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RESTORATION and UNIVERSAL ADOPTION of
CONSTITUTIONAL COMMON LAW TRIAL BY JURY.

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Standard English Spelling

MYTHS DISPELLED:
Open Letter of Reply to JAMES MADISON (descendant).

An Essay by
Kenn d’Oudney

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Illustration:
King Alfred the Great; constitutional lawgiver; statue, Winchester, Hampshire, England.
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Some Reviews of

MYTHS DISPELLED:
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An Essay by
Kenn d’Oudney

“What a magnificent article! I intend to incorporate parts of it into my speeches and writings.
PROFESSOR JULIAN HEICKLEN,
Jury Rights Activist;
Coordinator, Tyranny Fighters; U.S.

“Superb. Should be read in every law school.”
JOHN WALSH, BARRISTER-AT-LAW,
Author; Constitutional lawyer (U.S. & Australia).

“Kenn d’Oudney is a brilliant writer and researcher when it comes to Democracy and Trial by Jury. The best source of common law is Kenn d’Oudney.”
DR. JOHN WILSON,
Jury Rights Activist;
Co-Founder & Chairman, Australian Common Law Party.
Dear James,

Greetings. We hope you are well.

Your comment about, as you put it, my “address about ‘democracies’,” reflected only on my brief response to Franz about the affirmation in a paper he sent to me by one Steven Jonas, in which Jonas pointed out that the U.S. Constitution instated “constitutional democracy.” Those few words are not “my address;” rather, the following gives some info on the subject.

My position about democracy is the same as everyone else who recognises that genuine lexicography is dictated by the Sciences of Etymology, Semantics, Semasiology, and Philology. These determine whether a country is a definitive democracy or one’s government is a despotism.

It was in the modern historical era, since the development of these sciences 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, Palgrave, Jefferson and 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 etymology of vocabulary.

You reveal from your current e-mails and 17-page attached paper, The Bait and Switch History of Fraud, that you and its writers are not apprised of the definitive practical foundation and linguistic signification (meaning) of democracy. (E.g., you say, “There is nothing democratic about a dozen people you know weighing the law...etc.”)

For example, the ‘definition’ it offers is incorrect: “Democracy: Anglicized singular male expression from original Latin ‘demos + gratios’ XmeaningX “Upon the Majority of anything, including Men (People).”

Gainsaying your hopeful assertion that it was written by “Documentary Historians,” it is neither documentary nor historical, it being unfounded and fictitious: red highlights erroneous assertions.

The English language dispenses with the genders of nouns; Demokratia is Hellenic (ancient Greek) not Latin; the term democracy does not express ‘majority’ or ‘quantities’. The definitive etymology follows. Take your time to assimilate it.


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Viz. The word ‘democracy’ is widely abused and ‘defined’ incorrectly: Democracy is a state of society realised neither by referenda (mass voting for new laws), nor by suffrage (electoral voting for representatives), nor by the representatives’ majorities’ legislatorial voting. Electoral voting, majority rule and ‘consensus politics’ neither create nor define democracy.
THE WORD.

To preclude arbitrary (i.e., 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 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, the wealthy and powerful, the aristocrats and all the people who sought to rule them, was demokratia, 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. Through its etymology, history and signification, the word democracy designates the constitutional justice system. Modern Constitutional Democracy is based on the sovereignty of the individual citizen-juror as the final arbiter of law (Unanimity required for conviction) and protection of the people from tyranny.

The Hellenic Athenian Constitution of government by Trial by Jury was a conspicuous achievement in human history for constitutionally establishing this unique mode of justice. The aristocrat Cleisthenes it is who must be credited with the creation of mankind’s first democracy in 508/7 B.C.E. (although ‘infant’ in form, as it did not yet give equality to women and permitted slavery). He brought acknowledgement to the need to spread empowerment throughout society to promote equal justice, liberty, peace and prosperity, and devolved power all the way down to the poorest (male) citizens, the thetes, by recognising rights, exousia.

Exousia rights included the right to attend, debate and vote in the national assembly on laws and measures (referenda); the right of the accused to a Trial by Jury; and, crucially, the empowerment of citizens by bestowing on them judicial authority as Jurors in Trial by Jury in which laws and measures passed by legislatorial majorities in the assembly could be judged, overruled and annulled * whenever this was deemed by the Jurors necessary to serve justice, liberty, and the interests of the people.

*See Works, vol. 2; by co-author of the U.S. Constitution, Justice James Wilson.

Democracy created the illustrious Athens which successfully resisted the Persian invasions of 490 and 480/79 at the battles of Marathon and Salamis; that built the Parthenon; set enduring standards in art and architecture; developed sciences including those of medicine, mathematics and astronomy; that proffered a stage to Aeschylus, Sophocles, Euripides and Aristophanes; and laid the foundations of Western rational and critical thought. Hellenic Greece of the Constitution of government by Trial by Jury received from the Athenians the defining epithet, Democracy.

The historical facts about Democracy in Hellenic Greece and everywhere else are that it was a virile system and devotedly supported by the mass of just, civilised, peace and freedom-loving people. Democratic free Athens eventually only succumbed because of the mighty invasion of the Macedonian, Alexander the Great (conqueror), who emplaced his generals as autocrats to rule by might over right, with force against democracy’s egalitarian system of equal justice and civic liberty.
Otherwise, the Hellenic Culture would almost certainly have evolved into the development of equal rights for women, emancipated the slaves and outlawed slavery 2,000 years ago. Alexander’s far-flung martial exploits set back the socio-political development of mankind.

