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## Replaced by Fiat: When Courts Expel Reason, the Constitution, and True Law

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## 1.0 Introduction: The Crisis of Judicial Legitimacy

This document is not speculation, nor theory. It is a lawful declaration, grounded in the only hierarchy of law permitted in this nation. The modern American judiciary has systematically usurped its constitutional authority, thereby precipitating a crisis of legitimacy. The record demonstrates that this is not mere judicial error, but deliberate and treasonous subversion of the American legal and political order.

The judiciary was instituted for a single purpose, to secure rights. Instead, today's courts operate as bastardized chancery tribunals elevating discretionary equity over common law, denying juries their constitutional supremacy, and excluding the Constitution itself from their proceedings. By this inversion, the judiciary has abandoned its lawful role and embraced oppression. The Alabama Constitution, Article I, Section 35, speaks plainly: "*That the sole object and only legitimate end of government is to protect the citizen in the enjoyment of life, liberty, and property, and when the government assumes other functions, it is usurpation and oppression.*" Every judge who departs from this standard commits usurpation, and when the departure is systematic, it is treason.

The foundation of this position rests upon immutable principles of law. First, the Laws of Nature and Nature's God, the antecedent and supreme rule, is the ultimate source of all legitimate authority. Emer D. Vattel in *Law of Nations* (1753) affirms that, "*The immutable laws of nature and of nature's God*" supersede all human enactments, rendering any contrary statute or ruling inherently void." Second, the people themselves are sovereign, with all governmental power being nothing more than a temporary delegation. There again we find in Alabama Constitution Article I, Section 2, "*That all political power is inherent in the people, and all free governments are founded on their authority, and instituted for their benefit.*" Third, judicial overreach is not a political failing or mere policy dispute, the abuse of public trust for the purpose of subverting the people's government is treason. St. George Tucker, in *Blackstone's Commentaries* defined this breach: "*If in a limited government, the public functionaries exceed the limits which the constitution prescribes to their powers, every act is an act of usurpation, and as such, treason against the sovereignty of the People.*" (Vol. 1, Appendix Note B, Section 3, (1803))

What follows is a full and documented examination of these principles, beginning with the central pillar: the immutable hierarchy of law, which binds all agents including judges to the authority of the sovereign people and the supremacy of the Constitution.

## 2.0 The Immutable Hierarchy of Law

A fixed and inviolable legal hierarchy is not a matter of preference but the indispensable safeguard against judicial tyranny and the only lawful foundation for governmental action. The American system, unlike the English model of parliamentary supremacy or the Roman system of civil fiat, rests upon a distinct premise: that justice must be administered through courts operating strictly under constitutional authority, the Law of God, and the immemorial common law maxims of right and wrong. When any public agent, and especially a judge, departs from this prescribed order, the act is not discretion but usurpation. The maxim applies with full force:

*“Where there is no authority for establishing a rule, there is no necessity of obeying it.”* (Black's, 2d. 1181; Dav. Ir. KB. 69).

This hierarchy is not speculative. It is verifiable against the only law the nation and the Commonwealth of Massachusetts permit. The Massachusetts Constitution, Part the First, Article XXX, requires that the legislative, executive, and judicial branches remain distinct and subordinate to law, *“to the end it may be a government of laws and not of men.”* Any enactment, regulation, or judicial ruling that transgresses this separation or rises above its delegated source is void ab institution. Administrative rules and regulations, in particular, are not law, for they attempt to exercise legislative power without delegation from the people and therefore directly violate Article XXX.

The hierarchy of law, as affirmed in *State v. Post*, 20 N.J.L. 368, 370 (1845), is as follows:

- **Laws of Nature and Nature's God:** This is the immutable, pre-political foundation of all legitimate authority. As Sir William Blackstone affirms: *“This law of nature, being coeval with mankind and dictated by God himself, is superior in obligation to any other. It is binding over all the globe, in all countries, and at all times: no human laws are of any validity if contrary to this”* (Commentaries, Bk. I, Ch. 2). The Declaration of Independence echoes the same principle in invoking *“the laws of nature and of nature's God.”* Any enactment or ruling that departs from this standard is not law but nullity.
- **Fundamental Maxims:** Defined by Edward Coke, Institutes of the Laws of England (1628), Id. 67a, as *“propositions to be of all men confessed and granted without prooffe, argument, or discourse,”* these maxims constitute the immemorial principles of justice, synonymous with the common law and the law of the land. Black's Law Dictionary (4th ed.) equates the law of the land with constitutional due process. Thomas M. Cooley, in *Constitutional Limitations* at 356 (1868), states plainly that due process must always be sanctioned by these maxims. *“Due process of law in each particular case means, such an exercise of the powers of government as the settled maxims of law permit and sanction, and under the safeguards for the protection of individual rights as those maxims prescribe for the class of cases to which the one in question belongs.”*
- **Constitutions:** Federal and state constitutions are the explicit, written delegations of limited authority from the sovereign people to their agents in government. They are subordinate only to the Law of God and the fundamental maxims of law, and they bind every public officer without exception.
- **Enactments:** Legislative statutes and only legislative statutes occupy the lowest tier, the *lex inferior*. Their validity is contingent upon strict conformity with the three superior tiers. *“Positive laws are framed after the laws of nature and reason.”* (Finch, *Law*. 74). Any statute in conflict is void. This is also confirmed in *Marbury v. Madison*, 5 U.S. (1 Cranch) 137 (1803), and *Norton v. Shelby County*, 118 U.S. 425 (1886). Administrative rules and regulations are categorically excluded from this tier because they are not law; they are executive impositions, unauthorized by the sovereign people, and void under Massachusetts Constitution, Part the First, Article XXX and under Article IV, Section 4 of the Organic National Constitution of 1789.

This framework delineates a chain of authority that is absolute. The judiciary's role is not to reorder this hierarchy but to operate faithfully within it. When courts elevate rules, regulations, or discretionary equity above constitutions, maxims, or divine law, they commit usurpation. When they deny juries or exclude the Constitution, they commit treason against the sovereign people.

## 2.1 The Judicial Role: Declaration, Not Legislation

The judicial role admits of no ambiguity: a judge is bound to declare the law as it exists, never to create or modify it. Under the American constitutional order, courts are not legislatures in miniature but agents of the sovereign people, entrusted only with the ministerial task of applying fixed law to particular controversies. Any act of "interpretation" that substitutes personal will for established law is not adjudication but legislation, a usurpation forbidden by the separation of powers and void under Massachusetts Constitution, Part the First, Article XXX.

The authorities speak with one voice:

- Marbury v. Madison, 5 U.S. (1 Cranch) 137, 177 (1803): *"It is emphatically the province and duty of the judicial department to say what the law is."*
- Sir William Blackstone, Commentaries on the Laws of England (1765), Bk. I, Ch. 2: *"Judges ought not to make law, nor declare it otherwise than as they find it."*
- Thomas M. Cooley, Constitutional Limitations (1868), p. 56: *"The judiciary has no power to declare what the law is beyond what is given by the Constitution."*

Thus, when judges step beyond this narrow office and presume to legislate by "interpretation," they abandon their commission and dissolve their jurisdiction. They cease to be judges and become trespassers upon the people's sovereignty.

## 2.2 Vagueness and Judicial Nullity

Certainty is a prerequisite for lawfulness. As John Locke declared, *"Law without certainty is tyranny"* (*Second Treatise of Government*, §136). A statute or charge so vague as to require discretionary interpretation is not law but nullity, void ab initio. Law must speak with clarity, for if its meaning depends upon the arbitrary judgment of officials, then the people live not under law but under men.

Emerich de Vattel warned that ambiguous enactments invite despotism: *"Obscure and equivocal laws serve only to increase the power of the magistrate, who interprets them at his pleasure, and makes them the instrument of his passions"* (*The Law of Nations*, Bk. I, Ch. III). Thomas M. Cooley echoed the same in *Constitutional Limitations* (p. 229), holding that statutes so uncertain as to require judicial construction are *ultra vires* and void.

The Fourth Amendment requires particularity in warrants, and by necessary extension, particularity in charges. Vague accusations such as "disorderly conduct" or "failure to comply" fail this test. They lack definite standards, grant open-ended discretion to officials, and therefore amount to legalized arbitrariness. A vague warrant is no warrant. A vague charge is no charge.

Both collapse upon issuance, for what cannot be defined cannot be enforced within the bounds of law.

