

PRINCIPLES

by Diane McGilvery

Intro and Commentary by michael-herbert: keehn

Introducing Diane McGilvery, a truly outstanding woman, and one who has something of value to share with her fellow man. I came to know Diane when she emailed me for the first time. She had read [Republican Form of Government](#), a document of my construction and Diane had some commentary she wanted to share on that effort.

I had made the point that finding the characteristics or defining qualities of a republican form of government is nearly impossible. Although communist, fascist, monarchial, dictatorship, parliamentary, anarchy, may be found defined and explained in American school text books, you will not find “republic” defined. And I thought this odd because of the Pledge of Allegiance. You know:

I pledge allegiance to the flag of the united States of America, and to the **republic** for which it stands. One nation, under God, indivisible, with liberty and justice for all.

It just seemed strange that, when I attended public school, we would, every morning, all stand and pledge allegiance to this **republic**, and yet, in all my years of school, there was nothing in public school text books that explained this type of Government.

Well, Diane had some thoughts on the matter, and she began sharing them with me. I have received considerable information from Diane, but it was difficult for me to find a way to share it with [my Web-page](#) audience. I have decided to let Diane introduce herself via the following email to me. Her values are GREAT and her thinking, clear!

Good afternoon Mike,

When I spent time in jail, it was because I had chosen to ask a question of someone (the judge, whom I knew would probably send me to jail). The situation was one where the more I had thought about it, I could see no difference from being held up on a street corner. Somewhere along the line, a principle had been adopted, which I still hold, that you just don't do this kind of thing to anyone. We [my husband and I] had listened to and become familiar with a number of people in the patriot movement. There were lots of theories flying around - just do this - just say that, which I'm sure you're familiar with.

When I worked at the doctor's offices and I had to schedule someone for a test at the hospital, I always made it a point to inquire for the patient, what they would be able to expect and what concerns might come up. I tried to answer all their questions.

Whenever you do something, you endeavor to find out what the basic rules are - aka [also known as] *principles* - that guide actions. I had known that most of the people I was listening to had come up with their ideas but most had not tested them personally. My two youngest boys were perhaps 9 and 10 years old. I did not want them to think that just because they heard someone say - try this or do that - there was no risk or consequences involved. You have to pay attention, you must look for the origin of things - what *principle* was chosen and is being expressed. Admittedly at that time, this procedure was just beginning to come into focus. Diving into something you don't understand is not recommended for anyone. You can't solve a trigonometry problem if you only understand basic math.

I knew that if I did what I was about to do, ask the judge, when someone called out a name, which sounded like mine, I would simply asked which Diane McGilvery are you calling? I was certain that the most likely consequence was that I would land in jail. Having gone through my years as mayor, I turned to prayer for guidance. Ultimately, I went ahead. The trauma [of] my decision caused my Husband, my sons, my mother and father in-law, who went with us that day, was not anything any of them had anticipated, as I had.

So few people today have any knowledge about what our American republican government IS that they don't have a clue as to what's going on or why. My hope in my writing is, like you to educate a few people on what we all were truly given. Without an understanding of the foundation of our republican government, without using these *principles* to guide us in interpreting enactments, it will not, cannot be done effectively.

"We hold these truths to be self-evident,¹

- 1. that all men are created equal,*
- 2. that they are endowed by their Creator with certain unalienable rights,*
- 3. that among these are life, liberty and the pursuit of happiness.*
- 4. That to secure these rights, governments are instituted among men, deriving their just*

¹ Declaration of Independence, The Pennsylvania Packet, July 8, 1776

powers from the consent of the governed.

5. *That whenever any form of government becomes destructive to these ends, it is the right of the people to alter or to abolish it, and to institute new government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness.*

Viewing enactments such as two citizenships, one real one and one an artificial entity², since this is a violation relative to the 4th self-evident truth, no one can give consent, because the people do not have a right to create an artificial entity that is an invention of some other man.

Viewing enactments such as limitation of the 2nd amendment is a violation of the 3rd self-evident truth. All people have a right to defend their life, liberty and what they acquire using these two and a correlative duty not to infringe upon these rights of another.

Viewing enactments such as killing babies is a violation of the 1st self-evident truth. No man "creates" a baby and only the baby's Creator can determine when the life He has created begins. Whenever that is, no man has a right to take the life he did not create.

I cannot imagine how anyone can say that these three examples are expressed from the foundation of our republican government. The Grand Jury³ would be able to have the author/s come before them to explain how these enactments are expressed from the foundation, to the jury's understanding.

With the conflicts they see and hear about every day and with our *founding principles* to guide us in interpreting things, someone may discern a way, unique to them, to stand up for what we all still have - the foundation we established for our republican government.

We're all created equal relative to our life and liberty and using these to pursue our happiness, but we're all unique. What a wealth of intelligence is being suppressed these days. People feel that they cannot go up against Goliath and, as I was told when I became Mayor, you can't beat city hall. I don't know why or how, but the plans of a city of 350,000 people were

² [Editors footnote: For those who do not know, Diane is exactly correct. The majority of Americans have been converted into a Legal Fiction by Leadership [the ALL CAPITALS NAME]. Thus, there is a living man or woman of the Land [a "real citizen"], and there is the Legal Fiction, an "artificial entity" created by Government, a dead person – and a "dead person" does not have Constitution rights and protections!]

³ [Editors Footnote: In using the term Grand Jury, Diane is referencing the *Common law Grand Jury*, stemming from the fact that the law of the republic is the Common Law, and the original Grand Jury of this Country is the Common Law Grand Jury. Today's Grand Jury is corporate!]

thwarted by basically one person. The Lord can and does use people who don't stand out, who don't have lots of education, to accomplish His purposes. With some understanding of what you know is worth fighting FOR, principles you've discovered and proven to your satisfaction that they are true, we can all be surprised, not only by what we may accomplish, given the proper circumstances, but also what others might be capable and willing to do, that would benefit all. The principles that we hold do guide our words and actions.