Naturally, 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. By definition and in practice, Democracy requires that the People at all times retain the Supreme Power to annul injustices and the bad laws made by fallible politicians. This Power is uniquely embodied in the Citizen-Juror’s Duty in Trial by Jury: to judge the justice of every act of law enforcement, and to render the Not Guilty Verdict whenever conviction or punishment of the accused would be unfair, according to the juror’s conscience.

In the pan-European legem terræ* common law (as constitutionally inscribed into Magna Carta in 1215 and every subsequent legitimate constitution), it is the jurors’ duty in the Trial by Jury Justice System to judge the justice of the law and every act of enforcement and acquit any persons accused under an arbitrary, unjust or apocryphal statute, regulation or prosecution.

* terræ is pronounced terry, the ‘æ’ as in Cæsar, seize.

Trial by Jury is the central tenet and sole justice system of the People’s legem terræ common law. It governs government by the fact that all men and women are equally subject to the common law. No one is ‘above’ the Law of the Land. There is no immunity from the Jury’s Verdict, judges, legislators and head of state notwithstanding (ref. Common Law Articles 24, 39, 40 & 61). The decisions of Jurors judge and rule over statutes and regulations made by national or local governments, and the decisions of judges.

Consider Harlan F. Stone, U.S. Chief Justice 1941-1946, on the Juror’s Duty in the authentic Trial by Jury, as follows:

“If a juror feels that the statute involved in any criminal offence is unfair, or that it infringes upon the defendant’s natural God-given unalienable or Constitutional rights, then it is his duty to affirm that the offending statute is really no law at all and that the violation of it is no crime at all, for no one is bound to obey an unjust law.”

“That juror must vote Not Guilty regardless of the pressures or abuses that may be heaped on him by any or all members of the jury with whom he may in good conscience disagree. He is voting on the justice of the law according to his own conscience and convictions and not someone else’s. The law itself is on trial quite as much as the case which is to be decided.”

U.S. Chief Justice Harlan F. Stone; Harvard Law Review. (Emphases added.)

Regarding ‘divisibility’ of sovereignty: If the elected body imposes any law or regulation which is inconsistent with the People’s sense of justice and fairness, it requires annulment 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. In this manner, through the Trial by Jury, sovereignty not only resides with the people as a collective whole, but importantly, it is also embodied ‘divisibly’ with every adult citizen. Trial by Jury is thereby the active principle of democracy: the people rule.
The Juror is **sovereign** in Trial by Jury. Trial by Jury defines democracy, sine qua non. Within a Hellenic or modern democracy...

**The Jury Comprises the Supreme Legislature and Judicature.**

**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.”

*United States v. Moylan; U.S. Fourth Circuit Court of Appeals, 1969, 417 F. 2d 1002.*

Neither in the United States, Britain, Australia, Canada, New Zealand, nor in all of Continental Europe and elsewhere, have legislatures ever been invested by the People with authority to impair the powers, to change the oaths, or abridge the jurisdiction of jurors to govern government; nor to remove the universal Right of the accused to the Trial by Jury of peers for any charge or offence whatever, however serious or trivial. Today, U.S. v Moylan is *not* exemplified by the modus operandi of courts. Democracy has been overturned by miscreant politicians and judiciary and the genuine Trial by Jury is no more (ref. also the illegally denied Juror’s Duties definitive of Trial by Jury, which follow).

**CONSTITUTIONAL TRIAL BY JURY**

Trial by Jury comprises a complete constitution of itself, providing legal control by the people of the modus operandi of government. (See Juror’s Duties, etc.) The following definitions are from textbook DEMOCRACY DEFINED: *The Manifesto* ISBN 9781902848266.

**LEGAL DEFINITIONS UNALTERABLE AT COMMON LAW.**

*(Definition and Related Commentary)*

**I** A *constitution*

A *constitution* is a code of laws and customs (legem terræ; the Law of the Land; common law; the Trial by Jury Justice System) established by the people of a nation (as distinct from government and/or bureaucrats) for the guidance and the legal and lawful control of its government, by which to preclude tyranny and lawlessness; a constitution may be amended only at the behest and by the active participation of the great mass of the people (not by government); and,

**II** government

A *government* is comprised of the executive, the legislature and the judiciary. Being the legal means of controlling and limiting the power of government, a constitution is categorically not merely a document showing the hierarchical administration and departmental organisation of government, though it may also contain this.

[Text defining Item (III) omitted here for brevity.]

**IV** *Tyranny*

Tyranny is defined as oppressive rule administered with injustice; the cruel and arbitrary use of authority; tyranny is a judicable crime at common law. Cf. Crime against Humanity.
Trial by Jury is the mechanism which consummates the etymology, i.e., the linguistic derivation, of the word democracy. The Trial by Jury is the ONLY (peaceful) means known to mankind by which the Sovereign Supreme Power can be retained and responsibly lodged in the hands of ALL the people. Wheresoever Trial by Jury is emplaced and operating replicates the creation of democracy. By definition, the republic or constitutional (or symbolic) monarchy which institutes the Constitutional Common Law Trial by Jury Justice System is a democracy.

Trial by Jury came with the British colonists to the New World. The Founders constitutionally installed the Trial by Jury for all crimes civil, criminal and fiscal (other than those which are impeachable).

