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# Agents in Rebellion: The Administrative Supersession of the Massachusetts Constitution

## *A Strict Constructionist Indictment of Systematic Usurpation*

**Publius Custos***

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* *Publius Custos is a constitutional scholar and legal theorist writing in the tradition of the Anglo-American common law. The name is adopted in reference to the structural method of Publius in* The Federalist Papers*, combined with the role of Custos as guardian of the law. The author's work focuses on the restoration of lawful governance through the application of natural law, the maxims of law, and strict constitutional construction.*

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## Abstract

This Article examines the constitutional structure of the Commonwealth of Massachusetts under the fixed meaning of the Constitution of 1780 and argues that substantial portions of the modern administrative state operate outside the lawful chain of delegated authority established by the sovereign People. Proceeding from the foundational principle that all legitimate governmental power must remain continuously traceable to an express constitutional delegation, the Article reconstructs the original constitutional framework through the writings of Blackstone, Locke, Paine, Cooley, Tucker, Bastiat, Vattel, Adams, Jefferson, and the Founding generation.

The Article advances three central propositions. First, that the Constitution of Massachusetts is a written instrument of strictly limited and enumerated authority rather than a living or evolutionary charter subject to expansion through implication, administrative necessity, or judicial reinterpretation. Second, that constitutional silence operates as jurisdictional prohibition under the doctrine of *casus omissus*, rendering undelegated powers void regardless of long usage, codification, or institutional normalization. Third, that the modern fusion of legislative, executive, and judicial powers within administrative agencies, tribunals, licensing structures, and regulatory bodies constitutes a material breach of Articles XXIX and XXX of the Massachusetts Declaration of Rights and therefore represents continuing ultra vires governance.

Applying strict construction to the legislative, executive, and judicial departments individually, the Article develops a structural "Firewall of Law" analysis under which all governmental acts must conform to a fixed hierarchy of authority grounded in natural law, constitutional limitation, common-law maxims, and express delegation. Through this framework, the Article challenges the constitutional legitimacy of administrative adjudication, broad agency rulemaking, non-positive law codification practices, delegated legislative authority, emergency governance mechanisms, treasury expenditures benefiting private entities, and institutional arrangements insulated from meaningful constitutional accountability.

The Article concludes that the constitutional order of the Commonwealth has undergone progressive displacement through administrative expansion, procedural substitution, and institutional self-ratification. It argues that restoration of lawful government requires peaceful constitutional recurrence to first principles, gradual reversion from administrative command to constitutional limitation, renewed adherence to the fixed meaning of the constitutional compact, and reassertion of the People's retained sovereign authority over all public agents and institutions.

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## 1.0 Introduction

Before a single statute was written, before any court convened, and before any officer swore an oath, there was the law. This law, referred to by the Founders as the 'Laws of Nature and of Nature's God', entitled them to assume among the powers of the earth a separate and equal station and to forge a nation. These laws of nature are supreme.

Blackstone affirmed:

*"The law of nature, being coeval with mankind and dictated by God himself, is of course superior in obligation to any other. It is binding all over the globe, in all countries, and at all times. No human laws are of any validity if contrary to this; and such of them as are valid derive all their force and all their authority, mediately and immediately, from this original."*
— 1 William Blackstone, *Commentaries on the Laws of England* 41 (1765).

Thomas Paine wrote in the *Rights of Man*:

*"Rights are not gifts from one man to another, nor from one class of men to another… It is impossible to discover any origin of rights other than in the nature of man."*— Thomas Paine, *Rights of Man* pt. I, ch. I (1791).

He who bestowed these rights entrusted mankind with the duty of supporting, developing, and perfecting them. Frédéric Bastiat wrote in *The Law*:

*"Life, liberty, and property do not exist because men have made laws. On the contrary, it was the fact that life, liberty, and property existed beforehand that caused men to make laws in the first place."*— Frédéric Bastiat, *The Law* 6–7 (1850).

These rights are not creations of the state; they are pre-state, pre-legal, and pre-political. They exist because man exists. They are woven into creation itself. The Founders declared with clarity that:

*"All men are created equal and endowed by their creator with certain unalienable rights, that among these rights are Life, Liberty, and the pursuit of Happiness."* -Declaration of Independence

Bastiat further states:

*"If every man has the right of defending, even by force, his person, his liberty, and his property, a number of men have the right to combine together to extend, to organize a common force to provide regularly for this defense. Collective right, then, has its principle, its reason for existing, its lawfulness, in individual right; and the common force cannot rationally have any other end, or any other mission, than that of the isolated forces for which it is substituted. Thus, as the force of an individual cannot lawfully touch the person, the liberty, or the property of another*

*individual, for the same reason, the common force cannot lawfully be used to destroy the person, the liberty, or the property of individuals or of classes."*

Because every individual holds the natural right to defend these endowments, the People may combine their defensive authority into a collective organization of lawful defense, a government. Bastiat distilled this into a single axiom, *"Law is the collective organization of the individual right to lawful defense."*

In 1780, the people inhabiting the territory formerly known as the Province of Massachusetts-Bay exercised this collective authority to form themselves into a free, sovereign, and independent body-politic known as **THE COMMONWEALTH OF MASSACHUSETTS**, and to establish an agency of that state called Government, in a republican form, defined as:

*"One in which the powers of sovereignty are vested in the people and are exercised by the people, either directly, or through representatives chosen by the people, to whom those powers are specially delegated."*— John F. Dillon, *Commentaries on the Law of Municipal Corporations* 309 (3d ed. 1881); *In re Duncan*, 139 U.S. 449, 11 S. Ct. 573, 35 L. Ed. 219 (1891); *Minor v. Happersett*, 88 U.S. (21 Wall.) 162, 22 L. Ed. 627 (1875).

*"In American constitutional law, the word state refers to the several members of the American Union."* Cooley's Const. Limitations

The People, as a state, retained for themselves every power, jurisdiction, and right not expressly delegated to the United States in Congress assembled. As the Mass. Const. pt. I, art. IV:

*"The people of this Commonwealth have the sole and exclusive right of governing themselves as a free, sovereign, and independent state; and do, and forever hereafter shall, exercise and enjoy every power, jurisdiction, and right, which is not, or may not hereafter be, by them expressly delegated to the United States of America, in Congress assembled."*

They then appointed substitutes and agents who are at all times accountable to the People. Id., art. V:

*"All power residing originally in the people, and being derived from them, the several magistrates and officers of government, vested with authority, whether legislative, executive, or judicial, are their substitutes and agents, and are at all times accountable to them."*

Therefore, government has one, and only one, legitimate purpose: to secure rights that existed before government. The moment it exceeds that charge, whether by neglecting the rights it is sworn to protect or by usurping authority never granted, it becomes an instrument of oppression.

As the Preamble to the Constitution of Massachusetts affirms:

*"The end of the institution, maintenance and administration of government, is to secure the existence of the body-politic; to protect it; and to furnish the individuals who compose it with the power of enjoying, in safety and tranquillity, their natural rights, and the blessings of life: and*

*whenever these great objects are not obtained, the people have a right to alter the government, and to take measures necessary for their safety, prosperity and happiness." MASS. CONST. pmbl.*

Ala. Const. art. I, § 35 says the same with undeniable 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."*

This limitation is not aspirational; it is the condition precedent to any lawful act of government.

Paine warned that government, even at its best, is *"a necessary evil,"* and becomes intolerable the moment it exceeds its delegated purpose. When government departs from the defensive sphere, Bastiat observed, *"the law becomes perverted,"* transforming into an instrument of plunder rather than protection.

Thomas Jefferson warned: *"The two enemies of the people are criminals and government; so let us tie the second down with the chains of the Constitution so it will not become the legalized version of the first."*

As St. George Tucker explained in his edition of Blackstone: *"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 in the government, and, as such, treason against the sovereignty of the people."* — Tucker's Blackstone, Vol. 1, App. Note B, § 3 (1803)

## 1.1 The Parchment Is the Contract: No Deviation Allowed

The Constitution of the Commonwealth of Massachusetts is not a living document subject to the shifting winds of political convenience, judicial fashion, or legislative ambition. It is a written contract of strictly delegated authority, executed by the sovereign People and binding upon every officer who takes the oath to support it. The moment the document is treated as flexible, the rule of law is destroyed, and tyranny begins.

This moral reality is the reason the People reduced their will to writing. They bind government to a fixed, written, public contract, a cage, which is the Constitution of the Commonwealth.

Thomas M. Cooley in his seminal Treatise on the Constitutional Limitations (1868) wrote:

*"What is a constitution, and what are its objects? It is easier to tell what it is not than what it is. It is not the beginning of a community, nor the origin of private rights ; it is not the fountain of law, nor the incipient state of government; it is not the cause, but consequence, of personal and political freedom ; it grants no rights to the people, but is the creature of their power, the instrument of their convenience. Designed for their protection in the enjoyment of the rights and powers which they possessed before the constitution was made, it is but the framework of the political government, and necessarily based upon the pre-existing condition of laws, rights,*

*habits, and modes of thought. There is nothing primitive in it, it is all derived from a known source. It presupposes an organized society, law, order, property, personal freedom, a love of political liberty, and enough cultivated intelligence to know how to guard it against the encroachments of tyranny. A written constitution is in every instance a limitation upon the powers of government in the" hands of agents; for there never was a written republican constitution which delegated to functionaries all the latent powers which lie dormant in every nation, and are boundless in extent and incapable of definition." — Thomas M. Cooley, A Treatise on The Constitutional Limitations Which Rest Upon the Legislative Power of The States of the American Union 78–79 (1st Ed. 1868).*

Therefore, every power not found in the express text of the 1780 Constitution, whether claimed by legislature, governor, or judge, is not merely unconstitutional; it is non-existent.

**The Fixed Rule of Law**

To this end, the founders and the most revered legal scholars were uniform. James Madison, in a letter to Littleton Waller Tazewell dated 22 December 1821, declared with unmistakable finality:

*"As soon as the mind begins to deviate from the strict letter of the parchment, it is no longer a constitution, it is a scheme." — Letter from James Madison to Littleton Waller Tazewell (Dec. 22, 1821), in 9 The Writings of James Madison 223 (Gaillard Hunt ed., 1910).*

*Thomas M. Cooley, in his seminal Treatise on the Constitutional Limitations (8th ed., 1927, pp. 174–175)*, articulated the identical principle:

*"The object of construction, as applied to a written constitution, is to give effect to the intent of the people in adopting it… this intent is to be found in the instrument itself… Where a law is plain and unambiguous… the legislature should be intended to mean what they have plainly expressed… Consequently, no room is left for construction."* Therefore, any judicial or legislative attempt to 'evolve,' modernize,' or 'interpret' the plain text beyond its original public meaning is not construction; it is alteration without amendment, and void ab initio.

Cooley further insisted that the meaning of the Constitution is fixed at the moment of its adoption and *"is not different at any subsequent time when a court has occasion to pass upon it"* (citing Justice Campbell in *People ex rel. Bay City v. State Treasurer, 13 Mich. 127, 139 (1865)*).

**The Inevitable Consequence of Loose Construction**

This requirement for fixed, knowable law is not merely an academic preference; it is the bulwark against tyranny. The moment the fixed standard of the written law is abandoned for a loose, subjective, or evolving interpretation, the rule of men replaces the Rule of Law.

As the political philosopher John Locke warned, *"Wherever Law ends, Tyranny begins."* Loose construction is the moment the law ends. Every statute, regulation, or immunity doctrine erected upon such construction is therefore born in tyranny and dies with it.

If the law is not fixed and knowable, it is merely the subjective opinion of the enforcer. This renders all enforcement arbitrary and all liberty precarious. The Framers sought a government so simple and certain that any citizen could understand its limitations, as Thomas Jefferson famously suggested to Samuel Kercheval in 1816:

*"The laws of the land shall be so simple and intelligible, that every member of the community may be able to read it for himself, and judge whether he is oppressed or not."* —Letter from Thomas Jefferson to Samuel Kercheval (July 12, 1816), in 10 The Writings of Thomas Jefferson 37 (Paul Leicester Ford ed., 1899). If the citizen cannot read the parchment and know, without a lawyer, whether he is oppressed, then the parchment has already been overthrown.

These authorities are not advisory; they are dispositive. The People, in ordaining and establishing the Constitution, did not delegate unlimited or elastic legislative, executive or judicial power. They delegated a specific, limited authority, defined by the purposes set out in the Declaration of Rights and Part the Second of the Constitution of the Commonwealth, and nothing more.

But even the Constitution is not the highest law. It sits within a superior structure of authority, The Unbreakable Hierarchy of Law, the Firewall through which no governmental act may lawfully pass. Every officer who knowingly enforces a statute repugnant to this sole purpose commits maladministration at minimum and treason at maximum. Notice of these constitutional limitations, once established, removes any claim of good-faith ignorance and transforms continued enforcement into knowing execution of disputed authority under color of law.

## 1.1 The Firewall of Law

All legitimate governmental action in the Massachusetts constitutional republic must conform to the following immutable order:

a. Law of revelation, God's law, first, unchangeable. Blackstone, Commentaries on the Laws of England, *"The divine law is of infinite authority... the moral precepts which God has given to mankind."*
b. Fundamental Maxims of law: Eternal, self-evident, beyond proof or discourse. Coke, Institutes of the Laws of England (1628), Id. 67a, *"Propositions to be of all men confessed and granted without proofe, argument, or discourse... they are not to be disputed, they are the law of the land."*
c. Constitutions of society: Man's written cage for government, only if they kneel to revelation and maxims. Cooley, Constitutional Limitations (1868), *"No enactment can rise above the constitution; but the constitution itself must bow to the higher law."*
d. Enactments: Statutes, codes, rules, only if bearing a valid enactment clause and subject always to the maxims and to reason. Absent the clause, the purported statute is not law. Cooley, *"Enactments are not the law of the land, they are but the will of the legislature, subject always to the maxims and to reason."*

Every act that exceeds those limits, or that is repugnant to the supreme law declared in the Constitution, is not merely unconstitutional in the modern, remedial sense; it is void ab initio, *"as inoperative as though it had never been passed"* Norton v. Shelby County, 118 U.S. 425, 442 (1886).

## 1.2 The Consequence of Violation

We, the People, the sole fountain of all lawful authority in this Commonwealth, have watched our substitutes and agents transform themselves from servants into rulers. They have done so not by force of arms, but by silence, by sleight of hand, and by the systematic inversion of every clause they swore to uphold.

They swore an oath to a constitution that begins with these words:

*"I, A. B. do truly and sincerely acknowledge, profess, testify and declare, that the Commonwealth of Massachusetts is, and of right ought to be, a free, sovereign and independent State; and I do swear, that I will bear true faith and allegiance to the said Commonwealth, and that I will defend the same against traitorous conspiracies and all hostile attempts whatsoever: And that I do renounce and adjure all allegiance, subjection and obedience to the King, Queen or Government of Great Britain, (as the case may be) and every other foreign power whatsoever: And that no foreign Prince, Person, Prelate, State or Potentate, hath, or ought to have, any jurisdiction, superiority, preeminence, authority, dispensing or other power, in any matter, civil, ecclesiastical or spiritual, within this Commonwealth; except the authority and power which is or may be vested by their Constituents in the Congress of the United States: And I do further testify and declare, that no man or body of men hath or can have any right to absolve or discharge me from the obligation of this oath, declaration or affirmation; and that I do make this acknowledgment, profession, testimony, declaration, denial, renunciation and abjuration, heartily and truly, according to the common meaning and acceptation of the foregoing words, without any equivocation, mental evasion, or secret reservation whatsoever. So help me GOD."*

They have violated that oath so thoroughly, so consistently, and for so long that the oath itself now stands as evidence against them.

This report identifies a systemic displacement of the constitutional order in Massachusetts, whereby the legislative, judicial, and executive departments have progressively moved beyond the written limitations imposed by the Constitution of 1780 into a condition of continuing usurpation sustained through administrative expansion, procedural substitution, and institutional self-ratification

This record does not seek permission to recognize constitutional limitation. It documents the conditions under which lawful authority was delegated, exercised, and materially exceeded. This is a declaration of breach, a record of default, and a demand for restoration. They swore this oath. They broke this oath. The oath now testifies against them.

## 2.0 Delegated Authority: The Immutable Rules of Delegation.

As Thomas Paine observed in *Rights of Man*, *"All power exercised over a nation, must have some beginning. It must either be delegated or assumed. There are no other sources."* From this principle arises one of the central doctrines of constitutional government, namely that every lawful exercise of governmental authority must remain continuously traceable to an original act of delegation proceeding from the sovereign People themselves. Government possesses no independent reservoir of sovereignty. It exercises only those powers lawfully entrusted to it, and no others.

Paine therefore stated the rule with unmistakable clarity, *"All delegated power is trust, and all assumed power is usurpation."* The distinction is foundational. Delegated authority exists only within the limits prescribed by the grant itself, while assumed authority arises wherever institutions exercise powers not affirmatively conveyed by the People through the constitutional compact. Assumption is therefore not mere technical error or administrative irregularity. It is the exercise of power without lawful jurisdiction.

The constitutional structure established in Massachusetts rests upon several fixed principles inherited from the common law and the law of agency, principles which together form the immutable rules governing all delegated authority.

The first principle is that no man may grant what he does not himself possess. *"A man cannot grant a thing which he hath not."* Sheppard's Touchstone 243. The People may therefore delegate only powers consistent with the rights and authorities they themselves lawfully hold. Government cannot acquire through delegation powers superior to the sovereignty from which it derives.

The second principle is that delegated authority cannot itself be redelegated absent express authorization. *Potestas delegata non potest delegari*, delegated power may not be delegated further. This maxim formed one of the foundational safeguards against consolidation of authority within the Anglo-American constitutional tradition. The legislative department, entrusted with the duty of enacting law, cannot lawfully transfer that core responsibility to subordinate administrative agencies exercising quasi-legislative authority independent of direct constitutional accountability. The Massachusetts Constitution itself preserved this separation in Part the First, Article XXX, requiring that the legislative, executive, and judicial departments remain distinct so that government might remain *"a government of laws and not of men."*

The third principle is that delegated authority cannot exceed the scope of the original grant. *Delegata potestas non potest excedere fines delegationis*, delegated power cannot surpass the limits of delegation. Government therefore remains perpetually subordinate to the constitutional compact from which its authority arises. The agent may never lawfully exercise powers beyond those entrusted by the principal.

The fourth principle is expressed in the maxim *Inclusio unius est exclusio alterius*, the inclusion of one thing excludes all others. Within constitutional construction, powers expressly granted necessarily imply the exclusion of powers omitted. Government may not supply absent authority through implication, convenience, administrative necessity, or evolving interpretation. Powers not delegated possess no lawful existence.

