 **By what authority do the People act upon to empanel and administrate to their own juries?**

Points of Argument: from US -v- Williams, (1992) Justice Antonin Scalia wrote the majority opinion,
quoting dozens of authorities of which all officers of the court are to take Judicial Cognizance¹⁹.

1. Recognizing this tradition of independence, we [US Supreme Court] have said that the **Fifth
335 Amendment's "Constitutional guarantee presupposes an investigative body acting independently
of either prosecuting attorney or judge."**
2. Given the grand jury's operational separateness from its constituting court, it should come as no
surprise that **we** [US Supreme Court] **have been reluctant to invoke the judicial supervisory power
as a basis for prescribing modes of grand jury procedure.**

law, would not be the law of the land. [Hoke vs. Henderson,15, N.C.15,25 AM Dec 677]. A rule of law which assumes as true, and will not allow
to be disproved, something which is false, but not impossible. Best, Ev. 419.

¹⁹ **JUDICIAL COGNIZANCE.** Judicial notice, or knowledge upon which a judge is bound to act without having it proved in evidence. [Black's Law
Dictionary, 5th Edition, page 760.] Jurisdiction is the authority by which courts and judicial officers take cognizance of and decide cases. Board
of Trustees of Firemen's Relief and Pension Fund of City of Marietta v. Brooks, 179 Okl. 600, 67 P.2d 4, 6; Morrow v. Corbin, 122 Tex. 553, 62
S.W.2d 641; State v. Barnett, 110 Vt. 221, 3 A.2d 521, 526;

3. Laymen [Grand Jury] conduct their inquiries unfettered by technical rules
- 340 4. The Grand Jury is a constitutional fixture in its own right.
5. The grand jury is an institution separate from the courts, over whose functioning the courts do not preside ...
6. The Fifth Amendment demands a traditional functioning "common law" grand jury
7. No "supervisory" judicial authority over the Grand Jury exists rooted in long centuries of Anglo-American history
- 345 8. The grand jury is mentioned in the Bill of Rights, but not in the body of the Constitution. The whole theory of its function is that it belongs to no branch of the institutional government and serves as a kind of buffer or referee between the Government and the people. The grand jury requires no authorization from its constituting court to initiate an investigation.
- 350 9. The grand jury normally operates in the courthouse and under judicial auspices (support)
10. 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.
11. **The Grand Jury's functional independence from the judicial branch**
12. The Grand Jury has power to investigate criminal wrongdoing, and the manner in which that power is exercised.
- 355 13. The grand jury can investigate merely on suspicion that the law is being violated, or even because it wants assurance that it is not.
14. And in its day-to-day functioning, the grand jury operates without the interference of a presiding judge.
- 360 15. "It would run counter to the whole history of the grand jury institution to permit an indictment to be challenged".

So, "by what authority do the People act upon to empanel and administrate to their own juries" the answer is clearly the LAW .

365 **CONCLUSION:** - the only position that State Court Judges claim in their attempt to lock the People out of their courts is "NONE". Furthermore In the United States v Williams (1992) Justice Antonin Scalia said: *"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"*.

370 This Memorandum has clearly demonstrated the following facts: A Court of Record is a Court that proceeds according to Common Law and not statutes, whereas the Judge are Magistrates with no tribunal powers. The Supreme Court belongs to the people and the servant judges have no authority to refuse the people a seat in their own courts, in doing so they commit violence against the People and the Constitution. The People never gave legislators or Judges authority to abrogate Common Law, nor

375 could they because rights are inalienable. And finally the authority that We the People act upon when we constitute Common Law Grand Juries is the LAW.

When the people enter their courts they expect to be under constitutional protection that all judges took an oath to protect the people. Instead the judges and lawyers defraud the people daily by hijacking the people into a nisi prius courts under corporate chartered aka corporatism²⁰, instead of a common law courts under the Bill of Rights, aka courts of justice. They have established impunity for themselves by creating statutory grand and trial juries controlled under their corporate charter thus shielding themselves from the law that would end their criminal activities and obscene profits.

The only solution to save our Republic is for the People to stand up, constitute Common Law Juries, and return Justice to our courts. The People of New York are just weeks away from completing that goal, and will continue to consider indictments on every officer of the court that resists the People from their rightful Heritage.

Be fully advised that when We the People take back our house, and that day draws nigh, we will not tolerate the answer from any oath taker saying, "the Attorney General, county Attorney, or any other attorney told me so", but our grace will rest upon all that we find doing their best to understand their duty and secure the Republic. We the People come with mercy but we will not tolerate continued ignorance that perpetuates America in jeopardy.

"Where powers are assumed which have not been delegated, a nullification of the act is the rightful remedy." Thomas Jefferson: Draft Kentucky Resolutions, 1798. ME 17:386

"Common sense [is] the foundation of all authorities, of the laws themselves, and of their construction." Thomas Jefferson: Batture at New Orleans, 1812. ME 18:92

Signed by ORDER and on behalf of the UNIFIED COMMON LAW GRAND JURY of NEW YORK

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Common Law Grand Jury Administrator

²⁰ CORPORATISM. [Webster] the organization of a society into industrial and professional corporations serving as organs of political representation and exercising control over persons and activities within their jurisdiction