ETYMOLOGY
(linguistic derivation)

Hellenic Greek, Demokratia, Democracy.
demos, the people; kratos, sovereignty*, power; kratein, to rule.
*Perseus Digital Library, Tufts University.
See more in synopsis, reviews and text from Democracy Defined: The Manifesto on the ‘ABOUT’ page of the Democracy Defined website.
Chambers Dictionary, etymology, demos, the people; kratein, to rule;
MSN Encarta. Democracy, demos, the people; kratein, to rule;
etc.

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.

In order to understand the meaning of the word, it is essential to know first that democracy embodies the people’s responsible control over government and law through the Trial by Jury. The people control the government, not the other way around. The people rule. This is democracy.

THE DEMOCRATIC PRINCIPLE.

The democratic Principle of our traditional 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 or 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 common law’s Mechanism of Authority by which all the rights of all the People are protected, and on which all rights depend. Hence, Thomas Jefferson’s “anchor”:

“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.”

See Writings of Thomas Jefferson, ed. H.A. Washington, Lippincotts, Philadelphia. Lawyer Thomas Jefferson was U.S. President; Author of the Declaration of Independence; and co-Founder of the Democratic-Republican Party with James Madison, principal author of the Constitution.
Likewise, James, consider the signification of the word ‘republic’.

N.B. republic, THE DEFINITION.
Definition, republic: a form of government without a monarch.
Etymological derivation, Latin. res, affair; publica, public; respublica, commonwealth.

_Virtually every type_ of government could be found in a republic, apart from the fact that the head of state is not a monarch.

There have been or are numerous republics: democratic; theocratic (‘religious’); military; fascist; authoritarian; totalitarian; communist/socialist; and so on. They all have constitutions, and are definitively constitutional republics with, James, to use your words, “a republican form and style of governance.”

**As for the U.S. Constitution, 1788, 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 Bolsheviiks; the Union of Soviet Socialist Republics. They are described by the Hellenic word, ochlocracy, rule by the mob (pronounced ock-lock-ra-see); along with governments of the sanguine communist Chinese and the deluded adherents to the violent primitive ‘religious’ theocracies. Yet, these are all constitutional republics.

**THE DEMOCRATIC CONSTITUTION.**

_The Hellenic democratic ideal is transcribed directly 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.”

_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, accompanied by constitutional installation of democracy’s definitive attribute, the Trial by Jury through which the people have overall rule; and Magna Carta is written in Latin, prescribing the details of rule by the people through _legem terræ_, i.e., the Law of the Land and its central tenet, “_judicium parium_,” the judgement of social-equals, pares or peers: the Trial by Jury.

_Demokratia, 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._
THE EDUCATIONAL CAMPAIGN.

The members of the legal profession who are Members of the Democracy Defined Restoration Campaign have learnt from this educational campaign and point out that the universally applicable legem terræ common law and the proper workings of its Trial by Jury Justice System have not been taught at law schools for a generation or more (see the Jury’s definitive functions listed herein). The situation in regard to Equal Justice is still more degenerate in France, Germany and Continental Europe (EU).

Yet, the Common Law Trial by Jury is indispensable and installed within Constitutions not only to protect the people from common crimes by ascertaining guilt or innocence of the accused and where necessary apportioning retribution, but also, of transcendent importance, Trial by Jury is explicitly and precisely emplaced as a barrier to protect the vast mass of innocent citizenry from the crimes of arbitrary government, i.e., unjust laws, tyranny; and from the corruption, prejudices and incompetence of fallible judges. This is achieved by jurors judging on the justice of the law, and, by pronouncing the Not Guilty Verdict, annulling any law or act of enforcement which is deemed unfair or unjust to the accused, according to the juror’s conscience (i.e., sense of right and wrong). Viz. This is the Juror’s dutiful act of Annulment-by-Jury.

The authentic Constitutional legem terræ Common Law Trial by Jury operates either (i) as a means of cost-free* private civil, criminal or fiscal prosecution to establish rights and punish or obtain redress for wrongs, including those committed by persons in government, or (ii) as a right by which to establish a person’s innocence (lack of guilt or liability) in defence from all and any fines, summary punishments, accusation or prosecution.

* Viz. for example, legem terræ Law of the Land Article 40 inscribed into Magna Carta, the Great Charter Constitution defining and prescribing the Trial by Jury, judicium parium, “To no one will we sell, to no one deny or delay right or justice.” According to common law governing Constitutional Trial by Jury (which is now illegally obstructed by politicians and courts), cost-free prosecutions can be brought by private citizens to a Trial by Jury. Trial by Jury is not the ‘preserve’ of the government/state prosecution service and the legal profession. (However, vexatious and malicious litigation which waste the court’s, i.e., the jury’s, time can be decided upon and fined by juries.)

Since its earliest inception in the mists of pre-historical antiquity, common law Trial by Jury has remained the sole civilised method of combating crime: both common crime, and crimes committed by, or in the name of, government (that is, tyranny). Trial by Jury is the singular (peaceful) means known to mankind by which those who acquire and abuse power or government can be held responsible and brought to account.

“It cannot be denied that the practice of submitting causes to the decision of twelve men was universal among all the northern tribes (of Europe) from the very remotest antiquity.”
Crabbe’s History of the English Law, p. 32, etc.

For a host of irrefutable legal and moral reasons (delineated in depth in the textbook DEMOCRACY DEFINED: The Manifesto ISBN 9781902848266), Trial by Jury is the only legal justice system for all causes (lawsuits) and due process of
law, civil, criminal and fiscal. Whereas only from Trial by Jury’s beneficent society of Equal Justice can definitive democracy emerge, by contrast, all injustices and wrongs from petty tyranny to genocidal holocaust may flow from denial of the genuine Trial by Jury. Hence, whenever Trial by Jury is denied, the state or government which denies it commits Crime against Humanity.

