



KENN D'LOUDNEY

WE THE PEOPLE

AND

THE MATTER OF WORDS

**Semantics expose
government malindoctrination**



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ARTWORK

SYNOPSIS

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The Home Page of **The Democracy Defined Campaign** for
RESTORATION and UNIVERSAL ADOPTION of
CONSTITUTIONAL COMMON LAW TRIAL BY JURY.



Campaign philosophy supported by academics, doctors, attorneys & judges (U.S. & U.K.).
(Standard English Spelling)

WE THE PEOPLE AND THE MATTER OF WORDS...

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PART ONE. WORDS.

It is no shame not to know the derivations and meanings of words. We all have to learn sometime ! However, words do matter. No one knows this better than the people who deliberately misuse words and language to lead people astray.

Over generations and centuries, languages evolved to their present state, influenced by the migrations and particularly the constantly recurring conquest of territories by differing ethnic groups and tribes. English is a rich mixture of many tongues.

Reading Shakespeare, Marlowe, and Spenser and the earlier English of Chaucer requires definite study in order to understand the vocabulary, because the words conveyed a different sense then, although many seem familiar at first sight. In those days, words could lose a particular signification (meaning) by disuse or from confusion, and some were put to another application. Meanings could change without warning and for no apparent reason.

Following the invention of printing, the meanings of words started to become more stable, but publications were pricey and rare, and literacy was the acquired esoteric advantage of the privileged few. Consequently, the spoken word remained subject to uncertainty and flux.

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It was in the modern historical era, since the development of the sciences of philology, lexicology, semantics, semasiology and etymology, and the spread of literacy, that the signification of words became generally set. Above all, we have the incomparable Eighteenth Century work of Dr. Samuel Johnson to thank for that. As a result, the great historical and philosophical opuses of the likes of Gibbon, Jefferson or Macaulay remain as immediately comprehensible as the writings of our contemporaries... that is to say, modern writers' efforts are intelligible only if the contemporary scribe first learns and then respects the fixed semantic application of the vocabulary...

Simple, trusting people are easily misled when they do not know the real meanings of words and have not studied their own language thoroughly. Knowing this, today there are cunning politicians, their subordinates and surrogates, who deliberately use language in a mendacious way. The trick is simple: misappropriate important, powerful familiar words and phrases which are comforting and inspiring to the populace; implant a sinister different signification known only to the group insiders and political partisans; naïve persons follow the preachings believing that generations of their finest antecedents held, fought for and even died for the very same viewpoint as that which is falsely expressed by the modern politician or miseducator.

Note that *law* 'dictionaries' are not reliable as a source of semantical information for obtaining the correct meanings of words. Law dictionaries are intended for a different purpose. They can change radically overnight and do not respect the linguistically obligatory considerations of the sciences of etymology and semantics. This is because law books are mere transitory reflections of the caprice of politically-motivated *legislative* changes. They show the corresponding 'interpretive' rulings of judges who, at the behest of their political masters in power at the time, conveniently pervert the meanings of words according to the current whim of 'law' for the purpose of its application (enforcement) by the courts.

A flagrant example of this abuse of language for base purposes, which is widely pervasive, is seen where the supreme laws (that is, Constitutions) prescribe Trial by Jury as the sole justice system for "all crimes" (non-impeachable) — but where numerous activities are suddenly 'redefined' as a "misdemeanor" by a politically-appointed person working in a court (the 'judge'), simply for the disgraceful *political purpose* of denying the accused's right to a Trial by Jury.

There is nothing new in this type of corrupt political activity. To obtain inequitable advantage, money or hegemony, absolute monarchs and dictators have utilised such ploys throughout history. Since the introduction and widespread use of lexicons, however, a word's meaning is steadfastly witnessed: it has a set intellectual application which overrides and outlasts the fluctuating perjurious schemes of transient politicians and their beholden servants, the judges.

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A compounding of this corruption of language for political advantage is seen in those publications which follow the perjured law 'dictionaries' and replace the correct etymologically-derived signification with the insertion of the corrupted 'language'. In some cases, the employees of giant owning corporations, the publishers and editors of 'knowledge' compendia, encyclopædiæ, lexicons, etc., actively participate in or simply quietly acquiesce to this activity. For the abject purpose of political malindoctrination, flagrantly impossible meanings and distortions are being attached to words to spread confusion, uncertainty and disunity. Ultimately, the speechifying political weaver of untruth can achieve mind-control. One sees the miseducation taking place before one's eyes. People follow like the proverbial lamb led up the garden path to slaughter.

One only needs to be alerted to the problem of political malindoctrination by the abuse of language, to realise how deeply it is penetrating Western culture to the disadvantage of the English-Speaking Peoples. The antidote to this form of mind-manipulation (or 'brain-washing') is effective and simple:

- a.) take the trouble to peruse the subject and accumulate proficient semantical knowledge of those important words which we do need to use; and:
- b.) do not hesitate to correct others if they contribute to the political malformation of language; and:
- c.) constantly teach people and spread awareness at work, school and in social life, and:
- d.) berate all those who spread the lies and disinformation.

SOME WORDS THAT MATTER...

1. Etymology is the science which treats of the origin, history, derivation and signification of words. Greek *etymos*: true; *logia*, an account; *logos*, discourse; word.

Words have set meanings, or definitions, in order that we can understand each other. Words which have a distinct etymological background and history are so set in meaning that they cannot be changed simply because somebody wants to change them for a dubious purpose. Such insidious corruption will be perceived by those who are able to do so, and resisted.

2. *Definition.* The word for mob rule is ochlocracy (pronounced ock-lock-ra-see). The Greeks invented this word, and it contrasts widely with the very different meaning of their word 'democracy'. Democracy was and is nothing to do with mob rule; and it has no definitional relationship with suffrage (electoral voting).

3. A Republic Is...

Definition. A 'republic' is simply a form of government without a monarch. *Etymological derivation*, Latin. *res*, affair; *publica*, public; *respublica*, commonwealth.

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Every type of government could be found in a republic, apart from the fact that the head of state is not a monarch. There are numerous republics: democratic; theocratic ('religious'); military; fascist; authoritarian; totalitarian; communist/socialist; and so on. They all have constitutions and all are constitutional republics.

As for the U.S. Constitution, Article 4; Section 4: The United States shall guarantee to every State in this Union a Republican Form of Government [**as distinguished from a MONARCHY**], and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened), against domestic Violence.

There is nothing intrinsically benignant about republics: they come in all shapes. The blood-soaked post French Revolution mob-rule was a republic, like that of the Russian Bolsheviks. They were ochlocracies, along with governments of the sanguine communist Chinese and the deluded adherents to the violent primitive 'religious' theocracies. Yet, these are all constitutional republics.

When people advocate or say they "prefer" a 'constitutional republic', is the Union of Soviet Socialist Republics their ideal and preference? Surely not! Bandyng about the words 'constitutional republic' does not communicate to others that one is advocating a form of 'good government'. On the contrary, as there are more tyrannical constitutional republics than decent ones, the person who uses those words could be advocating authoritarianism and racism like that of Mugabe's republic of Zimbabwe. So, beware! We have to have a firm grasp of the correct meanings of words and the proper applications of relevant vocabulary.

These days, the once much-beloved United States have all but reneged on their wonderful Constitution, allowing politicians' ruin of the people's Constitutional Trial by Jury Justice System for all crimes (non-impeachable). Politicians and judiciary deny Jurors their duties definitive of the common law Trial by Jury. Today, federal and state authorities enforce inequitable, venal, crime-generating (inherently illegal) perjurious statutes*. So, one is hard put to give an example of a respectable, or rather, a *legal*, constitutional republic anywhere on Earth.

* See **THE REPORT** ISBN 9781902848167 by Kenn & Joanna d'Oudney for details. **THE REPORT** has a Foreword by a Nobel laureate official Adviser to the U.S. government professor emeritus; and is endorsed by a Professor Fellow of the Royal Society; by academics, doctors (of a variety of disciplines) and judges (U.S. & U.K.).

Where the constitutional justice system is based exclusively on Trial by Jury in whatever different nation states, then a 'constitutional monarchy' differs from a 'constitutional republic' in the relatively minor factor of the title of the head of state, and the frequency and the method by which the head of state is emplaced. With Trial by Jury holding sway over prosecution of every law and decision of government, the question of what 'type' of head of state is of somewhat cosmetic consequence.

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Nowadays, the constitutional monarch's rôle is symbolic; and the tenant who oversteps the limits can be displaced and replaced at the private behest of the prime minister, or by the parliament; viz. Edward the Eighth, 1936*.

* This means that in the U.K. letters and petitions "to the Queen" are worthless as a means of appealing against the actions of a despotic legislature and executive.

4. (i) *Definition.* Totalitarianism (noun); totalitarian (adjective); government executive allowing no opposition; control of everything under one authority.

(ii) *Definition.* Tyranny is defined as: oppressive rule administered with injustice; the cruel and arbitrary use of authority.

(iii) *Definitions,* a 'constitution' is a code of laws and customs established by the people (as distinct from administrative government and/or bureaucrats) of a nation for the control and guidance of its government (see Criteria); and

(iv) 'government' is comprised of the executive, the legislature and the judiciary.

5. DEMOCRACY.

To nullify arbitrary (tyrannical; illegal) government, and establish liberty and equal justice for all, **the Hellenes** created the society in which the common people have the power in Trial by Jury to judge the laws and overrule the laws and measures enacted by the national assembly. The *word* the Hellenes gave to describe this state of society in which the citizens have control *through the Trial by Jury* to judge, make and enforce the laws and overrule the government and the wealthy and powerful, the aristocrats and all the people who sought to rule them, was '*democratia*', which translates into English as 'Democracy'.

Democracy is founded on the Trial by Jury, derived from the Hellenic Athenian Constitution of government by Trial by Jury. Constitutional Democracy is based on the sovereignty of the individual citizen-juror in Common Law Trial by Jury as the final arbiter of law and protection of the people from tyranny. The people control the government, not the other way around. The people rule. This is democracy.

Etymology. Hellenic Greek *Demokratia*: *demos*, the people; *kratos*, sovereignty (ref. p.23), power; *kratein*, to rule. From the etymology comes the definition:

Democracy, the form of government in which the Sovereign Supreme Power is vested in the Common People; the emancipation and ethos of society produced by the power of Juries of ordinary citizens in Trial by Jury, to vet, make, decide and enforce the law; the people rule.

It is the implementation of the common law Trial by Jury through which "the people rule," which forms and defines democracy. The constitutional legal authority by which democracy is achieved is "*judicium parium suorum*," known as Trial by Jury or "the judgement of pares" (or peers: Latin-derived term for one's social equals, not trial by government).

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Trial by Jury Was Constitutionally Emplaced for the Purposes of:

A.) not only ascertaining guilt or innocence of the accused and where necessary for apportioning retribution, but also

B.) of transcendent importance, as a barrier to protect the vast mass of innocent citizenry from arbitrary government, i.e. unjust laws, tyranny; and from the prejudices and incompetence of fallible justices (judges). Trial by Jury enables the people to judge authoritatively what their liberties and laws are (as explained hereinafter), so that the people retain all the liberties which they wish to enjoy.

Within a democracy, Trial by Jury curtails arbitrary government and acts of injustice by providing the people with the effective protective mechanism. To accomplish the rejection of unjust prosecutions and legislation deemed contrary to the common interest, jurors simply pronounce the Not Guilty Verdict.

When the fact of all the people having equal and ultimate control over the enforcement of laws in the Trial by Jury is a firmly established social reality, it makes the passing of tyrannical legislation by national assemblies a fruitless exercise predestined to failure. **Tyranny is nipped in the bud.**

As long as juries of ordinary citizens have the final say, government remains the servant, not the master, of the people. Trial by Jury consummates the *etymology* of the word democracy, *the people rule*; for Trial by Jury is democracy's mechanism of authority by which all the lives, liberty, property and rights of all the People are legally secured under the protection of the people themselves.

The Relationship between Trial by Jury and Democracy Is Definitive.

In democratic Hellenic Greece, laws could *only* be enforced with the consent of a jury of ordinary citizens drawn indiscriminately by lot (i.e. by chance without any pre-judgement of choice). Juries judged the laws and overruled any which were deemed unjust, or in their opinion were not in the interests of the people. In this way, the common people as jurors judge, make and enforce the laws.

The passing of measures and laws in the Athenian national assembly must not be confused with Trials by Jury. Within the society which is democratic, the *assembly* (congress, senate, parliament, etc.) remains of inferior authority to the decisions of juries in Trial by Jury.

In parliamentary processes everywhere, assemblage embodies the initial, *preliminary* procedure of government, wherein proposal, debate and voting, frame measures and 'enact' laws. Trial by Jury is the decisive, superior stage: citizen-jurors are **sovereign** to judge the laws and causes in all their aspects, to decide whether, and if so, how, to give effect to their execution.

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In practice, and to fulfil definition, democracy requires that the People are sovereign and **at all times** retain the supreme power in Trial by Jury to annul injustices and the bad laws made by fallible politicians. Conversely, *denial* of the citizen's power in Trial by Jury, to judge according to his or her conscience and annul unjust enforcements and the prosecutions of bad laws, *installs political tyranny*. This is explained by Winston Churchill:

“The power of the Executive to cast a man into prison without formulating any charge known to the law and, particularly, to deny him the judgement of his peers is in the highest degree odious and is the foundation of all totalitarian government, whether Nazi or Communist.”