This is one of my favorite quotes from Thomas Paine: *"However, I believe most men have more courage than they know of, and that a little at first is enough to begin with."*

Did you know that Thomas Paine volunteered and served in the Revolutionary Army? People talk about our Founders in such derogatory ways, but if you look more closely you find a totally different story.

The Grand Jury could be of such great help to people, who understand what authority it really has. Its importance has been concealed just like the understanding of the foundation for our government.

Because all people are created equal, yet all people are unique, there will never be the same level of understanding about the 5 self-evident truths. Joe six-pack will say, "Yea, that's nice" and go back to watching TV. The people who are losing their home because they no longer have jobs, will say, "Yeah, that's nice but how do I feed my family". The attorney's will say, "Well the government passed this law or this statute, and you can't fight it." The multitudes who work for the government will say, "Hey, I've got a family to think of." How many people, though, might choose to learn more and pursue a new avenue? Isn't regaining our unalienable rights⁴ and enforcing our public servant's observation of their duties that they accepted by running for and accepting positions within the government system, a worthwhile effort?

There's no contest that there are millions of enactments by those in governments. With no one but our servants in government and their henchmen interpreting them using unknown and foreign principles, no one will ever live long enough to research them to find an answer to the tyranny we all face.

⁴ [Editors Footnote: Un-a-lien-able Rights should not be confused with civil rights. Unalienable Rights are granted by God and cannot be taken from you or altered by Government, whereas civil rights are granted by Government, regulated by Government, modified by Government, and may be take away by Government.]

Getting access to our Grand Juries is not an easy task. If people understand the foundation upon which we rested the structure of the forms we created, isn't it possible that some people will begin to find unique ways to accomplish this, recognizing the risks involved? Those who have done research into corruption by public servants at any level would have the Grand Jury to take their research for evaluation, without the government's permission or control. Those who have done research into corporate practices that are adversely affecting people, would be able to submit their research. Those who have suffered loss from public servants actions, would be able to submit their grievance for evaluation.

This quote from attorney Lysander Spooner remains true. *"Constitutions are utterly worthless to restrain the tyranny of governments, unless it be understood that the people will, by force, compel the government to keep within the constitutional limits. PRACTICALLY SPEAKING, NO GOVERNMENT KNOWS ANY LIMITS TO ITS POWER, EXCEPT THE ENDURANCE OF THE PEOPLE... IF THE PEOPLE ARE THEN AS GOOD AS THEIR WORD, THEY MAY KEEP THE GOVERNMENT WITHIN THE BOUNDS THEY HAVE SET FOR IT; OTHERWISE IT WILL DISREGARD THEM..."* [Essay on Trial by Jury, page 9]

Those who wish to control us are bad enough, but the hysteresis of their bubble is being held in place by a perimeter of so called patriots, who continually legitimize all the words and actions of the tyrant's minions, and perpetuate the mentality that you can't fight it, it's too big. Our Declaration of Independence was declared, published and distributed to the people of the colonies and even to the commanders and the soldiers who were on the battlefield, to show them what they were fighting FOR.

I am not naïve enough to assume that this can be turned around by one person or even a few who understand the history and the risks involved, but without having any understanding of our foundation, how can you know what identifies the problem. Will you find the answer searching through the words, the enactments of the oppressors? With understanding of the foundation to guide words and actions, who can say what's possible? I believe like Mr. Paine that people with a little courage at the right time, can move mountains.

Just random thoughts for consideration.

Regards, Diane

And while these words were meant for me, I think they apply very well in a general sense to many of us. Thus, we have met Diane McGilvery, a truly extraordinary American woman. And while she has given me permission to share her thoughts, it has been clear to me, in our exchanges, that she is a private individual who does not need the *light of notoriety* shined on her. Yet, it is obvious that she has a mission to help her fellow man find ways to restore his freedom. And so, using me as a springboard, she shares her thoughts, and gives me permission to share them with you.

In this next construction by Diane, again – intended for my education, she begins by titling it:

Questions on what a Republic Is

In Article IV, Section 2 of the U.S. Constitution it states that: *“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 can-not be convened) against domestic Violence.”*

Each state in this Union is “guaranteed” a Republican Form of Government. What do these words mean? How is our Republican form of government defined? A search of the U.S. Constitution show us that it contains no definition of what this form is.

Thomas Jefferson was one of Virginia’s delegates to the continental congress. In Mr. Jefferson’s Autobiography dated 1821, he noted that he was selected to be on a committee that was given this task: *“On the 15th of May, 1776, the convention of Virginia instructed their delegates in Congress to propose to that body to declare the colonies independent of G. Britain, and appointed a committee to prepare a declaration of rights and plan of government.”*

The committee to which Mr. Jefferson was appointed was given 3 tasks.

6. prepare a declaration of independence
7. prepare a declaration of rights
8. 3. prepare a plan of government

Let’s look at our Declaration of Independence. What does it contain?

CONTINUED ON NEXT PAGE

The Unanimous Declaration
of the Thirteen United States of America

When, in the course of human events, it becomes necessary for one people to dissolve the political bonds which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

1 A declaration of independence – part I

We hold these truths to be self-evident,

that all men are created equal,

that they are endowed by their Creator with certain unalienable rights,

that among these are life, liberty and the pursuit of happiness.

2 A declaration of rights

Prudence, indeed, will dictate that governments long established should not be changed for light and transient causes; and accordingly all experience hath shown that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same object evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security. --Such has been the patient sufferance of these colonies; and such is now the necessity which constrains them to alter their former systems of government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute tyranny over these states. To prove this, let facts be submitted to a candid world.

3 declaration of independence conclusion, followed by a list of usurpations causing this division.

What was the predominant principle, upon which governments were based throughout history?