The consummation of the purpose of Trial by Jury (as described in the preceding paragraphs) constitutes the reason explaining why judges and politicians are active in denying and destroying Constitutional Trial by Jury: the criminally corrupt reveal themselves as such by their very antithesis to Trial by Jury.

If a citizen is unable to obtain Trial by Jury for either of the aforesaid purposes (i) and (ii), that fact establishes the Illegality of the Status Quo. It then becomes the principal duty of every adult to restore legality to society by campaigning for Restoration and Universal Adoption of Constitutional Common Law Trial by Jury.

Nota Bene:

Legem terræ, the Law of the Land, the Constitution, the Common Law and the intellectual, semantical approach to language, define crime as: any act of injustice committed with malice aforethought; mens rea.

To be found ‘guilty’ by the Jury in the Constitutional Trial by Jury, the standard of judgement applied by each Juror is that the accused has to have performed an act of injustice committed with malice aforethought—not simply to have done something which is “prohibited by legislation.” According to the Constitutional Trial by Jury, an act which is of no malice aforethought, of no malicious motive, is an act innocent in itself: it is without guilt; it cannot legitimately or rationally be condemned as ‘guilty’. There is no moral justice or 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.

‘Guilt’ cannot be imparted to an action simply by legislation. This fact of language and law comprises a significant mechanism of the Constitutional Trial by Jury which protects (is intended to protect) individuals from governments which have ulterior criminal ends and would seek to further them by making statutory ‘offences’ out of innocent acts which are not crimes. The mechanism can be effective only where the law is not broken by courts and government, and where the Constitution is faithfully upheld: where the Jurors’ definitive rights, duties, powers and functions in the Constitutional Trial by Jury are fulfilled, and these latter are not illegally denied or interfered with by convenors (nowadays misnamed ‘judges’), or by politicians’ legislative contraventions.

Consider what happens when the meaning of the word “crime” is changed arbitrarily by criminal legislation and collusive lexicographers to describe any action which is “a violation of law” or “forbidden by government” or “forbidden by legislation.” Every unforgivable, nefarious scheme of despots becomes ‘law’ and ‘crime’ is invented out of mundane acts which are intrinsically innocent.

The Common Law Trial by Jury of ordinary adult citizens in which the jurors judge the justice of the law and each act of enforcement, is the legal antidote to government crime; the constitutional guarantee of citizens’ protection from tyranny; and the only (peaceful) means of bringing to justice any and all individuals in government who abuse their power. Consider the benefits of RESTORATION...
MYTHS DISPELLED: Open Letter of Reply to James Madison (descendant).

HOW JUSTICE IS DONE:
THE JUROR’S DUTIES IN TRIAL BY JURY.

James,

Once you learn the Juror’s Duties (below) you will see for yourself that Trial by Jury does not take place nowadays—but note to begin with that constitutional common law defines crime as an act of injustice committed with malice aforethought; mens rea. To find an accused person ‘guilty’, he or she must have had a malicious motivation; yet, today, judges flagrantly abuse their position by intimidating and misinstructing the jurors that they can only find a verdict on whether the facts indicate that the act, however innocent, was performed.

Wherever Trial by Jury takes place, be it in the U.S., the U.K., Australia, Canada, New Zealand, and numerous other countries, it is DEFINITIVE of Trial by Jury that, after swearing “to do justice, convict the guilty and acquit the innocent,” in finding their Verdict,

The Jurors 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 (evidence not being pre-selected or screened-out by government or judge and/or prosecutor).

Jurors Must Judge:
~that the accused acted with malice aforethought, i.e., mens rea, a premeditated malicious motive to find guilt (‘guilt’ is a characteristic inherent or absent in motives and actions: it cannot be ascribed by legislation*);
~on the nature and gravity of the alleged offence; and 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).
*There is neither 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-the-judge with a false ‘jury’ watching”—but this travesty cannot be defined as Trial BY JURY.

There is only one Trial by Jury. It is mere falsehood to call a procedure “trial by jury” if the accused and any of the matters related to the case under judgement are tried by someone other than the Jury. There is no process and no meaning to the words Trial by Jury other than that which the words themselves prescribe.

Lord Justice Denman: “Every jury in the land is tampered with and falsely instructed by the judge when it is told it must take or accept as the law that which has been given to them, or that they must bring in a certain verdict, or that they can decide only the facts of the case.”

THE ILLEGALITY OF THE STATUS QUO.

Anyone acquainted with the process of law in the United States, Britain, Australia 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 requirements definitive of Trial by Jury (including judging on the facts of the case) is illegally forbidden, interfered with and/or obstructed by the ‘judges’.

Labyrinthine deceits of modern usurpation inhabit the politicians’ statute book, which bears no resemblance and pays no respect to universal common laws of truth, justice, liberty, and equality before the law.

Common law is inserted into the Constitution to protect the people from government abuse of power. Common law legally binds the individual men and women in government thereby controlling the government’s modus operandi. No one is ‘above’ legem terre, the Law of the Land. There is no judicial or political ‘immunity’ for criminal infractions of common law; and likewise never for denial of the cost-free Trial by Jury Justice System to the private plaintiff or defendant.