Sir Winston Churchill, Author, Chronicler, Historian, Philosopher, Nobel laureate for Literature; Prime Minister of the United Kingdom of Great Britain and Northern Ireland. (Emphases added.) Excerpt of telegram from Cairo to the U.K. Home Secretary on November the 21st, 1943.

The *definitional* relationship between Trial by Jury and the word democracy is permanent and indissoluble. Democracy derives from the precept that all individuals of mankind are created equal. Constitutional emplacement of Trial by Jury ensures (is intended to ensure) that only with the People's consent given through their Verdicts in Trial by Jury does government have the executive power, that is, of enforcement; and then *only* to execute in accord with the lawful judgements (cf. sentences) of common law juries, i.e. juries chosen and empanelled according to common law principles.

THIS CASE RULING EXEMPLIFIES DEMOCRACY AT WORK:

“If the jury feels the law is unjust, we recognise the undisputed power of the jury to acquit even if its verdict is contrary to the law as given by the judge, and contrary to the evidence. If the jury feels that the law under which the defendant is accused is unjust, or that exigent circumstances justified the actions of the accused, or for any reason which appeals to their logic or passion, the jury has the power to acquit, and the courts must abide by that decision.”

U.S. v Moylan. 4th Circuit Court of Appeals, 1969.

In the definitive democracy wherein Trial by Jury holds sway over the enforcement of all laws and regulations, the rôle of what is now called ‘the judiciary’ (i.e. justices; judges) is strictly curtailed. In *Trial by Jury*, the convenor of courts (nowadays called ‘the judge’) is subservient to the authority of jurors, wherein *the jurors are judges*. Until the Latin-derived word ‘juror’ was adopted, jurors were actually called **the judges**, in recognition of their rôle.

“...the judges, for so the jury were called...” See p. 55 of Crabbe's History of the English Law; etc., see the other works herein quoted. **In Trial by Jury, the Foreman or woman of the jury is the principal presiding officer.**

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The Citizen-Juror's Duties in Constitutional Common Law Trial by Jury.

In Trial by Jury, all adult citizens (save convicts and lunatics) qualify for jury service; and, indiscriminately chosen by lot or chance (to represent all views in society and protect minorities), the Juror's duties include the following:

~to swear to convict the guilty and acquit the innocent;

~to judge:

~on the justice of the law, and annul by pronouncing the Not Guilty Verdict any law or act of enforcement which is deemed unfair or unjust according to the juror's conscience (i.e. sense of right and wrong);

~in addition to the facts, and

~on the admissibility of evidence (the evidence not being pre-selected by government or judge and/or prosecutor);

~that the accused acted with *malice aforethought*, mens rea, a premeditated malicious motive to find guilt ('guilt' cannot be ascribed by legislation*);

~on the nature and gravity of the offence; where guilt is unanimously found,

~on mitigating circumstances if any (provocation; temptation; incitation); and

~set the sentence (with regard to its being fit and just).

***Note.** There is no moral justice nor political necessity (i.e. deterrent value) for punishing where there was no mens rea. (In the case of one person injuring another innocently or accidentally, the civil law suit and the Trial by Jury award appropriate compensation for damages.)

For jurors not to do the above, or for someone other than the jurors to make any such decisions, is another process: call it 'trial-by-someone-else' if you will, or 'trial-by-judge' — but this travesty cannot be defined as Trial **BY JURY**.

In Constitutional Common Law Trial by Jury:

~the jury has the power to call witnesses, advisers and appoint amicus curiæ;

~the correct common law rôle of convenors of courts (i.e. 'judges') is as a convenor and for arranging security; advisory, inasmuch as this may be requested by the jury, of which advice jurors may take only what is by them adjudged appropriate; and for the arranging of re-trials and appeals if necessitated by circumstances (see Gilbert's *History of the Common Pleas*, pp. 57 & 70; & Vol. 1 of Palgrave's *Rise and Progress of the English Commonwealth*, p. 277);

~those misnamed 'justices' or 'judges' are wholly subsidiary to and at the command of the jury and its Foreman or woman;

~the 'judge' has no *judicial* rôle or authority: this precludes the possibility of judges intervening unconstitutionally in judicial matters; and their inflicting of injustices as is so often the case today;

~contempt charges laid on persons by juries or judges have to be tried as for any crime, that is, by jury;

~all evidence can be presented, and requires to be considered for its admissibility by the jurors — especially if it reveals partiality, injustice, unconstitutionality, an unfounded nature or venality in the law.

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The Illegality of the Status Quo.

Anyone acquainted with the process of law in the United States, Britain, Australia, Canada, New Zealand and elsewhere today, will see how far removed the practices of courts are from the ideals and legally binding stipulations of those nations' Constitutions. Today, every single one of the above Jurors' duties definitive of Trial by Jury (including judging on the facts of the case) is illegally forbidden, interfered with and/or obstructed by the judges.

To achieve democracy and promote justice, it is we the People who have to get involved in ensuring that Trial by Jury is restored and universally adopted; and that its purpose, functions and duties are taught to all teens and adults, and known by all our fellow citizens en masse.

The Constitutional Common Law of the Land.

Be it known that common law does not include any statutes made by government nor decisions made by judges. Common law is "**legem terræ**," "the law of the land," the People's code and law of which Trial by Jury is the central tenet and sole justice system, as inscribed into Magna Carta of 1215. Ref. Article 39.

See **TRIAL BY JURY: ISBN 9781902848723**. Also see **Democracy Defined Essay EIS#9: LEGEM TERRÆ**. Also see the constitutional, historical and law texts of **Blackstone, Crabbe, Hallam, Palgrave, Coke, Hume, Stewart, Gilbert, Hale, et al.**

The Great Charter Constitution was first enacted in 1215 A.D. The common law which existed at that time must be differentiated from that which modern government has corrupted by legislation: a counterfeit which is "common law" *in name only*. Common law does not consist of case precedents (*stare decisis*), for juries decide the law, which includes the sentence, in each individual case. Nor is it comprised of judicial rulings, decisions or interpretations of statutes. Labyrinthine deceptions of modern usurpation inhabit the politicians' statute book, which bears no resemblance and pays no respect to universal common laws of truth, justice, liberty, impartiality, and equality before the law.

Common law is categorically neither "government-made" nor "judge-made." Quite the contrary: it is exclusively the product of the sense of fairness, natural law and justice of the ordinary people. For this reason common law is known almost intuitively to people everywhere. With a modicum of thought, people realise that **justice** makes its case plain to sane adults in all times and places. (See later section on *conscience*.) Common law is the antithesis (the 'opposite') of judge-made law, and it is supposed to free all the people equally from the shackles of arbitrary government and their bidden employees. In protection of all the people from unjust government, common law with its Trial by Jury are inserted into the Constitution. This binds government under common law standards of justice and legally controls the government's *modus operandi*. This common law is the basis of democracy, *sine qua non* ["without which not"].

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Having established what common law is, one must note the extent to which the term common law has been and is abused. It is an opprobrium to misinform people that “common law” is a product of judges, *stare decisis*, and government courts. Worse though: it is utterly wrong to allow government to rob the people of their true common law and its power of *emancipation*. It is unconstitutional and infracts common law itself, to amend in effect the Constitution’s installation of common law and Trials by Jury, by co-opting the common law *by legislation* into a body of law legislated by congress or parliament, or made by judges. For this has been the means of ‘burying’ common law, to enable government to deny the People their ability (peacefully) to protect their own liberties for themselves, and by which the Trial by Jury has been perverted and denied; and through which liberty and justice are utterly usurped as by the most abject of criminal despotic régimes.

The Common Law Trial by Jury Justice System is unique and inimitable: that is, it cannot be equalled by other legal arrangements. It places a curb on legislation the enforcement of which the Citizen-Juror adjudges would be unfair and tyrannical; and a Jury ensures to us — *what no other court does* — that first and indispensable requisite in a judicial tribunal: **integrity**.

Trial by Jury is so-named, for in democratic societies the trial of a citizen is by fellow citizens who comprise the Jury. Trial is not ‘trial-by-government’ which could never be fair where government is also one of the contesting parties. Judges themselves comprise a branch of government, and, they are in the pay of government. Police, prison service and above all, prosecutors and judges are employed to enforce governments’ laws. Such personnel should never be asked, nor relied on, to decide impartially whether laws are just, for they *must* fulfil their task or face the fury of the government, their employer. For these reasons, government and judiciary are incompetent to require the conviction or punishment of any person for any offence whatever.

The Judiciary within Democracy.

It is an irrevocable principle of American, British, Australian, New Zealand, Canadian and traditional European common law governing jurisprudence, and of Magna Carta, that Trial of all crimes shall be by Jury of peers and that at Trial by Jury *no judge or other officer appointed by government* shall preside in criminal cases or lawsuits in which the government is also an interested party. In such cases, without the observance of this prohibition there can be neither Trial by Jury, nor *legal* trial of any type. The reasons for this are simple and pure. Regarding convening officers (judges) at trials, impartiality and integrity cannot be obtained (nor realistically even expected) from people who enforce the laws who are selected by those who also make and maintain the laws. At the common “law of the land,” all officers who hold trials by jury, whether in civil or criminal cases, are chosen (elected) by and *answerable* to the people (not impeachable by government and legislature).

See Book 4 of Blackstone’s Analysis of the Laws of England, p. 413; and Introduction to Gilbert’s History of the Common Pleas, p. 2, note, & p. 4; etc.

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Are You a Freeperson or Slave ?

It is definitive of a civilised society that government recognises as *legal*, the right of the people to live free from tyranny and enslavement: that is, tyranny and government oppression are recognised as *illegal*. To deter government which might have criminal objectives, this freedom requires to be secured by the threat of and when necessary the use of *legal force*. If no *legal* right exists to uphold liberty and resist *illegal oppression* from government and its employees, then liberty itself is not legal. If the law does not recognise and support the legal right of the people to resist lawlessness and oppression by anyone, including government, then justice and liberty are denied.

A government bent on injustice will always commit such offences as it pleases, and act tyrannically *unless* it is faced with the fully effective deterrent of authorised legal resistance. Hence, to preserve justice, liberty and uphold a legal rule of law, the Trial by Jury tribunals of the people require at their disposal the full forces of law and order.

A government which judges for itself which laws are to be enforced, will impose all of those laws it chooses. However, some or all of its measures may be contrary to the legitimate interests and liberty of citizens. For this reason, it is necessary to have a tribunal *independent* of government, with power over government, to judge between the government's enforcement of laws and those people who would resist such laws. The tribunal must be comprised of the people of the country at large who it represents, on whom the laws are to be enforced, for the purpose of ascertaining which of the laws are justly enforceable on the people, and which laws are to be nullified and expunged. Such a unique tribunal is the Trial by Jury.

If government denies Trial by Jury, that is, if juries are forbidden from judging between the government's laws and those citizens who disobey or resist the oppressions of government, then government has absolute power, and the people are 'legally' enslaved by government. As with many slaves past and present, by demonstrations of courage they might to some degree hold back their overlords and state officials who are their masters, but they are nonetheless slaves under the law.

In this situation, the people have no power to judge over what they perceive to be the criminal actions of despotic government. Such government has the power to decide exactly what a person can say, do or be. The life, liberty, and property of every citizen is entirely in the hands and at the disposal of the statist* politicians in power.

***Definition. statism: the doctrine of absolute control by government officials over every aspect of people's lives, social, economic and other; as opposed to democracy wherein the democrat [not party-political] believes in control of the government by the People. To achieve this latter end and to protect the innocent from arbitrary government, the democratic person maintains the dispensation of justice exclusively as the duty of ordinary citizens as jurors in Trial by Jury.**

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A government that can enforce its laws without appealing for consent from a tribunal which represents the people on whom the laws are to be enforced, is an absolute government dictatorship and is not accountable to the people. It can perpetuate its power and commit atrocities at its pleasure. Trial by Jury was emplaced to counter such abhorrence. Following implementation of Trial by Jury, government cannot execute any laws by punishing violators unless it first receives consent of “the country,” that is, the people, through a unanimous jury.

Thus, Trial by Jury protects all the people equally and in a democracy the people at all times keep their liberties in their own hands and never surrender them to the government even for a moment.

Common Law Governing Jury Selection.

To protect the People against any government intent on injustice, it is the vital principle of Trial by Jury that government legislation shall be subjected to the judgement of a tribunal taken from the whole people indiscriminately, and over whose selection the government exercises no control. If government can select jurors, it will choose those favourable to its prosecutions and enactments, *excluding* from juries those whom the law treats unjustly. The act of rendering these men and women ineligible comprises *illegal selection* of those individuals remaining.

Juries must be randomly chosen in order that they reflect diversity of views amongst the people of the country. The Principle of Unanimity combines with the principle that forbids the selection of jurors being influenced or made by any officer of the government. Together, these principles protect minorities and groups from the partisans of a potentially oppressive government which seeks to impose unfair laws.

If the Trial is to be fair, it is essential that it be by a jury of peers, a citizen’s social equals. Hence, common law excludes from juries those who would prejudice proceedings, including:

- A.) those who make statutes and regulations;
- B.) those who could gain or benefit from the law or its enforcement; and
- C.) those who are connected in some way with plaintiff or defendant, their objectivity possibly being compromised.