Judge James Wilson, who signed the Declaration of Independence and the U.S. Constitution, in a lecture to a group of law students in 1790, about the *principles* that were prevalent in history, told them that Roman emperor Caligula said it best when he stated the *principle of superiority*:

... *"If I am only a man my subjects are something less, if they are men I am something more."*¹

Superiors and subjects, masters and slaves, divine right of princes, by any other name it comes out the same. What influence has this acceptance of a principle of superiority had? Here is the definition of "law" from Blackstone's Commentaries: *"Law is that rule of action, which is prescribed by some superiour, and which the inferiour is bound to obey."*

Here, Judge James Wilson addressing a group of law students, cited this example of the incompatibility of rulers "claiming to be" superior:² *"Had it been the intention of Providence, that some men should govern the rest, without their consent, we should have seen as indisputable marks distinguishing these superiours from those placed under them, as those which distinguish men from the brutes. The remark of Rumbold, in the nonresistance time of Charles the second, evinced propriety as well as wit. He could not conceive that the Almighty intended, that the greatest part of mankind should come into the world with saddles on their backs and bridles in their mouths, and that a few should come ready booted and spurred to ride the rest to death."*

It becomes apparent, that the declaration of rights, adopted by the people of America that appears in our Declaration of Independence, leaves no room for superiority. The people's declared rights - self-evident truths, tested through time, are completely incompatible with these ancient concepts. Judge James Wilson cites one of the many reasons that England's constitution and laws were not suitable for America:³ *"In the laws of England, as they have been imposed or received during the last seven centuries, the "people" is a title, which has scarcely found a place, or, if it has found a place occasionally it has attracted but a very disproportionate degree of notice or regard."*

What makes Judge Wilson's cautionary words valid today?⁴ *"Surely I am justified in saying, that the principles of the constitutions and governments and laws of the United States, and the republicks [sic], of which they are formed, are materially different from the principles of the constitution and government and laws of England; for that is the only country, from the principles of whose constitution and government and laws, it will be contended, that the elements of a law education ought to be drawn. I presume to go further: the principles of our constitutions and governments and laws are materially better than the principles of the constitution and government and laws of England."*

¹ Wilson, Justice James, The Works Of [1790-92], Bird Wilson, Lorenzo Press, Philadelphia, PA 1804, Vol. I, page 48

² *ibid*, page 41

³ *ibid*, page 55

⁴ *ibid*, page 15

Trying to find a definition of our Republican form of government? What separates it from all other governments that have existed before or since our Declaration was adopted? It is a foundation upon five self-evident truths, which define what our Republican form of government is that was required within each state and which the central government was to "guarantee".

One must study these 5 first principles, to discern the meanings and importance of the words. Not in the context of today's "authorities", who, after voluntarily come forward to serve the public, according to the law of the government, have chosen to select, not the principles which were established as the foundation by the people, but foreign principles that war with the constitution and the people. Any interpretation must assure that the interpreter remains at the same level as all other people. If this basic self-evident truth is not held as true there is a Caligula amongst us, only interested in creating masters and slaves.

As you can see, Diane takes no prisoners. She makes her observations as she sees them, and I, for one, agree with her. Below, you can see the title to the next document included in this packet, and by now you can probably see that when Leadership put this American woman in jail, they probably visualized converting her into a defeated, down-trodden little waif. Instead, they created a tiger. She has been communicating with me since February or March, and it is now November. From this, you can see how patient, but persistent she is. Diane truly has something to say in her focus on principles. It is my hope in posting this, and probably her hope in its construction, that American's can get behind the idea of principles and implement some positive change in their own lives, and perhaps in this country.

02/19/16 References to Treason in several Constitutions

U.S. Constitution, Article 3, Section 3: Treason against the United States shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court. . . ., or on Confession in open Court??? See Federalist #84. 32 out of 50 states define Treason in their Bill, Declaration or Statement of Rights Sections:

[CONTINUES ON NEXT PAGE]

Why would this be done if not for protection from a prosecutor using *corrupt principles*?

STATE	REFERENCE
Alabama	Declaration of Rights, Section 18
Alaska	Declaration of Rights, Article I, Section 10
Arizona	Declaration of Rights, Article II, Section 28
Arkansas	Declaration of Rights, Article II, Section 14
California	Declaration of Rights, Article I, Section 18
Colorado	Bill of Rights, Article II, Section 9
Connecticut	Impeachments: Article 9, Section 9
Deleware	Article VI : Impeachment & Treason, Section 3
Florida	Declaration of Rights, Article I, Section 20
Georgia	Bill of Rights, Article I, Paragraph 2 XIX
Hawaii	-----
Idaho	Judicial Department: Article V, Section 5
Illinois	-----
Indiana	Bill of Rights, Article I, Section 29
Iowa	Bill of Rights, Article I, Section 16
Kansas	Bill of Rights, Section 13
Kentucky	General Provisions: Section 229
Louisiana	2011 Louisiana laws: Title 14, Section 113
Maine	Bill of Rights, Article I, Section 12
Maryland	-----
Massachusetts	Chapter 264, NO OPEN COURT confession
Michigan	Bill of Rights, Article I, Section 22
Minnesota	Bill of Rights, Article I, Section 9
Mississippi	Bill of Rights, Article III, Section 10
Missouri	Bill of Rights, Article I, Section 30

STATE	REFERENCE
Montana	Bill of Rights, Part II, Section 30
Nebraska	Statement of Rights, Article I, Section 14
Nevada	Declaration of Rights, Article I, Section 19
New Hampshire	-----
New Jersey	Bill of Rights, Article I, Section 17
New Mexico	Bill of Rights, Article II, Section 16
New York	-----
North Carolina	Bill of Rights, Article I, Section 29
North Dakota	Bill of Rights, Article I, Section 17
Ohio	Not defined – flies territorial flag to this day
Oklahoma	Bill of Rights, Article II, Section 16
Oregon	Bill of Rights, Article I, Section 24
Pennsylvania	-----
Rhode Island	-----
South Carolina	Bill of Rights, Article I, Section 17
South Dakota	Bill of Rights, Article I, Section 19 – no open court confession
Tennessee	-----
Texas	Bill of Rights, Article I, Section 22
Utah	Bill of Rights, Article I, Section 19 – no open court confession
Vermont	-----
Virginia	Statutes: Section 18.2-481
Washington	Declaration of Rights, Article I, Section 27
West Virginia	Article I, The state, Section 6 [2-6]
Wisconsin	Declaration of Rights, Article I, Section 10
Wyoming	Declaration of Rights, Article I, Section 26

This concludes the *Treason Reference*. Next, Diane compares a children's fairy tale to life under the current Leadership. She is a *brave heart*, and I suspect that her goal is to inspire others to become a *brave heart* as well.