As distinct from despotism and barbarism, common law Trial by Jury is the definitive basis of civilisation, democracy and legitimate government, sine qua non. As noted, reinstating full legality to the status quo by RESTORATION of the supremacy of universal secular Constitutional Common Law is the principal duty of all adults.

***It is hard to believe it but, people remain under the illusion that the U.S. still has the Trial by Jury. That has not been the case for a generation or more. Currently, I received a letter containing the incredulous expostulation, “If trial by jury is democracy, why are there more than 100 political prisoners in the United States?” However, there would not be this Campaign for Restoration of Trial by Jury were it still in existence!

If the authentic Trial by Jury were extant and functioning, there would be no political prisoners; no commodity prohibitions (circa two and a half million fewer people incarcerated); no innocent people in jail; no fraudulent fractional reserve lending by private banks; no privately owned banks involved in the issuance of national currency and credit; no interest on the same (the Common Law Crime of Usury); no ‘National Debt’; and no involvement in Wars of Aggression. (Just to begin with...)

THE JUROR’S DUTY IS SIMPLE.

It should be remembered that the Juror’s duty is uncomplicated: ‘guilt’ of a crime can only be pronounced where the accused’s act was a deliberate, premeditated one of malice aforethought. Similar judgements are the daily fact of life in commonplace human interactions. We make such appraisals frequently... “Is this person behaving in a way that is dishonest or malign?” “Is that person telling the truth?” “Why are they doing that?” “Are these people genuine?” (Again, note that 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.)

Regardless of the intricacies of evidence (and it is always for the plaintiff to present a clear case), the contrast between genuine innocence and malicious motivation is easy for jurors to discern. Only ulterior mens rea, i.e., criminal intent, lies behind politicians, judges and other individuals advocating denial of Trial by Jury and the handing over of cases to the despots’ method of injustice: the ‘trial-by-government-judge’. 
DEMOCRACY WIDESPREAD.

*However diminutive or extensive a nation or society,* 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 U.S. Founding Fathers were in favour of what democracy actually is, because they, like the Hellenes, the English, and all the nations of Europe, also constitutionally installed Trial by Jury, the mechanism uniquely definitive of democratic government by which the people have rule.

In order that democratic Trial by Jury could take place everywhere throughout extensive territories and large countries, the people’s legem terræ constitutional common law (not government) in practice refined due process to local petit juries generally of twelve or fifteen, requiring Unanimity to pronounce Guilt; Randomly Chosen (to reflect all views in society and protect minorities).

“*Among the Gothic nations of modern Europe, the custom of deciding lawsuits by a jury seems to have prevailed universally.*”

See Millar’s second volume of *The Historical View of English Government*, p. 296; & *Vol. 2, Palgrave’s Rise and Progress of the English Commonwealth*, pp. 147-8, etc.

Ref. the constitutional instalment by King Alfred the Great (constitutional lawgiver), 871-899 C.E., of legem terræ, i.e., the Law of the Land, the pan-European people’s common law governing petit juries: indiscriminately chosen jurors; the judicial rôle of the jurors to try (judge) all aspects of the case including setting the sentence, specifically excluding convenors (nowadays misnamed ‘judges’) from any judicial authority or function; sovereignty of the Juror over the law through the indispensab le Principle of Unanimity; etc.

See the Essay EIS#11: Specific Aspects of Magna Carta: The Constitution — “Traitors within the Gate,” also freely downloadable from the DEMOCRACY DEFINED Campaign Material webpage.

See next page.
KING ALFRED THE GREAT

Alfred, 871 - 899; King of the Anglo-Saxons; England’s greatest ruler – the only one to earn and deserve the epithet, The Great. Military Strategist; Leader, with profound gallantry, personally and repeatedly engaged in armed combat; Founder of the defensive shield, the Royal Navy; Conqueror of the Danish and Scandinavian Invasions; Peacemaker and Statesman; elected Monarch who united England, instituted the Witan (administrative council); reaffirmed the Sovereignty of the Juror in deciding the law (viz. Unanimity); id est, government of Constitutional Legem Terræ Common Law Trial by Jury (cf. demos-kratein; demokratia, the people rule through Trial by Jury; the Hellenic Athenian Constitution of government by Trial by Jury); reaffirmed the judicial rôle of the Jurors in Trial by Jury, with convenors (nowadays misnamed ‘judges’) replaced in their traditional correct functions, having no judicial rôle, but merely court administration and security duties subordinate to the principal official at Trial by Jury, the Jury’s elected Foreman (or today, woman); the Originator and Instigator of the Culture of Universal Literacy; personally translated several literary works from Latin, including Boethius’ “The Consolation of Philosophy.”

Statue of King Alfred at the historic Capital of the Kingdom of Wessex, Winchester, in Hampshire, England.

The Principle of Unanimity was understood, and definitively and constitutionally established by King Alfred the Great in the following way:

King Alfred had Justice (judge) Cadwine hanged because Cadwine had a man named Hackwy put to death by hanging, without the unanimity of the jury of twelve men. In this case, three jurors pronounced the Not Guilty verdict against nine. Cadwine removed the three and selected three others who would also pronounce ‘guilt’.

Similarly, King Alfred had Justice Frebern hanged, because Frebern hanged a man called Harpin, when the jurors were still in doubt as to their verdict. Alfred established that when there is a doubt, it is in the interests of all people that justice should save rather than condemn.