Common law governing jury selection ensures fairness: The plaintiff, defendant and their counsel may make representations to the jurors against the inclusion of a particular citizen on the panel of jurors, on the above grounds, A, B and C. Following an objection to the inclusion of a juror, the choice to reject or retain the juror is made by private deliberations and discreet voting of ‘the triers’ (the fellow jurors) themselves; never by prosecutors or convenors, i.e. judges.

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Widespread Adoption.

The Trial by Jury was subsequently adopted by the Roman Republic along with much high culture from the Hellenes. The Romans spread Trial by Jury to their far-flung domains. After the departure of the Roman legions in 407 A.D., Trial by Jury continued as the people's law of the land justice system within England and was eventually installed by the world's most revered and famous written constitution: Magna Carta, the Great Charter of English Liberties, in 1215.

Trial by Jury is defined and prescribed by the common law Articles in the Great Charter explicitly to enable the People to eliminate tyranny and arbitrary government. In order that Trial by Jury could take place *everywhere* throughout extensive territories and large countries, the ordinary people's common law (not government) refined juries from mass juries to petit juries (generally of twelve or fifteen) indiscriminately chosen by lot (in order to reflect all views in society and protect minorities), requiring unanimity to pronounce guilt.

Ref. constitutional instalment by King Alfred the Great, 871-899 A.D., of common law governing petit juries, indiscriminately chosen jurors, & the Principle of Unanimity. See EIS#9: "LEGEM TERRÆ."

"Among the Gothic nations of modern Europe, the custom of deciding lawsuits by a jury seems to have prevailed universally." (See vol. 2 of Millar's *Historical View of English Government*, p. 296; & vol. 2, *Palgrave's Rise and Progress of the English Commonwealth*; pp. 147-8, etc.) From beyond the Urals to the Atlantic, from the Arctic Ocean to the Mediterranean Sea, Trial by Jury was adopted throughout all the nations of modern Europe, and subsequently by (post-) colonial nations.

The Trial by Jury thus came to the New World. As shown by the U.S. Constitution's co-author Justice James Wilson, this above-described history was known to the Founding Fathers (see *Works*, Vol. 2; Chapter Six). The Founders constitutionally installed Trial by Jury for all crimes civil, criminal and fiscal (other than for the impeachable crimes of representatives and judiciary).

However complicated the facts of the case are (and it is for the plaintiff to make his cause clear), it is axiomatic that, literate or not, all sane adult men and women can recognise *injustice*: it takes no special learning for an adult to know when a law is just. The natural laws of equity and justice are known to all adults and, in the jury situation, jurors uniformly judge what constitutes fairness in a law or in the act of its enforcement; see Justice William Jones, *Jones on Bailments*. Likewise, the common law crime of **injustice**, that is, any act of intrinsically malicious motive (*mens rea*) such as tyranny, murder, rape, bodily harm, mental cruelty, torture, robbery, theft, extortion, arbitrary dispossession, fraud, and so on, receives the universal condemnation of men and women in juries in all times and places. Common law juries continuously enforce just laws with unanimity, whilst unjust or venal statutes and enforcement of injustices by fallible judges are fittingly annulled by the pronouncing of the Not Guilty Verdict.

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As a *cause*, Trial by Jury gives rise to far-reaching beneficial *effects*, creating a salutary ethos (viz. definition) absent in societies bereft of Trial by Jury. Examples: in Trials by Jury, the disgraceful enforcement of tyrannical bad laws is terminated; the people assume responsibility for protecting themselves and their society by punishing and deterring acts of injustice and malice aforethought. (Apart from lunatics and convicted criminals), according to common law *all* adults are eligible to serve as jurors. From childhood, every person in a democracy is profoundly affected by this healthy culture. Crime is rare in the society where the citizen is brought up knowing that justice is the duty of, and equally available to, every adult.

Conversely, crime is endemic to societies in which the Trial by Jury is denied. Crime has increased throughout the West in proportion to the degree that citizens' power as jurors to judge the laws, has been lost to 'judges'. Nowadays, few of the masters of crime and hardened real criminals are publicly known; still less are they caught, tried and incarcerated.

Sine Qua Non.

All societies govern by their Justice System. The power to punish carries with it ALL power. If at any time, albeit for an instant, the Sovereign Supreme Power is removed from or ceded by the people, and the power is acquired by, or delegated to, a group consisting of LESS than all the People, then the democratic state has ceased to exist: an undemocratic government, that is, a despotism, has assumed its place.

Trial by Jury is the mechanism by which democracy is created and maintained, *sine qua non*. It is the presence and implementation of Trial by Jury which differentiates democracy from all other forms of society.

When the power to govern resides in the hands of *less* than all the people, then a despotism rules. Hence, the Trial by Jury, by which ordinary people have the power to overrule and nullify politicians' bad laws and judges' acts of injustice, is **indispensable** to the creation and definition of democracy and legitimate government.

"Majoritarian government" or, more accurately put, rule by an elected minority of people, a tiny percentage of the total population, is the unavoidable outcome of 'government' produced by electors' voting, i.e. suffrage. Electoral voting can never expect to produce representation, equal protection of, and justice for, all the people: *demos*, the people. It is a straightforward verity confirmed by all history and present-day circumstances, that *without* the democratic Trial by Jury in full operation for all causes (lawsuits) civil, criminal and fiscal, despotism becomes *inevitable*, with strife, misery and injustice on a massive scale being the lot of the greater part of the population.

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Words.

Words (must) have distinct significations and we have no choice but to respect the etymology if we intend to communicate meaningfully with each other. There are strict semasiological limits as to how the word democracy can be (correctly) utilised, which derive from its etymology.

Note that when the word democracy is properly understood, the **contradictions-in-terms** (meaningless distortions of language) *become self-evident* if adjectives such as “direct” or “representative” precede the word. These latter seek to confound, undermine and pervert the real meaning because they incorrectly refer to ‘government-by-majorities’ and voting in *assemblies*. These vacuous terms deliberately obscure the vital semantical point: democracy is founded on Common Law Trial by Jury, the justice system in which the citizen-juror is sovereign, has all judicial authority, and jurors have the duty to annul bad laws, tyranny and acts of injustice.

What goes on in the national assemblies has nothing to do with Trial by Jury, and this latter is the basis of democracy through which the people rule.

Despite the history and unequivocal definition of democracy, relying on the general insouciance of the people, not to say, widespread ignorance, the *enemies* of democracy attempt to miseducate people by introducing self-contradictory, extraneous and stridently incorrect uses of the word; viz. Wikipedia’s and some of the latest dictionaries’ contributors’ gibberish. In this way, they hope to increase their dominion over the mentality of the population, and destroy all concept and memory of mankind’s model justice system; the only one which bestows equal justice and liberty upon all.

Fortunately, there are those who strive to re-establish democracy with its Trial by Jury, and this cause for all humanity is ultimately irresistible.

The meaning of democracy has remained unchanged for over two thousand five hundred years. At the time of the Founding Fathers and today, there was and remains but one meaning of the word.

Deficient Definitions.

From its etymology, this word cannot correctly be applied to “different forms” or “varieties” of government within which any group rules which is comprised of *less than ALL* the people.

Most dictionaries recognise the etymology of the word, the people rule, and indicate that the people (as opposed to government) are sovereign, but dictionaries are less than specific in explaining *how* this is so.

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To formulate the correct definiens, the criterion by which democracy is created and defined, the ‘sine qua non’ of democracy that is the Trial by Jury, requires not only to be a recognised part but inexorably must form the principal factor of definition. The definitions quoted below do not contain and explain the Trial by Jury foundation upon which democracy is constructed. What they contain is not incorrect, but as definitions they are deficient.

Webster’s (New World) 1828 Dictionary:

DEMOCRACY, n. Government by the people; a form of government, in which the supreme power is lodged in the hands of the people collectively, or in which the people[*] exercise the powers of legislation. Such was the government of Athens.

[*Here, the word jurors would be correct and more explicit.]

Chambers (New Modern) Dictionary:

democracy, a form of government in which the supreme power is vested in the people collectively, and is administered by them or by officers [*jurors] appointed by them; the common people; a state of society characterised by recognition of equality of rights and privileges for all people; political, social or legal equality.

Dictionnaire de L’Académie française:

DÉMOCRATIE. Forme de gouvernement où le peuple exerce la souveraineté. The form of government in which the people exercise sovereignty.

Trésor de la Langue Française:

DÉMOCRATIE, Régime politique, système de gouvernement dans lequel le pouvoir est exercé par le peuple, par l’ensemble des citoyens.

A political régime, a system of government in which the power is exercised by the people, by all citizens.

Trial by Jury is the means by which the aspiration for, and the theory of, “the people rule” are put into practice and democracy becomes an actuality. As a result, good men and women everywhere who love justice and liberty, those people who understand in all its natural law profundity, and common law universality, this most significant of mankind’s constitutional codes, promulgate the aphorism: “Trial by Jury is democracy (and vice versa).”

Be Circumspect about All Politicians.

Today, Western politicians are responsible for the imprisonment of a greater percentage of the population than at any previous time in history, including in Stalinist Russia. The politicians of these ‘governments’ instigate false ‘legislation’ which contravenes common law; infracts the Constitution; ‘penalises’ (viz. persecutes) countless people *innocent* of any crime (*no mens rea*); and which corrupts the oaths and denies the functions of jurors and Trial by Jury.

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Collusive career 'judges' perjure themselves and misinstruct jurors that they may not judge the law. They lawlessly enforce unfounded, inequitable, and venal statutes which citizen-jurors should and would annul if they but knew and could fulfil their duties.

See **THE REPORT ISBN 9781902848204**.

Truthful, selfless people are not observed to be in a preponderance amongst those who pursue power and make a career out of 'politics'. Paragons are rarer. If men and women smitten by sloth and distracted by 'bread and the games' (pursuit of comfort and leisure) do nothing to protect Trial by Jury from obliteration by legislatures under the (covert) control of rapacious usurers (bank-owners), ambitious politicians and corrupt judges, then strife, poverty, shame and slavery soon become their lot.

The politician who *really* represents *demos*, the people, always promotes and perpetuates Trial by Jury. Trial by Jury is the criterion which separates the truly democratic person and society from crime, cruelty and despotism. It is a regrettable fact, and one which both history and contemporary human affairs actively confirm, that tyranny rules, and peace and civilisation are inevitably destroyed when Trial by Jury is denied.

Those who seek power for themselves, first must seize it from the people. This is *why* unworthy politicians undermine and, when possible, eliminate Trial by Jury.

Legislators and judges are exposed to all the temptations of money, fame and power, to induce them firstly, to overlook and deliberately disregard justice in the framing, passing, interpreting and enforcing of legislation; and secondly, to become actively biased or corrupted by contesting litigants, causing politicians and judges to sell the rights and interests, and violate the liberties of the People. Jurors are exposed to *none* of these temptations.

Jurors are not liable to bribery or coercion, for, by stipulations of common law Trial by Jury (which are flouted nowadays) the jurors must be *unknown* to the parties until they come into the jury-box and then be kept segregated from access by the public.

Jurors can hardly gain fame, power or money by giving erroneous decisions. Their office as juror is temporary. They know that when they have executed it, they must return to everyday life; but they rely on *their* rights being upheld by the judgements of jurors who will be their successors, and to whom they are an example.

Further, the laws of human nature do not permit the supposition that twelve adult men and women taken by lot from the mass of the people, will *all* prove dishonest.

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The powers of juries not only place a curb on the powers of legislators and judges, but also imply an imputation on their integrity and impartiality. These are *the reasons* why legislators and judges harbour intense hatred for juries, and, so fast as they can do it without alerting the People to the loss of their liberties, they destroy juries' power to judge on justice issues, and with it the Trial by Jury.

Citizen-jurors taught to judge on the justice of law and its enforcement, can be relied upon to protect people from the government, when government breaches correct behaviour in attempting to enforce injustices. It is for this *reason* that those who stand to gain money and power from tyranny by the imposition of unjust 'laws', regard the genuine Trial by Jury as an obstacle to be undermined and destroyed. Untrustworthy at best, of outright criminal intent at worst, are those who, instead of restoring Common Law Trial by Jury to its true form, today would discard it altogether...

Viz. for example, U.S. politicians ruining the People's exemplary U.S. Constitutional rights to Habeas Corpus protection and Trial by Jury for all criminal and fiscal lawsuits, under the terms inflicted by the unpatriotic Patriot Act and other illegal legislative and regulatory interventions.

Viz. for example, British politicians' illegal and unconstitutional intervention to deny the right to a Trial by Jury for de facto innocent persons accused under numerous categories of venal* governments' fabricated 'offences'.

See **THE REPORT ISBN 9781902848204**.

* **Definition, venal: corruptly mercenary; (able to be) bought over; open to bribery.**

Viz. for example, the antidemocratic commissars, gauleiters and politicians of the European Union malevolently installing the d'Estaing "European Constitution," overriding the wishes of the People as expressed in both referenda and polls. This specious charter imposes the Stalinist, National Socialist (NAZI), Soviet communist and fascist trial-by-judge system and denies Trial by Jury altogether.