WHOSE AFRAID OF THE BIG BAD WOLF?



Anyone who has read “original” children’s [?] stories, recognizes that the writers had a purpose in mind. The purpose was to cause the children to be concerned or afraid of things that could harm them.

Today, the American people are viewed like those children of years gone by. Through the controlled media, they are constantly being presented with situations to cause concern or fear. The difference is that the Big Bad Wolves they present are concoctions, orchestrated and presented in such a way that the three little pigs, the people are totally incapable of defending themselves from the wolves, creations of our government, unless the pigs allow the government to begin removing every right from their “property” – u.s. citizens – and “manage” every aspect of their lives – what babies will be allowed to live, what elderly people will be allowed to live, who will live where and who will do what.

Once the people landed on America’s shores, their troubles were far from over. They had to deal with finding fresh water and food; shelters had to be constructed and fields had to be cleared; these represent just a few of the daunting tasks with which they were faced. They had to deal with illness, weather and sometimes hostile natives. There were those who sickened and died and there were some who were defeated by the rigorous tasks and chose to return home as soon as another ship arrived. However, the people who remained were convinced that they could find a way to carve out a better life here in America. They had the personal courage, determination, stamina and

imagination to keep them going. What they didn't have, they went without or, putting their ingenuity to work, they learned to make for themselves. If they didn't know how to do something, they either developed their own way to do what was needed or they found someone who had knowledge in this area that they could work with and learn from.

*¹“I join you therefore in branding as cowardly the idea that the human mind is incapable of further advances. This is precisely the doctrine which the present despots of the earth are inculcating, & their friends here re-echoing; & applying especially to religion & politics; that it is not probable ‘that anything better will be discovered than what was known to our fathers.’ We are to look backwards then & not forwards for the improvement of science, & to find it amidst feudal barbarisms and the fires of Spital fields [this appears to be a reference to a large Roman cemetery in England that became used as a medieval English priory, hospital and cemetery]. But thank heaven the American mind is already too much opened, to listen to these impostures; and while the art of printing is left to us, science can never be retrograde; what is once acquired of real knowledge can never be lost. **To preserve the freedom of the human mind then & freedom of the press, every spirit should be ready to devote itself to martyrdom; for as long as we may think as we will, & speak as we think, the condition of man will proceed in improvement.**”*

Thomas Jefferson, 1799

The colonists knew the reasons that had caused them to come to America. Now the colonists were faced with other important decisions to make, once their action to separate from England was successful. They would have to decide, for themselves, what kind of government systems should be established here that would best protect the rights that they were fighting so valiantly to secure. Would they choose as the basis the principles laid out for them in the Declaration of Independence, for a new type of republican government? Would they use wisely “the consent”, which they all held to consent to create a system of government that would wield “just powers”? Would they accept their inherent duties to acknowledge and respect that all people are equal, that all people have the same rights and duties? Only time would tell.

“If ye love wealth better than liberty, the tranquility of servitude better than the animating contest of freedom, go home from us in peace. We ask not your counsel or your arms. Crouch down and lick the hands of those who feed you. May

¹ Jefferson, Thomas, Jefferson Writin, New York: The Library of America, 1984 (page 1065)

your chains set lightly upon you, and may posterity forget that ye were our countrymen.”

– Quote of Andrew Fletcher of Saltoun – Scottish patriot 1692

The fairy tales of our childhood have many pertinent messages. Take the tale of *The Emperors New Clothes*. For those who may not remember, it was a story in which a deceitful Taylor convinced the Emperor that he could sew the most spectacular garment the world has ever known, but those who were not fit for their station in life, would not be able to see it. And so the Emperor ultimately ended up naked in public, and everyone knew that if they admitted that they could not see the Emperor’s new clothes, they would be reviled as not fit for their position in society. And so the School Teachers thought the new garment was beautiful, the Congressmen thought the new Garment was beautiful, as did the police, as did the military officers, as did the politically correct, as did the Federal Bureau of Investigation, as did the National Security Agency, as did the Central Intelligence Agency, as did the dignitaries of other Nations (Germany, France, Spain, Ukraine, Iraq, Great Britain, Belgium, Hungary, Italy, Switzerland, Greece and others), as did almost all University Professors, as did all mainstream media Journalists, as did all main stream religious leaders. But, strangely, children and other people who were not wearing false or plastic faces, could not see the Emperor’s new clothes. They only saw a treacherous little naked man, pretending to be something he was not.

The last and most recent document I have received from Diane to date (November 1, 2016) is presented here for your reading enjoyment. The title of this construction is: **How to Interpret Our Constitutions**. She uses the plural “Constitution~~s~~” because she is including the State Constitutions in her examination. That said, here is Diane’s most recent document...

How to Interpret Our Constitutions

As stated previously, this author is concerned with the second paragraph in the Declaration of Independence. These 110 establish the **self-evident truths – the first principles that were to be used as the foundation For our republican governments. The foundation was established by the American people as the basis from which the form, the structure of our republican governments, must be expressed.**

*We hold these truths to be self-evident, **that** all men are created equal, **that** they are endowed by their Creator with certain unalienable Rights, **that** among these are life, liberty and the pursuit of happiness. **That** to secure these rights, Governments are instituted among Men,*

*deriving their just powers from the consent of the governed. **That** whenever any Form of Government becomes destructive to these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness.*¹

When we begin to think about any subject, the first thing we do is bring to mind principles to guide us in our understanding. Everyone does this, whether they recognize it or not. The use of first principles as the foundation FOR our republican government was unique in the history of all governments that had previously existed. It was carefully composed and established to guide the interpretation of the law – the constitutions – that were later expressed as the form the government would have as the structure of it was built.