See “The Mirror of Justices,” compiled and published by Andrew Horne in Old French. The Mirror was written within a century after Magna Carta. It contains an account of Alfred’s acts and judgements, thought to have been originally composed by him. Also see Chapter Six, Vol. 2, ‘Works,’ by Justice James Wilson, co-author of the U.S. Constitution.

In addition to the absolute requirement of Unanimity, from these examples we see that jurors require always to be chosen by lot (chance) from the whole body of adult citizens; and that the selection shall be made in some mode that excludes the possibility of choice on the part of the prosecution and government.

To protect all the People against any government bent 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, without any choice by the government, and over which choice the government exercises no control. If government can select jurors, it will select those favourable to its prosecutions and enactments, excluding from juries those whom the law treats unjustly. Exclusion of any men and women from eligibility is an illegal selection of those not excluded.

Juries must be randomly chosen in order that they represent diversity of views amongst the people of the country. The Principle of Unanimity combines with the Principles of Random Selection and the Principle of Impartiality which 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.

The Common Law Trial by Jury guarantees the universal right of individuals to judge the justice of any law that is to be enforced on the people and their peers, so that arbitrary government and bad law are rejected and innocent liberties are preserved. Jurors’ identities are not known until they come into the jury-box (and may be withheld from outside interests if necessary).

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.

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. Then the common law governing jury selection further ensures fairness: the choice is made by discussions and discreet votes of ‘the triers’ themselves (the fellow jurors); never by prosecutors or convenors (i.e., judges; voir dire, property qualifications, etc). Such are some of the reasons and considerations why Guilt can only be pronounced by a jury unanimous in its verdict.

See TRIAL BY JURY ISBN 9781902848723 by d’Oudney & Spooner for further info.
THE PUBLIUS FALLACY OF NUMBER TEN.

The above information, including that on the definitive Juror’s Duties in Constitutional Trial by Jury, explains the democratic aspects of this unique Justice System by which the people rule, and it sets the context for the following observations.

It matters not how often a fallacy be repeated or the renown of the person who utters it: that statement which is false remains to be corrected. Etymology establishes that it is incorrect to conceive of ‘democracy’ as only “a society of a small number of citizens, who assemble and administer the government in person,” (Madison; Federal Papers, #10) 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 incorrect derogation by Madison seen in #10 of the Federal Papers is the false premise upon which all Madison’s previous and subsequent extrapolations in that work are posited. One is gratified to observe however, that, with the passage of time, while not openly, explicitly and publicly retracting his wrong ‘definition’ and suppositions in #10, Madison’s further writings and actions did supersede and eradicate his earlier misconceptions about democracy.

What goes on in referenda and the national assemblies has nothing whatsoever to do with Trial by Jury which is the vital part of The Constitution, it being the basis of democracy through which the people have rule. As shown above, the Constitution of government by Trial by Jury received from the Athenians the defining epithet, Democracy. It was against this authority of ordinary citizens to decide their laws for themselves that the élitist servitors of oligarchs and aristocrats, Socrates and Plato railed.

All societies govern through their Justice System. The power to punish carries with it all power. Through the Trial by Jury System the common people are able to hold in their own keeping all the rights and liberties which they wish to enjoy. Of this Blackstone says:

“The Trial by Jury is that trial by the peers [i.e., parium, pares, social-equals] of every Englishman which, as the grand bulwark of his liberties, is secured to him by the Great Charter. The liberties of England cannot but subsist so long as this palladium* remains sacred and inviolate, not only from all open attacks, which none will be so hardy as to make, but also from all secret machinations which may sap and undermine it.”


*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.

Also see TRIAL BY JURY, by d’Oudney & Spooner ISBN 9781902848723 for further quotations and bibliographical sources.

Likewise, U.S. President John Adams, lawyer, pronounced about the Juror:

“It is not only his Right but his Duty to find the verdict according to his own best understanding, judgement and conscience, though in direct opposition to the direction of the court [i.e., the judge].”

Indeed, through the Trial by Jury, democracy is the very system which precludes ochlocracy, i.e., direct rule by mobs, whether of brutish, self-interested minorities or majorities. Democracy protects minorities from wilful majorities prevailing over them. Likewise, democracy does not allow the idea that “rule” by a minority can ever be ‘legitimate’. In both cases, majority or minority rule, regardless of the actual percentages, what is described is one segment of the population, an élite, “ruling” over the rest, a ruled, suppressed underclass. Those scenarios both describe an oligarchical governance which, by its nature, must trend towards partiality and injustice. That is the reality which besets the people of the World today, and this is the situation which democracy was brought into being to preclude.

In the authentic democratic 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 (i.e., malicious motives, definitively guilty criminal intent) 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 possible unfairness of the law, and of its enforcement. In this way, by means of the Trial by Jury, democracy precludes tyranny by *factions’ legislatorial ‘majority rule’ by the imposition of arbitrary measures in parliament and congress; likewise with unjust laws of the tyrant and demagogue.

*Definition. faction, a company of persons associated or acting together; generally having a negative connotation.

A laudable edict may express a tyrant’s pretentions, but “a tyrannical statute always proves the existence of tyranny.” By common law Trial by Jury processes, such as the care with which all views amongst the population are reflected within juries by the random selection of jurors, further protection is afforded against factions.  

1 See Chapter XXIX, Decline and Fall of the Roman Empire, Edward Gibbon.

So, in writing the following in #10, Madison literally cannot be referring to any democracy at all, for democracy is exclusively reliant in practice and by definition on the Trial by Jury. In the following extract, Madison describes what it is he means to express his views upon, but it is NOT democracy. Instead, he renders his homespun, incorrect ‘definition’ of the word, and gives expression to a flagrant malapropism (misapplication; misuse; abuse).