Suffrage does not define nor can it produce democracy: electoral voting takes place in totalitarian theocratic, Nazi, fascist, communist and other *antidemocratic* nations. Once elected, there is nothing to stop government from imposing control of an upper house, reneging on pledges, nor from adopting any tyrannical measures it chooses.

As noted, if the supreme power to govern resides in the hands of less than all the people, then an oligarchy or despotism rules. Hence, there is no *definitional* relationship whatever between democracy and the administrative governments which suffrage produces.

Democracy is only extant within that society, however modern or remote in time, however small and simple or large and complex, wherein Trial by Jury, the judgement of peers, is the sole Justice System for all crimes, civil, criminal and fiscal; *the people* rule.

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Self-evidently, rule by an élite can never correctly be described as rule by all the people, i.e. democracy. The mechanism of Trial by Jury by which rule of the people is achieved, is indispensable to both the theoretical and the practical creation of democracy and to all legitimate government. Trial by Jury is definitive of the word democracy, requiring recognition as such in semantics, encyclopædiæ, the lexicon—*and by politicians*.

It is a calumnious net widely cast by politicians and their followers, that “democracy is majority government produced by electoral voting” — it is not. The discerning person sees through this false notion which is promulgated by politicians to aggrandise themselves and unlawfully take total power to rule over the people. The antidemocratic politician who makes this dishonest claim has turned from serving the people to serving himself.

Readers, you will be familiar with this scenario: The speechifying politician makes claims of being “democratic” and being “authorised” by the “mandate” of “democratic elections” to pursue the “program” or “manifesto.” One hears this repeatedly from politicians who claim to be “democratic,” yet who contrarily demand that the minority acquiesce to their will (it being that of the “majority”), to measures which are despotic and inequitable (unfair). Again, note that unless there is the judgement of jurors empowered overall to annul such inequitable laws as are made by unthinking or bad people in government, it is mendacious to call this described abuse of power anything other than what it is: uncivilised criminal tyrannical authoritarianism. It certainly is not democracy !

Whenever authority to decide upon the actual enforcement of laws rests with ‘*government*’, as opposed to the people through their juries in constitutional common law Trial by Jury, then the people are not sovereign; they do not retain supreme power; and the word ‘democracy’ cannot truthfully be applied to define that arrangement of society. Indeed, it bears no resemblance to democracy (ref. the section on Socrates).

The politician, and particularly the aspiring ‘leader’, is of an ambitious breed. Above all, politicians do not like their authority and laws to be questioned by “we the people,” ordinary men and women. For this *reason* they seldom go out of their way to educate the people as to their power in Trial by Jury to nullify laws.

With but very few truly ‘saintly’ exceptions, he or she who seeks or has attained political power belongs in a single caste or mould of fallible humanity. Politicians deserve to have their character dissected and their motives weighed. Regardless of their popularity, they and their words are not all to be trusted nor taken at face value. In politics as in life, double standards abound: “Do as I say, not as I do...” You might even find that those who claimed personal freedom and the pursuit of happiness are inalienable rights... owned slaves...

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Implementation of Trial by Jury within a society replicates the creation of democracy from its Hellenic origins to wheresoever Trial by Jury is emplaced and operating. Trial by Jury is mankind's model justice system and it is the true foundation of civilisation. That is to say, implementation of democratic Trial by Jury *differentiates* civilisation from barbarism and despotism.

Where Trial by Jury Comes In: The People Rule.

“The Jury has the Right to determine both the law and facts.”

U.S. Supreme Court Chief Justice Samuel Chase.

Signatory to the Declaration of Independence.

As the democratic safeguard of the people against those in government who would do injustice, the jury is the only *extra*-governmental body [i.e. outside of government and state employees] constitutionally emplaced to judge the law and every act of enforcement. Bearing in mind that no government *ever* conceded that the laws it enforces could be *unjust*, this makes the jury's judgement on the justice or otherwise of the law, the *only* true democratic testing of laws.

Trial by Jury comprises a constitution of itself, governing and monitoring the modus operandi of politicians. By the traditional pan-European, English (cf. British), United States' and pan-Occidental constitutions, which embody the advanced concepts of a compassionate enlightened humanity by basing their Justice Systems on Trial by Jury, laws are only binding if the jury, having judged on their justice at every disputed cause (lawsuit), consent to their enforcement. Government only has the executive power to enforce laws in accord with the sentences of juries.

Some governments may not be malevolent and tyrannical; indeed, they might be somewhat supportive of the needs of the people. They might even be paternalistic and benign, but none of this makes them *democratic* unless in every case the people are sovereign in deciding over the justice and enforcement of the laws.

To appreciate democracy and realise that this is the only legitimate, civilised form of government, one has to consider first of all, that there is either supreme power vested in *all* the people (and this is democracy); or the power is vested in a group of *less* than all the people (an élite; and this is the antithesis, the 'opposite', of democracy). There is no other party with whom power can be emplaced.

Either one has democratic rule by all the common people; *or* one has rule by a group of *less* than all the people; examples: a plutocracy (government by the wealthiest members of society); or a military or tyrannical oligarchy; or by a violent rabble, a mob ochlocracy; or autocracy, monocracy, monarchy (dictatorship; a despot); despotism and statism (absolute control over the people by government officials).

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Why the Juror Must Defend the Citizen Today.

Consider some breaches of common law and Constitution to which modern government resorts, in order to enforce money-motivated inequitable statutes:

Today, to ensure enforcement of whatever unjust legislation government passes, a government-contrived legal obligation bans attorneys, solicitors, lawyers and barristers from presenting defences and evidence which exonerate the accused, if such defence “*disputes the law.*” Judges forbid the accused likewise. In an unforgivable meretricious act of criminality, *for pay*, the lawyer adopts the perjury and concedes to the subreption* of not presenting evidence which exonerates defendants.

***Definition, subreption: the perjurious procuring of an advantage by concealing evidence.**

Over years, literally billions accrue to law firms’ personnel. No longer can one dignify this morbid masquerade by calling it a ‘profession’: in order to ply their lucrative trade, nowadays lawyers abdicate responsibility and forsake honesty. ***For gain***, lawyers perjurally consent to this denial of the duty to find The Whole Truth. They compound their malfeasance by tacitly concealing jurors’ rights and duty to judge the law *and* to find the verdict according to conscience. There is no defence to the charge of lawyers’ acquiescing to the denial of the duty to find The Whole Truth and their profiting from abuse and imprisonment of innumerable masses of innocent citizens.

Fact 1: “lawyers cannot present defence or evidence which exonerates defendants if it disputes the legality of the law.”

Fact 2: “lawyers must abide by the court’s authority whenever judges rule out exonerative evidence.”

In shameful obsequious obedience, lawyers do not dispute the ‘law’ even when it and its enforcement are illegal. Where the law is unjust and defendants are innocent of any crime (no *mens rea*), lawyers ‘advise’ people to plead ‘guilty’ and make plea bargains, rather than their pleading Not Guilty and electing to go to a Trial by Jury. This comprises one major reason why Trials by Jury have become so infrequent. It also results in the West’s largest prison population of all time, consisting principally of harmless citizens innocent of any crime, while the real crimes go unsolved and largely unchallenged; and the accountable *progenitors* of crime and their servitors, the hardened dangerous criminals, go scot-free...

The people who comprise the ‘legal profession’ are, by their acquiescence and participation in the unlawful, tyrannical, perverted processes of today, more to blame than any other group in society for the destruction of the Constitutional Justice System; and for all the ensuing totalitarian injustice that results therefrom: the ex parte [one-sided] prosecutions of money-motivated statutes; abuse of innocent citizens; wrongful penalisation; and mass incarcerations at the highest per capita rate in history.

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It is not possible for anyone who is remotely au courant with the Illegality of the Status Quo, to deem as ‘*true*’, and as ‘*counsel*’ the word of these people who collude in and profit from the widespread enforcement of injustices against innocent citizens.

Is Your Country Definitively a Democracy ?

The democratic Principle of our Western Constitutions’ Trial by Jury is that it is the Will of the People represented by indiscriminately chosen Jurors, not the will of the court nor the current transient government, that must determine what laws shall be established, maintained, and how they are enforced. In this way, Trial by Jury is the people’s common law Mechanism of Authority by which all the rights of all the People are protected, and on which *all rights depend*.

Elected governments generally attempt to enact legislation that is approved of by or is acceptable to the majority of the population. However, in the real world (not Utopia) majority assent of itself does not invest legislation with legitimacy or virtue, regardless of its support, e.g. Nürnberg NAZI Race Laws. If Trial by Jury had been operating in the Third Reich, the NAZI tyranny would have been truncated, the Holocaust and the Second World War averted.

Though politicians may be popularly elected and congressionally installed, the enemy of democracy is *a minority of individuals* wielding power, calling themselves “the government,” and coercing people to obey laws which some dispute as unfair or as serving the interests of partisans of the government to the detriment of other citizens’ lawful interests. Such exemplifies tyranny and is the antithesis of legitimate government: it embodies barbaric despotism. Its supporters are the mortal foes of civilised humanity.

In your country, do “the people rule” through Trial by Jury ?

Without Trial by Jury in full implementation for all causes there can be no democracy nor legitimate government — for it is not within the scope of reality that those politicians and judges who make or maintain the laws could also be *impartial* in judging on the demerits, injustices and enforcement of their laws. Hence, democracy and governmental legitimacy require that citizens have the duty in Trial by Jury to judge the laws under which they and their peers voluntarily agree to be abide.

Trials, re-trials and appeals are available to ensure justice is done. If the elected body imposes any law or regulation which is inconsistent with people’s sense of justice and fairness, it requires nullification by jurors in Trial by Jury, even by a *single* juror (unanimity required) who may be part of a minority race or group unfairly discriminated against by the law. Trial by Jury is thereby the active principle of democracy and of justice .

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Elected, self-proclaimed as ‘representative’ governments operate by ‘parliamentary’ methods: they follow the procedure of proposal, debate and voting on laws and regulations; majorities prevail, and legislation is enacted. Subsequently, it is at the point of law enforcement that democracy departs and differs from despotism and illegitimacy.

Ask yourself whether in your country today, Trial by Jury is available to all people for their cost-free arraignment of wrongdoer/s ?

Is genuine Trial by Jury available for defence and refutation of any and every accusation of an infringement of law or regulation ? and in this Trial, are the Jurors instructed of their duties, including those of judging on the justice of the law and the act of enforcement ?

Before trial, are the jurors educated orally by the convenor (‘judge’) and/or other officers of the court and issued with written materials to know and understand their definitive duties (such as are delineated in this essay) ?

Are the convenors kept strictly without judicial authority ?

Do the jurors actually perform the duties which are definitive of Trial by Jury ? (See Jurors’ Duties.)

If “yes,” is the answer to all these questions, the system is democratic and legitimate, but not otherwise.

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Further etymological information re. Hellenic words *kratein* and *kratos*:

1. Perseus Digital Library, Tufts University.

**kratos power**, tou gar k. esti megiston, of Zeus, Il.2.118, etc.; tou gar k. est' eni oikôî Od.1.359 , cf. Il.12.214; Zênos k. Pi.O.6.96 , cf. A.Pr.527 (lyr.); ekpítein kratous, of Zeus, ib. 948; to k. tou theou LXX Ps.61(62).11 , etc.: pl., hupocheirios kratesin arsenôn A.Supp.393 (lyr.), cf. S.Ant.485; **esp. of political power, rule, sovereignty**, ho maiomenos to mega kretos ontrepsei tacha tan polin Alc. l.c.; to k. peritheinai tini Hdt.1.129 ; es to plêthos pherein to k. Id.3.81 ; to pan k. echein **to be all-powerful**, Id.7.3; archê kai k. turannikon S.OC 373 ; basileus prôtos en kratei Odrusôn egeneto in **real power**, Th.2.29; thronôn kratê **sovereign power**, Id.Ant.166.

2. “The word *kratein* is not used to mean “to hold, hold down” in classical Greek; it usually means ‘to rule,’ ‘control,’ ‘dominate.’ ”

See p. 118 of *Theopompus the Historian*, by Greek classics’ author, Gordon Shrimpton.

## WE THE PEOPLE AND THE MATTER OF WORDS

### PART TWO. WE THE PEOPLE...

#### **The Criteria of Constitutional Democracy.**

It was explicitly to counteract arbitrary (i.e. corrupt; tyrannical) government that the protections of Magna Carta installed the people's "law of the land" criteria of constitutional democracy "*in perpetuity*" and "*for ever.*" See Preamble & Article 63. These criteria, which were also constitutionally adopted by the Founding Fathers, have been the foundation of compassionate democratic civilisation through the tribulations of a long varied history. As has repeatedly occurred in the past, instead of upholding them, present-day criminal 'politicians' now intend their destruction.

**As noted earlier, this "law of the land" is now called common law. See Democracy Defined Essay EIS#9; "LEGEM TERRÆ: THE PEOPLE AND THEIR COMMON LAW REIGN SUPREME."**

#### **These democratic protections are as follows:**

- (i) the citizen's right to a Trial by a Jury of pares (or peers, i.e. social-equals, not trial by government or its employees);
- (ii) the right and duty of the citizen Juror to judge on the justice of the law and its enforcement in finding the Verdict in Trial by Jury (annulment of prosecutions);
- (iii) freedom from arbitrary arrest (i.e. without probable cause);
- (iv) freedom from arbitrary detention (later known as Habeas Corpus);
- (v) equality before the law.