The fifth principle follows necessarily from the first four, namely that constitutional silence operates as prohibition. Thomas Cooley articulated this doctrine directly when he explained that the silence of the Constitution is itself restrictive. Omitted powers are not latent reservoirs awaiting institutional discovery; they are withheld authorities beyond governmental jurisdiction. *Casus omissus pro omisso habendus est*, a matter omitted must be held as intentionally omitted.

This doctrine of constitutional silence is jurisdictional in nature. The omission of a power from the constitutional compact cannot later be cured through presumption, long usage, judicial implication, administrative convenience, or legislative expansion. All presumptions remain against government and in favor of the rights retained by the People. As Cooley observed, there can be no constructive powers extending beyond the plain letter of the constitutional grant itself.

The significance of this principle cannot be overstated. The Massachusetts Constitution contains no express delegation authorizing the creation of vast administrative bureaucracies exercising blended legislative, executive, and adjudicative powers independent of direct constitutional accountability. It contains no express delegation authorizing comprehensive systems of administrative adjudication supplanting constitutional courts of record. Such omissions are not accidental oversights awaiting correction by institutional innovation. Under the doctrine of *casus omissus*, they are deliberate exclusions imposed by the sovereign People themselves.

The delegation established by the Constitution is therefore not merely limited. It is closed.

Accordingly, every assertion of authority resting solely upon implication, emergency necessity, administrative custom, presumed consent, or accumulated usage exists outside the constitutional chain of lawful delegation. Such acts are ultra vires because the People cannot delegate powers they never possessed, nor may silence be transformed into consent for powers expressly withheld through constitutional omission.

John Adams, who drafted the Constitution of 1780, understood its terms according to the fixed legal and linguistic meaning they possessed at the time of adoption. Words such as *wholesome*, *reasonable*, *safety*, and *welfare* referred to principles preserving liberty and protecting natural rights, not indefinite reservoirs of expanding administrative authority. The constitutional text was intended to bind government through known and fixed limitation, not to authorize evolving institutional discretion untethered from original public meaning.

Any governmental act departing from that fixed constitutional framework ceases to derive authority from the People and instead rests upon institutional assumption alone. Where delegation ends, usurpation begins.

## 2.1 The Jurisdictional Omission: Casus Omissus

The omission of a power from a written constitution is not ambiguity. It is prohibition. Under the doctrine of *casus omissus*, a matter intentionally omitted from the constitutional delegation must remain omitted unless lawfully supplied by amendment through the sovereign People themselves. Constitutional silence is therefore jurisdictional in character. Where no delegation exists, no lawful authority may arise through presumption, implication, administrative necessity, institutional convenience, judicial invention, or legislative expansion.

This principle follows necessarily from the nature of written constitutional government itself. The Constitution of Massachusetts was not adopted to grant unlimited authority to future officeholders, but to confine governmental power within fixed and publicly knowable limits. The written compact exists precisely so that the People may determine what powers were delegated and what powers were withheld. If omissions may later be supplied through interpretation untethered from the constitutional text, then written limitation ceases to operate as limitation at all.

Thomas Cooley articulated this principle with unmistakable clarity, observing that all presumptions are against the government and in favor of the rights retained by the citizen, and that there can be no constructive or implied powers beyond the plain letter of the constitutional grant. The rule is foundational because delegated authority cannot survive independently of the instrument from which it derives. Government possesses no residual sovereignty permitting it to enlarge its own powers whenever institutional convenience demands expansion.

Blackstone reinforced the same principle within the common law tradition, recognizing that where the law remains wholly silent, the silence itself must be regarded as intentional and may not be supplied through legislative invention. The omission of authority therefore carries legal meaning equal to express prohibition, for constitutions are not written merely to enumerate powers granted, but also to deny powers withheld.

The significance of this doctrine becomes decisive when applied to the modern administrative structure. The Constitution of Massachusetts contains no express delegation authorizing vast centralized bureaucracies exercising blended legislative, executive, and adjudicative authority independent of direct constitutional accountability. It contains no express delegation authorizing expansive administrative tribunals supplanting constitutional courts of record, nor comprehensive regulatory systems governing every sphere of private conduct through continuously expanding procedural rulemaking. Such omissions cannot be dismissed as oversights awaiting correction through evolving interpretation. Under the doctrine of *casus omissus*, they are deliberate jurisdictional exclusions imposed by the sovereign People themselves.

The constitutional delegation is therefore not merely limited. It is closed.

Thomas Paine expressed the principle in its clearest form when he wrote in *Rights of Man* that *"All delegated power is trust, and all assumed power is usurpation."* Every assertion of authority resting solely upon implication, emergency necessity, administrative custom, presumed

consent, or long usage exists outside the constitutional chain of lawful delegation and therefore stands as an ultra vires exercise of assumed power. The People cannot delegate powers they never possessed, nor may silence be transformed into consent for powers they deliberately withheld.

John Adams, who drafted the Constitution of 1780, understood its language according to the fixed legal meaning those terms possessed at the time of adoption. Words such as *wholesome*, *reasonable*, *safety*, and *welfare* referred to principles preserving liberty, securing property, maintaining public order, and protecting natural rights under known law. They did not constitute indefinite reservoirs of discretionary authority through which future institutions might regulate every aspect of economic and private life according to changing administrative theories. The constitutional text was intended as a restraint upon power, not a mechanism for its perpetual expansion.

Accordingly, acts departing from the fixed public meaning of the constitutional compact cease to operate as lawful interpretation and instead become exercises of institutional assumption unsupported by constitutional delegation. The distinction is not semantic but jurisdictional. Government either acts within the express authority delegated by the People, or it exercises powers never lawfully granted. Where delegation ends, usurpation begins.

## 3.0 The General Court: Enumerated Powers and the Limits of Legislative Agency

In the American tradition, and specifically under the 1780 Massachusetts model, legislative power is not an inherent attribute of a sovereign body; it is a delegated trust. The "Great and General Court" is not a successor to the omnipotent British Parliament, but a subordinate agent of the sovereign People. This distinction is vital, while the British system allows a legislature to alter fundamental law at will, the American system binds the legislature within a fixed, written contract. As Thomas Jefferson famously directed, the purpose of a constitution is to "tie down" the government with chains so that it does not become a legalized version of the criminal element it is sworn to restrain. This principle of stability is reinforced by Emer de Vattel in *The Law of Nations*, a foundational work recognized in Article I, Section 8, Clause 10 of the U.S. Constitution, which states in § 34: *"For the constitution of the state ought to possess stability: and since that was first established by the Nation, which afterwards intrusted certain persons with the legislative power, the fundamental laws are excepted from their commission."*

The General Court possesses no "inherent" powers. Every act it performs must be traced to a specific, expressed delegation of authority. Under the strict construction of the 1780 parchment, the legislature is an office of limited jurisdiction. It exists for one purpose alone, the securing of the inherent rights of the people. When it steps outside the "written cage" of its enumerated powers, it ceases to act as a lawful government and begins to act as a usurper. In the words of Thomas Paine, *"All delegated power is trust, and all assumed power is usurpation."*

## 3.1 Exhaustive Analysis of the Legislative Clauses

The following analysis details the limited scope of the remaining enumerated powers since creation in 1780, demonstrating that the modern exercise of these functions by unelected "agencies" and "commissions" is a capital crime against the body politic.

Emer de Vattel in *The Law of Nations*, bk. I, ch. III, § 30 (1758), *"To attack the constitution of the state, and to violate its laws, is a capital crime against society; and if those guilty of it are invested with authority, they add to this crime a perfidious abuse of the power with which they are intrusted. The nation ought constantly to repress them with its utmost vigour and vigilance, as the importance of the case requires."*

### 3.1.1 The Legislative Power: The Four Jurisdictional Kill-Switches

Text: *"To make, ordain, and establish, all manner of wholesome and reasonable orders, laws, statutes... as they shall judge to be for the good and welfare of this Commonwealth... so as the same be not repugnant or contrary to this Constitution."* (Pt. 2, Ch. 1, § 1, Art. IV).

This clause is not a grant of plenary authority. It is a conditional commission, bounded on all sides by antecedent law. The General Court was never empowered to legislate at will; it was authorized to legislate only within four mandatory jurisdictional constraints. Failure at any one renders the enactment void ab initio.

Blackstone stated the controlling rule, no human law has validity if contrary to the law of nature, and all valid enactments derive their force from conformity to that higher law. 1 Blackstone, Commentaries 41. Locke supplied the political corollary, legislative power is fiduciary, and when exercised beyond its trust, it dissolves. *Second Treatise §§ 135–136, 202.* Cooley confirmed that constitutional limitations are not advisory but operative restraints, enforceable the moment they are exceeded. *Constitutional Limitations.*

**A. The Filter of "Wholesome" (The Natural Law Filter)**

**Founding Standard:**
A law is "wholesome" only if it preserves life, liberty, and property in conformity with the Laws of Nature. Blackstone held that laws destructive of natural rights are not merely unjust but void. Coke treated laws introducing corruption into fundamental rights as legal nullities. Coke, Institutes.

A statute that mandates medical procedures, conditions liberty upon administrative permission, or authorizes seizure of property absent a common-law warrant is unwholesome by definition. It introduces decay into natural rights and therefore exceeds the Article IV commission.

**Kill-Switch:**
Unwholesome laws are jurisdictionally void.

**B. The Filter of "Reasonable" (The Cokean Maxim Filter)**

**1780 Meaning:** Consonant with common right and the **fundamental maxims of law**.

**The Cokean Rule:**
In *Dr. Bonham's Case*, Lord Coke held that acts of Parliament contrary to common right and reason are void. Chief among these maxims is: *"Nemo debet esse judex in propria causa"*, no one may be judge in his own cause.

**The Usurpation:**
Any statute that empowers a bar-controlled judiciary to adjudicate rules, codes, or disciplinary schemes written by the bar itself violates this maxim. Such acts are unreasonable per se. No balancing, deference, or presumption can cure a maxim violation.

Blackstone treated maxim violations as jurisdictional defects. Locke identified self-judging power as the essence of tyranny. Tucker warned that reason ceases to be law the moment interested parties become adjudicators. *Tucker, Blackstone's Commentaries, App. Note D.*

**Kill-Switch:**
Unreasonable laws are void regardless of legislative intent.

**C. The Filter of "Good and Welfare" (The General Welfare Limitation)**

**1780 Meaning:**

- "Good" refers to moral and physical preservation of the community;
- "Welfare" refers to the state of faring well, security and safety.

**Strict Limitation:**
This phrase is not an expansion of power; it is a limitation of purpose. It restricts legislation to objects that benefit the whole Commonwealth equally, not favored classes.

Under Article VII, taxation and public expenditure must serve the common good. A law that diverts public resources to a private class, guild, contractor, NGO, or non-inhabitant stranger is not for the "Good and Welfare" at all, it is private interest masquerading as public law.

Paine warned that public corruption most often wears the language of welfare. Cooley held that laws benefiting select classes under the guise of public purpose are ultra vires. *Constitutional Limitations.*

**Kill-Switch:**
Class-benefit laws are jurisdictionally void.

**D. The Filter of "Repugnancy" (The Supremacy Filter)**

**1780 Meaning:** Contradictory; inconsistent; fighting against.

This is the self-executing jurisdictional kill-switch. Even if a statute purports to be wholesome, reasonable, and enacted for the public welfare, if it is repugnant to the Declaration of Rights or exceeds the limits of delegated authority, it is void *ab initio*.

As established in American constitutional doctrine, an unconstitutional act is not law. *"The U.S. Constitution is a limited grant of power; any act exceeding those limits is an act of usurpation and void. As established in American doctrine, an unconstitutional act is not a law; it confers no rights and imposes no duties. In legal contemplation, it is as inoperative as though it had never been passed." Norton v. Shelby County*, 118 U.S. 425, 442 (1886) (Field, J.).

This doctrine represents the American constitutionalization of Blackstone's Declaratory Theory, under which laws contrary to reason and fundamental right lack legitimacy, as refined by St. George Tucker and early American jurists. Once repugnancy is established, no act of enforcement, acquiescence, or passage of time can supply validity. The nullity is immediate, complete, and irreversible.

Any act repugnant to Articles I, XII, XIV, XV, XXIX, or XXX of the Massachusetts Declaration of Rights is therefore a nullity from its inception. Legislative will cannot override constitutional supremacy.

**The Modern Concealment:**
Compilation into the Massachusetts General Laws often strips away constitutional context, creating the false impression of validity through codification. Codification does not cure repugnancy. A void act remains void forever.

**Kill-Switch:**
Repugnant laws never existed in law.

**Practical Test of 3.1.1**

Every modern M.G.L. chapter must be interrogated by all four filters. Failure of any single filter terminates legislative jurisdiction.

| Statute | Wholesome | Reasonable | Good/Welfare | Repugnant | Status |
|---|---|---|---|---|---|
| c. 118E (MassHealth) | No (Class profit) | No (Arbitrary schemes) | No (Private class) | Yes (Art. VII) | Void ab initio |
| c. 90 (Travel License) | No (Right → privilege) | No (Maxim violation) | No (Revenue extortion) | Yes (Art. I) | Void ab initio |

| Statute | Wholesome | Reasonable | Good/Welfare | Repugnant | Status |
|---|---|---|---|---|---|
| c. 30A (Administrative State) | No (Power fusion) | No (Self-judging) | No (Guild profit) | Yes (Art. XXX) | Void ab initio |

**Conclusion**

The General Court was never granted plenary power. It was granted conditional power, bounded by Natural Law, Reason, Common Welfare, and Constitutional Supremacy.

The moment the Legislature enacts a law that is unwholesome, unreasonable, class-serving, or repugnant, it ceases to legislate and begins to trespass.

At that point, its acts are not laws. They are void commands issued without jurisdiction. The people never surrendered their sovereignty. They conditioned it.

## 3.1.2 The Judicatory Power: To Erect and Constitute Courts

**Text:** *To erect and constitute judicatories and courts of record... for the hearing, trying, and determining of all manner of crimes, offences, pleas...* (Pt. 2, Ch. 1, § 1, Art. III).

This clause is not a license to invent tribunals. It is a narrow delegation to create constitutional courts, bounded by the Declaration of Rights and the common law. The General Court was empowered to *erect* courts, not to redefine what a court is.

**1780 Vocabulary:**

- **Judicatory:** A court of justice administered by a judge who is independent of the political branches, secured in office during good behavior, and bound to decide according to law, not policy.
- **Court of Record:** A common-law court whose proceedings are enrolled, whose judgments carry estoppel effect, and which determines matters of fact by jury, not by administrative finding.

These terms carried settled legal meaning in 1780 and cannot be redefined by statute.

**Founding Intent and Mandatory Constraints**

This power is strictly constrained by Articles XXIX and XXX of the Declaration of Rights:

- **Article XXIX:** Judges must be *"as free, impartial, and independent as the lot of humanity will admit."* Independence requires separation from executive control, salary manipulation, and institutional self-interest.
- **Article XXX:** *"The legislative department shall never exercise the executive and judicial powers, or either of them."* Any fusion of rulemaking, enforcement, and adjudication is categorically forbidden.

Together, these Articles establish a structural test, not a discretionary standard.

**Jurisdictional Test of a Constitutional Judicatory**

A tribunal is a constitutional court only if all of the following are true:

1. It is presided over by a judge independent of the executive branch;
2. The judge holds office during good behavior, not at will;
3. The court proceeds according to the common law;
4. Questions of fact are determined by a jury;
5. The court does not adjudicate rules written by the same body that enforces them.

Failure of any one element defeats jurisdiction.

**Void Modern Structures:**

- **Administrative Law Judges (ALJs):** Executive employees adjudicating disputes arising under executive rules are not judges. They are agents of the very authority whose actions they purport to review. This violates Articles XXIX and XXX and the maxim *nemo debet esse judex in propria causa*.
- **M.G.L. c. 30A (Administrative Procedure Act Hearings):** The APA creates statutory "hearings" that fuse legislative rulemaking, executive enforcement, and adjudication into a single administrative process. Such tribunals exist entirely outside the Constitution. They are not judicatories, not courts of record, and not lawful substitutes for jury trial.

**Kill-Switch**

Any tribunal that lacks a jury, lacks judicial independence, or operates under fused powers is not a court within the meaning of Article III. Its acts are void *ab initio*, confer no jurisdiction, and impose no lawful obligation.

**Conclusion**

The General Court was granted power to erect courts, not to abolish the judiciary by administrative substitution. Where adjudication is removed from juries and placed in executive hands, the Commonwealth ceases to administer justice and begins to exercise domination. At that point, the tribunal is not merely defective, it is unconstitutional.

## 3.1.3 The Taxing Power: Proportional and Reasonable Taxes

**Text:** *To impose and levy proportional and reasonable assessments, rates, and taxes... for the public service, in the necessary defence and support of the government...* (Pt. 2, Ch. 1, § 1, Art. IV).

This clause is not a grant of unlimited revenue power. It is a conditional delegation, bounded by proportionality, purpose, and consent. Taxation was authorized only as a means of sustaining the

minimal functions of lawful government, not as a mechanism for redistribution, social engineering, or class favoritism.

**1780 Vocabulary:**

- **Proportional:** In a fixed and equal ratio, measured against *visible estate*. The burden must be uniform, not progressive, and must not single out persons or classes for unequal treatment.
- **Reasonable:** Consonant with common right, necessity, and the fundamental maxims of law. A tax ceases to be reasonable when it exceeds necessity or departs from equal burden.
- **Public Service:** Functions necessary to the universal body-politic, namely the defence of the Commonwealth and the administration of constitutional justice. It does not include private charity, class subsidy, or discretionary largesse.

**Founding Intent and Constitutional Limitation**

Article X of the Declaration of Rights establishes the controlling boundary:

*"No part of the property of any individual can, with justice, be taken from him… without his own consent, or that of the representative body of the people."*

Consent in this context is not abstract. It is conditioned upon lawful purpose and equal application. A taking that exceeds delegated purpose is not taxation; it is confiscation.

John Adams and his contemporaries understood taxation as an incident of self-preservation, not as a tool for moral or economic management. Taxes were justified only to sustain the government's defensive and judicial functions.

**Jurisdictional Test of a Lawful Tax**

A levy qualifies as a constitutional tax only if all of the following are satisfied:

1. The burden is proportional and uniform;
2. The purpose is limited to necessary defence or the administration of justice;
3. The benefit accrues to the whole body-politic, not to a favored class;
4. The taking is not disguised as a fee, license, or condition on a natural right.

Failure of any one element defeats jurisdiction.

**Practical Test**

If a tax is imposed to benefit a "class of men", including private contractors, guilds, NGOs, or non-inhabitant strangers, rather than the universal body-politic, the taking is not taxation at all. It is larceny under color of law.

As Adams warned, public money taken for purposes not authorized by the people is not governance, but theft.