Any constitution, interpreted by this foundation, would provide the limited government authority, which was the goal of the American people when they established it.

The Federalists “wanted” the new general government to be constructed according to the constitution that was being proposed to replace the Articles of Confederation. They were urging that this new constitution be adopted without any changes, without consideration of amendments the States were proposing.

However, the Anti-Federalists felt that the people should take their time and add amendments they thought were needed, before the new constitution was approved.

For reasons known only to the Federalists, they felt that this would just take too much time. When people are trying to get something they want, they will always try to present it in glowing terms. They will also hint at dire consequences if what they are proposing is not adopted quickly. Of course they will not mention any negatives that might occur as consequences.

In Federalist Paper No. 15, we have Mr. Alexander Hamilton commenting that: *“It is true, as has been before observed that facts, too stubborn to be resisted, have produced a species of general assent to the abstract proposition that there exist material defects in our national system; but the usefulness of the concession on the part of the old adversaries of federal measures is destroyed by a strenuous opposition to a remedy, **upon the only principles that can give it a chance of success.** .. They still, in fine, seem to cherish with blind devotion the political monster of an imperium in imperio [the government in power]. .. This renders a full display of the principal defects of the Confederation necessary, in order to show that **the evils we***

¹ Declaration of Independence, The Pennsylvania Packet, July 8, 1776

*experience do not proceed from minute or partial imperfections, but from fundamental errors in the structure of the building, which cannot be amended otherwise than by an alteration in the first principles and main pillars of the fabric.”*²

Think about what Mr. Hamilton is saying. He expresses the feeling that the ... material defects in our national system...[the Articles of Confederation], which need to be **altered** are the **first principles**, the foundation established by the people? Notice, however the he does not tell us which one or ones need altered; nor does he tell us “what” the alteration or alterations should be.

We must think about the foundation for our republican government, when we read things like the Federalist Papers. When we begin to think about any subject, the first thing we do is bring to mind principles to guide us in our understanding. Thus, when it comes to understanding our republican government, as it was intended to be, we must be guided by its foundation.

In Federalist Paper No. 26, we have Mr. Hamilton commenting again that: *“It may be affirmed, without the *imputation of *invective, that if **the principles** they *inculcate, [referring to those opposed to the adoption of the constitution] on various points, **could so far obtain as to become the popular creed, they would utterly unfit the people of this country for any species of government whatever.**”*³

⁴**IMPUTA'TION**, noun

The act of *imputing or charging; attribution; generally in an ill sense; as the imputation of crimes or faults to the true authors of them. We are liable to the imputation of numerous sins and errors, to the imputation of pride, vanity and self- confidence; to the imputation of weakness and irresolution, or of rashness.

1. Sometimes in a good sense. If I had a suit to Master Shallow, I would humor his men with the imputation of being near their master.
2. Charge or attribution of evil; censure; reproach. Let us be careful to guard ourselves against these groundless imputations of our enemies, and to rise above them.
3. Hint; slight notice.

INVEC'TIVE, noun

A railing speech or expression; something uttered or written, intended to cast

² Federalist and Antifederalist Papers, The Unabridged; readaclassic.com, 2010, Lexington, KY, page 60, ¶2

³ ibid, page 101, ¶2

⁴ Webster, Noah, Webster's Dictionary , 1828

**opprobrium, censure or reproach on another; a harsh or reproachful accusation.*

It differs from reproof, as the latter may come from a friend and be intended to the good of the person reproofed; but invective proceeds from an enemy, and is **intended to give pain or to injure.**⁵

OPPRO'BRIUM, noun [Latin ob and probrum, disgrace.]

*Reproach mingled with contempt or disdain.*⁶

⁷**INCULC'ATE**, verb transitive [Latin inculco, to drive or force on; in and calco, to tread, calx, the heel.]

To impress by frequent admonitions; to teach and enforce by frequent repetitions; to urge on the mind.

Our Savior inculcates on his followers humility and forgiveness of injuries.

[This author has found that many writers, back in colonial days, frequently used words that are not in common usage today. Hence, the definitions from Webster's 1828 Dictionary can be useful to explaining what the writer meant.]

Although Mr. Hamilton intimates that “the principles” being espoused by the opponents to the constitution [the established foundation for our republican government] must be altered, somehow he never mentions, whether his objections to the “self-evident truths” - the first principles it contains, have been shown, since the people established the foundation, not to be self-evident truths, or that there is a need for them to be explained more fully.

Remember that, when the foundation was established, all existing governments were dissolved. Thus, the foundation is NOT a part of any government and NO public servant, within a government structure has any authority to change or alter anything about it.

Mr. Hamilton seems to be indicating that the foundation “has been removed or replaced” with something else, that IS UNKNOWN, as the basis from which the “new” constitution has been expressed?

No one has the ability to change something they did not create. This mentality would say that if the pot doesn't like what the potter is making of it, it could change the potter's purpose for

⁵ Webster, Noah, Webster's Dictionary , 1828

⁶ Webster, Noah, Webster's Dictionary , 1828

⁷ Webster, Noah, Webster's Dictionary , 1828

making it the way he wants to.

NO, NOT LIKE THAT!