#### **Constitutional Democracy.**

"We the people" (*demos*, the people) is the direct transcription of the Hellenic democratic ideal into the Constitution of the United States, as follows:

"*We the People*, *demos*, the people, of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America."

Article III. Section 2. "The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury."

As shown, the U.S. constitutional arrangement replicates the Hellenic democratic model and Magna Carta in that the national assemblies arrange measures and laws based on majority decisions, but devolve final authority in each individual cause (suit-at-law) to juries, according to whose consent and judgement the enforcement of all laws depends.

#### **The U.S. Constitution recognises the following precepts of democracy:**

**1.** Governments are instituted by the people *for the purpose of securing the rights of the people*, not to rule over the people. The people decide and retain their own rights and liberty and control the enforcement of laws through the Trial by Jury. In this way, the people control the government; not the other way around.

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2. Whereas governments may frame and enact laws, legislation may not be enforced but according to the judgements and sentences of juries. Only the laying of the foundation of government on this democratic principle and the zealous guarding of its maintenance ensure the safety and happiness of the people.

3. Within a democracy, the executive and legislature (congress, parliament, senate) representatives, députés, etc., are elected to *serve* the people, not to rule. People's rights are inalienable: the People decide their rights and liberties for themselves in Trial by Jury, and government has no legitimate power to contravene the decisions of juries as to the enforcement or annulment of laws, except, if appropriate, to moderate (reduce) sentences or to pardon.

4. It is the right and duty of the people to throw off any *despotism* (illegal government) such as manifests itself in the undermining or denying of the citizen-juror's duties in Trial by Jury (see Jurors' Duties).

### **The Declaration of Independence Epitomises Democracy.**

Written by Thomas Jefferson in 1776, The Declaration of Independence embodies *democratia*, i.e. *the people rule*. It asserts tenets of democracy, disparaging injustice by despotic government. The document expresses the aspiration for liberty of people who wish to have control of their own lives and therefore, over government.

Thomas Jefferson and James Madison founded a political group in 1792, identifying it as the **Democratic**-Republican Party. The word 'Republican' in its title was officially dropped in 1829 when it was led by Andrew Jackson, though Jefferson's grandson Thomas Jefferson Randolph, gave a speech at the 1872 Democratic National Convention and said that he had spent eighty years of his life in the Democratic-Republican Party! In harmony with democratic tradition, the party (*originally*) promoted the primacy of the ordinary citizen and 'yeoman farmer' over the monied interests of powerful private individuals, proprietors of banks, owning industrialists and wealthy merchants.

Whereas Jefferson said, "The voice of the majority decides. For the *lex majoris partis* is the law of all councils, elections, where not otherwise expressly provided," [Jefferson; **Parliamentary Manual, 1800**] in recognition of the *democratic* right of the People to prevail through their juries over the government's laws, Jefferson stated:

"The majority, oppressing an individual, is guilty of a crime, abuses its strength, and, by acting on the law of the strongest, breaks up the foundations of society."

"Freedom of religion; freedom of the press, and freedom of person under the protection of habeas corpus, and trial by juries impartially selected. These principles form the bright constellation which has gone before us, and guided our steps through an age of revolution and reformation. The wisdom of our sages and the blood of our heroes have been devoted to their attainment."

## WE THE PEOPLE AND THE MATTER OF WORDS

**“I consider Trial by Jury as the only anchor yet imagined by man, by which a government can be held to the principles of its constitution.”**

U.S. President Thomas Jefferson; Author of the Declaration of Independence; Founder of the Democratic Party.

**Writings of Thomas Jefferson, ed. H.A. Washington, Lippincotts.**

Jefferson thus held **paramount** the rôle of **the Juror** in society and judicature.

**Definition, judicature: within democracy, the power of dispensing justice by the Trial by Jury; jurisdiction; the office of juror, i.e. as judge; the Justice System of Trial by Jury courts.**

A *democratic* society is brought into being by constitutional instalment and practical implementation of Trial by Jury, in which (as distinct from government) the people as jurors are the supreme arbiters of justice and authority.

It is not necessary for the word ‘democracy’ to appear in the wording of a constitution or declaration for the state of democracy to be created, because, whereas neither Magna Carta nor the U.S. Constitution insert this word, in the U.S. constitution, *demos* is stipulated in the English words, *We the people*; and Magna Carta is written in Latin, prescribing the details of *rule by the people* through **legem terræ**, the commoners’ law of the land and its central tenet, “**judicium parium suorum**,” the Trial by Jury. *Democratia*, an ordered democratic society, is extant wherever common law Trial by Jury functions, regardless of whether in a republic, a constitutional monarchy or within a small society bereft of formal government.

Alas, today, the title of the U.S. ‘Democratic’ Party is a misnomer, for degenerates amongst its presidents, leaders and membership have allowed Trial by Jury to be replaced by the anticonstitutional, despotic, one-sided corrupt system of trial-by-judge. To the mortification of the memory of Jefferson, Madison and all Founding Fathers and the ignominy of this party’s members, nowadays Trial by Jury is extinct. Some form of rigmarole occurs (in only 3 to 5 per cent of cases), but it is under the control of government and judge. Jurors’ definitive duties are all forbidden or interfered with, including those of judging the law; seeing all the evidence and deciding on its admissibility; judging the moral intent of the accused (whether of malice aforethought or innocent), and so on...

**James Madison Did Not Say: “Democracy is the most vile form of government.”**

**In Point of Fact, Thomas Jefferson Never Said “democracy is mob rule in which 51% of the population deny the rights of 49%.”**

It is not to be found by scholars that Madison wrote or said: “Democracy is the most vile form of government,” nor that Jefferson ever wrote or said “democracy is mob rule in which 51% of the population deny the rights of 49%.” These are apocryphal; dishonest inventions; fakes. In all his copious works, Madison never once used the word “vile.” As Founders of the **Democratic** Republican Party, Madison or Jefferson would hardly be likely to call democracy ‘vile’ or ‘mob rule’ !

## WE THE PEOPLE AND THE MATTER OF WORDS

Democracy is rule by the people wherein the people have supreme authority to administer justice and law in the Trial by Jury. Madison described such rule by the people as “**proper**,” (as follows). That abstract concept which is proper cannot at the same time be vile. Yet, these pseudo-quotations are to be found in writings and on websites which conspicuously fail to give ‘chapter and verse’ attribution.

In a couple of instances, the fabrication about Madison is claimed to derive from Number 10 of The Federalist Papers, but perusal confirms that it is not there, nor indeed is it present anywhere in Madison’s works.

This Hellenic-derived word, *democracy*, means: “the people rule through juries of peers, the people decide the law; government by the people.” So, if someone says, “Democracy is the most vile form of government,” he is actually saying: “*Allowing the ordinary people to rule is the most vile form of government.*” He is saying to **you**: **it is vile** when **you** have the power to judge the justice of the laws under which you peacefully agree to live; it is vile when **you** decide your own rights and liberties; it is vile for you to protect yourself, your family and friends and keep safe your own property; it is vile for you to have authority of law enforcement both to uphold the innocent, and to judge the acts of felons, murderers, rapists, robbers and thieves who prey on you and the people of your neighbourhood; it is vile for you to have a peaceful means of annulling criminal acts of corrupt tyrannical governments; it is vile for you to be the legal equal of others; it is vile for you to be a responsible free person.

We say to these traitors of the truth who misquote Madison and Jefferson: let us and the world know where these wordings are to be found in their writings; scholars will acknowledge you.

However, as you are unable to give attribution, then you should desist from deceitfully maligning Founding Fathers by trying to show they held ‘views’ which actually oppose their beliefs. The words you invent are antithetical to everything they stood for. If you continue to show these untruths and nonsense on your websites and elsewhere, then you are indeed vile; you are unscrupulous party to libel.

### **A Curious Case.**

Over a number of years at a time when trade in and possession of slaves had become anathema morally, socially and politically to civilised people everywhere, Madison claimed very publicly to be opposed to slavery on the valid grounds that it demeaned both slave and slave-owner. Yet, his actions belied and flatly self-contradicted his words. All his life he profited from slave-ownership and their labour, and he made no real effort to advance the end of slavery, though, when president, he was in the best of positions to do so. Unlike George Washington, he did not even will the freedom of his slaves at his demise.

## WE THE PEOPLE AND THE MATTER OF WORDS

Of course, apologists make counter-arguments that Madison knew it would take nothing less than a war to free men and women from the grip of avaricious inhuman slave-exploiting creatures intent upon their own gain and power but, however 'kind' a patron he was, he nevertheless still participated in it although he confessed slavery to be utterly wrong. I mention this as an example of his inconsistency. He was also curiously inconsistent in certain of his pronouncements.

Madison wrote in unequivocal support for the constitutional arrangement of societies in such a way that juries in Trial by Jury hold sway over government (this is democracy of the definitive Hellenic model). He wrote:

**“No state shall violate the equal right of conscience, freedom of the press, or trial by jury in criminal cases; because it is proper that every government should be disarmed of powers which trench upon those particular rights.”**  
See Madison’s Proposed Amendments to the Constitution, June the 8th, 1789.

Where government is disarmed of power to trench upon the authority of juries, and the accused has indisputable right to such a trial, Trial by Jury holds sway over law and its enforcement. According to conscience, citizens can overrule and nullify dictates and laws of government: the people rule and democracy is extant. More than this, however, it is a well-known virtue of Trial by Jury that (unanimity being requisite for condemnation) only *one person* on common law juries (which are indiscriminately chosen by lot or chance to reflect all views in the country at large) is sufficient to prevent injustice being inflicted by *faction*. Whether elected or representing themselves, people gathering in an *assembly* routinely diverge from logic, reason and the pursuit of justice, to be charmed, cajoled or frightened by capricious rhetoric into adopting measures which represent the self-interests of faction.

It is far from correct to conceive of 'democracy' as *only* “a society of a small number of citizens, who assemble and administer the government in person,” for neither in Hellenic Greece nor in any other democracy is *the assembly* the supreme judge and final arbiter of law: *that* is the exclusive domain of the Jury.

The Hellenes created democracy which precludes the progress of factions and despots by means of Trial by Jury. In Trial by Jury, the validity, worth, justice and legality of a law may be challenged. A law’s effects, dangers, a possible venal character, and even the potential *mens rea* (malicious motives) of the assemblies’ lawmakers themselves, may be exposed. When such circumstances are pertinent to defence, then, alerting jurors to their duty to annul bad laws and unjust prosecutions, counsel and defendant induce the jury to dispassionate deliberations on the evidence, facts, moral intentions, the purpose and fairness of the law, and of its enforcement.

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Further protection is afforded by Trial by Jury against *faction* and the tyrant and demagogue by common law processes, such as the care with which all views amongst the population are reflected within juries, by random selection of jurors. So, in his writing of the following, Madison cannot be referring to *Hellenic democratia* nor indeed to any *democracy* at all, for democracy is reliant in practice and by definition, on the Trial by Jury.

“From this view of the subject it may be concluded that a pure democracy, *by which I mean a society consisting of a small number of citizens, who assemble and administer the government in person* [N.B. this is **neither** the definition **nor** the constitution of ‘democracy’, which relies for its definition, not upon assemblies and voting majorities, but instead upon sovereign rule of the people through Trial by Jury], can admit of no cure for the mischiefs of faction. A common passion or interest will, in almost every case, be felt by a majority of the whole; a communication and concert result from the form of government itself; and there is nothing to check the inducements to sacrifice the weaker party or an obnoxious individual. Hence it is that such democracies have ever been spectacles of turbulence and contention; have ever been found incompatible with personal security or the rights of property; and have in general been as short in their lives as they have been violent in their deaths.” Fed. Papers #10.

Political parties *are* factions. In a society of any size, a small or large number of persons, the very cure for the mischiefs of faction which might seek to commit injustice to a minority or even to one “obnoxious” individual ! is **Trial by Jury**. Madison himself fervently supports the effective means to eliminate tyranny by factions; that is, the Trial by Jury which intervenes to “**disarm** government” of its power to do injustice. So, it is inconsistent and incorrect that he could say that *any* society can admit of “no cure” for “the mischiefs of faction” when, in fact, it is *only* democracy, the Trial by Jury-based society, which possesses this cure.

Madison’s words do not accord with the orderly, just democratic society created out of civilised man’s model justice system, Constitutional Common Law Trial by Jury, of which Madison was so ardent an advocate. Madison’s thoughts are on some strange species of government which cannot be equated with democracy, for democracy reduces or elevates all people to responsible equality, not only *before* the law, but also in *the enforcement* of law by active adult participation in Jury Duty (i.e. serving as a juror). In his wide reading on government, Madison will have absorbed the ‘fascist’, élitist works of Plato and Xenophon, the well-known would-be destroyers of Athenian peace, justice, liberty, equality, brotherhood, democracy and Trial by Jury. (See section on Socrates.)

Reducing mankind to an *inequality* of political rights, to rulers, élités, overlords and dependent wage-slaves (or literally slaves), produces passions for turbulence and bloodshed. Exactly what was in Madison’s mind it is impossible to say, but tumult, strife, the riotous extinction and death of peaceful, just societies wreaked by cruel tyrants and inflicted by conquerors, essentially comprises the history of mankind: an interminable struggle between democracy, the sincere attempts at peaceful government by the people, and the subtle or directly violent interventions of despots who would enslave them.