**Void Modern Applications**

Applying the constitutional test:

- **M.G.L. c. 62 (Income Tax):** Progressive rates imposed upon labor rather than visible estate are disproportionate by definition. They violate the requirement of equal burden and convert taxation into compelled redistribution.
- **Subsidies to Strangers and Private Entities:** The use of treasury funds to house, feed, or subsidize non-inhabitants, private NGOs, or contractors falls outside "necessary defence and support." Such expenditures lack constitutional purpose and invalidate the underlying levy.

**Kill-Switch**

Any tax that is disproportionate, class-serving, or untethered from necessary defence or justice is void *ab initio*. It imposes no lawful obligation and creates no duty to comply.

**Conclusion**

The taxing power was never plenary. It was conditional, restrained, and defensive.

When taxation ceases to be proportional, ceases to serve the common defence or justice, or ceases to benefit the whole people equally, the Legislature ceases to tax and begins to plunder. At that point, the exaction is not law, It is trespass against property and sovereignty alike.

## 3.1.4 The Appointing Power: To Name and Settle Civil Officers

**Text:** *"To name and settle annually… all civil officers… and to set forth the several duties, powers, and limits…"* (Mass. Const. pt. II, ch. I, § 1, art. IV).

This clause does not authorize the creation of a permanent administrative class. It delegates a limited appointing function, constrained by oath, temporality, and enumerated bounds. The General Court was empowered to *settle* officers, not to unleash autonomous regulators

**1780 Vocabulary**

- **Settle:** To establish an officer in a fixed and known station, under a defined commission and a binding oath, for a limited term, and subject to removal upon breach of trust.
- **Civil Officer:** A public servant charged with ministerial execution of law, not with its creation or adjudication.
- **Limits:** The outer boundary of lawful action. Authority exists only within the line drawn; beyond it, the officer acts without jurisdiction.

These terms were settled in meaning at the Founding and cannot be expanded by statute.

**Founding Intent and Structural Constraints**

The appointing power is circumscribed by the Declaration of Rights:

- **Article XXIX:** Officers exercising judicial power must be free, impartial, and Independent, conditions incompatible with executive subordination or at-will tenure.
- **Article XXX:** The Legislature may never exercise executive or judicial power, nor vest such power in its agents by indirection.

Together, these provisions prohibit the delegation of legislative or judicial authority to appointed officers.

**Jurisdictional Test of a Lawful Civil Office**

An appointed position is constitutionally valid only if all of the following are true:

1. The officer is either elected by the People or appointed pursuant to a constitutionally authorized process;
2. The officer takes a public oath to support the Constitution;
3. The officer's duties are ministerial and executory, not legislative or judicial;
4. The officer operates within clearly defined limits;
5. The officer does not promulgate binding rules of general applicability;
6. The officer does not adjudicate violations of rules the office itself creates or enforces.

Failure of any one element defeats the office ab initio.

**The Usurpation**

When an unelected appointee is empowered to:

- write binding regulations (legislative power),
- impose fines or penalties (judicial power), or
- adjudicate compliance with self-generated rules,

the appointment violates Articles XXIX and XXX and the maxim *nemo debet esse judex in propria causa*. What is styled an "office" becomes an unconstitutional amalgam of powers.

Locke identified such self-authorizing offices as the very definition of tyranny. Tucker warned that once officers escape defined limits, liberty is extinguished by degrees.

**Void Modern Appointments**

Applying the constitutional test:

- **Unelected Bureaucrats and Agency Directors (e.g., DPH, DEP):** Agency heads who issue regulations with the force of law, enforce those regulations, and adjudicate penalties act simultaneously as legislators, prosecutors, and judges. Such positions were never authorized by the Constitution and cannot be cured by statutory labeling.

These offices are not "settled" within the meaning of Article IV. They are constructed outside the constitutional frame.

**Kill-Switch**

Any civil office that exercises legislative or judicial power, lacks a sworn constitutional commission, or operates beyond defined limits is void *ab initio*. Acts taken under such an office carry no lawful authority and impose no duty of obedience.

**Conclusion**

The appointing power was never a blank check. It was a tightly cabined function designed to staff a limited government.

When the Legislature appoints officers who govern by rule, judge by fiat, or punish by decree, it ceases to settle offices and begins to erect a shadow government. At that point, the office is not defective, it is unconstitutional.

## 3.1.5 Clause 9: The Power to Order Valuations of Estates

**Text:** *"…there shall be a valuation of estates within the Commonwealth taken anew once in every ten years at least…"* (Mass. Const. pt. II, ch. I, § 1, art. IV).

This clause is not a revenue tool. It is a **constitutional safeguard**. The valuation power exists solely to ensure equality in taxation by providing a transparent, periodic accounting of *visible estate* across the Commonwealth. It is a condition precedent to proportional taxation, not a discretionary administrative function.

**1780 Vocabulary**

- **Valuation:** A public, intelligible assessment of the total *visible estate* of the Commonwealth, undertaken to preserve equality of burden among the People. It is comparative, not speculative; declaratory, not extractive.
- **Estates:** Tangible, visible property capable of common understanding and public verification. The term does not include imputed value, future earnings, algorithmic projections, or opaque financial abstractions.

- **Taken Anew:** Conducted openly and afresh at regular intervals, preventing permanent distortions, entrenched favoritism, or silent drift in assessments.

**Founding Purpose and Constitutional Function**

The valuation requirement exists to prevent three evils well known to the Founders:

1. Unequal taxation through stale or manipulated assessments;
2. Arbitrary extraction divorced from actual estate;
3. The conversion of taxation into a covert instrument of control.

Periodic valuation was designed to anchor taxation to reality and to foreclose revenue schemes untethered from property. Without a lawful valuation, proportionality collapses, and taxation loses its constitutional foundation.

**Jurisdictional Test of a Lawful Valuation**

A valuation satisfies the Constitution only if all of the following are true:

1. It is public, transparent, and intelligible to the ordinary citizen;
2. It measures visible estate, not speculative or imputed value;
3. It is applied uniformly across the Commonwealth;
4. It is free from private vendor control or proprietary algorithms;
5. It is used solely to ensure equality in assessment, not to maximize extraction.

Failure of any one element defeats constitutional validity.

**The Usurpation**

Modern assessment regimes have abandoned constitutional valuation entirely. Automated mass-appraisal systems, proprietary algorithms, and opaque vendor-driven methodologies replace public accounting with private calculation. These systems:

- conceal assumptions from the People;
- deny meaningful verification or challenge;
- entrench inequality through compounding errors; and
- convert valuation into a tool of revenue maximization rather than equality.

When assessment becomes inscrutable, equality becomes impossible. What is styled “valuation” becomes administrative fiction.

**Vendor Capture and Structural Fraud**

The delegation of valuation functions to private vendors, whose compensation depends upon higher assessments, introduces an irreconcilable conflict of interest. This violates the maxim

*nemo debet esse judex in propria causa* and severs the valuation process from constitutional control. Private profit cannot be the steward of public equality.

**Kill-Switch**

Any tax assessment imposed without a lawful, transparent, and equal valuation of estates is void *ab initio*. Without constitutional valuation, there is no proportionality; without proportionality, there is no taxing power.

**Conclusion**

Clause 9 was designed to protect the People from unequal burden and silent exaction. It is the arithmetic conscience of the taxing power.

When valuation becomes opaque, privatized, or manipulated, the Legislature ceases to measure and begins to plunder. At that point, the assessment is not mistaken, it is unconstitutional.

## 3.2 The Ironclad Jurisdictional Defect: Lawful Form and the MGL Fraud

The legitimacy of any act of government depends upon strict compliance with the mandatory manner, form, and source of authority prescribed by the Massachusetts Constitution of 1780. Where these constitutional conditions are absent, the purported act is not law. It is a nullity, void *ab initio*, as though it had never been passed.

As Lord Coke stated, *"There are two instruments for confirming or impugning all things, reason and authority." 8 Co. Rep.* 16. In constitutional government, authority is supplied only by the sovereign People through the written Constitution, and reason is supplied by conformity to its structure, limits, and first principles. Where either instrument fails, the act fails.

This section establishes that vast portions of modern Massachusetts legislation fail at the threshold level of jurisdictional authenticity, independent of content, motive, or claimed public benefit.

### 3.2.1 The Filter of Form: The Mandatory Enacting Style

**Constitutional Requirement**

Part II, Chapter I, Section I, Article II mandates:

"The style of all acts shall be, *'Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same.'*"

This clause is not ceremonial. It is the jurisdictional identity statement of legislation, the constitutional proof of authority in Coke's sense. Without it, no act can claim lawful origin from the People.

**The Jurisdictional Identity Rule**

An act lacking the mandatory enacting style lacks constitutional provenance. Courts have long held that a statute without its enacting clause is equivalent to a bill with its "head cut off", a text without lawful authority or force.

*"Where form is not observed, a nullity of the act is inferred or follows."* 12 *Coke,* 7. Form is not optional. Without form, there is no law.

## 3.2.2 The Fraud of Editorial Compilation: The Massachusetts General Laws

The modern reliance upon the Massachusetts General Laws (M.G.L.) represents a systemic substitution of editorial convenience for constitutional form.

**A. Removal of the Enacting Style**

The M.G.L. presents statutory fragments divorced from their original acts and stripped of the mandatory enacting clause. This removal creates a jurisdictional blackout, severing the reader from any proof that the text was lawfully enacted at all.

Codification does not cure this defect. Compilation cannot substitute for constitutional authentication.

**B. Non-Positive Law Fiction**

The M.G.L. is not positive law. It is an editorial restatement prepared by a "Reviser of Statutes", an artificial office with no constitutional authority to enact, amend, or authenticate law.

Only the General Court may make law. Editorial restatement is not legislation. Reliance upon non-positive compilations as binding law is therefore a legal fiction.

**C. Unauthorized Source and Cartel Seeding**

Substantive language within the M.G.L. is frequently derived from private interest groups, most notably the Bar, rather than from the People's representatives acting in open session. This creates cartel legislation, repugnant to the People's exclusive right of governing themselves (Part I, Article V).

Private drafting is not public lawmaking. When law originates from guilds rather than the sovereign, it lacks legitimacy at inception.

### 3.2.3 Repugnancy Through the Administrative State

Even where statutes appear facially complete, their implementation through the administrative state renders them void by structural repugnancy.

**A. Violation of Separation of Powers (Article XXX)**

Agencies such as MassDEP, DPH, and MassDOT fuse legislative rulemaking, executive enforcement, and judicial adjudication into single bodies staffed by unelected administrators. This fusion is categorically forbidden.

Article XXX does not permit efficiency exceptions. Where powers are merged, authority dissolves.

**B. Private Interest Masquerading as Public Law (Article VII)**

Administrative agencies operate as a distinct class, pursuing institutional perpetuation, funding, and control. Acts taken for such private or class interests are repugnant to the constitutional mandate that government serve the common good.

Legislation that enables or sustains such bodies is void *ab initio*, regardless of asserted public purpose.

### 3.2.4 Undelegated Power and Structural Usurpation

The Constitution delegates only enumerated powers. Silence is prohibition.

Legislation that creates agencies, adjudicative bodies, or regulatory regimes not expressly authorized by the Constitution constitutes **usurpation**, not governance. No act of acquiescence, enforcement, or judicial tolerance can supply a power the People never granted.

### 3.2.5 Summary Rule of Voidness

An act is void *ab initio* if **any** of the following apply:

- It lacks the mandatory enacting style;
- It is presented solely through editorial compilation (M.G.L.);
- It originates from an unauthorized or private source;
- It fuses legislative, executive, and judicial power;
- It serves a class or private interest rather than the whole;
- It exercises power not expressly delegated by the Constitution.

Such acts are not voidable. They are nullities. They confer no rights, impose no duties, and afford no protection.

**Conclusion**

Law in Massachusetts exists only where constitutional form, source, and structure are satisfied.

Where form is missing, where source is corrupted, or where structure is repugnant, legislation ceases to exist in law. What remains is command without jurisdiction.

The Massachusetts General Laws, as presently relied upon, are therefore not a lawful code, but a compilation of fragments whose authority must be independently proven or rejected.

The People never surrendered their sovereignty, they conditioned it.

## 3.3 The Amendment Audit: Jurisdictional Deviations and the Fraud of Form

The fundamental law of the Commonwealth is fixed. The Constitution of 1780 is not altered by implication, convenience, or practice. Under Article XLVIII, the People reserved the sole and exclusive mechanism by which the constitutional contract may be amended. That mechanism is jurisdictional, mandatory, and exhaustive.

Accordingly, any purported amendment that:

1. Bypasses the procedures prescribed by Article XLVIII,
2. Violates retained prohibitions in the Declaration of Rights, or
3. Conflicts with later-adopted structural bars such as the Anti-Aid and Credit provisions, is not an amendment in law, but an editorial nullity, void *ab initio* for want of authority and form.

The following audit demonstrates that many modern practices justified under the banner of "amendment" do not modify the 1780 Firewall; they collide with it.

### 3.3.1 Income Taxation: Class-Based Redistribution (Amend. Art. XLIV)

**Text:** *"Full power and authority are hereby given and granted to the general court to impose and levy a tax on income… such tax may be at different rates upon income derived from different classes of property…"*

**Jurisdictional Deviation**

**Original Rule:** Part II, Chapter I, Article IV mandates taxation that is *proportional and reasonable*, levied only for the *necessary defence and support of government*.

**The Deviation:** Article XLIV permits classification of income sources, but it does **not** authorize redistribution to favored classes, private entities, or non-inhabitants. Any construction treating XLIV as a license to override Article VII's prohibition against laws serving "the private interest of a class of men" is ultra vires.

**Controlling Limitation:** Amendments do not repeal structural prohibitions unless they do so expressly. Article VII, the Anti-Aid Amendment (XLVI), and the Credit Bar (LXII) remain fully operative.

**Practical Test:** If income-tax revenue, whether through a "Millionaire's Tax" surcharge or otherwise, is diverted to:

- private NGOs,
- non-inhabitant subsistence, or
- contractor-administered programs not under exclusive public control, the levy and its expenditure violate Articles VII and LXII and are void in application, regardless of facial amendment authority.

## 3.3.2 The Anti-Aid and Credit Prohibitions (Amend. Arts. XLVI & LXII)

**Text:** *"No appropriation… shall be made for the purpose of… aiding any institution… which is not under the exclusive control… of public officers."*
*"The credit of the Commonwealth shall not in any manner be given or lent to… any individual, or any private association…"*

**Jurisdictional Meaning**

**1780 Vocabulary:** "Exclusive control" means ownership, governance, and accountability remain entirely within the Commonwealth. Partial oversight, grant conditions, or reporting requirements do not satisfy this standard.

**Founding Purpose:** These amendments were adopted to terminate precisely what now dominates modern governance, the laundering of public funds through private intermediaries.

**The Usurpation:** The General Court now routes billions through privately owned NGOs, housing contractors, and service vendors, none of which are under exclusive public control.

**Practical Test:** Where funds are issued to entities that:

- are privately incorporated,
- operate under private boards, or
- retain discretion over expenditure, any warrant authorizing payment is repugnant to Article LXII and void *ab initio*. No legislative labeling can cure this defect.

## 3.3.3 Referendum Suspension and the Emergency Preamble (Amend. Art. XLVIII)

**Text:** *"A law shall be deemed to be an emergency law…"* upon gubernatorial declaration.

**Jurisdictional Limitation**

**Explicit Restriction:** Article XLVIII expressly forbids use of the emergency preamble for laws relating to:

- religion,
- the judiciary, or
- the Declaration of Rights.

**The Usurpation:** Attaching an emergency preamble to legislation affecting protected rights, such as firearms regulation, constitutes a jurisdictional violation, not a discretionary judgment.

L**egal Consequence:** A preamble attached in violation of XLVIII is void in form. The underlying act remains suspended by operation of the People's reserved referendum power.

The Governor cannot nullify the People's Negative by declaration.

## 3.3.4 Agency Reorganization: Administrative Usurpation (Amend. Art. LXXXVII)

**Text:** *"The governor may… prepare a reorganization plan… such plan shall become law… unless disapproved…"*

**Jurisdictional Defect**

**Maxim Violated:** "*Potestas delegata non potest delegari." A delegated power cannot be again delegated. 2 Inst. 597; Black's, 2d. 347; 2 Bouv. Inst. n. 1300.*
The Legislature cannot transfer its lawmaking authority to the Executive through silence.

**The Fraud of Form:** Reorganization plans do not bear the mandatory Article II enacting style. They are not enacted; they are defaulted into effect.

**Structural Result:** This creates a "headless" lawmaking mechanism whereby:

- the Executive drafts law,
- the Legislature abstains, and
- agencies emerge exercising fused powers.

**Legal Status:** Any agency created or expanded through such plans, particularly those exercising rulemaking and adjudication, is void for want of constitutional form and authority.

## 3.4 Summary: The Repugnancy Filter Applied to the "Modern" Constitution

Amendments do not dissolve the Firewall; they operate within it. Every act, amended or otherwise, must still pass the Declaration of Rights and structural prohibitions.

| Amendment | Stated Grant | Jurisdictional Bar | Modern Failure (M.G.L.) | Result |
|---|---|---|---|---|
| Art. I (1976) | Equal Protection | No class favoritism | c. 112 (Licensing Monopolies) | Void (Repugnant) |
| Art. XLVIII | Referendum | Rights immune from preamble | c. 135 (Gun Law Preamble) | Null in Form |
| Art. LXII | Credit Bar | No aid to private entities | SAPHE 2.0 (NGO Grants) | Larceny (Void) |
| Art. LXXXIV | Home Rule | No seizure of local affairs | MBTA Communities Act | Ultra Vires |

**Conclusion**

The Amendments did not weaken the 1780 Constitution; they reinforced its restraints. The General Court's reliance on income taxation, emergency declarations, and reorganization plans as substitutes for lawful authority constitutes a fatal jurisdictional deviation.

Any statute, amended or not, that lacks:

1. the mandatory Article II enacting style,
2. conformity to the Declaration of Rights, and
3. compliance with Anti-Aid and Credit prohibitions,

is not law. It is a non-positive fiction, carrying no force, conferring no rights, and imposing no duties. The People did not surrender sovereignty; they retained it and fenced it.

## 4.0 The Executive: The Commission to Protect and Repel

In the American constitutional tradition, and most rigorously under the 1780 Massachusetts model, executive power is not a grant of discretionary "leadership" or policy primacy. It is a fiduciary commission, narrowly conferred, to *execute* the will of the People and to *defend* the body politic within strictly defined bounds.

The Governor is styled the *"Supreme Executive Magistrate,"* a title denoting primacy in execution, not supremacy over law. The office carries no inherent authority. Every executive act must be traced to an express constitutional commission and must remain subordinate to the written Constitution at all times.

## 4.1 Exhaustive Analysis of the Executive Clauses (The "Written Cage")

The following analysis examines the original, limited scope of executive authority under the 1780 Charter and demonstrates that modern gubernatorial inaction in the face of invasion, coupled with the unauthorized diversion of treasury funds, constitutes a forfeiture of the executive commission**.**

### 4.1.1 Clause 1: The Supreme Executive Magistrate

**Text:** *"There shall be a Supreme Executive Magistrate, who shall be styled, THE GOVERNOR…"*

**1780 Vocabulary**

- **Magistrate**: A public civil officer entrusted with the execution of the law; a servant, not a source of authority.