## 2.3 The Primacy of Common Law Over Equity

### 2.3 The Primacy of Common Law Over Equity

Common law, properly understood, is not a shifting body of precedent but immemorial custom, rooted in conscience, consensus, and natural justice. It is the true “law of the land,” synonymous with due process itself. The right of trial by jury is its indispensable instrument, constitutionally secured in the Sixth and Seventh Amendments. The jury trial is not a procedural formality but the very essence of lawful adjudication, ensuring that the people, not government agents, are the final arbiters of justice. *Bushell’s Case*, 124 Eng. Rep. 1006 (1670), affirmed the independence of juries against judicial coercion, and *Van Horne’s Lessee v. Dorrance*, 2 U.S. (2 Dall.) 304, 309 (1795), declared: “*The jury is the supreme tribunal.*” In American jurisprudence, as confirmed in *Georgia v. Brailsford*, 3 U.S. (3 Dall.) 1, 4 (1794), “*juries are judges of both law and fact.*”

Equity, by contrast, is subordinate. It exists only to supplement law where law is silent, never to override or contradict it. Sir William Blackstone declared the principle without qualification: “*Equity follows the law*” (*Commentaries*, Vol. III, p. 429). Thomas M. Cooley echoed the same, holding that equitable jurisdiction is confined within the limits of constitutional guarantees and must never invade rights secured by the common law, such as the right to trial by jury (*Constitutional Limitations*, p. 184). Branch’s Maxims further crystallize this principle: “*The verdict of a jury is a bar to equity*” (Max. 155). Once people have spoken through a verdict, chancery is powerless. To permit otherwise would be to enthrone judicial discretion above the sovereign judgment of the people.

Modern courts, however, have inverted this relationship. By weaponizing what may properly be called a bastardized chancery, they have reintroduced Roman civil-law procedures into a common-law republic. Devices such as summary judgment, equitable injunctions, and magistrate referrals systematically bypass juries, placing judicial discretion above the law of the land. This inversion is not mere error but usurpation. It denies the Constitution’s commands, supplants the people’s sovereignty, and replaces the common law with arbitrary fiat.

### 2.4 When Courts Exclude the Constitution

A judge who bars constitutional arguments from the courtroom voids his own commission. Judicial authority under Article III derives solely from the Constitution; there is no other source. To exclude it is to repudiate the very instrument that creates the office. Such conduct is not mere error but a conscious abdication of lawful authority.

Article VI binds every judge by oath: “*This Constitution, and the laws of the United States which shall be made in pursuance thereof... shall be the supreme law of the land; and the judges in every state shall be bound thereby.*” This obligation is comprehensive, by words, acts, and deeds. A judge who declares, “*No Constitution in my courtroom,*” commits perjury against this

oath and rebellion against the sovereign people, for it is the people who are the fountain of all delegated authority. As *Chisholm v. Georgia*, 2 U.S. (2 Dall.) 419, 471 (1793), affirmed: “*The people are the sovereign of this country; from them, all other power derives.*”

Thomas M. Cooley stated the maxim with clarity: “*The government is to be subject to the law, for the law makes the government*” (*Constitutional Limitations*, p. 56). A judge who suppresses constitutional arguments sets himself above the law, making himself sovereign in place of the people. Such conduct is ultra vires, void ab initio, and constitutes open usurpation. It is not adjudication but rebellion.

## **2.5 Rejection of Sovereign Authority**

The American constitutional order is grounded in the principle of absolute popular sovereignty. Government is not self-existent; it is a delegation from the people, its creators, who remain the ultimate authority. This principle is neither abstract nor optional but a fixed axiom of republican government. In *Yick Wo v. Hopkins*, 118 U.S. 356, 370 (1886), the Court declared: “*Sovereign power resides in the people.*” In *Chisholm v. Georgia*, 2 U.S. (2 Dall.) 419, 471 (1793), Justice Wilson affirmed: “*The people are the sovereigns in this country.*” And in *Van Horne’s Lessee v. Dorrance*, 2 U.S. (2 Dall.) 304, 308–09 (1795), the court reminded: “*We, the people, are the creators; government is our mere creature.*”

From this foundation it follows that any judicial act which denies, mocks, or dismisses the sovereignty of the people is not simply legal error, it is rebellion against the Republic’s first principle. A judge who sneers at the term “sovereign people” or dismisses constitutional arguments as “sovereign citizen nonsense” commits an overt act of usurpation, substituting his own will for the authority of the people. To deny the sovereignty of the people is to deny the legitimacy of the Constitution itself, for it was the people who ordained and established it.