## WE THE PEOPLE AND THE MATTER OF WORDS

However extensive a nation, the word democracy applies equally to wherever the people rule through Trial by Jury. With or without acknowledging the word and its correct meaning, the Founding Fathers were in favour of what democracy actually is, because they, like the Hellenes, the Romans, the English, and all the nations of Europe, also constitutionally installed this Trial by Jury technique of democratic government by which the people rule.

Madison would be saddened to note that today, some of his fallible words are seized upon by scoundrels and simpletons who try (in vain) to belittle the unequalled, ideal human organisation that is democracy. By doing so, these people denigrate the very beautiful form of “We the people” democratic government which his magnum opus the Constitution emplaced. However, these low hounds follow a false lead, for Madison was sure in his view on both the importance and the propriety of the ascendancy of the people over the government through the Trial by Jury, the definitive tenet which creates democracy in concept and practice.

### **Madison Sought Insurance for Trial by Jury.**

The various newly independent states had held a series of conventions at which the constitutional aspirations of all *demos*, the people, were set forth. (See Elliot’s Debates.) With the significant contributions of Justice James Wilson, James Madison, in a triumph of personal endeavour, scripted the Constitution.

According to Madison, society should be formed in such a way as imparts *equal* protection to all citizens, even the ‘obnoxious’ ones, by the Trial by Jury. Madison desired the circumstances created to enable the people to judge, rule and if deemed necessary, overrule government-made law. To this end, Article 3 of the Constitution had installed Trial by Jury by which the government is held by the citizens to its constitutional limits.

However, Madison sought an *amendment* to the Constitution, specifically to gain further insurance for the right to receive a Trial by Jury without trenching intervention from government, its judges and other agents. This amendment would establish and publicise the authority of the Juror as Judge, and the supreme or absolute nature of the citizen-jury in Trial by Jury.

Knowing the character of mankind and governments, Madison saw the exigence for this stipulation ! Witness the ruin of Trial by Jury today, by the trenching tyranny and usurpation of politicians and judges. Such an amendment to law is needed universally. According to Madison, *without* Trial by Jury operating freely from interference by the government, there is no “*proper*,” that is, no civilised, state of society. Trial by Jury is his determining factor, the ‘sine qua non’, defining the civilised, the *proper* society. He vehemently states that no government violate Trial by Jury. By this, he adopts democracy: the inestimably precious legacy of the Hellenes.

## WE THE PEOPLE AND THE MATTER OF WORDS

Madison advocated that the people “regulate” society by expressing ultimate authority through their common law juries, as follows:

**“Trial by jury cannot be considered as a natural right, but a right resulting from the social compact which regulates the action of the community, but is as essential to secure the liberty of the people as any one of the pre-existent rights of nature.”**  
**Madison’s Proposed Amendments to the Constitution, 1789.**

### **Trial by Jury Is the Vital Part of any Legitimate Constitution.**

Naturally, all people have the moral responsibility, the right and the duty to resist and suppress injustice wherever it occurs, and by whomsoever it is perpetrated, governments notwithstanding. Trial by Jury is the only theoretical and practical means known to mankind by which Supreme Power can be responsibly lodged with and continuously retained by *demos*, we the people. Democracy is lost, and governments assume absolute rule over the people if ‘the democratic part’ of a constitution is removed, if it is not inserted into a constitution, or if it does not function in practice. If Trial by Jury is not constitutionally installed *and operating*, then the ability of the people (*peacefully*) to control governments’ abuse of power has been removed from the people, and that false ‘constitution’ is worthless to protect the people’s lives, liberty and property.

Keeping in mind the etymology of the word, if someone disagrees with the concept of democracy, that is, “we the people rule,” then that person is in effect removing the word ‘people’ from where it occurs in the Constitution, and replacing it with the word ‘government’; as, for example, “*We the government* of the United States, in Order to form a more perfect Union, establish Justice... etc.” To those who reject democracy, we remind them that Jefferson also pointed out the following:

“Those who desire to give up Freedom in order to gain Security, will not have, nor do they deserve, either one;” “Dissent is the highest form of patriotism;” and “No free man shall ever be debarred the use of arms. The strongest reason for the people to retain the right to keep and bear arms is, as a last resort, to protect themselves against tyranny in government.”

**Writings of Thomas Jefferson, edited by H.A. Washington, Lipincotts, Philadelphia.**

“The issue today is the same as it has been throughout all history, whether man [i.e. mankind; *demos*, the people] shall be allowed to govern himself [*democratia*; democracy] or be ruled by a small élite [oligarchy].” *Ibid.*

### **In a Democracy the Ordinary People Comprise The Supreme Legislature.**

By contrast with the totalitarianism of the new European Union ‘constitution’, *in a democracy* the ordinary People comprise The Supreme Legislature through their Trial by Jury tribunals. Councils, assemblies, representatives are bound by common law and answerable to Trial by Jury of the People (not impeachment within exclusive élites).

## WE THE PEOPLE AND THE MATTER OF WORDS

Statute law is subject to judgement by juries. Through Trial by Jury, democracy offers, exacts and guarantees to the greatest degree known to mankind, justice, and preserves the rights and freedoms of all the People. Democracy secures the life, liberty, prosperity, security and happiness of men and women against tyrannical governments and the acquisitive illegal ‘rulings’ of their servants: the judges.

It is revealing of the type of antidemocratic society in which one lives if the information contained in this essay is not already being dispersed everywhere by state education. The Democracy Defined Campaign exists to bring to people information on the philosophical, constitutional, practical and political means of their emancipation from oppressive government: a vision of justice and responsible human freedom, and the way by which it is achieved and perpetuated.

### **The Old Soviet and the New European Union’s Despotic ‘Constitutions’.**

The old Soviet and the new European Union ‘constitutions’ are perfidious antidemocratic ‘Munich guarantees’ which exemplify *constitutional despotism*. These ‘constitutions’ embody gross institutional tyranny: as documents they profess to acknowledge people’s ‘rights’, but altogether deny the only (peaceful) means and rights known to mankind by which tyranny is surely circumvented: the citizens’ rights and duties in Trial by Jury.

In this age of mass communications’ technology, people merely require to perceive the malevolence of despots for what it is and from what quarter comes their misery. People’s learning that Trial by Jury is the foundation by which democracy, peace, justice and liberty are realised, is the foundation for achieving their own liberation.

### **Democracy and Gravitas.**

Consider this subject as of the utmost gravitas, one between freedom and slavery; life and death. It is not solely one of academic study and semasiology. We have all lost family and close ones to the wars and ravages of despots. Let us strive hard for Universal Adoption...because Democracy and Trial by Jury together, inseparable as one, form the unique political system of peace, progress and human salvation.

### **Let Us Remember Abraham Lincoln’s Elegy, the Gettysberg Address.**

Democracy is forever celebrated by the words of Abraham Lincoln, which will be remembered for as long as ever English is spoken:

**“...a new nation, conceived in liberty, and dedicated to the proposition that all men are created equal...government of the people, by the people, for the people (*democratia*) shall not perish from the earth.”**

(Emphasis added.)

Democracy installs the rôle of Juror as the citizen’s most important secular adult duty. Democratic Trial by Jury alone proffers the preservation of individuals without prejudice in regard to their nationality, race, gender, religion and background.

## WE THE PEOPLE AND THE MATTER OF WORDS

In Trial by Jury, democracy intentionally uplifts the most humble in society to the responsibility and status of equal and judge. (See section on *conscience* and *equal justice*, in Part Three.) This contributes to the creation of an ethos of civility, mutual respect, equality and fraternity.

There is nothing new in this struggle for liberty. It is for each successive generation to take up, rekindle and pass on the Torch of Freedom. The Constitution Treatise was written with this in mind. A brief excerpt follows.

(Ref. A TREATISE ON LAW, CONSTITUTIONS AND DEMOCRACY ISBN 9781902848747 endorsed by U.S. & U.K. cognoscenti. See endorsements on the URL given at the end.)

### THE CONSTITUTION TREATISE.

*“Constitutional adoption and practical implementation of the Citizen-Juror’s Duty in Trial by Jury, to judge the justice of every act of law enforcement, define, and comprise the basis of, Democracy, sine qua non.”*

#### “NOTA BENE:”

1. “*Only* as long as *juries of ordinary citizens* have the final say, government remains the servant, not the master, of the people.”
2. “**Suffrage** does not define democracy, for electoral voting takes place in totalitarian states. Having been elected, there is nothing to stop government from imposing control of an upper house, renegeing on pledges, nor from adopting any tyrannical measures it chooses.”
3. “Constitutional adoption and practical implementation of the Citizen-Juror’s Duty in Trial by Jury, to judge the justice of every act of law enforcement define, and comprise the basis of, Democracy, sine qua non.”
4. “In practice and by definition, government which denies its ordinary citizens the right to judge the justice of the laws and the manner of their enforcement *on their fellow citizens at trial*, is a despotism.”
5. “Constitutions which **deny** the Common Law Trial by Jury Justice System install **constitutional despotism**.”

“For centuries since 1215, the English people revered and called Magna Carta “**the Palladium\* of the People’s Liberties**.” The Juror’s Duty to judge the justice of law enforcement in Trial by Jury was the foundation of the People’s sincere belief that all Britons never would be slaves; and that the United Kingdom, the United States, and the numerous post-colonial nations which constitutionally adopted the Common Law Trial by Jury Justice System, are **democracies**.”

“\* *Definition, Palladium: any safeguard; a symbol, metaphorical or statuary, which represents the protection of the liberties and rights of man. Derived from Pallas Athene, Hellenic Greek goddess of wisdom and war. Today, the world’s most famous Palladia are the Trial by Jury, and The Statue of Liberty in New York harbour.*”

## WE THE PEOPLE AND THE MATTER OF WORDS

“With Trial by Jury holding sway, the People are *served*, not ruled, by governments, whose laws count for naught unless they be just. Such government cannot but embody civilised ideals and aspirations. Because no tyrant can attain power, this government only attracts and is comprised of truly democratic representatives. At the behest of juries of ordinary citizens, the state is constrained into enforcing only just democratic principles which accord with the People’s judgement, such as those represented by common law: fraternity, liberty, egalitarianism, progress and justice.”

“By the diligent upholding of *this* Constitution, all tyranny is nipped in the bud. Not only are bureaucratic and fiscal injustices eliminated, but tyrants, great and petty, are emasculated. This enforceable democratic control by the People was emplaced to extend equally over the historic and current ‘religious’ tyrannies, as to secular, which are suffered under man’s inhumanity to man. Thus, Constitutional Democracies (of all types, monarchical and republican) founded on the Common Law Trial by Jury respond to, *but cannot initiate*, aggression, including wars so-defined. If Trial by Jury had remained operating throughout the European nations, whence it originated, the Hohenzollern and Hitler tyrannies would have been truncated, and the Holocaust and both World Wars averted.”

[End of excerpt from The Constitution Treatise ISBN 9781902848747.]

## WE THE PEOPLE AND THE MATTER OF WORDS

### PART THREE. TRAITORS TO DEMOCRACY.

#### Conscience and Judgements on Justice.

Judgements to determine that which is *just* as made by ordinary citizens in the rôle of juror in Trial by Jury, are virtually universally acclaimed to be uniform. That is to say, unanimity is absent only when evidence is insufficient to dispel reasonable doubt. Common law recognises *conscience* as the faculty enabling all humans to tell *right* from *wrong* in respect of humans' behaviour and treatment of others. The Universal Conscience and natural justice derive from childhood experiences of physical and mental pain and (usually petty) injustices received personally or perceived to have been inflicted on others. Conscience is inherent to sane human adults and is the basis for all justice. Conscience enables people to judge and be judged for the presence of, or innocence from, mens rea (malice aforethought) in their actions. For these reasons, in the enforcement of laws, even the people who consider themselves 'superior' must submit to the judgements and rulings on justice by ordinary citizens in Trial by Jury. (See Justice William Jones; Jones on Bailments; & see THE UNIVERSAL SENSE OF FAIRNESS: "DO-AS-YOU-WOULD-BE-DONE-BY;" DD Essay EIS#6.)

Amongst the people there are to be found those who consider themselves superior to most or all others. Some indeed might be considered more beautiful, or especially gifted in particular pursuits, strong and valorous, or endowed with rare mental acuity.

Anacharsis, who was one of those known as the Seven Wise Men of Hellenic Greece, saw Athenian democracy at work and superciliously remarked that it was strange that in Athens wise men spoke and fools decided. The people's common law holds that 'superiority' is always a spurious criterion as 'justification' for the enforcement of one person's will on another, because, however 'superior' some people may be, their regard for justice can be perverted by self-interest. Hence, a universal criterion of justice is that the validity and justice of laws and their enforcement require to be judged not by those who make and enforce the laws, but by those who voluntarily submit to the laws. This establishes the attitude of Anacharsis and all beings such as he, superior or not, as *irrelevant* to matters of justice.

#### The Original Traitors to Democracy.

It is interesting to look at empirical evidence, the great historical example of the contest between tyrants who sought power over the people, and the contrasting civilised attempt by the mass of ordinary people at creating the democratic just society for the benefit of all.