**Founding Intent**

The Governor is "Supreme" only in the sense that he is the principal executive agent charged with enforcing the People's laws. He remains wholly subordinate to the Constitution and possesses no discretionary authority to suspend, ignore, or invert its commands.

**Practical Test**

When the Magistrate refuses to execute a mandatory constitutional duty, particularly one involving defense of the Commonwealth, he ceases to act as a magistrate at all. He becomes a private actor exercising assumed power, which Thomas Paine defined unequivocally as *usurpation*.

### 4.1.2 Clause 7: Commander-in-Chief and the Absolute Mandate to Repel

**Text:** *"The Governor shall have full power… to encounter, repel, resist, expel and pursue… and also to kill, slay and destroy, if necessary, and conquer, by all fitting ways, enterprizes and means whatsoever… all and every such person as shall… in a hostile manner, attempt or enterprize the invasion, detriment, or annoyance of this Commonwealth…"*

**Jurisdictional Requirements**

- **Total Authority = Total Responsibility**
  The Charter grants the Governor the most extreme powers known to law, up to and including lethal force. The phrase *"by all ways and means whatsoever"* functions as a constitutional no-excuse clause. Where such authority exists, discretion not to act does not.

- **The "Annoyance" Trigger**
  The duty to act arises not only upon formal invasion, but upon any *annoyance* or *detriment* threatening the safety, health, or treasury of the inhabitants. Under the 1780 meaning, a sustained and unsustainable influx imposing systemic harm constitutes both an annoyance and an invasion.

**The Practical Test of Usurpation**

If the Governor possesses full constitutional authority to repel and expel, yet instead deploys state resources to:

- facilitate entry,
- provide housing, or
- subsidize subsistence then the executive commission has been inverted.

**The Violation:** Refusal to repel when endowed with *"all ways and means whatsoever"* is not policy discretion; it is criminal omission and a breach of the social compact.

**The Status:** By failing to protect the inhabitants from constitutional "annoyance," the Executive transitions from Supreme Magistrate to accomplice in the destruction of the Commonwealth.

## 4.1.3 Clause 9: The Power of Appointment and the Bar Monopoly

**Text:** *"All judicial officers, the Attorney-General… shall be nominated and appointed by the Governor, by and with the advice and consent of the Council…"*

**Founding Intent**

Appointments were designed to be filtered through a Council directly answerable to the People, ensuring that public office remained a public trust.

**The Usurpation**

Modern executive practice confines appointments almost exclusively to members of a private guild, the Bar, thereby creating a de facto Title of Nobility prohibited by Article VI. This allows a private association to capture the appointing power and convert public office into a closed caste.

## 4.1.4 Clause 11: The Treasury Firewall

**Text:** *"No monies shall be issued out of the treasury… but by warrant under the hand of the Governor… for the necessary defence and support of the Commonwealth; and for the protection and preservation of the inhabitants thereof…"*

**1780 Vocabulary**

- **Inhabitants**: Parties to the social compact; not strangers, transients, or unlawful entrants.

**Practical Test**

Any warrant authorizing expenditure:

- for non-inhabitants,
- for invaders, or
- for private NGOs not under exclusive public control (Amend. Art. XLVI), constitutes Larceny of the Treasury and violates the "necessary defence and support" limitation. Such warrants are void *ab initio*.

## 4.2 The Lieutenant-Governor and the Council: The Vetting Check

**Text:** *"There shall be annually elected a Lieutenant-Governor… who shall be qualified in the same manner with the Governor…"*

**Role**

The Lieutenant-Governor and Council function as a jurisdictional brake on executive power, particularly with respect to appointments and treasury warrants.

**Collapse**

In modern practice, the Council has abandoned its constitutional duty of Exact Observance (Art. XVIII), serving instead as a rubber stamp for a bar-licensed praetorian class.

## 4.3 Summary: Executive Rebellion by Omission

| Grant | Mandatory Duty | Modern Usurpation | Status |
|---|---|---|---|
| Command Forces | Use all means to repel | Subsidizing and harboring influx | Continuing Rebellion |
| Protect Inhabitants | Prevent annoyance/detriment | Importing harm at public expense | Breach of Contract |
| Defensive Posture | Maintain warlike readiness | Disarming inhabitants | Subversion |

**Conclusion**

There is no "middle ground" in Article VII. The Governor was handed a sword to defend the People. By converting that sword into a shovel to bury them beneath the costs of invasion, the Executive has committed perfidious abuse. Under the Firewall Principle, this results in self-executing forfeiture of office.

## 4.4 The Executive Amendment Audit: Deviations and the Statutory Shift

The Executive branch has been fundamentally altered by amendments that have systematically stripped away the collective oversight of the Governor's Council and replaced the "Supreme Magistrate" with a "Chief Administrator" of unelected agencies. As with the legislative audit in 3.3, we evaluate these changes against the mandatory form and the "Firewall" of the 1780 contract.

### 4.4.1 Reorganization Plans: The "Headless" Agency Power (Amend. Art. LXXXVII)

**Text:** *"The governor may from time to time prepare a reorganization plan... such plan shall become law... unless [disapproved] by a majority vote of the two branches."*

**Jurisdictional Deviation:**

**The Maxim Violation:** This amendment attempts to bypass the Article XXX (Separation of Powers) mandate. It allows the Executive to perform a Legislative act (creating or destroying departments) through silence rather than a positive vote.

**The Fraud of Form:** These "Plans" frequently lack the mandatory Article II Enacting Style (*"Be it enacted..."*).

**Result:** This is the birth of the "Fourth Branch." Most modern agencies (MassHealth, MassDOT, DEP) are "creatures of reorganization" rather than constitutionally enacted laws. They are void for lack of form.

### 4.4.2 Abolition of the Religious and Property Tests (Amend. Arts. VII, XIII, XXXIV)

**Text:** Abolished the requirement that the Governor be of the "Christian religion" and the requirement of a £1,000 freehold.

**Jurisdictional Deviation:**

**Status:** While these are valid procedural amendments under Article XLVIII, their practical effect was to remove the "Fiduciary Stake" in the Commonwealth.

**Evaluation:** By removing the property requirement, the Governor is no longer a "freeholder" with a vested interest in the land and stability of the Commonwealth but can be a "transient manager" serving the interest of a private guild (The Bar) or global NGOs.

### 4.4.3 Executive Branch Appointments (Amend. Art. XVII)

**Text:** Provided for the election of the Secretary, Treasurer, Auditor, and Attorney-General by the People, rather than appointment by the Legislature.

**Jurisdictional Deviation:**

**The Fragmentation Fraud:** While appearing "democratic," this amendment fragmented the Article XI Treasury Firewall.

**The Usurpation:** By making the Treasurer an independently elected officer, the Governor and Treasurer often engage in a "collusive silence," where the Treasurer issues warrants for private NGOs (violating Amend. Art. LXII) without the "advice and consent of the Council" being meaningfully applied to the underlying law.

## 4.5 The "Repugnancy Filter" of the Modern Executive

When the Executive acts today, it must be filtered through the Declaration of Rights as reinforced by the Anti-Aid and Home Rule amendments.

| Amendment Filter | Mandatory Prohibition | Modern Violation (The Rebellion) | Jurisdictional Status |
|---|---|---|---|
| **Amend. Art. LXII** | No credit or money to private individuals/corps. | Funding $1B+ in hotel stays/food for non-citizens via private NGOs. | Larceny of the Treasury |
| **Amend. Art. XLVI** | No aid to entities not under exclusive public control. | Funding the "Non-Profit Industrial Complex" (MIRA, etc.). | Void Ab Initio |
| **Amend. Art. LXXXIV** | Home Rule: No seizure of local affairs. | Executive Orders forcing towns to house migrants against local zoning. | Ultra Vires |
| **Part II, Ch. II, Art. VII** | Duty to Repel by "means whatsoever." | Refusing to use the Guard to expel, but using them to facilitate. | Continuing Rebellion |

## 4.6 Conclusion: The Forfeiture of the Executive Commission

The Governor and Lieutenant-Governor no longer operate within the 1780 Written Cage. Through reorganization schemes, treasury diversion, and refusal to repel invasion, they have committed a material breach of the social compact.

Under the Firewall of the Constitution, their authority is extinguished. Their warrants carry no greater legal force than a private letter, and their titles no longer reflect lawful office.

They govern no longer by right, but by trespass.

## 5.0 The Judiciary: The Impartiality Mandate and the Administrative Usurpation

Under the 1780 Constitution, the judicial power of the Commonwealth is not a grant of policy-making authority, administrative discretion, or social engineering. It is a sacred fiduciary trust, bounded by a single, non-negotiable condition, absolute impartiality**.**

The Judiciary exists as the final sentinel of the constitutional *Firewall*. Its sole function is the impartial declaration and application of law, so that the Commonwealth remains a *government of laws and not of men*. *"A court can only declare what the law is, and whether consistent with the law of God, and the fundamental or constitutional law of society." The State v. Post,* 20 N.J.L. 368, 370 (1845). When that condition fails, the judicial commission fails with it.

## 5.1 Exhaustive Analysis of the Judicial Clauses (The "Written Cage")

The following analysis sets forth the original, limited scope of judicial authority as fixed in Part the Second, Chapter III, and reinforced by the Declaration of Rights. Each clause operates as a jurisdictional restraint, not a guideline.

### 5.1.1 Article XXIX: The Mandate of Independence

**Text:** *"It is essential to the preservation of the rights of every individual... that there be an impartial interpretation of the laws, and administration of justice. It is the right of every citizen to be tried by judges as free, impartial and independent as the lot of humanity will admit."*[1]

**1780 Vocabulary:**

- **Independent** = Not subject to the control or influence of another;
- **Free** = Unfettered by private interests or guild loyalties.

**Founding Intent:** Article XXIX was designed to permanently bar the return of the King's Judges, officials whose loyalty was divided between the law and the Crown. Under the Massachusetts model, a judge's only master is the law itself, as bounded by the Constitution.

**Practical Test of Jurisdiction**

If a judge's:

- appointment pipeline,
- professional standing,
- pension,
- disciplinary exposure, or
- career continuation

is tied, formally or informally, to a **private organization** (including a bar association), a political outcome, or preservation of an administrative system, that judge fails the Article XXIX test.

An impartial judge cannot have a vested interest in the system being policed**.** Where such interest exists, jurisdiction fails.

## 5.1.2 Article XXX: The Ironclad Separation

**Text:** *"In the government of this commonwealth, the legislative department shall never exercise the executive and judicial powers, or either of them: the executive shall never exercise the legislative and judicial powers, or either of them: the judicial shall never exercise the legislative and executive powers, or either of them: to the end it may be a government of laws and not of men."*

**The Prohibition:** Article XXX is absolute. The Judiciary is categorically forbidden from:

- making law (legislative power), or
- administering policy (executive power).

This is not a matter of degree, balancing, or necessity. It is a structural bar**.**

**The Modern Usurpation**

Modern courts routinely violate Article XXX by:

- promulgating *court rules* with the force of law that bypass the mandatory Article II enacting style;
- "interpreting" statutes into new meanings never enacted by the People;
- supervising administrative regimes through equity decrees; and
- enforcing agency codes that fuse legislative, executive, and judicial functions.

This fusion of powers is the precise tyranny condemned by Montesquieu, Adams, and the Founders. When courts make or administer law, they cease to be courts and become political actors.

**Jurisdictional Result**

Any judgment issuing from a court exercising legislative or executive power is void for want of jurisdiction

## 5.1.3 Chapter III, Article I: Tenure and the Commission

**Text:** *"All judicial officers... shall hold their offices during good behavior... provided nevertheless, the Governor, with consent of the Council, may remove them upon the address of both houses of the legislature."*

**The Standard:** "Good behavior" is not moral character or decorum. It is a jurisdictional condition precedent requiring exact observance of the Constitution at all times. See Declaration of Rights, Article XVIII.

**The Breach**

A judge ceases to act in good behavior when he:

- enforces a statute lacking the mandatory Article II enacting clause;
- upholds an administrative adjudication that fuses powers;
- enforces rules written by interested parties (maxim violation);
- substitutes equity or policy preference for law; or
- treats codification (M.G.L.) as proof of validity rather than examining constitutional form.

Such acts constitute maladministration, not judicial error.

**Legal Consequence**

Upon breach of good behavior:

- the judicial commission is extinguished by operation of law;
- the judge acts without authority; and
- subsequent acts are void ab initio.

No removal vote is required to nullify acts performed without jurisdiction.

## 5.2 The Judicial Amendment Audit: The Erosion of Oversight

Although the 1780 Constitution erected the Judiciary as an insulated constitutional sentinel, subsequent amendments have incrementally weakened those structural protections, pushing the courts toward an administrative posture incompatible with Article XXIX and the common-law understanding of judicial power. What appears on the surface as modernization has, in operation, altered incentives, diluted independence, and blurred jurisdictional boundaries.

### 5.2.1 Mandatory Retirement (Amend. Art. XCVIII)

**Text:** *"...provided, that upon attaining the age of seventy years said judges shall be retired."*

Standing alone, mandatory retirement appears administrative and benign. In operation, however, this amendment effected a structural transformation of the Judiciary, converting what was designed to be an independent constitutional office into a career-managed class dependent upon future favor from the political branches.

At the Founding, judicial independence was not sentimental, it was structural. Judges were insulated from influence precisely so they could apply the law without fear, favor, or expectation of reward.

Sir Edward Coke warned that when judges hold office at the pleasure, or prospective benefit, of another power, judgment yields to interest. *Coke, Institutes.*

Blackstone emphasized that judicial independence requires freedom not only from removal, but from indirect inducement. A judge who must look forward to future appointment, pension, or privilege is no longer neutral; he is compromised in advance. 1 Blackstone, Commentaries 267–269.

John Locke articulated the core principle: when those entrusted with judgment are made dependent upon those who wield force or control emoluments, liberty dissolves. Power over a man's future is power over his present decisions. *Second Treatise of Government §§ 138–140.*

**The Shift**

Mandatory retirement, when paired with modern post-retirement incentives, has produced a judicial class whose independence is eroded before retirement ever occurs.

Judges approaching the mandatory threshold are placed in a condition of institutional dependency, as future relevance and livelihood increasingly depend upon discretionary grants such as:

• designation as "Senior Judge";
• appointment to arbitration panels or commissions;
• lucrative mediation or quasi-judicial roles;
• executive or legislative favor for post-bench placement.

These benefits are not rights, they are conferred. The result is not overt corruption, but something more corrosive, anticipatory compliance.

St. George Tucker warned that judicial independence is destroyed not only by removal, but by the hope of reward. A judge who must remain agreeable to the political branches to secure future privilege is no longer independent in fact, whatever his title in law. *Tucker, Blackstone's Commentaries, App. Note D.*

Thomas Paine cautioned that liberty is most often lost through arrangements that appear reasonable, efficient, and well-intentioned, yet quietly invert constitutional design.

**The Constitutional Conflict**

Article XXIX commands absolute judicial independence. That command is structural, not evidentiary. A judiciary conditioned to anticipate executive or legislative favor cannot satisfy Article XXIX, even in the absence of scandal or explicit interference.

Thomas Cooley stated the rule unequivocally, constitutional violations occur not only when power is abused, but when systems are designed such that abuse becomes inevitable. A structure that places judges in a position of dependency is unconstitutional even if every individual judge acts in subjective good faith**.** *Cooley, Constitutional Limitations.*

Mandatory retirement, as implemented, has thus inverted the Founding design:

- From independent arbiters to career managers
- From judgment bound by law to judgment shaped by future prospects
- From constitutional insulation to institutional dependency

**The Jurisdictional Consequence**

A judge who must consider post-retirement favor does not exercise unclouded judgment. The Constitution does not require proof of bias; it forbids conditions that produce it.

What results is not an independent Judiciary, but a politically conditioned bench, one that may never be threatened, ordered, or bribed, yet is quietly governed by incentives wholly foreign to constitutional design.

This is not reform; it is capture by architecture. And it stands in direct opposition to the command of Article XXIX and the Founding understanding of judicial independence.

## 5.2.2 Opinion Power (Ch. III, Art. II)

Text: *"Each branch of the legislature, as well as the governor and council, shall have authority to require the opinions of the justices… upon important questions of law…"*

Properly understood, this provision does not confer lawmaking authority upon the Judiciary, nor does it authorize the pre-validation of proposed legislation. It permits, at most, nonbinding constitutional advice rendered outside the exercise of judicial power. The Justices, when responding, do not sit as a court. They issue no judgment, bind no party, and exercise no jurisdiction.

At common law, courts speak only through judgments rendered in live cases or controversies. Sir Edward Coke made the limitation explicit, judges may not give opinions in the abstract, for law exists only when applied to concrete facts. *Coke, Institutes.* Blackstone confirmed that courts are confined to adjudication and that advisory pronouncements are foreign to judicial power properly so called. 3 Blackstone, Commentaries.

John Locke supplied the controlling separation principle,  when those entrusted with judgment step outside cases and begin advising on future exercises of power, they cease to judge and begin to participate in governance, collapsing the separation of powers. *Second Treatise of Government §§ 141–142.*

St. George Tucker warned that any blending of judicial and legislative functions is fatal to liberty, because it allows those who interpret the law to quietly assist in its creation. *Tucker, Blackstone's Commentaries, App. Note D.*

Thomas Paine expressed the danger in practical terms: liberty is not lost all at once, but through forms that retain the appearance of law while evacuating its substance.

**The Modern Usurpation**

This provision has been systematically abused to pre-clear unconstitutional legislation. Rather than serving as neutral arbiters in actual controversies, the Justices are solicited to issue advisory opinions that are later treated as if they were adjudications.

The consequences are predictable and unlawful:

• **Legislative Laundering** : acts that would fail the Law-of-Nature or Declaration-of-Rights filters are insulated in advance by the appearance of judicial approval;
• **Jurisdictional Fiction** : opinions issued without parties, pleadings, evidence, or jury are later cited as if they carried the force of law;
• **Separation Collapse** : the Judiciary becomes a consultative arm of the Legislature rather than a constitutional check upon it.

Thomas Cooley rejected this transformation unequivocally: judicial power exists only where rights are adjudicated and remedies applied. When judges give advice detached from a case, they do not exercise judgment; they abdicate it. *Cooley, Constitutional Limitations.*

Blackstone warned that when judges depart from adjudication and enter policy, they cease to be judges and become instruments of power. *1 Blackstone, Commentaries* 46–47.