St. George Tucker, in his *American Edition of Blackstone’s Commentaries* (1803), explained that treason is not limited to overt acts of violence against the state, but extends to abuses of public trust designed to subvert the people’s government. Judicial rejection of sovereignty falls squarely within that category. It is, in effect, a declaration of war on the Republic itself.

This abandonment of the proper legal hierarchy, placing judicial will above divine law, maxims, and the people’s Constitution, combined with the inversion of common law and equity, lays the groundwork for the systemic constitutional violations that follow. Once the sovereignty of the people is denied, all other rights collapse, for the fountain of authority itself has been rejected.

## **3.0 Analysis of Alleged Constitutional Violations as Acts of Usurpation**

The judiciary’s abandonment of the immutable hierarchy of law, most notably, its subordination of common law to a bastardized equity, as detailed in Section 2.3, has produced direct, systemic violations of the United States Constitution. These violations are not isolated errors in judgment; they are overt acts of usurpation and oppression. By any lawful standard, they constitute rebellion against the sovereignty of the people who created the government in the first place.

The Alabama Constitution, Article I, Section 35, states the principle with clarity: “*That the sole object and only legitimate end of government is to protect the citizen in the enjoyment of life, liberty, and property, and when the government assumes other functions it is usurpation and oppression.*” When judges deny juries, exclude constitutional arguments, or elevate equity over the common law, they are not merely misapplying doctrine, they are betraying the very purpose of government itself.

Each such act is a trespass against the people’s delegation of authority. Collectively, they form a pattern of systemic rebellion against the Republic’s foundational principles. As *Van Horne’s Lessee v. Dorrance*, 2 U.S. (2 Dall.) 304, 309 (1795), reminds us: “*The constitution is fixed and certain; it contains the permanent will of the people, and is the supreme law of the land.*” Judicial acts contrary to that fixed law are nullities, and the persistence of such acts constitutes nothing less than treason against the sovereign people.

### **3.1 The Seventh Amendment: The Denial of Jury Trials in Civil Suits**

The Seventh Amendment’s command is unequivocal: “*In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.*” This guarantee is not advisory; it is absolute and non-negotiable, for it preserves the people’s sovereignty in civil justice and embodies due process itself.

Modern judicial practice, however, systematically denies this right. In 2023, 98% of federal civil cases valued under \$25,000 were resolved without juries through mechanisms such as summary judgment, dismissal, or settlement compelled by procedural burdens. These devices, rooted in equitable discretion rather than common law principle, function as judicial shortcuts that strip citizens of their constitutionally guaranteed tribunal. The result is the replacement of the people’s judgment with judicial fiat.

The constitutional order does not permit such substitution. In *Van Horne’s Lessee v. Dorrance*, 2 U.S. (2 Dall.) 304, 309 (1795), the court affirmed: “*The jury is the supreme tribunal.*” Blackstone likewise insisted that the trial by jury is “the glory of the English law” and the great safeguard of liberty (*Commentaries*, Bk. III, Ch. 23). The Founders enshrined this safeguard not for convenience but for protection against arbitrary rules. To deprive the people of a jury trial is to deny them the law of the land itself.

Thus, every civil case stripped of a jury is not merely a procedural aberration but an act of usurpation. It nullifies the Amendment, denies due process, and betrays the sole legitimate end of government as declared in the Alabama Constitution, Article I, Section 35: the protection of life, liberty, and property.

### 3.2 The Sixth Amendment: The Subversion of Jury Trials in Criminal Cases

The Sixth Amendment provides in unambiguous terms: *“In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed.”* This guarantee is absolute. The jury is not ornamental, but the supreme tribunal of law and fact, intended as the people’s shield against arbitrary prosecution.

Yet in practice, this right has been all but extinguished by the rise of plea bargaining. Today, 95% of criminal prosecutions are resolved without trial, through coerced agreements extracted under the threat of exponentially harsher sentences should the accused exercise the right to face a jury. This is not voluntary waiver but compelled surrender, an institutionalized circumvention of the Sixth Amendment.

Even in rare cases where juries are empaneled, their lawful authority is undermined. Judges routinely instruct jurors that they may not judge the law but must accept the court’s interpretation and confine themselves to facts alone. Such instructions directly contradict the precedent of *Bushell’s Case* (1670), which established that jurors cannot be punished or coerced for their verdict and affirmed their independence to judge both law and fact. The early American courts recognized this principle as well: *Georgia v. Brailsford*, 3 U.S. (3 Dall.) 1, 4 (1794), affirmed that jurors have the right to determine both.