The people tend to forget the sequence of events 1. The people include the foundation for our republican government in the Declaration of Independence, 2. The people, through their delegates, draft a constitution for their individual nation and then for the general or federal government. 3. The people approve and adopt the constitutions. 4. The people select those whom they elect to be public servants on behalf of all the people. Thomas Paine's words from 1792 are still valid today: ⁸ **“Government has no right to make itself a party in any debate respecting the principles or modes of forming, or of changing, constitutions. It is not for the benefit of those who exercise the powers of government, that constitutions, and the governments issuing from them, are established. In all those matters, the right of judging and acting are in those who pay, and not in those who receive.”**

Any public servant, using unknown principles to express enactments of any kind or to take actions, would be attempting to over throw the government. Such an action is defined as treason.

We also find in Federalist Paper 37, Mr. James Madison, touted as the Father of the Constitution, also expresses this same view: ⁹“*..the existing Confederation is founded on principles which are *fallacious; that we must consequently change this first foundation, and*

⁸ Paine, Thomas, Paine Collected Writings, Literary Classics of the United States, New York N.Y, 1955, page 578

⁹ Federalist and Antifederalist Papers, The Unabridged; readaclassic.com, 2010, Lexington, KY, page 139, ¶1

with it the superstructure resting upon it.”

¹⁰FALLA’CIOUS,a.

1. ***Deceptive; deceiving; deceitful; wearing a false appearance; misleading; producing error or mistake; sophistical; applied to things only; as a fallacious argument or proposition; a fallacious appearance.***

2. ***Deceitful; false; not well founded; producing disappointment; mocking expectation; as a fallacious hope.***

Similar to Mr. Hamilton’s comments, Mr. Madison says that the foundation’s principles are “...*Deceptive; deceiving; deceitful; wearing a false appearance; misleading; producing error or mistake...*? A foundation of self-evident truth is fallacious?

Whoa, Nellie! Something’s not making sense. There is a maxim contained in Bouvier’s which states: ¹¹Principium est potissima pars cujusque rei. **The principle of a thing is its most powerful part.** 10 Co. 49.

We must remember that, the foundation from which our American constitutions were expressed, was established, published to the world in our Declaration of Independence, and also sent to our commanders in the field to read to their troops. It was this foundation, declared to the world as the basis for our republican government that was unique in the history of government and encouraged other nations to establish trade with us.

Judge James Wilson, a former associate supreme court justice and professor of law in the college of Philadelphia , had investigated the history of governments and told his class of law students that: ¹²“If I mistake not, this notion of superiority, which is introduced as an essential part in the definition of a law — or we are told that a law always supposes some superior, who is to make it — this notion of *superiority contains the germ of the divine right — a *prerogative *impiously attempted to be established — of princes, arbitrarily to rule; and of the corresponding obligation — a servitude tyrannically attempted to be imposed — on the people, implicitly to obey.”

The definition of what a law is contains the ...*notion of superiority...* ? We need to understand some words here.

¹⁰ Webster, Noah, Webster’s Dictionary , 1828

¹¹ Bouviers, John, Bouviers’ Law Dictionary and Concise Encyclopedia [eighth edition], William S. Hein Co., New York 1984

¹² Wilson, Justice James, The Works Of, Bird Wilson, Lorenzo Press, Philadelphia, PA 1804 (Volume 1, page 36)

¹³**SUPE'RIOR**, n.

1. *Higher; upper; more elevated in place.*
2. *Higher in rank or office; more exalted in dignity.*
3. *Higher or greater in excellence; surpassing others in the greatness, goodness or value of any quality; as a man of superior merit, of superior bravery, of superior talents or understanding, of superior accomplishments.*
4. *Being beyond the power or influence of; too great or firm to be subdued or affected by; as a man superior to revenge.*

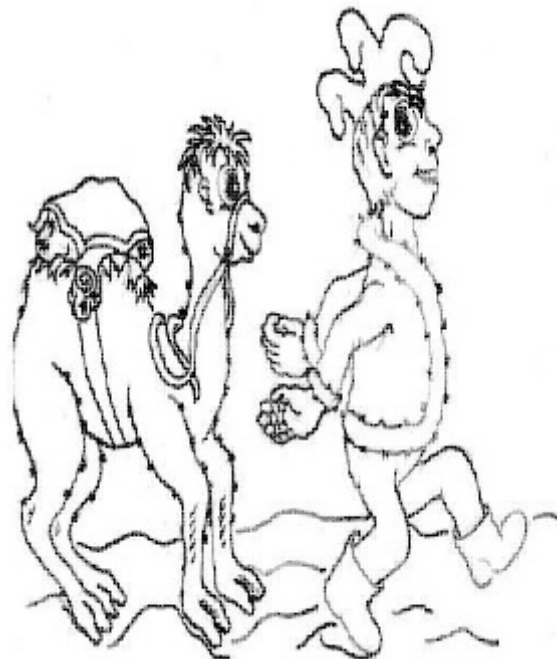
¹⁴**PREROG'ATIVE**, [Latin proerogativa, precedence in voting; proe, before, and rogo, to ask or demand.]

An exclusive or peculiar privilege. A royal prerogative is that **special pre-eminence which a king has over all other persons**, and out of the course of the common law, in **right of his regal dignity. It consists in the possession of certain rights which the king may exercise to the exclusion of all participation of his subjects**; for when a right or privilege is held in common with the subject, it ceases to be a prerogative. Thus the right of appointing ambassadors, and of making peace and war, are, in Great Britain, royal prerogatives. The **right of governing created beings** is the prerogative of the Creator.

¹⁵**IM'PIOUSLY**, adverb

With irreverence for God, or contempt for his authority; profanely; wickedly.

Judge Wilson also shared this well-known comment, from Richard Rumbold's Speech on the Scaffold in 1685 with his students: "...*who declared that he would never subscribe the doctrine of the divine right of princes, till he beheld subjects born with bunches on their backs, like camels, and kings with combs on their heads, like cocks; from which striking marks it might indeed be collected, that the former were designed to labor and to suffer, and the latter, to strut and to crow.*" – Wilson, Justice James, *The Works Of, Bird Wilson*, Lorenzo Press, Philadelphia, PA 1804 (Volume 1, page 40)



Back to work camel,
Strutting and crowing isn't cheap

¹³ Webster, Noah, Webster's Dictionary , 1828

¹⁴ Webster, Noah, Webster's Dictionary , 1828

¹⁵ Webster, Noah, Webster's Dictionary , 1828

Could this then be the source of the Federalist's opposition to the foundation from which the constitutions of the States and the Articles of Confederation was expressed?