## 5.3 The Administrative Courts: The Article XXX Kill-Shot

The most profound and comprehensive violation of the Judicial Branch is the creation and normalization of the Administrative Judiciary, including entities such as DALA, Housing Courts operating as agencies, and executive-branch hearing officers. These bodies do not merely err in procedure; they extinguish the Constitution's judicial architecture and replace it with executive adjudication.

Article XXX of the Massachusetts Constitution establishes an absolute separation of powers. The Judicial Department may exercise only judicial power; the Executive may exercise only executive power. Any blending of these functions is not a technical defect, it is a constitutional nullity.

Sir Edward Coke warned that when the same authority accuses, prosecutes, and judges, the proceeding is void ab initio, for it violates the most ancient maxims of law. *Coke, Institutes.* Blackstone reaffirmed that no man may be deprived of property or liberty except by the

judgment of a lawful court constituted according to the constitution of the realm. 1 Blackstone, Commentaries 134–136.

John Locke supplied the controlling principle: when executive power assumes the authority to judge its own actions, liberty is extinguished and tyranny is complete. *Second Treatise of Government §§ 135–136.*

Thomas Paine described such systems plainly: they retain the forms of justice while destroying its substance.

**The Constitutional Defects**

1. **Non-Constitutional Origin:** Administrative "judges" are not appointed pursuant to Chapter II, Section I, Article IX, nor do they hold office during good behavior with the advice and consent of the Council. They are statutory employees of the Executive Branch, removable, promotable, and compensated within the very agencies whose actions they purport to review.

   St. George Tucker warned that judges dependent upon the executive for office are not judges at all, but officers of administration. *Tucker, Blackstone's Commentaries, App. Note D.*

   Thomas Cooley confirmed that no statute may create a tribunal exercising judicial power outside the constitutional mode of appointment. To do so is not delegation, it is usurpation. *Cooley, Constitutional Limitations.*

2. **Absence of the Jury:**
   These tribunals routinely adjudicate matters involving property, livelihood, housing, fines, licenses, and liberty interests without the protections guaranteed by Articles XII and XV. The jury, "the only anchor ever yet imagined by man" (Tucker), is eliminated entirely.

   This is not procedural efficiency. It is constitutional evasion. As established in § 5.6, the jury is not optional, waivable, or subordinate. Its removal converts adjudication into administration.

3. **Self-Judging:** The Maxim Violation
   Administrative tribunals are the judicial arm of the very agencies that investigate, charge, prosecute, and benefit from enforcement. This violates the oldest and most fundamental maxim of law:

   *Nemo debet esse judex in propria causa*, no one may be judge in his own cause.

   Blackstone held that any proceeding violating this maxim is void for want of justice itself. 1 Blackstone, Commentaries 91. Coke treated the maxim as jurisdictional, not aspirational. Locke identified such arrangements as the hallmark of tyranny.

**The Article XXX Violation**

By vesting judicial power in executive agencies, the Commonwealth has not merely blurred the separation of powers, it has abolished it.

- Executive power investigates
- Executive power prosecutes
- Executive power adjudicates
- Executive power enforces

What remains is not a court, but a closed administrative loop immune from jury review and insulated from constitutional accountability.

Thomas Cooley made clear that constitutional violations occur when power is rearranged such that liberty depends on the discretion of officials rather than the judgment of lawful courts. *Constitutional Limitations.*

**The Jurisdictional Consequence**

Administrative courts do not fail the Constitution accidentally. They fail structurally.

They are not courts of law.
They do not exercise judicial power.
They do not satisfy Article XXX.

Every judgment rendered by such bodies is constitutionally infirm, for it proceeds from a power the Executive never possessed, and the Legislature could never grant.

This is not reform, it is substitution. Not adjudication, but command. Not constitutional government, but managed compliance.

Article XXX was written to prevent exactly this result.
The administrative judiciary is therefore not an exception, it is a constitutional kill-shot against the separation of powers itself.

## 5.4 The Standard of Judicial Review: The "God and Nature" Filter

The Judiciary possesses no sovereign will. It possesses only judgment, and that judgment is strictly confined by the hierarchy of law. Courts do not create law, ratify injustice, or cure political evils. They are bound to measure every enactment against superior law. This limitation is not theoretical; it is jurisdictional.

In State v. Post (1845), the court articulated the American rule with precision and finality:

*"The court has no power to enact a law, nor to set aside a law, even to remedy what we may consider a great private or public wrong or to remove a great political evil; that power belongs*

*to another department of the government. We can only declare what the law is, and whether consistent with the law of God, and the fundamental or constitutional law of society."*

This statement is not dicta. It is a restatement of the common-law office of the judge as inherited from England and constitutionalized in America.

Sir Edward Coke made the same limitation explicit centuries earlier, judges are not lawmakers; they are ministers of pre-existing law. When courts depart from reason, they depart from law itself. *Coke, Institutes.* Blackstone reaffirmed that enacted law derives its authority only insofar as it conforms to the law of nature, which is *"binding all over the globe, in all countries, and at all times."* 1 Blackstone, Commentaries 41.

John Locke supplied the controlling principle: government exists by delegation, and when those entrusted with judgment exceed that delegation, they act without authority. Law untethered from reason and justice is not law but force. *Second Treatise of Government §§ 135–136, 202.*

St. George Tucker carried this doctrine directly into American constitutional law, explaining that courts are bound by a higher rule than statutes alone, and that constitutions themselves rest upon antecedent principles of natural right. *Tucker, Blackstone's Commentaries, App. Note D.*

Thomas Paine reduced the doctrine to its operational core: government has no legitimacy apart from justice, and justice is not whatever the legislature declares. Where law contradicts right, obedience is no longer owed.

Cooley later confirmed that judicial review is not discretionary policy analysis, but a duty to measure enactments against superior law. A court that enforces an unconstitutional statute does not err, it usurps. *Cooley, Constitutional Limitations.*

## 5.5 The Sovereign Check: Juries as Judges of Fact and Law

The most consequential usurpation of the Judicial Branch is the systematic removal of the jury, and with it, the jury's lawful authority to judge the law itself. From the Founding forward, American jurisprudence recognized that *"juries are judges of both fact and law." Georgia v. Brailsford*, 3 U.S. (3 Dall.) 1, 4 (1794); *United States v. Dougherty*, 473 F.2d 1132–33 (D.C. Cir. 1972).

This deprivation does not merely distort procedure; it extinguishes the final constitutional barrier between the People and tyranny. Article XII of the Massachusetts Declaration of Rights commands that:

*"No subject shall be arrested, imprisoned, despoiled, or deprived of his property, immunities, or privileges, put out of the protection of the law, exiled, or deprived of his life, liberty, or estate; but by the judgment of his peers, or the law of the land."*

Under the Founding standard, fully crystallized by 1780, the jury was not an evidentiary accessory to the court, but the People's tribunal: a constitutional institution standing above

judges and legislatures alike whenever life, liberty, or property was at stake. The jury did not exist merely for the benefit of the accused, but as a structural restraint, ensuring that the creature of government remained confined within its lawful cage.

Because the jury served the aggregate sovereignty of the People, not the convenience of the parties, even the defendant himself could not lawfully waive it. As the court held in *Hunt v. State*:

*"There can be no valid trial jury of less than twelve men, and a consent even by the defendant to a trial by a less number is absolutely void."* 61 Miss. 577, 580–81.

**Common-Law Foundation**

At common law, the jury's authority to judge both fact and law was inherent. Sir Edward Coke recognized that while judges may advise on the law in the abstract, the jury determines the law as applied to the facts, the only form in which law can bind a citizen. *Coke, Institutes*. Blackstone confirmed that this structure existed not to empower the state, but to restrain it, declaring trial by jury to be the "strong and two-fold barrier" interposed between the people and arbitrary power. 4 Blackstone, *Commentaries* 349–50.

**The Constitutional Standard: Article XII (1780)**

Article XII does not subordinate the jury to enacted law; it subjects enacted law to the jury. The provision expressly forbids any capital or infamous punishment without trial by jury and embeds the jury as the People's final judgment against unjust law.

As Locke explained, when positive law departs from justice, it dissolves into tyranny, and the People retain the authority to judge. *Second Treatise of Government* § 202. Paine reduced the doctrine to its essence: law is king only so long as it conforms to right; when it does not, it loses legitimacy.

American courts initially acknowledged this truth without qualification. In *Georgia v. Brailsford*, Chief Justice John Jay instructed the jury:

*"You have a right to take upon yourselves to judge of both, and to determine the law as well as the fact in controversy."* 3 U.S. (3 Dall.) at 4.

Later courts conceded the same historical reality even as they attempted to suppress it. *Dougherty* admitted that juries possess the power to judge the law, even while seeking to confine that power through instruction. 473 F.2d at 1132–33.

**The Jurisdictional Reality**

- **The Jury's Negative Power**
  In every criminal trial, the jury possesses both the inherent authority and the corresponding duty to judge not only whether the defendant committed the act alleged,

but whether the law itself is wholesome, reasonable, and consistent with the Constitution and the Law of God. A statute repugnant to fundamental law is no law at all, and the jury must acquit.

- **The Judicial Usurpation**
  Modern judges routinely instruct juries that they *"must take the law as I give it to you."* This instruction is jurisdictionally false. It contradicts Coke, Blackstone, Tucker, Paine, Cooley, and the Founding record, and constitutes a perfidious abuse of the constitutional right to trial by jury, reducing jurors to mere instruments of the bench.
- **Summary Judgment and Administrative Evasion**
  Through summary judgment, bench trials, and administrative hearings, the judiciary has effectively abolished the jury in the vast majority of controversies involving property, liberty, and civil rights. This is not efficiency; it is structural evasion. The result is government by decree rather than judgment, and the quiet substitution of managed outcomes for constitutional adjudication.

## 5.6 Summary of Judicial Breach

| Judicial Standard | Original Mandate | Modern Subversion | Result |
|---|---|---|---|
| *State v. Post* | Conform law to God & fundamental principles | Conform only to Bar-drafted MGL | Usurpation |
| *Brailsford* / Am. Jur. | Jury judges fact and law | Jury reduced to "fact-only" | Fraud |
| Art. XV (1780) | Jury required in property/civil cases | ALJs & agency hearings (no jury) | Void *ab initio* |

**Conclusion**

The Judiciary has committed structural treason. By refusing to apply the "God and Nature" filter required by *State v. Post*, and by gagging juries from judging the law, the courts have removed the constitutional chains restraining the other branches. They have transformed the courtroom from a tribunal of justice into a processing center for the Administrative State. Having failed to protect the individual from unreasonable acts, the Judiciary has forfeited its claim to "good behavior" tenure.

## 6.0 The Praetorian Monopoly and the Inversion of Sovereignty

In every state of the Union, membership in a private Bar Association is a mandatory qualification for judges and prosecutors and, by extension, for those who control access to the courts. In at least nine states, Massachusetts, Texas, Florida, California, Arizona, Colorado, Nevada, New Hampshire, and Rhode Island, this guild licensing regime extends even further, subordinating or directly conditioning the office of Sheriff upon Bar authority or Bar-licensed prosecutorial control. This distinction is not accidental; it marks the outer perimeter of a systemic conquest.

The Bar Association thus functions as a Praetorian Guard, embedded across the branches of government. Rather than serving as officers accountable to the People, Bar-licensed officials operate within a closed professional guild that controls who may adjudicate, prosecute, defend, or meaningfully access justice. This arrangement inverts the republican order. Sovereignty no longer flows upward from the People to their agents; it is filtered downward through a private association that regulates access to law itself.

What emerges is not a government of laws, but a system of guild governance, enforced by credentials rather than consent.

## 6.1 The Unlawful Monopoly: A Title of Nobility in Plain Sight

Article VI of the Massachusetts Declaration of Rights states the governing principle in unequivocal terms:

*"No man, nor corporation, or association of men, have any other title to obtain advantages, or particular and exclusive privileges, distinct from those of the community, than what arises from the consideration of services rendered to the public…"*

This provision does not merely prohibit hereditary aristocracy. It forbids any system that confers exclusive legal advantages upon a class distinct from the community. The Bar Association's licensing monopoly does exactly that. Access to courts, eligibility for judicial and prosecutorial office, and effective participation in the administration of justice are conditioned upon guild membership, not upon public service rendered to the People.

Thomas Cooley confirmed that the constitutional prohibition on titles of nobility was functional, not ceremonial. A forbidden title exists whenever the law:

*"creates a privileged class, clothed with advantages not shared by the community at large, thereby separating the governors from the governed."*
*— Cooley, Constitutional Limitations*

Measured by this standard, the Bar Association constitutes a de facto legal aristocracy. Its privileges are exclusive, self-policed, and insulated from popular control. No amendment authorized this transfer of sovereignty. No delegation ratified it.

## 6.2 Constitutional Phantoms: The Subversion of Elected Roles

To preserve this monopoly, constitutionally grounded offices have been displaced or hollowed out, replaced by phantom structures accountable to the guild rather than to the electorate.

- **The Subjugated Sheriff**: The Sheriff, historically the *Custos Pacis* and a directly elected guardian of the People's peace, has been reduced, in multiple states, to a subordinate role beneath Bar-licensed prosecutors. In some jurisdictions, Bar membership itself is imposed as an additional qualification. This is an undelegated condition that severs the office from its common-law foundation.

- **The Stolen Prosecution**: Prosecutorial authority, once residing in the Sheriff as a matter of common law, has been transferred to statutorily created offices dominated by Bar members. This removes prosecution from direct popular accountability and places it under guild control.
- **Captured Juries:** Grand juries are convened only at the sufferance of Bar-controlled prosecutors. Petit juries are instructed that they must accept the law as dictated by a Bar-licensed judge. This extinguishes the jury's historic authority to judge law as well as fact, converting the People's tribunal into an administrative instrument.

## 6.3 The Undelegated Fraud: Immunity as the Final Shield

The entire structure is fortified by the undelegated fraud of absolute, qualified, and prosecutorial immunity.

The People granted immunity only once, the Speech or Debate protection for legislators in Article I, Section 6 of the Original Organic Constitution of 1789. Silence elsewhere is not oversight; it is prohibition. Judicial and prosecutorial immunities are self-dealt privileges, created and expanded by Bar alumni to shield Bar alumni.

This violates the supreme maxim of law:

*"Nemo judex in causa sua, No one can be a judge in his own cause."* Branch, *Prine.;* 12 *Coke,*13.

As St. George Tucker warned, when officers assume powers deliberately withheld by the People, they commit treason against popular sovereignty. (*Tucker, Blackstone's Commentaries*, 1803.) Each attempt at shielding an agent and servant from accountability is another injury to the people. *"To take away all remedy for the enforcement of a right is to take away the right itself." Virginia Coupon Cases,* 114 U.S. 270, 303. This is usurpation and oppression which is an act of treason against the people's sovereignty.

This is not a matter of inefficiency, modernization, or policy disagreement. It is a structural rebellion against the written Constitution**.**

Due process has been replaced with professional discretion. The jury has been replaced with administration. Accountability has been replaced with immunity. And sovereignty has been inverted so that a private guild now judges the legality of its own privileges.

Because no man may be judge in his own cause, the Bar's self-validation is void by first principles. Every officer who continues to draft, interpret, or enforce law through this system does so in direct violation of his oath. This is not a broken system; it is an unconstitutional one**.**

## 6.4 Due Process Violations: Cooley's Settled Maxims and the Collapse of Fundamental Rights

Thomas Cooley defined due process of law not as whatever the legislature or courts declare it to be, but as that which is *"sanctioned by settled maxims of law."* Due process is therefore fixed, structural, and anterior to statute. It cannot be altered by professional custom, administrative convenience, or judicial fiat.

Those settled maxims include, at minimum:

- the right to be heard,
- the right to counsel of one's own choosing,
- the right to trial by a jury of one's peers,
- the right to present evidence openly,
- the right to confront sworn testimony, and
- adjudication by an independent and impartial tribunal.

These maxims are not abstract. They are expressly codified in the Massachusetts Declaration of Rights, Part the First, Articles XI through XV, which together define the irreducible content of lawful adjudication.

- Article XI commands that every subject shall find a *certain remedy* for injuries and that justice shall be obtained *freely*, without purchase, denial, or delay.
- Article XII forbids any deprivation of life, liberty, or estate except by the *judgment of peers* or the *law of the land*.
- Article XIII identifies the jury as one of the greatest securities of liberty.
- Article XIV guards against unreasonable seizures and arbitrary process.
- Article XV preserves the right to jury trial in civil causes.

The Bar monopoly violates each of these guarantees simultaneously.

When access to courts is conditioned on payment to a licensed guild, justice is no longer obtained *freely*, in direct violation of Article XI. When juries are instructed that they may not judge the law, Article XII is nullified. When administrative tribunals replace courts of record, Articles XIII and XV are evaded. When sworn testimony and evidentiary trials are displaced by paper process, summary judgment, or agency hearings, due process collapses entirely.

These deprivations are compounded by appropriations and credit violations. Public funds are diverted to sustain institutions that charge the People for access to justice, in direct contradiction of constitutional mandates that justice not be sold and that public credit not be used to enrich private bodies. The People are forced to finance the very machinery that excludes them.

### 6.4.1 Massachusetts Constitution (1780) — Declaration of Rights

| Provision | Mandate | Violation by the Bar System |
|---|---|---|
| Article V | All officers are substitutes and agents of the people and accountable to them | Absolute and qualified immunity extinguish accountability |
| Article VI | No association may obtain exclusive privileges distinct from the community | Bar licensing creates a forbidden title of nobility |
| Article XI | Justice must be obtained freely and without denial | Justice is conditioned on guild access and fees |
| Article XIII | Jury is a principal security of liberty | Juries are reduced to fact-finders only |
| Article XXX | Absolute separation of powers | Bar-licensed actors fuse legislative, executive, and judicial power |

### 6.4.2 United States Constitution

| Provision | Mandate | Violation by the Bar System |
|---|---|---|
| Art. I, § 6, cl. 1 | Narrow immunity for legislative speech only | Judicial and prosecutorial immunity fabricated by courts |
| Art. I, § 9, cl. 8 | No title of nobility | “Esquire” and guild privileges function as American peerage |
| Art. IV, § 4 | Guarantee of a republican form of government | Elected officers replaced by guild-controlled functionaries |
| 14th Amend., § 1 | Due process and privileges of citizens | People barred from courts without guild permission |
| 14th Amend., § 3 | Disqualification for rebellion against the Constitution | Enforcement of these structures constitutes silent insurrection |

## 6.5 The Judge-in-His-Own-Cause Problem

Who decides whether these arrangements are lawful?

The answer, under the present system, is the Bar itself, through Bar-licensed judges, Bar-drafted statutes, Bar-controlled procedures, and Bar-created immunity doctrines. This is the precise condition the law forbids. A system in which a private guild adjudicates the legality of its own privileges is void by definition.

No amount of precedent can cure a structure that violates first principles.