To strip juries of this independence is to invert the constitutional hierarchy, elevating the will of the bench above the sovereign judgment of the people. Such practices reduce the jury trial to a hollow formality and render the Sixth Amendment a dead letter. This is not error but usurpation, and, as the Alabama Constitution, Article I, Section 35, warns, when government assumes functions beyond protecting life, liberty, and property, it degenerates into “usurpation and oppression.”

### 3.3 The Fourth Amendment: The Nullity of Vague Warrants and Charges

The Fourth Amendment enshrines a categorical requirement: *“The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.”* This demand for particularity is the cornerstone of lawful process. Without it, warrants are instruments of arbitrary power.

Modern practice, however, has eviscerated this protection. Reports indicate that nearly 80% of searches are conducted without warrants, justified under ever-expanding “exceptions” that swallow the rule. Such practices reduce the Amendment’s guarantee to a hollow formality. A search conducted without a warrant, or under a warrant lacking particularity, is not a lawful search at all but a trespass under color of law.

Equally pernicious is the use of vague criminal charges such as “disorderly conduct,” “failure to comply,” or “disturbing the peace.” These accusations lack the constitutionally required specificity, leaving citizens at the mercy of official discretion. As John Locke warned, “*Law without certainty is tyranny*” (*Second Treatise of Government*, §136). Emerich de Vattel concurred: “*Obscure and equivocal laws serve only to increase the power of the magistrate, who interprets them at his pleasure, and makes them the instrument of his passions*” (*Law of Nations*, Bk. I, Ch. III). Thomas M. Cooley summarized the principle in *Constitutional Limitations* (p. 229): vague statutes are *ultra vires* and void.

The Constitution requires definiteness; without it, there is no lawful command. A vague warrant is no warrant. A vague charge is no charge. Both are void ab initio. When courts enforce such nullities, they do not uphold law but subvert it, replacing the fixed protections of the Fourth Amendment with arbitrary discretion. In so doing, they violate not only the federal Constitution but also the maxim of the Massachusetts Constitution, Part the First, Article XXX: government must remain “a government of laws and not of men.”

### **3.4 The Fifth Amendment: The Equation of Due Process with Jury Trial**

The Fifth Amendment provides: “*No person shall ... be deprived of life, liberty, or property, without due process of law.*” This guarantee is not elastic, nor subject to judicial convenience. Within the American constitutional order, “due process of law” is synonymous with the “law of the land,” a phrase historically understood to mean the protections of the common law and, above all, the right to trial by jury.

Black’s Law Dictionary (4th ed.) equates “law of the land” with due process and ties it directly to the jury system. Thomas M. Cooley, in *Constitutional Limitations* (p. 229), confirmed that due process must be sanctioned by “the immemorial maxims of the common law.” And Magna Carta, ch. 29, expressed the same truth: “*No freeman shall be taken or imprisoned ... but by the lawful judgment of his peers, or by the law of the land.*” The Founders carried this maxim directly into the Fifth Amendment, making jury trial the very definition of due process.

Any procedure that bypasses a jury, whether administrative hearings, bench trials, summary judgments, or other “equitable shortcuts”, is not due process but deprivation. Such practices substitute bureaucratic or judicial will for the lawful judgment of peers. By this substitution, the judiciary strips citizens of life, liberty, and property without the only lawful process available.

The result is twofold: first, the individual is denied the protection of the common law; second, the judiciary itself collapses its own legitimacy. For when due process is severed from the jury, government no longer acts as the servant of the people but as their master. This is usurpation, and as the Alabama Constitution, Article I, Section 35, declares, when government assumes any function beyond the protection of life, liberty, and property, it degenerates into “usurpation and oppression.”

### 3.5 Article VI: The Violation of the Judicial Oath

Article VI of the United States Constitution imposes a binding and inescapable obligation upon every judge: “*This Constitution ... shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding ... The Senators and Representatives ... and all executive and judicial Officers ... shall be bound by Oath or Affirmation, to support this Constitution.*” This oath is not ceremonial. It is a contract of fidelity between the sovereign people, the source of all delegated authority, and the public officer entrusted with the exercise of that authority.