Earlier in this first lecture, Judge Wilson told the students: ¹⁶“*In the course of these lectures, my duty will oblige me to notice some other important principles, very particularly his definition and explanation of law itself, in which my sentiments differ from those of the respectable Author of the Commentaries [Blackstone]. It already appears, that, with regard to the very first principles of government, we set out from different points of departure.*”

Using self-evident truth, which can only be discovered by men, as the basis for a government and declaring it to the world was and still is a unique thing. Judge Wilson, who had signed both the Declaration of Independence and the Constitution For the Federal government, understood this fact very well.

Judge Wilson told the students that: ¹⁷“The **definition of law** in the Commentaries [Blackstone's] proceeds in this manner. "Law is that rule of action, which is prescribed by some **superior**, and which **the inferior is bound to obey.**" A superior! Let us make a solemn pause — Can there be no law without a superior? Is it essential to law, that inferiority should be involved in the obligation to obey it? Are these distinctions at the root of all legislation?”

Judge Wilson continued: ¹⁸ “*If I mistake not, this notion of superiority, which is introduced as an essential part in the definition of a law — or we are told that a law always³⁰ supposes some superior, who is to make it — this notion of superiority contains the germ of the divine right — a prerogative impiously attempted to be established — of princes, arbitrarily to rule; and of the corresponding obligation — a servitude tyrannically attempted to be imposed — on the people, implicitly to obey.*” ³⁰. (1. Blackstone's. Commentaries. 43.)

Let's see if anything has changed. Here, from Bouvier's is the existing definition of law:

LAW: That which is laid down; that which is established. A rule or method of action, or order of sequence.

The rules and methods by which society compels or restrains the actions of its members.

¹⁶ Wilson, Justice James, The Works Of, Bird Wilson, Lorenzo Press, Philadelphia, PA 1804 (Volume 1, page 16)

¹⁷ *ibid*, (Volume 1, page 36)

¹⁸ *ibid*, (Volume 1, page 36)

The aggregate of these rules and principles of conduct which the governing power in a community recognizes as these which it will enforce or sanction, and according to which it will regulate, limit or protect the conduct of its members.

The aggregate of rules set by men as politically superior or sovereign, to men as politically subject. Aust. Jur., Campbell's ed. 80

A rule of civil conduct prescribed by **the supreme power in the state**, commanding what is right and prohibiting what is wrong. 1 Bla. Com. 44]

Think for yourself. Laws are, according to the accepted "definition", enacted and enforced by those who are **superior** and inferiors **must** obey? No wonder all prior governments were "ruled" by those who claimed absolute power and absolute immunity.

Judge Wilson presented this example to his students that he thought best expressed the point that he was trying to make: ¹⁹*"Indeed, on the principle of superiority, Caligula's reasoning was concise and conclusive. "If I am only a man, my subjects are something less: if they are men, I am something more."*⁶⁰ [60. Rous. Or. Com 6.]

Here, Judge Wilson presented an explanation of why this concept of "superiority" was so prevalent: ²⁰*"To this last question, ²¹Mr. Burke, in the spirit of his late creed, has answered in the negative. 'Society,' says he, 'requires not only that the passions of individuals should be subjected, but that even in the mass and body as well as in the individuals, the inclinations of men should frequently be thwarted, their will controlled, and their passions brought into subjection. This can only be done by a power out of themselves.'*

This negative answer has been, from time immemorial, the strong hold of tyranny: and if this negative answer be the true one, the strong hold of tyranny is, in fact, impregnable to all the artillery of freedom. If men should be governed; and if they cannot govern themselves; what is the consequence? They must be governed by other masters."

*An opinion, however, has, by some, been entertained, that the question, which I last mentioned, may receive an answer in the affirmative. Men, it has been thought, are capable of governing themselves. **In the United States, this opinion, which heretofore rested chiefly on***

¹⁹ Wilson, Justice James, The Works Of, Bird Wilson, Lorenzo Press, Philadelphia, PA 1804 (Volume 1, page 48)

²⁰ *ibid*, (Volume 2, page 198)

²¹ Edmund Burke; 12 January] 1729 – 9 July 1797) was an Irish statesman born in Dublin, as well as an author, orator, political theorist, and philosopher who, after moving to London, served as a member of parliament (MP) for many years in the House of Commons with the Whig Party.

theory, has lately — been put in a train of fair practical experiment. That this experiment, to human happiness so interesting, may be crowned with abundant and glorious success, is, of all things in this world, the consummation most devoutly to be wished."

We need to think carefully about what we've just read. When the people of the 13 American colonies agreed to declare their independence from England, they did something that was unique in the history of governments. Included within their Declaration of Independence was a foundation, consisting of five self-evident truths, that they were declaring and which would be the basis, the definition of our republican government. Later this foundation would be used to express the form upon which the structure of the governments would be built.

Judge James Wilson also expressed this opinion on why our foundation was so important, to his law students: ²² "...the principles of our constitutions and governments and laws are materially better than the principles of the constitution and government and laws of England."