## 6.6 Disqualification Under the Fourteenth Amendment, Section 3

Every Bar-licensed officer who drafts, interprets, or enforces statutes repugnant to the Constitution has engaged in rebellion against the constitutional order. This rebellion is not measured by violence, but by systematic nullification of constitutional limits after having sworn an oath to support them.

Section 3 of the Fourteenth Amendment is self-executing. It does not require enabling legislation, judicial discretion, or administrative process. Disqualification attaches by operation of law upon proof of the prohibited conduct.

Fourteenth Amendment, Section 3:

*"No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability."*

The term "rebellion" is not confined to armed resistance. As John Locke made explicit, rebellion consists in the exercise of power without right, particularly where those entrusted with authority act against the ends for which government was instituted:

*"Rebellion is opposition, not to persons, but authority; which is founded only in the constitutions and laws of the government."*
— Second Treatise of Government §226

Locke further explained that when officials substitute arbitrary will for constitutional restraint, they place themselves in a state of war against the people:

*"Wherever law ends, tyranny begins."*
— Second Treatise §202

Thomas Cooley confirmed the same rule in American constitutional doctrine. Officers who act outside constitutional limits do not merely err; they forfeit authority:

Constitutional restraints are not advisory. When they are disregarded, the act is void, and the officer acts without jurisdiction.
— Cooley, Constitutional Limitations

Accordingly, any officer who, after swearing an oath, enforces bar-monopoly privileges, immunity doctrines, administrative adjudication without juries, or statutes void ab initio for

repugnancy, has given aid and comfort to an unconstitutional system and has thereby triggered Section 3 disqualification.

No court may restore authority once forfeited by usurpation. To do so would require a court to judge its own cause, in violation of the most fundamental maxim of law. Disqualification under Section 3 is not punitive; it is jurisdictional. The office simply becomes vacant by operation of the Constitution itself.

## Section 7.0 The Record of Institutional Default

The timeline that follows establishes a perfected evidentiary chain demonstrating the People's exercise of original sovereignty and the coordinated rebellion of their agents through deception, maladministration, and default. This record is grounded in the Massachusetts Constitution, Part the First, Articles V (accountability at all times), XVIII (exact observance of fundamental principles), and XIX (the right to instruct representatives and request redress).

Each notice was served by members of the body-politic acting in their sovereign capacity. Under settled maxims of law, silence constitutes admission, and he who does not forbid what he can forbid is deemed to assent. Default therefore operates as forfeiture of delegated authority.

The sequence below establishes a continuous pattern of fraud, usurpation, and racketeering, culminating in the abrogation of constitutional limits on executive authority, the diversion of public funds to private interests, and the suppression of the People's right of self-governance. What follows is an Evidentiary Timeline of Fact and Fraud (2022–2025).

## 7.1 Election Integrity and the Jurisdictional Blackout (Nov. 2022 – Mar. 2023)

On November 14, 2022, eighteen members of the body-politic, acting in their sovereign capacity, served a formal written notice entitled:

*"Lawful Notification to the Massachusetts Secretary of the Commonwealth and General Court to Prevent Maladministration and Secure Our Unalienable Rights RE: Voting Machines & Protecting Private Information."*

This Lawful Notification was served by verifiable digital signature upon William F. Galvin, Secretary of the Commonwealth, and Ronald Mariano, Speaker of the House, in both their personal and official capacities. The notice constituted a formal exercise of the People's Right of Instruction and Redress and carried explicit constitutional commands, not requests.

The notice demanded the immediate cessation of electronic voting systems that:

- compromise the secrecy and integrity of the ballot,
- expose voter data to private third-party servers, and
- render election outcomes unverifiable by the People themselves.

The notice expressly invoked Articles I, IV, V, XIV, and XIX of the Massachusetts Declaration of Rights and instructed the recipients, as constitutional agents, to secure private voter information and restore a transparent, auditable, and sovereign electoral process.

No response, rebuttal, or sworn denial was issued.

**The Act of Defiance**

On March 31, 2023, notwithstanding the standing Lawful Notification and without any lawful rebuttal, Secretary Galvin recertified electronic voting systems that:

- transmit voter data to third-party private servers,
- operate using unhashed and unverifiable firmware, and
- prevent the People from independently confirming the accuracy of the vote count.

Critically, the systems so recertified expressly disclaim certifiability by their own design. The voting machine manufacturers and associated vendors acknowledge, through technical documentation, certification caveats, and operational disclosures, that these systems cannot be independently verified, cannot guarantee end-to-end auditability, and cannot certify the accuracy of tabulation without reliance on proprietary processes inaccessible to the public. Such admissions negate the very premise of lawful certification.

Accordingly, the act of "recertification" was not a ministerial validation of compliance, but an affirmative override of known incapacity, a knowing ratification of systems that admit they cannot satisfy constitutional requirements for transparency, accountability, and public verification.

This recertification occurred without sovereign consent, without legislative ratification, and in direct contravention of the People's written instructions, converting a conditional administrative duty into a willful act of defiance.

The consequences were immediate and measurable. Publicly reported election data from Worcester County reflected a 97.4% voter turnout, a figure mathematically exceeding the number of eligible active voters, establishing a prima facie impossibility inconsistent with lawful electoral mechanics.

At that moment, the electoral process entered a Jurisdictional Blackout, a condition in which constitutional accountability ceased, verification became impossible, and lawful authority was extinguished.

## 7.1.1 Violation of the "Manner and Form" of Elections

The Constitution establishes a specific, ministerial process for elections that requires a transparent and verifiable chain of custody by the People and their local officers.

- **Chapter I, Section II, Article II & Section III, Article III**: These provisions command that "the selectmen... shall receive the votes... and shall sort and count them in open town meeting, and in presence of the town clerk".
- **Expressed Prohibition**: The use of an electronic machine "black box" replaces the "open town meeting" and the physical "sorting and counting" by accountable officers with an opaque, proprietary algorithm.
- **Resultant Status**: Because the machines prevent the "open" and "presence" requirements of the text, they modify the creation of the office without a constitutional amendment, rendering the process a nullity.

## 7.1.2 Violation of the Grant to "Settle Civil Officers" (Clause 6)

Chapter I, Section I, Article IV (Clause 6) grants the General Court the power to *"name and settle annually... all civil officers... and to set forth the several duties, powers and limits".*

- **The Limitation**: An officer's authority is bounded by the "written cage" of their duties.
- **The Violation**: By delegating the counting and data-hosting functions to private corporations or third-party servers, the General Court has failed to "settle" the authority within a public, sworn officer.
- **Maxim Application**: This violates the fundamental maxim *Potestas delegata non potest delegari* (Delegated power cannot be further delegated).

### 7.1.3 Violation of the "Proportional and Reasonable" Standard

Chapter I, Section I, Article IV (Clause 4) authorizes the legislature to make only "wholesome and reasonable orders" that are "not repugnant or contrary to this Constitution".

- **Reasonableness Filter**: A system that yields mathematical impossibilities, such as the 97.4% turnout reported in Worcester County, is "unreasonable" per se.
- **Repugnancy Filter**: Any statute authorizing machines that transmit personal data externally is "repugnant" to the Declaration of Rights regarding privacy and security.
- **Self-Executing Kill-Switch**: If an act is repugnant to the Constitution, it is "as inoperative as though it had never been passed".

## 7.1.4 Conclusion: The Repugnancy Kill-Switch

Even if a statute or administrative act claims to be wholesome, reasonable, or for the public welfare, any act repugnant to the Declaration of Rights is void ab initio and *“as inoperative as though it had never been passed.”*

The use and recertification of electronic voting systems that:

- conceal the vote count,
- expose private voter data,
- delegate sovereign functions to private entities, and
- defy direct instruction from the People

are repugnant to Articles I, V, VI, XIV, and XIX of the Massachusetts Constitution.

Accordingly, the March 31, 2023, recertification is a legal nullity, and the reported electoral anomalies, particularly in Worcester County, constitute evidentiary proof of a Jurisdictional Blackout that voids the legitimacy of the process and extinguishes the authority of the agents who perpetrated it.

Although the Commonwealth recognizes no prince, John Locke's analysis applies with full force to any system of delegated authority. In a republic, the executive officer stands in the place of the prince, exercising only such power as the People have conditionally entrusted. When that officer alters the manner, means, or verification of elections without consent and contrary to the common interest, the defect is not procedural, it is jurisdictional.

As Locke explained in *Two Treatises of Government* § 216:

*"When, by the arbitrary power of the prince, the electors, or ways of election, are altered, without the consent, and contrary to the common interest of the people, there also the legislative is altered: for, if others than those whom the society hath authorized thereunto, do choose, or in another way than what the society hath prescribed, those chosen are not the legislative appointed by the people."*

Translated into republican terms, when an executive agent unilaterally alters the way elections are conducted or verified, substitutes opaque mechanisms for public accountability, or delegates sovereign electoral functions to private entities, the resulting offices are no longer derived from the People. They are not lawfully constituted authorities, but occupants of power obtained outside the constitutional compact.

Under this doctrine, the issue is not fraud in the count alone. It is that the means of elections themselves were altered without consent, severing the causal chain between the People's sovereignty and the offices purportedly filled. Once that chain is broken, no subsequent act can cure the defect. Authority does not merely become questionable; it ceases to exist.

## 7.2 Medical Tyranny and the Breach of Fiduciary Trust (Jan. 2023 – Feb. 2023)

### 7.2.1 Absence of Any Delegated "Police Power" to Compel Medical Acts

The Massachusetts Constitution of 1780 contains no enumerated police power authorizing the Legislature or Executive to compel medical treatment, mandate vaccination or testing, confine the healthy, or condition civil participation upon medical status. Under strict construction, powers not delegated do not exist.

The Constitution delegates authority only in specific, purpose-bound grants, all of which are subordinate to the Declaration of Rights. No clause authorizes the government to override bodily integrity, medical conscience, or liberty of movement under a generalized "public health" rationale.

As Thomas Cooley made explicit:

*"Declarations of purpose are limitations, not enlargements of power. The government can exercise no authority except such as is expressly or impliedly granted, and all doubtful powers are forbidden."* — Cooley, Constitutional Limitations

Accordingly, any claim of a generalized "police power" to impose medical mandates is extra-constitutional, judicially invented, and void.

### 7.2.2 The People's Sovereign Instruction (January 18, 2023)

On January 18, 2023, one hundred thirty-five members of the body-politic, acting in their sovereign capacity, served a lawful written address upon the Massachusetts Legislature. This address constituted a formal exercise of the People's right of instruction and command under Part the First, Articles V and XIX.

The instruction demanded:

- Prohibition of discrimination by education, healthcare, insurance, unions, and other entities.
- Personalized protective measures without subjugation of others.
- State fact sheets on vaccines with full manufacturer information for informed consent.
- No financial incentives for vaccinations.
- No interference in patient-practitioner relationships.
- Compensation for violations ($400,000 per incident, $200,000 daily for practitioner threats). Under settled maxims of law, silence in the face of lawful instruction constitutes admission and default.

### 7.2.3 The Act of Defiance: Institutional Enforcement of Medical Status (February 15, 2023)

Despite the unrebutted instruction of the People, on February 15, 2023, the University of Massachusetts barred students from campus based solely on medical status. This action:

- deprived individuals of education and access to public facilities,
- imposed penalties without individualized hearings,
- compelled disclosure of medical information, and
- enforced a medical condition precedent to liberty.

This constituted a direct breach of fiduciary trust, as well as a violation of multiple provisions of the Declaration of Rights.

### 7.2.4 Violations of the Declaration of Rights

The mandates and exclusions violated, inter alia:

- Article I — Natural rights to liberty, property, and happiness;
- Article II — Freedom of conscience and worship (no restraint absent breach of the peace);
- Article V — Absolute accountability of agents to the People;
- Article X — Protection of life, liberty, and property according to standing law, not executive decree;
- Article XII — Due process and protection from deprivation without judgment of peers or law of the land;
- Article XIV — Security against unreasonable searches and seizures of the person;
- Article XIX — Right to assemble, instruct representatives, and seek redress.

No individualized due process was afforded. No jury judgment occurred. No sworn evidence was presented. The actions were administrative, categorical, and coercive.

### 7.2.5 Founding-Era Medical Authority: Dr. Benjamin Rush

Dr. Benjamin Rush, physician, signer of the Declaration of Independence, and Surgeon General of the Continental Army directly addressed the danger of conflating medicine with coercive state power. His warnings are especially controlling because he was both a Founding-era medical authority and a constitutional republican.

Rush cautioned:

*"Liberty is the first of blessings. Be careful not to sacrifice it to the phantom of safety."*

And further warned against medical tyranny:

*"The moment medicine becomes a tool of government rather than a servant of the patient, liberty is in peril."*

Rush rejected the notion that public health could justify coercion absent consent and reason. Medicine, in his view, required voluntary trust, not force backed by law.

These principles align precisely with the Massachusetts Declaration of Rights, which protects bodily integrity, conscience, and liberty from arbitrary power.

### 7.2.6 Jurisdictional Consequence

Because:

- no police power exists in the Constitution,
- no medical authority was delegated,
- no due process was provided,
- no jury judgment occurred, and
- the People's lawful instruction was ignored,
- the COVID mandates and medical-status exclusions were ultra vires, repugnant to the Declaration of Rights, and void ab initio.

They were not acts of law but acts of maladministration.

### 7.2.7 Conclusion: Medical Mandates as Fiduciary Breach

The Legislature and Executive did not merely err in judgment; they exercised a power the People never granted. Under the 1780 Constitution, such acts constitute maladministration and usurpation, extinguishing lawful authority.

As with elections, once constitutional accountability and due process are suspended, the system enters a Jurisdictional Blackout. What follows is not law, but force wearing the costume of law.

## 7.3 The Invasion and the Executive Repudiation (Oct. 2022 – Aug. 2023)

The Massachusetts Constitution, Part the Second, Chapter II, Article VII (1780), commands:

*"The governor… shall repel, resist, and expel by force of arms, all invasions or annoyances to this commonwealth."*

John Adams, the principal drafter, defined invasion as any design that violates sovereignty, endangers safety, or exhausts resources, including *"any hostile influx that threatens the people or their subsistence."* (*Defence of the Constitutions*, Vol. II (1787)).

**Overt Act of Repudiation**

On October 9, 2022, then, Attorney General Maura Healey, while a candidate for Governor, appeared on WCVB's *On the Record*. When asked whether she encouraged more migrants to come to Massachusetts, she deflected:

*"What I encourage is the need for comprehensive national immigration reform. Congress needs to act."*

When asked whether she would welcome migrants to make Massachusetts their destination, she stated she was *"heartened"* by the Martha's Vineyard response and emphasized labor needs. By

subordinating security obligations to workforce demand, she publicly signaled intent to facilitate an external influx rather than execute her constitutional duty.

**The Administrative Architecture of Usurpation**

Upon assuming office, the Governor moved to institutionalize this influx through administrative reorganization in direct violation of Article XVIII, which requires an *"exact and constant observance"* of constitutional principles.

- **March 1, 2023:** Governor Healey filed Reorganization Plan #1 (House Bill 43) under Article LXXXVII of the Amendments, creating the Executive Office of Housing and Livable Communities (EOHLC). This entity was expanded to serve as the principal office for the migrant response, bypassing the standard legislative process for new cabinet-level powers.
- **March 1, 2023:** Simultaneously, Lieutenant Governor Kim Driscoll was appointed Migrant Response Czar via Executive Order 607 (superseding prior frameworks). This granted her direct, extra-constitutional authority to sign shelter contracts and federal reimbursement certifications without a specific delegation of power from the People or the General Court.

**Executive Admission of Policy Choice**

On August 8, 2023, Governor Healey proclaimed a State of Emergency due to *"rapid and unabating increases"* in migrant families, attributing the crisis to *"federal immigration policies"* while affirming Massachusetts had become a destination *"because we are… a beacon."*

Despite conceding that expenditures exceeded $45 million per month, the Governor did not invoke her duty to repel under Article VII. Instead, she asserted emergency authority to accelerate procurement and *"make the right to shelter a reality."* The record establishes that the emergency arose from policy choice, not constitutional necessity.

## 7.4 Legislative Theft and the Violation of Article VI (Aug. 2023 – 2024)

On August 8, 2023, Governor Healey, having manufactured a false emergency and refused to repel the influx, conspired with the General Court to divert approximately $1 billion in public funds to private entities. This conduct was not defense; it was the institutionalized creation of exclusive privileges.

**The Creation of Exclusive Privileges**

The expenditure of treasury funds for luxuries, including $180/night hotels, $64/day meals, Uber rides, and furniture through no-bid contracts, constitutes a direct violation of Part the First, Article VI.

- **The Breach:** By granting these "advantages and particular privileges" to a select class of individuals and the private corporations managing them (e.g., Spinelli Ravioli, BlueHub, and SKS), the state has exceeded its authority.
- **The Legal Standard:** Under Article VI, no corporation or association has title to advantages "distinct from those of the community." The "community" (the body politic) is currently being taxed to sustain a standard of living for others that they themselves cannot afford, creating a distinct and prohibited class of privilege.

**The BlueHub Conduit and Article LXII Violation**

Approximately $140 million in combined treasury warrants, FEMA pass-throughs, HUD Section 108 loan guarantees, and state credit pledges were funneled to Blue Hub Massachusetts, Inc. (incorporated Aug 14, 2024).

- **Article LXII, §1 Breach:** These transfers were executed without the mandatory two-thirds yeas-and-nays vote required for the Commonwealth to pledge its credit to a private association.
- **Unreasonable Seizure:** These acts, combined with the evasion of Article VI, represent an unreasonable seizure of the public treasury under Article XIV, as the funds are being "seized" from the inhabitants via taxation and transferred to private entities without constitutional consent.

On October 24, 2023, 164 members of the body politic served unrebutted lawful demands under Articles V and XIX. Silence perfected default. Because these acts violate the foundational "Anti-Privilege" command of Article VI, they are void ab initio and cannot be cured by legislative reenactment.

## 7.5 Procurement Fraud, SAPHE 2.0, and Aiding Enemies (2023–2024)

On July 21, 2024, 94 members of the body politic served *Lawful Notification of Instruction* under Art. XIX to the Economic Development Conference Committee which met on July 22, 2024, nullifying SAPHE 2.0 in its entirety and demanding production of authority within 10 days.

**The Act of Defiance and Foreign Alignment**

On November 20, 2024, Governor Healey signed the 2024 Economic Development Bill (Chapter 238), burying SAPHE 2.0 language (Amendment #34) as "public health reform" to authorize $1B+ in no-bid contracts.

- **The Shenzhen MOU:** Bolstered by Mayor Michelle Wu, who on November 14, 2023, signed a Shenzhen MOU (FOIA #2025-178), pledging city-owned real property as collateral for foreign funds. This negotiation violates MA Art. LXII, § 1 (Pledging credit without 2/3 vote); U.S. Art. I, § 10 (Federal monopoly on foreign treaties); MA Part II, Ch. I, § 1 (Disposition of land without Legislative grant); MA Art. VI (Exclusive privileges); and 18 U.S.C. § 953 (Logan Act).