We have seen how simply democracy is brought into being, and yet how it is constantly undermined by the criminal inhumanity of those who desire to exploit and subjugate others.

## WE THE PEOPLE AND THE MATTER OF WORDS

We hold it to be a self-evident truth that, while people have the right to express whatever (non-slandorous) views come to mind, it is a criminal act of injustice, the injustice of tyranny, to try to impose a form of society, or laws, on others without the ongoing consent of demos, the people, who would be bound by its laws.

Generally when we talk about the treatment of citizens within a population, we use the word 'just' to mean 'fair'. A preliminary note worth observing here is that there are some people who call a society 'just' when it is organised (in theory or practice) in a way that *agrees with their views*, and fairness does not enter the equation.

Let us judge the character of that type of person who advocates a form of society which, according to them is 'just', even though it is ordered to the advantage of only a small minority (which includes themselves).

Thucydides\* observed truly that most people will uncritically believe the first account they hear about something without taking the trouble to find out whether it is true. This same attitude allows masses of people to accept at 'face value', false claims by a would-be-tyrant that his political doctrine or policy will work to public advantage, when in fact it is the scheme of a minority who have in mind the criminal exploitation of others, including even those people who accept and will help implement the doctrine.

\* See **History of the Peloponnesian War, by Thucydides.**

### **Plato: The Republic.**

Plato, who was the student and lifelong devotee of Socrates, adopted and promulgated Socrates' ideas. Socrates himself wrote nothing down.

Plato envisioned a state wherein it was solely the interests of the ruling class which identified the direction of the state. The rulers (the government) were not elected by the citizens but were to be self-perpetuating from within their own class. The rulers were to be separately educated from the people, to be taught the means by which power was to be retained within the ruling class, to perpetuate the class and preserve the rulers' interests.

The overall ruler or rulers create the 'just' laws, and the 'guardians' and 'warriors' execute the orders of the rulers. The remaining largest part of the population, the 'producers', are subject to this absolute authority, from which Plato's 'just' society is created.

On pain of penalisation and even of death, the majority must obey, without dispute, the dictates of the minority to whom all power is ceded. The majority accepts absolute rule of some few men (only males) who hold the reins of power. The majority acknowledges that the mass of people have no real rights, but only some few privileges, as and when granted by the ruling class.

## WE THE PEOPLE AND THE MATTER OF WORDS

In this republic, the rulers control all aspects of life. Naturally, for the benefit of the state, every material thing is at the disposal of the rulers, and so private ownership by the people, of goods, houses, land, produce and riches, is abolished. The state is the sole owner of all wealth, with the rulers or their representatives deciding over such dispersion of income and goods as it pleases the rulers to make available; and to whom.

All forms of the family are denied to the people, this including the larger, or extended family; the nuclear (two parent) family; and even the single parent family. The rulers organise (temporary) couples for reproduction, based on preferred breeding attributes. Mothers are soon separated from their progeny and returned to work or retained for further breeding. (Apart from within the ruling class), no child knows his or her parents. Parents do not know their own children.

The intentions of 'education' are to perpetuate the status quo; to teach that the state is the benefactor of the people; to promote self-improvement for the purpose of benefiting the state; and to enhance the survival of the rulers.

The work occupation and place of residence of each person is decided for him or her by state officials. The whereabouts at all times of each person is controlled and designated.

The rulers have no obligation to justify any of their measures and are exempt from the laws which bind the ruled. Rulers have complete privacy as a matter of state security.

The people have no right to privacy. The state organises a 'guardian' and bureaucrat class to sustain the security of the rulers. All people are at the behest of the numerically minute ruling class. This is the 'just' society according to Plato.

Readers will not be surprised by the fact that the totalitarian 'fascist' design for a state in this arrogant authoritarian's book, *The Republic*, became the official doctrine of Adolf Hitler's Third Reich National Socialist (NAZI) Party. Note that Hitler came to power in a constitutional republic (Weimar).

### **Opinion.**

From a purely academic interest, one accepts study of the Platonic writings and Socrates' opinions, but we find objectionable and deranged the view held by some that the Socratic dialogues are amongst the "great works" of Western philosophy. *Only that which contributes to the well-being and happiness of the people as individuals and thus as a whole can be considered worthy.* Measured by this criterion, the thoughts of Plato and Socrates are to be judged as among the most dismal and despicable. One finds innumerable fallacies and flaws in the assumptions of Socrates and Plato, and the thesis of *The Republic* is ultimately self-destroying for it is inimical to human nature.

## WE THE PEOPLE AND THE MATTER OF WORDS

What is one to make of individuals and groups who deny definitive democracy and its Trial by Jury? Obviously, these people include Marxists, communists, fascists, socialists, New World Order Internationalists, statist, collectivists, et al; but let us not forget that the U.K. Labour, Liberal and Conservative Parties, the U.S. Republican and 'Democratic' Parties, and similar groups in France, Germany, Spain and elsewhere throughout the West have all presided over the current extinction by politicians and judges of the Trial by Jury. In spirit if not in letter, Western politicians are precipitating inevitable emulation of The Republic as proposed by Plato, or similar completely antidemocratic forms of totalitarian state.

We find these people and all their followers curious, if abhorrent, because, in our opinion, the rank and file who are actively advancing the demise of Western democratic civilisation will not end up within the advantaged class of exalted rulers. Instead, they will be the rigidly controlled churlish enforcers of such a state, or its abject helots. They are deluded if they imagine that ultimately anything of worth will accrue to them. Have they become so brutalised and brutish as not to care that they are committing themselves and everyone else to statist enslavement? Do they not have the wit to realise that the inheritance they are preparing for their immediate descendants is a lifetime of harsh discipline without worthwhile compensation? ...endless involuntary subservience, unrewarded toil, exploitation, humiliation under threat and receipt of the modern pernicious equivalent of the lash?

The morbid criminal robber psyche of the politicians and unseen plutocrat instigators of the perceptible movement towards totalitarianism needs no exposition here. There is in these persons a malcondition present from childhood which induces such deviance, but, as with Hitler's brood, their anormality does not exculpate them; for they know injustice and recognise it when it is inflicted against *them*. The people of the West acquiesce to or participate in the modern degenerative trend at their mortal peril.

### **Aristotle.**

Aristotle, who was the famed student of Plato, later came to be the tutor of King Philip of Macedon's son, Alexander the Great (Conqueror). Aristotle kept company with monarchs and aristocrats and intended his treatises on Politics to be the guide of rulers. He produced works of great merit in wide fields of study, including biology, physics, morals, and aesthetics. Aristotle rejected Socrates' and Plato's efforts at political philosophy. In a rift separating Aristotle from Socratic élitism, his contrasting constitutional theory may be summed up as:

“Constitutions which aim at the common advantage are correct and just without qualification, whereas those which aim only at the advantage of the rulers are deviant and unjust because they involve despotic rule which is inappropriate for a community of free persons.” (Aristotle, Politics 1279a 17-21.)

## WE THE PEOPLE AND THE MATTER OF WORDS

Nevertheless, in his professed beliefs, Aristotle was not consistent throughout. He displayed élitist (antidemocratic) tendencies, which doubtless derived from his upbringing and the vestigial remaining influences of his mentors. He suggested disenfranchisement of the poorer citizens; and condoned both slavery and the denial of the political equality of women.

N.B. That constitution which is democratic, legal and genuine limits the scope of action of government to the decisions of citizens in Juries: it emplaces the Constitutional Common Law Trial by Jury Justice System. This puts the citizens responsibly in power. The illegal and false ‘constitution’ is the ‘top-down’ élitists’ counterfeit, which places the making, judging and enforcing of the laws within the domain of government (be it elected or imposed).

### **Socrates.**

The Athenians Socrates and Plato were the original traitors to democracy. Today, much of what we know about Socrates comes from the writings of his student and lifelong devotee, Plato, who adopted Socrates’ ideas.

In democratic Athens, all citizens including the poorest, the *thetes*, were equals before the law with *exousia*: that is, rights to participate in deliberations and vote in the assembly; and of judicial office by which as jurors they decided causes.

Socrates sought with all his considerable gifts of rhetoric and intellect to impose élitist government over the people. His intention was to destroy the right of ordinary people to judge, make, enforce or nullify the laws in the Trial by Jury (thus denying the people protection from unjust arbitrary government). Socrates’ “mission” was to make the citizen obey the laws of the state without regard to their justice. His view was that the citizen must comply with the laws or persuade the state to change its laws; or else leave the state. See Crito 51b-c, 52a-d.

Socrates’ subversive influence inspired a coup d’état (seizure of power) by wealthy oligarchs who were referred to as the Thirty Tyrants. The Thirty overthrew the democratic state and proceeded ferociously to destroy the democratic rights of Athenian citizens to judge the justice of the laws in Trial by Jury. Under the tyrants’ régime, participation in legal functions — which had previously been open to all Athenians — was restricted to a privileged group of 500.

Under the Thirty, only 3,000 selected Athenians were granted the right to receive a Trial by Jury; and to carry weapons (to protect the Tyrants and enforce the Illegality of the Status Quo).

In those days, hemlock was used in capital punishment to poison condemned prisoners. To try to secure their rule by force and eliminate the proponents of democracy, under the Thirty Tyrants hundreds of citizens were forced to drink the lethal cup of hemlock, and thousands more were exiled.

## WE THE PEOPLE AND THE MATTER OF WORDS

After a year, the people in their turn overthrew the Tyrants and restored democracy. The democratic compassionate society gave amnesty to all parties. Socrates, however, despised the common people and continued actively to subvert the democratic system, influencing his aristocratic students and followers into adopting his violently antidemocratic (i.e. against the people) philosophy. A persuasive, rousing public speaker, Socrates' terrifying plan, like those of the fascists and Nazis of recent times, four years later again threatened the life, liberty and property of every ordinary citizen.

Despite the amnesty, because of the extreme and growing danger from his continuing treasonous activities, alternative charges (corrupting youth, etc.) were brought. Socrates was seized, arraigned, found guilty as charged, and sentenced to death by the people's jury.

The people are always entitled to protect themselves against aggressors, and in this case from Socrates himself, following the recent loss of life under the Tyrants' régime inspired by him.

Socrates' devotees claimed that the prison guards could have been bribed and he could have fled the country, but rather than take a coward's exit he accepted the sentence and swallowed the hemlock. This attempt to bestow kudos on the worthless criminal Socrates is almost certainly a fiction, along with much else concocted by his dastardly cohorts Xenophon and Plato.

Socrates was the traitorous enemy of democracy, Trial by Jury, liberty and justice. The nearest one can come to comparing the horrors of the Socrates case with latterday circumstances is, for example, in the Nürnberg (Nuremberg) Trials of Nazi war criminals; or the treachery of our politicians who will potentially now enslave the entire Western population under their régime which denies Trial by Jury and annulment; withholds our right to freedom from arbitrary arrest (i.e. without probable cause); and removes Habeas Corpus, the right to freedom from arbitrary detention.

### **The Historical Facts about Democracy.**

Democracy embodies equal constitutional protection of all the people's lives, rights, liberty and property. The facts about Democracy in Athenian Hellenic Greece and everywhere else, are that it is the uniquely just virile system and is devotedly supported by the mass of civilised, peace and freedom-loving people.

The democratic state, based on the Constitution of government by the Trial by Jury, survived two attempts to overthrow it by wealthy aristocrats and oligarchs with their mercenaries and slaves. Democratic free Athens only succumbed eventually because of the mighty invasion of the Macedonian, Alexander the Great (conqueror), whose far-flung martial exploits set back the socio-political development of mankind.

## WE THE PEOPLE AND THE MATTER OF WORDS

### **Antithetical Writings and The Enemies Within.**

Democracy, which establishes responsible freedom of the people, always has enemies amongst power-hungry oligarchs, would-be tyrants (banker Hamilton, religious fundamentalist Ames, et al) *and* their abject servitors. There are others whose misuse of the word demonstrates that they simply did not (and today do not) know the etymology and understand the meaning. Generations have been confused and deluded by the premeditated or unwitting incorrectitudes of Fisher Ames, Webster, Franklin, Hamilton, and others.

Plutocrats and those who sow disinformation for them remain the foes of democracy — *because democracy emasculates tyrants and emancipates the population.*

Authors of the statist bias, or unconscionable lexicographers and journalists collaborate, *for pay*, to write lies and equivocation for their employers' interests which are completely at odds with those of the people at large. They shred the truth and with abuse of words try to appear cynical and clever. With deliberate distortions of our language, they mock the ordinary people and spread disunity at a time when we all require to be sure in our beliefs.

The obvious example of the dupe or servitor of tyrants is the person who maligns democracy as "two wolves, and a sheep voting on what to have for dinner." Facile fictions are adopted or made up by the likes of Rose Wilder Lane and Devvy Kidd to delude people and lead them astray...

It is not credible (unless they are being deliberately untruthful), that people who talk of the wolves and sheep could have researched the history, etymology and signification of the word democracy: *demos-kratein*, *democratia*: the people rule through Trial by Jury. Despots do not want *you* to know the *real* meaning of democracy — for fear you might reclaim it for the good people of the world.