Judge James Wilson spoke of the importance of returning to the **first principles** when seeking to interpret the constitution by those within a government system: ²³ "There is not in the whole science of politicks a more solid or a more important maxim than this — that of all governments, those are the best, which, **by the natural effect of their constitutions, are frequently renewed or drawn back to their first principles.**"

Let's take another look at our foundation for our republican governments:

²⁴ *We hold these truths to be self-evident, **that** all men are created equal, **that** they are endowed by their Creator with certain unalienable Rights, **that** among these are life, liberty and the pursuit of happiness. **That** to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed. **That** whenever any Form of Government becomes destructive to these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness.*

²² Wilson, Justice James, The Works Of [1790-92], Bird Wilson, Lorenzo Press, Philadelphia, PA 1804, Volume 1, page 14

²³ Wilson, Justice James, The Works Of, Bird Wilson, Lorenzo Press, Philadelphia, PA 1804 (Volume 1, page 179)

²⁴ Webster, Noah, Webster's Dictionary , 1828

²⁵CREATE, v.t. [L]

1. *To produce, to bring into being from nothing; to cause to exist in the beginning.*

²⁶E'QUAL, noun

One not inferior or superior to another; having the same or a similar age, rank, station, office, talents, strength, etc.

Bouvier's maxims contains this one: ²⁷Par in parem imperium non habet. **An equal has no power over an equal.** Jenk. C174.

Example: One of two judges of the same court cannot commit the other for contempt.

The people of America did not surrender any of their unalienable rights, which they were in full possession of, when they established the foundation for their republican governments in their Declaration of Independence. The self-evident trust of this foundation did not include any "superiors", any privileges, etc.

By declaring this foundation to the people of the states, to the commanders in the field fighting the British military and the world, they were stating that the republican governments, they would later create, would NOT contain a **superior group** of men who would have absolute authority or absolute immunity because the people could not give something they did not have. There is **no** absolute authority or absolute immunity for anyone. There are unalienable rights and their correlative duties which belong to everyone.

There was work to be done because of the long association some people had with the English law. Due to the fact that this law had been expressed from the principle of superiority, existing laws in the colonies could not just be incorporated into the new governments. As an example of this it is noted that: ²⁸ *"In March, 1791, the house of representatives in the general assembly of Pennsylvania, resolved to appoint a person [Judge James Wilson] to revise and digest the laws of the commonwealth; to ascertain and determine how far any British statutes extended to it; and to prepare bills, containing such alterations, additions, and improvements as the code of laws, and the principles and forms of the constitution then lately adopted might require."*

²⁵ Webster, Noah, Webster's Dictionary , 1828

²⁶ Webster, Noah, Webster's Dictionary , 1828

²⁷ Bouviers, John, Bouviers' Law Dictionary and Concise Encyclopedia [eighth edition], William S. Hein Co., New York 1984

²⁸ Wilson, Justice James, The Works Of, Bird Wilson, Lorenzo Press, Philadelphia, PA 1804 (Volume 1, page 2)

Another example was left to us in Thomas Jefferson's Autobiography. He had been chosen to revise existing laws to make them compatible with America's existing foundation of government: ²⁹ *"As the law of Descents, & the criminal law fell of course within my portion, I wished the committee to settle the **leading principles** of these, as a guide for me in framing them."*

Owing to the importance of the foundation, for America's republican governments, which never was and still is not a part of any government the people created, what avenue was available for the people to present information for examination when a public servant violated their permanent duty by using foreign principles to interpret their constitution?

Look at the 5th self-evident truth of the foundation ... *That whenever any Form of Government becomes destructive to these ends, it is the Right of the People to alter or to abolish it,...*

The people of America always retain their right to alter or abolish the governments which they created. How can this be? When the people invented the constitutions, endeavoring make them as expressions from the foundation they had established, there was no existing structure; all existing governments having been dissolved. Thus, since the people would always have the right to alter and abolish the governments that they had created, they also retained the right to monitor, correct and discipline public servants who violated their permanent duty to uphold and defend the constitution.

How would the people accomplish this? Would they be limited to bringing these issues to light by having to present information to a government prosecutor, who is only familiar with procedures of the courts? Would a government judicial officer be willing to examine whether enacted laws could be correlated to the principles of the foundation?

The body, to which such information could be presented for investigation, existed before the governments were ever created. This body, the Grand Jury, could and still can investigate violations of duty by public servants. The people's access to present information to the Grand Jury, which it could decide to investigate, is a strong deterrent against corruption of those serving the public. The Grand Jury, known to all branches of government, but not a part of government and, therefore, not under any authority from any government official, could indict anyone if their investigation found probable cause of wrong doing and the courts would then be obliged to bring the individual to their trial.

²⁹ Jefferson, Thomas, Autobiography, 1821, page 25

The use of unknown principles to interpret or to express laws, is a violation of a public servant's duty to uphold and defend their law – their constitution; it is attempting to overthrow the government as created by the people and expressed from the foundation they established. Attempting to overthrow the existing government is treason.

Mr. Hamilton, in Federalist Paper No. 84 is speaking of the **rights of the people**. As one of these rights he includes this from the proposed Federal government's constitution:³⁰ *“Article 3, section 3, of the same article “Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on confession in open court.”*

These exact same words are included in almost every one of the State constitutions, adopted by the people, within the Bill of Rights. **Anyone**, who in open court, admits to enforcing a law that is based on principles, incompatible with the established foundation for our republican government, is attempting to overthrow the government in violation of their duty to uphold and defend the constitution. This can be true of judges, attorney's, government officials, appointees and employees of government. Any enactment, of any kind, by a public servant, must be correlated to the principles of the foundation. [See David Crockett – Not Yours to Give] No one affiliated with government in any way can attempt to overthrow the government through the use of unknown principles without committing treason.

This concludes Diane's view on **How to Interpret Our Constitutions** and my comment is “WOW, what a brilliant mind”. I don't have permission (yet) to include Diane's email address, however, should one wish to communicate with her, you may email me at:

mhkeehn@gmail.com

And I will forward your email to her. If I had a guess, Diane will answer any substantive and/or serious email communication, it seems to be her nature. However, it may take some time, she is a busy individual. Diane, I would like to thank you for sharing your thoughts with me. I do hope that I have given your work the justice and exposure you were seeking. – mike

³⁰ Federalist and Antifederalist Papers, The Unabridged; readaclassic.com, 2010, Lexington, KY, page 330

NOTES