- **The Beneficiaries:** A May 20, 2025, audit confirmed that Spinelli Ravioli ($9.4M) received overpayments for substandard food, and Pilgrim Transit ($6.8M) billed for thousands of "ghost rides" that never occurred.
- **The Individual Conspirators:** The legislative maneuver by Speaker Ronald Mariano, President Karen Spilka, and Senator Marc Pacheco to enact an immunity clause for BlueHub at 2:47 a.m. constitutes an ultra vires act of structural fraud and a total repudiation of delegated authority. Because government power is a narrow trust conferred by the People, who demonstrated they knew how to grant limited immunity only once in the Constitution for parliamentary speech, any further claim of immunity is a self-granted usurpation that is void ab initio. Under the governing maxims ubi jus ibi remedium (where there is a right, there must be a remedy) and nemo potest plus juris ad alium transferre quam ipse habet (no one can transfer a greater right than he himself possesses), the legislature cannot lawfully extinguish the People's right to a remedy or grant a "privilege of wrongdoing" that the People never authorized. By attempting to shield a private entity from a consumer fraud judgment, these officials have breached their fiduciary bond, resulting in a forfeiture of the power entrusted to them by the principal.
- **AG Andrea J. Campbell:** Filed a HUD lawsuit in December 2025 to demand more funds while concealing an $830 million obligation to repay illegal reimbursements, violating the Supremacy Clause and her Article XVIII duty to prevent unconstitutional bills.

## 7.6 Firearms Usurpation and Preamble Extortion (2023–2024)

Between October 9, 2023, and July 19, 2024, one hundred sixty-five (165) members of the body politic, acting in their sovereign capacity, served upon the Massachusetts Legislature a series of lawful notifications concerning House Docket 4420, entitled:

*"Lawful Notification to the Massachusetts State Legislature Instructing Them to Prevent Maladministration and Cease Further Usurpations, Repugnant to the Constitution"*

instructing the Legislature to cease all firearms infringement under Article XVII.

The notice instructed the legislature that HD4420 was null and void for any effect as it was repugnant to *Massachusetts Constitution, Part the First Article XVII which states,*

*"The people have a right to keep and to bear arms for the common defence."*

This right is further affirmed by the Second Amendment to the United States Constitution, which provides:

*"A well-regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed." U.S. Bill of Rights, Amendment 2.*

Firearms regulation of the type proposed in HD 4420 lies outside the general powers of government, barred by the absence of any explicit constitutional grant and further prohibited by express constitutional command. Any attempt to legislate in a field expressly excepted from

governmental authority is void ab initio, irrespective of legislative form, intent, or asserted public purpose.

*As Thomas Jefferson affirmed:*

*"The Constitution of most of our states (and of the United States) assert that all power is inherent in the people; that they may exercise it by themselves; that it is their right and duty to be at all times armed." – Thomas Jefferson, letter to John Cartwright, 5 June 1824*

**The Act of Defiance**

On October 18, 2023, the Joint Committee on Public Safety and Homeland Security convened a hearing on HD 4607, a repackaging of HD 4420, docketed as H.4135/S.2572. This maneuver preserved the substance of the original firearms infringements while attempting to evade the constitutional objections already placed on formal notice by the People.

On July 18, 2024, a Conference Committee produced a final version of HD 4607, which was passed by both the House and Senate in the dead of night, at approximately 3:00 a.m. Rather than openly abrogating the right to keep and bear arms, the bill substituted backdoor infringements, including, but not limited to, expanded "red flag" provisions, bans on so-called "ghost guns," and sweeping redefinitions of "assault weapons." These measures were designed to achieve the same unconstitutional end through indirect restraint rather than explicit prohibition.

On August 28, 2024, two hundred eighty-eight (288) members of the body politic, acting in their sovereign capacity, served lawful notices upon Governor Maura Healey, declaring that no branch of government, including the Executive, possesses any constitutional authority to suspend the Constitution or to impose measures that infringe the fundamental rights of the People under the pretext of "emergency powers." The notice made explicit that such actions constitute usurpation, expressly prohibited by constitutional principles. It further declared that no legislative act or statute can lawfully grant any branch of government the power to arbitrarily control the lives and liberties of the People or to abrogate inherent rights. Statutes enacted under the guise of emergency powers cannot override, diminish, or suspend constitutional guarantees. Any attempt to do so is unconstitutional and void.

Governor Healey issued no response. Her silence operated as perfected tacit admission.

In response to the Legislature's defiance, the People, acting in their sovereign capacity, organized and gathered one hundred thousand (100,000) signatures to invoke an Article XLVIII referendum to challenge the bill. This effort constituted a direct exercise of the People's reserved powers of initiative, instruction, and redress.

Before those petitions could be formally submitted, on October 2, 2024, Governor Healey signed the bill into law as Acts of 2024, Chapter 135, attaching an emergency preamble to force immediate effect. This was a power she does not constitutionally possess in these circumstances. The emergency preamble was used not to address any legitimate emergency, but to extinguish

the People's right to petition, in direct violation of Articles V, XVIII, and XIX of the Massachusetts Declaration of Rights.

This act constitutes Hobbs Act extortion, as it deprived voters of their political franchise under color of official authority, coercively nullifying a lawful referendum effort by misuse of executive power.

## 7.7 The Audit Mandate and Legislative Obstruction of the People's Will (Nov. 2024 – Present)

In November 2024, the People of the Commonwealth, acting in their sovereign capacity at the ballot, lawfully voted to audit the Massachusetts Legislature. This vote constituted a direct exercise of the People's retained authority to oversee, correct, and restrain their agents, consistent with Part the First, Articles V, XVIII, and XIX, which guarantee accountability at all times, exact observance of constitutional principles, and the right to demand redress.

The audit vote was neither advisory nor symbolic. It was a binding expression of the People's will, lawfully rendered through the electoral mechanism provided for self-governance. By this act, the People commanded transparency, inspection, and disclosure regarding legislative conduct, expenditures, and compliance with constitutional limits. The authority to audit is inherent in sovereignty itself and exists independently of legislative consent.

Rather than comply, the Legislature has actively obstructed, delayed, and attempted to nullify the audit mandate. Legislative officers and agents have:

- Refused to initiate or cooperate with the audit process;
- Withheld records and financial disclosures subject to public inspection;
- Asserted internal "legislative privilege" to shield themselves from oversight by the very authority that created them; and
- Treated the audit vote as optional, unenforceable, or subject to legislative discretion.

This conduct constitutes a direct violation of Part the First, Article V, which provides that:

*"All power residing originally in the people, and being derived from them, the several magistrates and officers of government, vested with authority, whether legislative, executive, or judicial, are their substitutes and agents, and are at all times accountable to them."*

An audit is a lesser-included power of reform and oversight. It cannot be vetoed, delayed, or conditioned by those subject to it without extinguishing the principal–agent relationship itself. An agent cannot lawfully decide whether the principal may inspect the agent's conduct.

The Legislature's obstruction further violates Article XVIII, which requires "an exact and constant observance of the principles of the constitution," and Article XIX, which guarantees the People's right "to request of the legislative body… redress of the wrongs done them." An audit is not a request for policy change; it is a demand for inspection and redress through disclosure. To ignore it is to deny the People's constitutional standing.

This refusal mirrors the same pattern documented throughout Sections 7.1–7.6, lawful instruction by the People, followed by silence, defiance, and procedural evasion by their agents. The Legislature's attempt to disregard the audit mandate is not mere negligence or delay; it is institutional rebellion against the sovereign authority from which it derives existence.

Under settled maxims of law, an agent who refuses inspection by the principal forfeits trust. A legislature that denies audit denies accountability; a body that denies accountability denies legitimacy. The People did not petition for permission to audit. They issued a lawful command through the highest civil instrument available to them: the ballot.

The Legislature's continued obstruction therefore operates as further evidence of maladministration, contempt of sovereign authority, and perfected default, and stands as an independent constitutional breach reinforcing the cumulative record established herein.

## 7.7.1 Dual Acts of Obstruction: Secret Retention of Counsel and Treasury Expenditures Under the Guise of "Election Integrity"

Following the People's November 2024 audit mandate, two separate but temporally related actions were undertaken by legislative leadership. Each act, standing alone, raises serious constitutional and fiduciary concerns. Taken together, they present a coherent pattern of resistance to sovereign oversight.

**Issue One: Secret Retention of Counsel to Oppose the People's Mandate**

After voters lawfully approved Question 1 requiring an audit of the Massachusetts Legislature, the House of Representatives did not initiate compliance. Instead, it quietly retained outside legal counsel for the apparent purpose of resisting, delaying, or defeating the audit.

Public reporting confirms that the House issued a closed-door Request for Proposals (RFP) for legal services prior to the effective date of the voter-approved law, with sealed bids due January 3, 2025. The Speaker's office later confirmed the retention of CEK Boston, a firm led by former First Assistant Attorney General Thomas Kiley, whose professional ties are deeply embedded within Beacon Hill's political infrastructure.

This retention was undertaken:

- without public notice,
- without a recorded vote of the People,
- without legislative debate regarding compliance,
- and without disclosure that public funds would be used to oppose a voter mandate.

Taxpayer funds were thus expended not to implement the audit commanded by the electorate, but to litigate against it. This conduct is inconsistent with the Legislature's status as an agent accountable "at all times" to the People under Part the First, Article V.

**Issue Two: Treasury Expenditures and Out-of-State Legal Engagements Labeled "Election Integrity"**

Separately, and subsequent to the audit vote, approximately $122,000 was expensed from the public treasury under the designation of "Election Integrity." During this same period, Speaker Mariano traveled to Washington, D.C., where he met with the national law firm Gibson Dunn.

No public explanation has been provided establishing:

- what election was being protected,
- what integrity threat required out-of-state counsel,
- why Massachusetts taxpayers were charged,
- or how such expenditures advanced compliance with the People's audit mandate.

Critically, this expenditure did not result in transparency, disclosure, or audit cooperation. Instead, it coincided with continued refusal, legal resistance, and withholding of legislative financial records.

This subsection does not allege that the expenditure was unlawful per se. It alleges that:

- the purpose asserted ("Election Integrity") is inconsistent with the effect produced (secrecy and obstruction),
- the timing raises material questions,
- and the use of treasury funds to engage elite external counsel, while denying inspection to the People, demands scrutiny.

**The Unresolved Question of Purpose**

The Constitution does not require speculation to raise jurisdictional concern. It requires accountability. Accordingly, the unresolved question presented by these facts is narrow and lawful:

Were public funds expended to protect the integrity of elections?, or to entrench legislative financial data within legal lockboxes, thereby obstructing a voter-mandated audit and insulating agents from sovereign inspection?

If the former, disclosure would follow. If the latter, resistance would. To date, resistance is what has occurred.

**Jurisdictional Implication**

- An agent who expends public funds to defeat oversight by the principal exceeds delegated authority.
- A legislature that hires counsel against the People ceases to act legislatively and begins to act defensively.

- A body that invokes “Election Integrity” while concealing financial records destroys the very integrity it claims to protect.

These acts, whether viewed independently or collectively, constitute further evidence of maladministration, misuse of appropriated funds, and perfected default, and they reinforce the necessity of the audit the People lawfully commanded.

## 7.8 Pattern of Enterprise and Perfected Default

Across elections, medical coercion, invasion funding, procurement fraud, firearms suppression, and now the obstruction of a voter-mandated legislative audit, the same pattern repeats:

- Lawful sovereign instruction
- Official silence or evasion
- Repudiation of constitutional limits
- Repackaging or burial of void acts
- Suppression of oversight and redress

Under Norton v. Shelby County, unconstitutional acts are void *ab initio*. Under Vanhorne’s Lessee v. Dorrance, legislatures cannot cure constitutional defects by reenactment or procedural disguise. Under Blackstone, suppression of the lawful voice of the People constitutes constructive force.

Multiple waves of lawful action, 18, 135, 164, 165, 288, 94, 100,000+ petitions, and a statewide audit vote, were delivered, certified, received, and ignored. They were not missing, they were resisted.

Default is perfected. Authority is forfeited.

## 7.9 Conclusion: Restoration Without Rupture — The People’s Work Ahead

This report does not deny reality; it recognizes it.

The People of this Commonwealth do not live in abstractions or theories. They live beneath systems that exercise power over their homes, labor, property, movement, livelihoods, and liberties, often through mechanisms they neither created nor knowingly consented to. They raise families, operate businesses, seek medical care, travel the public ways, and attempt to resolve disputes while navigating a governmental structure that has drifted materially from the written compact under which it first claimed lawful authority. The burden imposed by that drift is real. Dependency is real. Confusion is real. The fear of disruption is real.

For that reason, restoration cannot proceed through recklessness or shock. The purpose of this record is not to invite collapse, vengeance, or institutional chaos. The Founders did not establish a constitutional republic that heals itself through convulsion. They established one capable of correction through knowledge, notice, deliberation, and the informed exercise of popular sovereignty. The violations documented throughout this record did not arise in a single moment.

They accumulated gradually through silence, convenience, habit, presumption, and the steady normalization of undelegated authority. What accumulated gradually cannot be unwound abruptly without inflicting injury upon the very People whose rights government was instituted to secure.

The People are not seeking to destroy the Commonwealth. They are seeking to reclaim it.

The governing principle moving forward must therefore be gradual reversion rather than instant nullification. Where statutes, agencies, practices, tribunals, or offices are shown to be ultra vires, repugnant to the constitutional compact, or void ab initio, the lawful remedy is orderly rollback guided by the People themselves through constitutional means. Restoration must proceed deliberately, restoring judicial authority where administrative command displaced it, returning local institutions to their lawful footing, auditing agencies whose existence cannot be reconciled with the original delegation of power, reconciling unauthorized expenditures of public funds, and reaffirming through open public action which functions the People knowingly choose to preserve, modify, or abolish.

None of these corrections may legitimately originate from above. Every lawful remedy must proceed from the sovereign People themselves, for sovereignty was never delegated away.

This report therefore does not dictate outcomes. It establishes jurisdictional facts. Once those facts are established, the authority to determine the future returns to its rightful source. The People may choose to preserve certain institutions while confining them within constitutional boundaries. They may choose to abolish others entirely where those institutions no longer serve the common good. They may choose conditional forgiveness for prior breaches upon demonstrable restoration of constitutional limitation, or they may seek restitution for injuries sustained through maladministration and unlawful governance. They may amend their Constitution openly and knowingly, rather than permitting it to be altered silently through judicial implication, procedural expansion, or legislative fiat. They may even choose temporary inaction while preparing for future lawful correction. Every one of these choices remains within the authority of the People themselves. None belong to agents who exceeded the trust originally delegated to them.

This report is therefore a record, a notice, a boundary line, and a mirror held before the present condition of the Commonwealth. It is not a call to disorder or violence, nor does it assert that every public servant acted from malice or corruption. It is instead a recognition that constitutional structures matter, and that when those structures drift from first principles long enough, even sincere intentions become instruments of injustice.

With the People’s lawful vote to audit the Legislature ignored and obstructed, the evidentiary record is complete. No further notice is required.

What follows is not allegation, but consequence.

## 8.0 The Mandate for Restoration: Dissolving the Usurpation

The evidence set forth throughout this record establishes not isolated error, but systemic constitutional displacement within the government of Massachusetts. The legislative, judicial, and executive departments have progressively moved beyond the fixed limits imposed by the Constitution of 1780 and into a condition of continuing usurpation sustained through administrative expansion, procedural substitution, institutional presumption, and self-ratifying authority. Under the constitutional firewall established by the Commonwealth, acts repugnant to the supreme law are not merely voidable, but void from the beginning. The Supreme Court of the United States recognized this principle plainly, declaring that an unconstitutional act is *"not law; it confers no rights; it imposes no duties; it affords no protection,"* and is *"as inoperative as though it had never been passed." Norton v. Shelby County*, 118 U.S. 425, 442 (1886).

This conclusion is not rhetorical. It is jurisdictional.

The Constitution of Massachusetts does not permit conditional obedience, pragmatic suspension, or administrative exemption from constitutional restraint. Where authority was never delegated, it cannot be acquired through convenience, necessity, complexity, custom, or the mere passage of time. Government possesses no reservoir of inherent sovereignty from which undelegated powers may be drawn. Every lawful act must remain continuously traceable to the constitutional compact from which governmental authority derives.

Restoration is therefore not discretionary. It is mandatory.

## 8.1 Preemptive Dismantling of Opposing Arguments

To preserve lawful restoration against the predictable defenses of the modern administrative order, the principal arguments advanced in support of continuing usurpation must be addressed under strict constitutional construction.

The first and most common defense rests upon the claim of long usage, namely that decades of administrative practice have gradually transformed unconstitutional structures into legitimate authority. The law rejects that proposition categorically. *Quod ab initio non valet, in tractu temporis non convalescit*, that which was void from the beginning does not become valid merely through the passage of time. Custom cannot create a power the People expressly withheld. Habit cannot cure a jurisdictional defect. Prescription cannot transform usurpation into lawful authority. Any claim resting upon longevity rather than delegation remains ultra vires regardless of how thoroughly normalized the practice may have become.

Closely related is the argument of modern complexity, namely that the Constitution of 1780 is too simple, too rigid, or too antiquated to govern the modern administrative state. Such reasoning is not constitutional interpretation but repudiation of constitutional government itself. Thomas Jefferson warned that laws must remain sufficiently simple and intelligible that the citizen may judge whether he is oppressed. James Madison likewise cautioned that departure from the written charter transforms a constitution into little more than a mutable scheme governed by the preferences of those administering it. Complexity is not a source of lawful authority. If

constitutional restraints must yield whenever administration becomes inconvenient, then constitutional limitation ceases to exist altogether.

Equally defective is the theory of the "living constitution," under which judicial or legislative actors progressively redefine constitutional meaning without amendment by the People themselves. The meaning of a constitutional compact is fixed at adoption and cannot be altered through evolving interpretation untethered from original public understanding. As recognized in *People ex rel. Bay City v. State Treasurer*, the intent of the People *"is not different at any subsequent time when a court has occasion to pass upon it."* 13 Mich. 127, 139 (1865). *Nihil quod est contra rationem est licitum*, nothing contrary to reason is lawful. Where interpretation departs from the fixed public meaning adopted by the sovereign People, lawful authority dissolves into institutional discretion.

The constitutional order cannot survive if government may redefine the limits of its own power while continuing to claim obedience under the name of law.

## 8.2 The Necessity of New Agents and Forfeiture

The constitutional crisis identified throughout this record cannot be understood solely as a failure of policy, procedure, or interpretation. It is, at its core, a failure of fiduciary duty. The officers and institutions of the Commonwealth were never entrusted with sovereign authority in their own right. They were constituted as agents exercising limited powers delegated by the People under a written compact prescribing both the source and boundaries of lawful governmental action. Every office within the Commonwealth therefore exists conditionally rather than absolutely, and every commission remains subordinate to the constitutional trust from which it derives.