As confirmed by the etymology, democracy is certainly *not* the majority ruling over the minority, *nor* a minority ruling the majority. Far from it! Control of the people by a group of *less* than all the people, or tyranny, or mob rule, each embodies *the opposite*, the antithesis, of democracy. Remember, two people have no more right to control over one person than one person has to rule over two! This is merely the crude anti-civilised concept of might over right: the law of the jungle.

We are all born *equal* before the law. It is incumbent on people everywhere to make sure that politics and justice systems reflect this democratic legal egalitarianism by constitutionally installing and practically implementing the Common Law Trial by Jury.

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There is nothing in the etymology, the history, nor the intellectual use of the word democracy which allows such distortions as in the following dictionary and Wikipedia contributors' gibberish:

“government by the people, *especially rule of the majority*”... FALSE

This entry claims total power for (elected) government, ignores etymology and altogether denies the function, purpose and effects of Trial by Jury.

“control of a group by the *majority* of its members”... FALSE

“a conception [read: *misconception*] of ‘democracy’ is that it is majority rule and is justified [read: *unjustified*] under utilitarian reasoning. The advantages of ‘democracy’ seen under this conception is that the majority of the population are satisfied with the governance they live under. The disadvantage is that the minority live under the power of the majority sometimes termed the tyranny of the majority, or mob rule. This can lead to the marginalisation of large portions of a population if the will of the majority is not restrained by a strong and just constitution and legal system”... FALSE

This latter entry is a most unclever attempt at miseducation. Although it concedes some form of *pseudo*-constitution similar to the late Soviet and the current European Union type (devised by bureaucrats and politicians at the behest of bank-owners' corporate interests), it bestows *the decision* on the justice of law and its enforcement only to those in power who make the laws and their government-employed judges.

The above incorrectly state that the word ‘democracy’ could describe a Holy Inquisition/ Catholic/ Judaic/ Muslim/ Hindu/ Communist/ Socialist/ Nazi or Fascist, etc. *extremist-run* society, within which *the majority* subjects ‘apostate’ minorities of beliefs or creeds other than those held by the majority, to religious Sharia/ Catholic/ or the secular ‘law’. That is, the people are oppressed under a tyranny of the majority with potential torture, lapidation (stoning-to-death), amputation, laceration, incarceration, auto-da-fé or decapitation for activities which are ‘defined’ as ‘criminal’ *only* by those in power... Hardly democracy! Hardly a Trial by Jury of randomly-chosen equals of the accused !

The history of mankind can suitably be described as the account of an unending resistance struggle between democratic civilisation and the barbarity of despotism. From time to time, leaders and their servitors are able tyrannically to disrupt the “We the People” democratic justice system for their nefarious purposes. Indeed, this mirrors the present-day Illegality of the Status Quo.

Democracy constitutionally founded on Trial by Jury is held in greatest esteem by cognisant civilised people everywhere.

## WE THE PEOPLE AND THE MATTER OF WORDS

Everyone who undermines Trial by Jury is a criminal foe of the people and shares culpability as judicable progenitor of crime and totalitarianism; viz. p. 7; Winston Churchill's explanation:

***“To deny him the judgement of his peers is the foundation of all totalitarian government.”***

Trial by Jury was the ordinary people's inspired creation. Even back as far as the beginnings of written history, commoners were initiators of Trials by Jury, both to enforce just laws within their communities and as a barrier against the unjust acts of arbitrary kings and chieftains who sought dominance invariably against the common good. Barons and commoners, the armed Freemen of England, alike knew Trial by Jury to have been for so long the surest way of establishing true justice and protecting rights, that together, they installed Trial by Jury *constitutionally* by The Great Charter of English Liberties.

When one is conscious of what democracy *really* is, falsity is easily recognised in those politicians who claim to “represent” democracy as a ploy merely to obtain undeserved respect and *votes* from the electorate, while they actively suppress democracy by denying citizens' duties definitive of Trial by Jury.

One has to discern whether there is malice or ignorance behind people's pronouncements and opinions. Anyone who says that they favour “a republic” but not “a democracy” is revealing either their lack of education on the correct meanings of the terms, *or* that they believe the sovereign supreme power should be held within government, i.e. a small minority of politicians rule — and not the people. Beware ! In this latter human phenomenon grows the seed of the cruellest inhumanity, corruption and tyranny known to mankind.

Never vote for or have truck with any politician, local or national, unless he or she publicly insists on full Restoration and perpetual maintenance of the genuine Constitutional Common Law Trial by Jury Justice System.

The Trial by Jury-based democratic society of the Hellenic ideal was adopted all over the world by the peoples of republics and constitutionally-controlled monarchies — but democracy has suffered destruction repeatedly by the countervailing incursions of despotic politicians who have brought about the annihilation of Constitutional Trial by Jury.

Stealthily again, within the last generation the enemy of the people has taken hold of the Supreme Power and obliterated Western civilisation from within, without a whimper from the majority of the people who have everything to lose in terms of life, liberty and property from totalitarian governments' denial of Trial by Jury.

## WE THE PEOPLE AND THE MATTER OF WORDS

### **The Judges Are Not Responsible to the People.**

Tyranny ebbs and flows, comes and goes, fluctuating in its intensity and cruelty, reflecting the degrees of insouciance, ignorance and complacency of the people.

Whenever the Supreme Power has been in the hands of the People, those antidemocratic individuals who would seek to take this power for themselves and their partisans, first wrest it from the Jurors in the Trial by Jury. This they do through their beholden employees: the judiciary.

Nowadays, judges overawe and misinstruct naïve citizen-jurors; and deny the people their right and duty to judge and nullify bad laws. Where Trial by Jury is *apparently* taking place, it is in fact precluded by judges' illegitimate intervention to forbid jurors from judging on equity issues, on the justice of the law and its enforcement, on the admissibility of the evidence, and from all the other duties which define the process as Trial by Jury. (See Jurors' Duties.) Or Trial by Jury has simply been denied by politicians' intervention and replaced by the corrupt, one-sided (inherently illegal) trial-by-judge.

The courts' unlawful modus operandi is to facilitate tyranny manifest in the judiciary's enforcement of inequitable and venal statutes and regulations, which citizen-jurors en masse would otherwise emphatically annul.

The motive behind, and explanation for, judges' boundless treachery are the same today as they have always been, and they confirm that the indispensability of Trial by Jury is eternal: the judiciary is responsible, not to the People, but to the government: judges are dependent for careers, salaries and by impeachment, on the legislature; *to remain judges, they must reliably enforce unjust legislation.*

Judges regard themselves as, and are, *bound* to enforce the laws, even when doing so is an act of extreme injustice. Once a law has been passed and interpreted for enforcement by the courts, then, *unlike jurors*, in the routine of court cases judges are not permitted to dispute or judge the justice of law and its enforcement.

To allow these compromised humans to dictate the law, utterly surrenders the lives, liberties, rights and property of the People to the arbitrary will of politicians. Anyone who would propose or support such a system of subjection of the people, suffers from lack of education and knowledge of human behaviour and political history, or from acute antidemocratic *mens rea*.

Compounding their criminal *violation* of common law and *suffocation* of justice, nowadays, arrant 'judges' do not even permit defence lawyers to tell juries that it is a definitive and integral part of the Juror's function to judge the justice of law enforcement. Thus is Trial by Jury by judges *dismembered*.

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The convenors of trials, be they sheriffs, stewards, bailiffs and especially the justices (judges), are not simply *not* authorised but are categorically excluded by common law and constitution from construing, interpreting and ruling on the law, that is in any way binding upon juries. Yet, historically, as monarchs accumulated power, their paid representatives, the ‘justices’, came to insinuate themselves into the citizen-jurors’ courts and administer a rule, not of law, but of force and intimidation over jurors. Jurors were selectively excluded for their likelihood of nullifying enforcement of injustices and included for their propensity to deliver verdicts desired by the prosecution or judge.

Measures (such as attain) were introduced for the punishment of jurors whose verdicts displeased the rulers and their justices. At the behest of judges, with good jurors suffering the torturer’s hot irons, and stretched and broken on the rack, from time to time Trials by Jury became the cruel masquerade that they are again today. Justice was and is obliterated to serve corrupt government.

In the Middle Ages, monarchs, and in the modern era, politicians’ parliaments and congresses, hired ‘justices’ to promote government-corporate-bank interests, increasingly consolidating power into the hands of government. Politicians’ word and that of the justices became ‘law’.

Corrupt and biased ‘decisions’ became despots’ unlawful ‘legislation’. More and more, Trial by Jury was eclipsed by judges’ courts which came to deal with disputes in shipping, mercantile matters, equity, and common pleas, with judges misappropriating an authority which should always have been the distinction of jurors.

When a court sometimes corruptly, frequently fallibly and always arbitrarily came to decide and report its decision concerning a particular case, that case became part of a body of lawless government ‘law’; actually judge-made, ‘law’. (The judiciary is an arm of government.) That ‘law’ could be applied in subsequent cases regarding similar matters. This use of ‘precedents’ is known as *stare decisis* (Latin for “let the decision stand”).

It constitutes as plain an infraction of Constitution, Common Law and Justice as it is possible to conceive, to assert that judges may ‘rule’ on law; interpret law; set precedents of case law, or enforce measures laid down by the legislature — without and unless in every case, the common law Jury in Trial by Jury has specifically judged on the justice, morality, and validity of the law being enforced, by their own consciences and standards. Modern processes deny this fundamental precept of Justice and Trial by Jury, thereby rendering all trials mistrials; and all sentences or rulings pertaining thereto Miscarriages of Justice.

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Even in the more contrived, camouflaged scribblings antithetical to democracy, it is conspicuous that the writers, who are self-evidently statist of one type or another, do not bring Constitutional Trial by Jury into the debate as the definitive function which underpins democracy. They *avoid at all costs* publicising the duty and power of citizens as Jurors in the Trial by Jury to judge, nullify and overrule governments' bad laws, the function by which democracy's etymology is fulfilled, the people rule and justice prevails. These antagonists are fundamentally dishonest; or uneducated to the definition, history and basis of democracy.

Malindoctrinators of the past and of today do not even allude to the citizen's happy state of responsible freedom and *real* constitutional democracy. Instead, they seek to implant some image into people's minds, of crude tyrannies, tumultuous upheavals, blood-craving revolutionaries or foreign despots.

Some of these writers do not know, and others know but do not want their readers to know, that democracy is the emancipation and ethos of society produced by the power of Juries of ordinary citizens in Trial by Jury, to vet, make, decide and enforce the law; that the ascendant authority of juries is inextricably the basis of democracy. From imbecility or malice aforethought, they evade disseminating the fact that democracy is the state wherein sovereign supreme power resides, not with "the government," but with the people through the rôle of common law Juries in Trial by Jury; and that this is definitive and forever indispensable to justice and liberty.

### **PART FOUR. The Democracy Defined Campaign for Restoration and Universal Adoption of Constitutional Common Law Trial by Jury.**

The word democracy has its primacy of place in the history of mankind's ongoing attempt to create the compassionate civilised society. This cannot be denied just as it cannot be ignored. It has an unalterable signification. Democracy and the Trial by Jury embody mankind's model constitution and justice system. The cool rationale of intellect does not permit the destruction of the ideal or the word, by ignorance nor by deliberate malicious abuse.

Democracy and Trial by Jury are only limited by the ignorance, servility, complacency and insouciance of the population. If you are against democracy you are against Trial by Jury. If you are in favour of Trial by Jury, you support democracy. These two are the metaphorical obverse and reverse of the same fine philosophic coin... and this coin of inestimable worth was placed by the Founders and the signatories of Magna Carta in the hands of the People. That it remains there is the object of all our efforts.

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**“Those who undermine Trial by Jury and who do not actively support its Universal Adoption, abet tyranny, crime, and the law of the jungle; they vitiate mankind’s peaceful progress and the compassionate aspirations of human civilisation; they foster inhumanity, promote strife and personify injustice: they are the visible foes of all democratic people.”**

See THE REPORT ISBN 9781902848204; Part Seven, JUSTICE AND THE CONSTITUTION.



WE THE PEOPLE AND THE MATTER OF WORDS.

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## WE THE PEOPLE AND THE MATTER OF WORDS

### Further Reading by the Same Author.

See 'Justice and the Constitution'; Part Seven of THE REPORT; Cannabis (marijuana): The Facts, Human Rights and the Law ISBN 9781902848204. This educational textbook has a Foreword by a Nobel laureate former official Adviser to U.S. government professor emeritus; is endorsed by a Teaching Professor of Physiology Fellow of the Royal Society; and academics, doctors (of medicine, psychiatry, homeopathy and jurisprudence) and judges (U.S. & U.K.).

Also see TRIAL BY JURY: Its History, True Purpose and Modern Relevance ISBN 9781902848723.

Also see A TREATISE ON LAW, CONSTITUTIONS AND DEMOCRACY ISBN 9781902848747.

Also see GLOBAL WARMING: THE SCIENTIFIC GREEN SOLUTION TO THIS WORLD CRISIS ISBN 9781902848068.

Synopses and endorsements of the above books are to be seen on the Democracy Defined website.

Read the Five Democracy Defined Campaign Philosophy webpages.

**<http://www.democracydefined.org/democracydefinedcampaign.htm#democracy>**

Also see The Democracy Defined Educational Information Series (EIS) essays, pamphlets and posters freely downloadable from the Campaign Material page of the DEMOCRACY DEFINED website.

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