When a judge excludes constitutional arguments from a courtroom, denies a right guaranteed by the Constitution, or elevates personal discretion above constitutional command, he does not merely err. He commits perjury against his oath, violating the very condition of his commission. Thomas M. Cooley expressed the maxim plainly: “*The government is to be subject to the law, for the law makes the government*” (*Constitutional Limitations*, p. 56). A judge who places himself above that law repudiates his office and acts as a trespasser in place of a servant.

This breach is not technical but existential. The Constitution is the sole source of judicial power under Article III; to deny it is to dissolve the authority of the court itself. Such conduct constitutes rebellion against the sovereign people, whose delegation of power is conditional upon adherence to the Constitution. As *Chisholm v. Georgia*, 2 U.S. (2 Dall.) 419, 471 (1793), affirmed: “*The people are the sovereign of this country; from them, all other power derives.*” A judge who betrays the oath betrays the sovereign, and betrayal of the sovereign is treason against the Republic.

### 3.6 Article IV, Section 4: The Betrayal of a Republican Form of Government

The Guarantee Clause of Article IV, Section 4 provides: “*The United States shall guarantee to every State in this Union a Republican Form of Government.*” A republican government is one ruled by law, not by men, *res publica*, the common law of the people, applied equally and impartially. This guarantee is not discretionary; it is a binding obligation on every branch of government.

A judiciary that denies juries, elevates its own precedent above the Constitution, and operates through discretionary fiat has abandoned this guarantee. When judges treat their opinions as higher than the people’s Constitution, or substitute their discretion for the verdict of juries, they establish oligarchy in place of republicanism. This “rule by robes” is the very antithesis of republican government, amounting to a judicial monarchy in which the sovereign people are subordinated to a bench that claims lawmaking power never delegated to it. Such conduct is a direct violation of Article IV, Section 4 and therefore a betrayal of the constitutional order itself.

### 3.7 The Imposition of Fees as Unlawful Amercements

The judiciary compounds its usurpation by imposing costs and filing fees as prerequisites to justice. Federal courts, for example, require a \$402 filing fee to initiate a civil suit, with state courts imposing similar or greater burdens. These charges operate as unlawful ameracements,

expressly prohibited by Magna Carta, ch. 20: “No freeman shall be amerced, but by the lawful judgment of his peers.”

By conditioning access to justice upon payment, courts transform a guaranteed right into a commodity. This practice directly violates multiple constitutional commands:

- The **Fourth Amendment**, which prohibits seizures of property (including labor and its fruits) without warrant and particularity.
- The **Fifth Amendment**, which bars deprivation of life, liberty, or property without due process, due process being trial by jury, not the purchase of judicial permission.
- The **Massachusetts Constitution**, Part the First, Article XI: “Every subject ought to obtain right and justice freely, and without being obliged to purchase it.”

Court fees are not process; they are ransom. They convert the judiciary into a revenue office, seizing the people’s property without lawful warrant and denying justice to those unable or unwilling to pay tribute. Such practices invert the fundamental principle that justice is a right, not a privilege sold at the courthouse door.

#### 4.0 The Redefinition of Treason: From State Offense to Usurpation of Sovereignty

Treason must not be confined to the narrow and technical definition of levying war against the state. As St. George Tucker, America’s earliest commentator on Blackstone, made clear, treason may also be committed against the sovereign people themselves. He defined it thus: “*Treason may be committed against the people by abuse of delegated authority, whereby the public trust is perverted to the destruction of the government itself*” (Tucker, *Blackstone’s Commentaries*, App., Note D). Under this definition, the true measure of treason is not whether the state is attacked from without, but whether the government created by the people is subverted from within.

The sovereign in America is not the state, but the people. Government exists only as their creature and agent, entrusted with delegated authority for the limited purpose of securing life, liberty, and property. When an official, particularly a judge, uses that delegation to undermine the constitutional order, he does not merely err in judgment; he commits treason against the people. Violating the Article VI oath is not simply perjury, but an overt act of betrayal of sovereignty. Denying the jury its constitutional role is not a procedural misstep, but the destruction of the people’s tribunal, which Van Horne’s Lessee v. Dorrance called “*the supreme tribunal*.” Replacing common law with discretionary equity is not judicial discretion but the calculated introduction of Roman civil law into a common-law republic, an act designed to extinguish the government of the people themselves.