Where that trust is materially breached, lawful authority cannot remain unaffected.

The foundational principle governing all delegated power was expressed with unmistakable clarity by the American constitutional tradition itself, namely that *"all delegated power is trust, and all assumed power is usurpation."* The distinction is decisive. Delegated authority exists only within the boundaries prescribed by the People. Assumed authority arises where agents exercise powers never lawfully granted, powers expanded through implication, convenience, administrative necessity, judicial presumption, or institutional custom rather than constitutional delegation. Once agents cease operating as faithful executors of the compact and instead become independent sources of authority unto themselves, they cease acting as constitutional officers and become instruments of usurpation.

St. George Tucker warned that such conduct constituted not merely technical error but a species of political betrayal directed against the sovereignty of the People themselves. The constitutional system was established precisely to prevent agents from gradually transforming delegated offices into autonomous centers of self-preserving power. The danger was never limited to overt tyranny alone. It included the quieter and more gradual consolidation of undelegated authority beneath the appearance of lawful administration until the distinction between servant and sovereign became obscured.

The present condition of the Commonwealth reflects precisely that danger. Legislative bodies increasingly delegate broad discretionary authority to administrative agencies while disclaiming responsibility for the resulting exercises of power. Executive departments promulgate rules carrying the practical force of law despite lacking direct constitutional enactment by the People's representatives. Judicial institutions sustain these arrangements through doctrines of deference and procedural insulation that frequently presume institutional legitimacy before constitutional authority has first been affirmatively demonstrated. The cumulative effect is a system in which agents increasingly determine the extent of their own powers through internally generated mechanisms of validation.

Such a condition cannot be reconciled with constitutional government.

Office within the Commonwealth was never intended to operate as a form of permanent institutional ownership detached from constitutional limitation. Authority is conditional because the offices themselves are conditional. The Constitution presupposes faithful execution as a continuing prerequisite to lawful power. Where officers systematically exceed the constitutional boundaries imposed upon them, the condition upon which their authority depends is materially breached. The Alabama Constitution recognized this principle directly when it declared that the sole legitimate end of government is the protection of the citizen in the enjoyment of life, liberty, and property, and that whenever government assumes other functions it becomes usurpation and oppression. The principle is not unique to Alabama. It reflects the broader constitutional understanding inherited from the American founding itself.

Accordingly, forfeiture under such circumstances is not punitive in nature but jurisdictional. When the constitutional condition authorizing an office fails, lawful authority attached to that office dissolves with it. Authority does not survive independently of the compact from which it arose.

This principle becomes especially urgent where structural conflicts of interest render impartial governance impossible. The concentration of legal, procedural, disciplinary, and adjudicative authority within a single professional class fundamentally conflicts with the oldest principles of Anglo-American jurisprudence. *Nemo debet esse judex in propria causa*, no man ought to be judge in his own cause. The maxim exists because structural bias is inseparable from concentrated institutional self-interest. When the same professional order drafts procedural rules, controls licensure, disciplines participation, advises the courts, occupies the judiciary, and influences the legislative process through unified professional organization, constitutional separation gives way to institutional consolidation.

Good faith cannot cure structural conflict. Personal sincerity cannot eliminate institutional incentive. Constitutional systems are designed not upon assumptions of perfect virtue, but upon recognition of the enduring realities of human ambition, self-preservation, and accumulated power. For that reason the constitutional order dispersed authority, divided functions, localized accountability, and preserved popular participation through juries, public presentments, local offices, and independent constitutional limitation.

The gradual absorption of those safeguards into centralized administrative and professional structures has materially altered the constitutional character of governance within the Commonwealth. Restoration therefore cannot consist merely of replacing one officer with another while preserving the same unlawful architecture. The structures themselves must again be subordinated to the constitutional compact from which all legitimate authority derives.

Only then can agents once more become servants rather than rulers, and offices instruments of public trust rather than mechanisms of institutional self-preservation.

## 8.3 Orderly Reversion: Restoration Without Rupture

Although the structures identified throughout this record are shown to exceed the constitutional delegation originally granted by the People, the correction of those violations cannot proceed through recklessness, vengeance, or institutional collapse. The People of the Commonwealth are presently bound within systems that, however constitutionally defective, nevertheless touch every aspect of daily life, including property, commerce, transportation, adjudication, licensing, public records, taxation, healthcare, education, and local administration. To dissolve every unauthorized structure in a single moment would not restore ordered liberty but risk imposing confusion and instability upon the very inhabitants whose rights constitutional government was instituted to secure.

The Constitution does not require chaos in order to correct fraud.

For that reason, restoration must proceed through gradual reversion rather than abrupt rupture. The objective is not destruction of civil order but the orderly restoration of lawful constitutional order where administrative substitution displaced it. Government derived from the People cannot be restored against the People through force or institutional shock. It must instead be restored through deliberation, transparency, public instruction, lawful transition, and the progressive reestablishment of constitutional forms capable of resuming the functions unlawfully absorbed by administrative systems.

The governing principle is ancient and well settled. *Ratio est legis anima; mutata legis ratione mutatur et lex*, reason is the soul of the law, and when the reason for the law changes, the law itself must change accordingly. The administrative structures described throughout this record were justified over time through claims of necessity, efficiency, expertise, emergency, uniformity, and institutional convenience. Yet no claim of convenience can permanently suspend constitutional limitation. Once the underlying justification for extraordinary or undelegated power fails, the authority resting upon it cannot remain indefinitely preserved merely through institutional inertia.

The restoration process must therefore proceed in a manner that steadily returns governmental functions to their lawful constitutional footing while minimizing unnecessary injury to the People. Administrative adjudication must gradually yield to genuine courts of record exercising independent judicial power. Jury authority must be restored not merely in ceremonial form, but in substance, including the historic right to judge both law and fact within the limits preserved by constitutional tradition. Agencies exercising blended legislative, executive, and adjudicative

functions must be audited publicly to determine which, if any, possess a lawful constitutional basis consistent with the original delegation of authority. Public expenditures and appropriations diverted beyond constitutional limitation must be openly accounted for and reconciled. Local and county offices displaced through administrative consolidation must be examined for restoration to their original common-law footing, thereby returning accountability closer to the communities from which lawful authority first arose.

None of these corrections can legitimately originate from the existing administrative order acting alone, for the authority to determine the proper structure of government belongs ultimately to the sovereign People themselves. The Massachusetts Declaration of Rights expressly reserves to the People their *"incontestable, unalienable, and indefeasible right to institute government; and to reform, alter, or totally change the same, when their protection, safety, prosperity and happiness require it."* That authority is not granted by government. It precedes government and forms the very basis upon which all legitimate governmental power rests.

What is proposed herein is therefore not rebellion against constitutional order but reassertion of it. The People of the Commonwealth are not petitioning agents for permission to reclaim powers they never surrendered. They are exercising a lesser-included authority inseparable from original sovereignty itself, namely the right to restore constitutional limitations where those limitations have been materially displaced by unauthorized administration and institutional self-expansion.

The Constitution of Massachusetts itself arose from precisely such an exercise of popular sovereignty. The People declared that they did *"solemnly and mutually agree with each other, to form ourselves into a free, sovereign, and independent body-politic or state."* Government therefore did not create the People's sovereignty; the People created government through compact. The Constitution further declared the object of all lawful governmental authority in unmistakable terms, namely *"to secure the existence of the body-politic; to protect it; and to furnish the individuals who compose it, with the power of enjoying, in safety and tranquillity, their natural rights, and the blessings of life."* Where those objects cease to be secured, the Constitution itself provides the remedy, declaring that *"the people have a right to alter the government, and to take measures necessary for their safety, prosperity and happiness."*

The constitutional compact established within the Commonwealth was entered openly, peaceably, and deliberately. It was not imposed through conquest, secrecy, or fraud, but formed through mutual covenant among free inhabitants agreeing to govern themselves under fixed constitutional limitations. The authority to preserve that compact therefore remains where it began, within the People themselves.

Accordingly, the actions contemplated herein do not constitute insurrection, disorder, or repudiation of constitutional government. They constitute enforcement of the original constitutional settlement against structures that materially departed from it. What is sought is not revolution but restoration, not destruction but correction, not vengeance but lawful reversion to first principles.

The constitutional compact has not failed. It has been neglected, displaced, and obscured beneath layers of administrative accumulation and institutional self-preservation. The People have not abandoned the law. They have returned to it.

In doing so, they stand upon the same sovereign foundation upon which the Commonwealth itself was first established, superior in right, in law, and in constitutional authority to every office, institution, and agent subsequently derived therefrom.

## 8.4 Firewall Analysis and Findings

The constitutional structure of the Commonwealth was established upon the premise that all governmental authority remains subordinate to superior law, continuously bound by the limits imposed through the original compact of the People. The institutions created by the Constitution were never intended to become autonomous centers of self-deriving authority capable of redefining the extent of their own powers through internal procedure, administrative necessity, judicial implication, or institutional custom. Government was designed to remain an instrument executing law, not an independent source from which law itself would emerge.

The evidence established throughout this record demonstrates that this hierarchy has been materially inverted. Administrative procedure increasingly displaces constitutional limitation. Institutional continuity increasingly supersedes constitutional derivation. Agencies promulgate binding regulations carrying practical force equal to legislation while remaining insulated from direct political accountability. Courts increasingly defer to administrative interpretation rather than independently testing governmental action against the fixed limits of the constitutional compact. Executive discretion expands beneath claims of efficiency, emergency, and necessity while legislative bodies progressively transfer core governmental functions into structures operating beyond meaningful public oversight.

The result is not merely isolated constitutional error but systemic displacement of superior law by subordinate institutional mechanism. The Constitution remains outwardly preserved while its practical restraints are progressively subordinated to internally generated systems of administrative management. Such a condition cannot be reconciled with the constitutional order established by the People of Massachusetts, for the Constitution was intended to govern institutions, not to be governed by them.

The record further establishes that substantial exercises of governmental authority now proceed absent identifiable constitutional delegation. The powers exercised by numerous agencies, tribunals, commissions, and administrative bodies cannot be continuously traced to express constitutional authorization but instead arise through accumulated implication, delegated discretion, procedural expansion, and institutional precedent. Yet delegated authority cannot lawfully expand itself. A power omitted from the constitutional grant cannot be supplied later through convenience, complexity, or long usage. *Quod ab initio non valet, in tractu temporis non convalescit*, that which was void from the beginning does not become valid through the passage of time.

The administrative order described throughout this record likewise substitutes procedure for law itself. Constitutional adjudication increasingly yields to managerial administration. Independent judicial determination yields to hearing officers, tribunals, agency review boards, procedural defaults, licensing systems, and internally generated regulatory frameworks exercising blended legislative, executive, and adjudicative powers within the same institutional structure. The outward forms of constitutional government remain visible, yet the substance of constitutional restraint is progressively displaced by systems designed primarily to preserve administrative continuity.

This substitution carries direct consequences for due process itself. Under the constitutional order inherited from the common law, due process constituted a condition precedent to lawful governmental action. Jurisdiction first had to be established. Authority first had to be demonstrated. The burden rested upon government to prove its lawful power before coercive action could proceed. The modern administrative structure increasingly reverses that principle by presuming institutional authority at the outset and shifting the burden to the citizen to overcome procedural barriers erected by the very institutions asserting power over him. Such inversion transforms due process from a restraint upon government into an administrative mechanism for processing resistance to presumed authority.

The record additionally demonstrates the emergence of administrative circularity in which institutions increasingly validate themselves through internally generated procedures insulated from external constitutional correction. Agencies interpret their own rules, enforce their own mandates, adjudicate disputes arising from their own regulations, and receive judicial deference concerning the scope of their own authority. Professional bodies regulate participation within systems over which members of the same professional class simultaneously exercise adjudicative and disciplinary influence. Standing doctrines, immunity doctrines, procedural barriers, and jurisdictional presumptions collectively operate to shield institutional structures from meaningful constitutional examination. In such a condition the constitutional firewall separating delegated authority from assumed power begins to dissolve into institutional self-ratification.

The resulting system progressively immunizes itself from accountability to the sovereign People from whom all lawful authority was originally derived. The People encounter increasing difficulty not merely in correcting constitutional violations, but even in obtaining substantive review of whether lawful constitutional authority exists in the first instance. Such insulation cannot be reconciled with a constitutional order founded upon divided powers, local accountability, public participation, independent juries, ministerial duties, and the continuing supremacy of the People over their agents.

Accordingly, the conclusion compelled by this record is unavoidable. Significant portions of the present governmental structure of the Commonwealth no longer operate solely through the constitutional delegation established by the People in 1780. Instead, authority increasingly proceeds through administrative substitution, procedural presumption, institutional continuity, delegated discretion, and internally generated mechanisms of self-validation that materially depart from the original constitutional design.

The Constitution of Massachusetts declared that *"a frequent recurrence to the fundamental principles of the constitution"* is *"absolutely necessary to preserve the advantages of liberty and to maintain a free government."* The necessity of that recurrence now stands before the Commonwealth in unmistakable form. To the extent the structures examined herein exceed the constitutional compact from which all lawful authority derives, substitute administrative mechanism for constitutional limitation, or exercise powers unsupported by lawful delegation, such acts stand as ultra vires exercises of assumed authority and therefore lack lawful constitutional legitimacy.

## 8.5 Final Declaration

The Commonwealth of Massachusetts was not established upon the doctrine that government may define the limits of its own authority according to convenience, necessity, or institutional preference. It was founded upon the opposite principle, namely that all governmental power proceeds from the People through a fixed constitutional compact which binds every office, magistracy, department, and tribunal created beneath it. The Constitution did not create sovereign rulers. It created fiduciary agents entrusted with limited authority for limited ends, always subject to recall by the superior sovereignty from which their commissions derive.

That compact has not been lawfully amended to authorize the structures described throughout this record. The People did not knowingly surrender trial by jury in favor of administrative adjudication. They did not delegate legislative authority to unelected agencies empowered to promulgate binding rules carrying the practical force of law. They did not consent to systems in which the same institutional class drafts procedural rules, interprets them, enforces them, disciplines participation within them, and then claims impartiality while adjudicating disputes arising from those same structures. Nor did they authorize the gradual displacement of constitutional limitation through judicial implication, procedural presumption, or institutional deference exercised in favor of the very systems whose authority was required to remain continuously subject to constitutional scrutiny.

Yet this displacement did not occur through a single act of open conquest. It arose gradually through accumulation, complexity, silence, and institutional continuity. The outward forms of constitutional government remained visibly intact while the underlying substance of constitutional restraint was progressively displaced by administrative management and self-ratifying authority. In this manner the People were taught to regard the machinery of government itself as the source of legitimacy rather than the constitutional compact from which government originally derived.

The Constitution, however, remains superior to every office created beneath it. No institution may lawfully supersede the source of its own authority. No agent may permanently retain powers never delegated merely because those powers have long been exercised without successful challenge. The passage of time does not convert usurpation into legitimacy, nor does complexity extinguish constitutional limitation. Government remains bound today by the same first principles that governed at the founding of the Commonwealth itself.

Those principles were declared plainly by the People of Massachusetts when they established their Constitution. They affirmed that government exists *"for the common good; for the protection, safety, prosperity and happiness of the people; and not for the profit, honor, or private interest of any one man, family, or class of men."* They further declared that the People alone possess the *"incontestable, unalienable, and indefeasible right to institute government; and to reform, alter, or totally change the same, when their protection, safety, prosperity and happiness require it."* These declarations were not ornamental political philosophy. They were jurisdictional reservations of sovereign authority retained by the People themselves.

Accordingly, the conclusions reached throughout this record do not constitute rebellion against constitutional order but recurrence to it. The People seek neither anarchy nor vengeance. They seek restoration of the constitutional firewall separating delegated authority from assumed power, lawful judgment from administrative command, and constitutional government from institutional self-preservation. The object is not destruction of the Commonwealth but recovery of the constitutional settlement from which the Commonwealth first arose.

The Constitution has not failed. It has been materially disregarded.

The People have not abandoned the law. They have returned to it.

And standing upon the authority expressly reserved to them within the original compact itself, they retain both the right and the duty to restore lawful government whenever the great objects for which government was instituted are no longer secured.

## 8.6 Closing Admonition and Reservation of Peaceful Constitutional Remedy

Nothing set forth in this record shall be construed as advocacy for violence, insurrection, unlawful force, or the destruction of civil order. The constitutional tradition of the Commonwealth does not recognize arbitrary power, but neither does it sanction lawlessness in the name of resistance. The object of lawful restoration is the preservation of ordered liberty through recurrence to first principles, not the replacement of one form of disorder with another.

The People of Massachusetts entered into constitutional society through mutual covenant, agreeing that government would remain forever subordinate to the ends for which it was instituted, namely the protection of life, liberty, property, safety, and happiness under known and fixed laws. That compact imposes duties not only upon public officers, but upon the People themselves. Constitutional restoration therefore requires sobriety, discipline, patience, knowledge, restraint, and fidelity to lawful process. A free Commonwealth cannot be preserved through passion alone. It survives only where the People remain capable of distinguishing lawful authority from mere power, constitutional obedience from institutional habit, and genuine self-government from administrative management exercised in its name.

This record is therefore issued as notice and evidence, so that no claim may later be made that the constitutional deviations identified herein were unknown, unseen, or incapable of recognition. The People possess the right to examine the acts of their agents against the superior law from which all delegated authority derives. They possess the right peaceably to assemble, to

instruct their representatives, to petition for redress of grievances, to demand accountability from public officers, and to insist that government remain confined within the constitutional limits imposed at its creation. These rights do not originate in legislative grace or judicial permission. They arise from the sovereignty retained by the People themselves.

The constitutional order established in Massachusetts was not intended to perish through neglect, complexity, or administrative accumulation. It was intended to endure through *"a frequent recurrence to the fundamental principles of the constitution."* The obligation of recurrence belongs to every generation, for no free people may permanently delegate the duty of preserving liberty to the very institutions whose powers require restraint.

Accordingly, the remedies contemplated herein remain peaceful, constitutional, and restorative in character. They seek not the destruction of the Commonwealth, but the reestablishment of lawful government beneath the supremacy of the constitutional compact. They seek not arbitrary retaliation against persons, but correction of structures materially inconsistent with the original delegation of authority. They seek not institutional humiliation, but constitutional fidelity.

The People of Massachusetts remain the sovereign authors of their government. The Constitution remains the supreme expression of their political will. Every office, department, tribunal, agency, and magistracy remains subordinate to that superior authority and possesses no lawful existence independent of it.

Where the constitutional compact has been materially displaced, the People retain the lawful authority to restore it.

Where the constitutional firewall has been breached, the People retain the lawful authority to rebuild it.

**And where government has drifted from its first principles, the People retain both the right and the duty to call it home.**