“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... [This is neither the definition nor the constitution of ‘democracy’, which relies for its definition not upon assemblies and legislatorial voting majorities, but instead upon rule of and by the people through the Sovereignty of the Juror in Trial by Jury: Unanimity required]...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 (sic) 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.”

In regard to “democracy,” this careless and utterly apocryphal text by
Madison has confused and misled (some) Americans for generations.

As noted above, political parties are factions. Majorities in congress are factions. It is only through the citizens’ (as distinguished from the government’s) control of the Justice System backed by all the government apparatus of police and penal enforcement, that organised factions may be peacefully prevented from exploiting their power to “invade the rights of other citizens.”

Whether the society is large or small, factions do rule if majority voting in referenda or the assembly is binding and the outcomes become statute law, and there is no Trial by Jury, i.e., democracy, to protect those whose rights are impinged upon by majority or minority rule.

As we shall see, Madison came to adopt ever more intensely, this fundamental precept of demos-kratein, democracy: the people rule through Trial by Jury. Therefore, it is reasonable to assume that this change of heart and intellect came about through contact with the real meaning of the word. Certainly, as previously noted above, his collaborator in preparing the Constitution, co-author Justice James Wilson, was aware of the Hellenic constitution of government by Trial by Jury as manifested in the Jury’s power to judge, annul and overrule the laws of the assembly. (See Justice James Wilson, Works, vol. 2.)

In a society of any size, that is, a small or large number of persons, the Trial by Jury is the very cure for the mischiefs of faction which might seek to commit injustice to a minority or even to one “obnoxious” individual! Madison himself fervently supports Trial by Jury as the effective means to eliminate such tyranny by factions. Indeed, Madison later points out (see below) that the Trial by Jury achieves this purpose by intervening to “disarm government” of its power to do injustice. So, writing in Federal Paper #10, he is inconsistent and again incorrect to say that a society can admit of “no cure” for “the mischiefs of faction” when, in fact, he himself asserts that Trial by Jury is indeed just such a cure. It is only democracy, the society based upon Trial by Jury, which possesses this panacea.

In his formative reading on government, Madison will have absorbed the Socratic Dialogues in Plato’s prototypical ‘fascist’ work, The Republic. These felons denigrated peaceful Athenian democracy. Socrates inspired a bloody coup d’état (seizure of power) by wealthy aristocrats and oligarchs, called the Thirty Tyrants, with their mercenaries and slaves, who instantly denied exousia rights and installed totalitarian rule. Though it later came to be reversed and democracy restored, there had been much loss of life, injustice and the exile of thousands of proponents of democracy. With their cohort Xenophon, these criminal men were would-be destroyers of peace, justice, liberty, equality, brotherhood, democracy and Trial by Jury.

Intellectually gifted, Socrates and Plato derided the rights of ordinary men to decide their own laws and liberties for themselves, insisting that only the cleverest of men deserved to rule: as philosopher-kings. An arrogant authoritarian, Plato paid no regard to the fact that justice and conscience can reside in the hearts and minds
of ordinary men and women; whereas the most talented or intellectual are not necessarily guided by the Principles of Justice, Compassion and Fairness. These latter are indispensable to civilised human government; definitive factors along with the Trial by Jury system of equal justice which characterise and differentiate democracy from the barbarity of despotism.

Therefore, in #10, to mitigate him somewhat for his serious mistake, it is likely that Madison’s mind dwells on some strange species of small imaginary tumultuous enclave of Plato’s and Socrates’ fabrication, The Republic, which operates without the pacifying, egalitarian, and unifying factor of the democratic Trial by Jury.

Whatever, Madison’s idle 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 became so ardent an advocate. Democracy reduces or elevates all people to equality, not only before the law, but also over the law, in the enforcement of law by adult participation in Jury Duty (i.e., serving as a juror).


Nevertheless, by 1789, and later still when Jefferson and Madison formed their political grouping in 1793, the matter was settled: no longer was Madison disparaging ‘democracy’—rather, in as complete a reversal of his previous apocryphal derogation of ‘democracy’ as it was possible to accomplish, he was wholeheartedly and publicly adopting the term as embodying his beliefs and his utmost political aspirations: the Democratic-Republican Party.

As opposed to majority factions of representatives in the assembly, democracy representing ultimate supreme rule by the people through Trial by Jury was adopted by Jefferson and Madison as Founders of the Democratic Party. Indeed, whereas Jefferson said about voting in Congress, “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 a profound 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.”


Likewise, 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. This is true demokratia: democracy. Madison desired the circumstances to be 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. Yet, so intense was Madison’s commitment to the democratic Trial by Jury Justice System that he sought further unequivocal support for the constitutional arrangement of societies in such a way that juries in Trial by Jury hold sway over government. This is definitive democracy of the Hellenic model: the Constitution of government by Trial by Jury. 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 vet, judge, decide, make and enforce the secular common law; overrule and nullify dictates and laws and the courts of government: the people rule and democracy is extant.

More than this, however, it is a well-known virtue of Trial by Jury (Unanimity being requisite for condemnation) that 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 a legislative assembly routinely diverge from logic, reason and the pursuit of justice, to be charmed, cajoled or frightened by capricious rhetoric into adopting legislation which represents the self-interests of majority factions.