The Constitution defines treason in Article III, Section 3 as levying war or adhering to enemies, “giving them aid and comfort.” But its evidentiary requirement, “the testimony of two witnesses to the same overt act”, establishes a clear standard by which judicial treason may be proven. When multiple citizens provide sworn affidavits of the same violation, such as exclusion of constitutional argument, denial of jury, or unlawful imposition of fees, Article III requirement is

satisfied. For example, three affidavits each documenting twenty-four violations yield seventy-two overt acts, more than sufficient to sustain an indictment.

In this light, judicial misconduct must be reclassified not as mere maladministration or overreach, but as treason against the sovereign people. The abuse of delegated authority for the purpose of destroying the constitutional order is the highest crime known to a republic, for it attacks the foundation upon which all law rests. Judicial immunity cannot shield treason; precedent cannot excuse it; modern necessity cannot justify it. To tolerate such acts is to concede the sovereignty of the people to the robes of an oligarchy.

This redefinition is not innovation but restoration. It returns treason to its rightful meaning: betrayal of the sovereign people by those entrusted to serve them. It closes the gap between diagnosis and remedy, declaring that when judges expel reason, the Constitution, and the immutable law of the land from their courtrooms, they do not merely err, they wage war against the Republic itself.

## 5.0 Examination of Rebuttals to Orthodox Legal Defenses

The defenders of judicial overreach predictably invoke a set of orthodox shields, judicial immunity, stare decisis, adaptation, order, and untouchability. Each collapse when measured against the immutable hierarchy of law. These doctrines are not legitimate principles of republican government, but contrivances designed to shield agents from accountability to their principals, the sovereign people. What follows is a systematic rebuttal of these defenses, demonstrating that no one can withstand the scrutiny of law and history.

| Orthodox Defense               | Rebuttal Under Immutable Law                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|--------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Judicial Immunity              | Judicial immunity is conditional, not absolute. It applies only to acts performed within jurisdiction and during “good behaviour” (U.S. Const. art. III, § 1). In <i>Bradley v. Fisher</i> , 80 U.S. 335, 351 (1871), the Court admitted immunity does not extend to acts done in the “ <i>clear absence of all jurisdictions</i> .” Denying a jury, excluding the Constitution, or imposing unlawful fees are acts beyond all delegation of authority, void ab initio. A judge who does so is no officer at all, but a private trespasser, liable to indictment. |
| Stare Decisis (Precedent)      | Precedent is not law. <i>Marbury v. Madison</i> , 5 U.S. (1 Cranch) 137, 177 (1803): “ <i>It is emphatically the province and duty of the judicial department to say what the law is.</i> ” Courts are bound to law, not to the errors of their predecessors. Virginia Constitution, Article I, § 7 forbids suspension of laws “by any authority” without consent of the people. Any precedent contrary to higher law is void.                                                                                                                                    |
| The Need for Modern Adaptation | Adaptation belongs to the people through Article V or to Congress through Article I, not to judges. Hamilton, <i>Federalist No. 78</i> : the judiciary “has no influence over either the sword or the purse... it may truly be said to have                                                                                                                                                                                                                                                                                                                       |

## Orthodox Defense

### Rebuttal Under Immutable Law

neither FORCE nor WILL, but merely judgment.” A judge who adapts the law by usurpation legislates from the bench, a forbidden act.

## The Prevention of Anarchy

Order is not secured by bypassing juries but by honoring them. Administrative plea-bargain regimes (95% of criminal cases) and summary judgments (98% of civil cases under \$25,000) represent administrative despotism, not republican order. The true prevention of anarchy is accountability, twelve peers standing between the individual and government power.

## The Inability to Indict Judges

Judges are not above the law. St. George Tucker: *“Treason may be committed against the people by abuse of delegated authority, whereby the public trust is perverted to the destruction of the government itself”* (Blackstone’s *Commentaries*, App., Note D). When two witnesses testify to the same overt act (U.S. Const. art. III, § 3), treason is proven. Affidavits documenting violations satisfy this standard. A people’s grand jury has lawful power to indict any public official, including a judge.

By dismantling these orthodox defenses, the conclusion is clear: the judiciary has no lawful refuge for its usurpations. Immunity collapses when jurisdiction is absent. Precedent cannot displace the Constitution. Adaptation belongs to the people, not the bench. Order is maintained by law, not by robes. Judges are indictable, for no man is above the sovereign. The path to restoration is cleared.

## 6.0 The Proposed Remedy: "Operation Firewall" and the Restoration of Sovereignty

The lawful remedy to systemic judicial usurpation is found in *Operation Firewall*. This initiative is not revolution, but reclamation. It is grounded in immutable law and the original jurisdiction of the people, whose sovereignty predates and supersedes every institution of government. The object is not to overthrow but to restore: to return the creature of government to its rightful, subordinate place under its master, the people.

The Alabama Constitution, Article I, Section 35, provides the guiding standard: *“That the sole object and only legitimate end of government is to protect the citizen in the enjoyment of life, liberty, and property, and when the government assumes other functions it is usurpation and oppression.”* When courts and officials deviate from this standard, they place themselves in open rebellion. The people, as sovereign, retain the unalienable right, and indeed the duty, to reclaim their delegated authority. *Operation Firewall* provides the mechanism.

## 6.1 Procedural Framework

The operation proceeds through a deliberate, evidence-based framework designed to ensure order, transparency, and fidelity to law:

### 1. The Affidavit Process

Citizen’s document specific constitutional violations committed by public officials. These

are formalized in sworn affidavits, satisfying the evidentiary requirement of Article III, Section 3 of the U.S. Constitution: treason must be proved by “the testimony of two witnesses to the same overt act.”

2. **The People’s Grand Jury**

Independent of corrupted courts, sovereign grand juries are convened through the Government Accountability Commission (GAC). These juries exist in the people’s original jurisdiction, where all legitimate authority originates. Their function is to review affidavits, deliberate on evidence, and, where warranted, issue indictments.

3. **Indictment and Enforcement**

Once issued, indictments are executed by the Constitutional Enforcement Bureau (CEB), a citizen-led enforcement body of oath-bound officers, sheriffs, JAG personnel, and others sworn to the Constitution. Their role is not coercion but presence: to serve notice, compel accountability, and secure the restoration of lawful order.

## 6.2 Guiding Principles

Operation Firewall is anchored in immutable principles of law and sovereignty. These principles are not aspirational but binding, non-negotiable standards. They cannot be repealed, amended, or annulled, for they precede all constitutions:

1. The Law of God is immutable.
2. Rights are unalienable.
3. Government’s sole purpose is to secure rights.
4. Authority is delegated, explicit, and written.
5. Oaths bind by words, acts, and deeds.
6. Resistance to tyranny is a right and duty.
7. Only the people indict and convict.
8. Courts declare law, aligned with the hierarchy.
9. A republican form means laws, not men.
10. The Fourteenth Amendment, Section 3, is self-executing against rebellion.
11. Immutable principles cannot be repealed.

This framework makes clear that the people’s sovereignty is not advisory but operational. Any government actor who violates these principles abdicates authority and stands in rebellion.

## 7.0 Conclusion: Synthesizing the Theory of Judicial Usurpation

The evidence is overwhelming: the judiciary has abandoned its constitutional mandate and supplanted the common law with bastardized equity. By denying juries, excluding the Constitution, imposing unlawful fees, and enforcing vague charges, courts have crossed the line from governance into usurpation.

The immutable hierarchy of law, God, maxims, constitutions, and enactments has been inverted. The creature now pretends to rule the master. Yet sovereignty remains with the people. As *Chisholm v. Georgia* declared: “The people are the sovereigns in this country.” As *Yick Wo v. Hopkins* reaffirmed: “Sovereign power resides in the people.”

St. George Tucker gave the definition of treason that fits this rebellion precisely: *“Treason may be committed against the people by abuse of delegated authority, whereby the public trust is perverted to the destruction of the government itself.”* Judges who deny jury trials, bar constitutional arguments, and enrich themselves through unconstitutional fees and forfeitures commit overt acts of treason under this standard.

*Operation Firewall* is a lawful remedy. It is not insurrection, but restoration. It does not destroy but repairs. It reasserts the sovereignty of the people and restores the republican form of government guaranteed by Article IV, Section 4. The mechanism is lawful: affidavits, indictments, grand juries, and enforcement through oath-bound officers. The principles are immutable. The conclusion is unavoidable:

The government is not master but servant. Judges are not rulers but agents. Constitutions are not advisory but binding. Where authority is abused, the people reclaim it. The cage of law will be restored, and the creature returned to its place.

**Respectfully submitted,**

**The Government Accountability Commission**

*(As part of Operation Firewall, on behalf of the Sovereign People)*