Hence, as with the Hellenes, Madison sought amendment to the Constitution specifically to gain this further insurance for the right to receive a Trial by Jury without trenching intervention from government, its judiciary or other agents. This amendment would establish and publicise the authority of the Juror as Judge, and the supreme, sovereign 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 critically needed universally.

According to Madison, without Trial by Jury operating freely from interference by the government (the judiciary is an arm of government), there is, in his words, 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. 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.
THE ENEMIES OF EQUAL JUSTICE AND LIBERTY.

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

Despots do not want you to know the real meaning of democracy—for fear you might reclaim it for the people of the world. To this day, plutocrats and those who sow disinformation for them, remain the foes of democracy—because democracy emasculates tyrants and emancipates the population.

Note that ‘law dictionaries’ express perverted meanings intentionally imposed by politically-motivated legislation. They reflect the will of oligarchical rulers, not the truths of history and the sciences of etymology, philology, and semantics. Misinformation which they and other modern ‘law’ books illegitimately and mendaciously impart exemplifies propaganda which controls the mind of the credulous simpleton.

See Essay EIS#21, “THE VALUE OR OTHERWISE OF LAW DICTIONARIES,” freely downloadable from the Democracy Defined Campaign Material webpage.

The behind-the-scenes money masters, autocratic ‘rulers’ of the West, have now all but ‘ruled out’ Constitutional Common Law Trial by Jury, Habeas Corpus, and freedom from arbitrary arrest (i.e., without probable cause), thereby precipitating nations into definition as tyrannies as opposed to democracies. The Founders of the U.S. and the authors and instigators of Magna Carta who risked all to gain freedom and installed Trial by Jury as a barrier to protect the people from common and government crimes, would have the greatest disdain for this generation for allowing these malignant events to come to pass.

For pay, authors of the statist bias and unconscionable lexicographers and journalists collaborate 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 attempt to appear cynical and clever. With deliberate distortions of our language, they mock ordinary people, and spread disunity and uncertainty at a time when we all require to be sure in our beliefs.

The ongoing demolition by enemies-within of the democracies of the West is hardly surprising though, for as long as Westerners allow themselves to be miseducated as to the meaning of such important words as democracy and republic; and they are so completely flummoxed by the disinformation promulgated by the servitors of the wealthy oligarchs that it leads them even to disparage democracy! Yet, democracy with its definitive attribute of Trial by Jury, is the singular proven means of their secular salvation by which equal justice and the lives, rights, liberty, and property of ALL the people are peacefully secured.

As Founders of the Democratic-Republican Party, Madison or Jefferson would hardly be likely to call democracy ‘vile’ or ‘mob rule’, as claimed on websites! Nowhere in Madison’s copious writings does the word ‘vile’ even appear.

Wake up, People! The obvious example of the dupe or a servitor of tyrants is the person who maligns democracy as “two wolves, and a sheep voting on what to
have for dinner.” These are facile fictions, libels and calumnies adopted or made up by the likes of Henry Louis Mencken, 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, *demokratia*: the people rule through Trial by Jury.

**MAY EVERY CITIZEN OF THE WORLD BEWARE!**

“If a juror or any citizen accepts as the law that which the judge states, then that juror or citizen has accepted the exercise of absolute authority of a government employee and has surrendered a power and right that was once the citizen’s safeguard of liberty.”


“The saddest epitaph which can be carved in memory of vanished liberty is that it was lost because its possessors failed to stretch forth a saving hand while there was time.”


Complacent, insouciant, ignorant, servile populations of Westerners, e.g. Americans, British, Germans, French, Italians, Spanish and other Europeans, New Zealanders, Canadians and Australians, have allowed antidemocratic politicians to strip them of their legal protections which are universal, inherent and inalienable: the Juror’s Rights and Duty and the Trial by Jury Justice System. People have permitted institutionalisation of despotic attitudes. Oppression has taken root and become widespread even in the former great bastions of democracy.

Trial-by-judge is the system which denies the common law Trial by Jury. Trial-by-judge is the National Socialist (NAZI), Stalinist, Soviet, fascist and communist system of judicial oppression, by which primitive tyranny thrives; massive injustices are routinely enforced on innocent people; and citizens are intentionally put into permanent fear and servitude.

James,

It is good to see you getting involved in these matters and we hope the above information is interesting and useful to you.

Yours sincerely,
Kenn d’Oudney.

[www.democracydefined.org](http://www.democracydefined.org)

FRONT COVER
DEMONCACY DEFINED:  
The Manifesto
Kenn d’Oudney focuses on Democracy. The word ‘democracy’ is widely abused and ‘defined’ incorrectly. This extensively researched book explains how components of constitutional democracy have been suppressed by malefic statist interventions to produce the modern decline and the Illegality of the Status Quo. 
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“Superb. Should be read in every law school.”
John Walsh, Esq., Barrister-at-Law, Author; Constitutional lawyer (U.S. & Australia).

See further reviews inside.
Kenn d'Oudney is the author of books and essays including the following:
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The historical, legal and constitutional facts and quotations in this book establish the perennially subject and liable status of executive, legislature and judiciary to the universal timeless secular moral and legal tenets of equity and cost-free private prosecutions at Common Law Trial by Jury. Exposes fallacies of “constitutional” groups and individuals. Indispensable reading for anyone who wishes to uphold the West’s cherished heritage of liberty and equal justice. The Manifesto reveals the theoretical and practical framework upon which the ideal human society is to be achieved: the best of all possible worlds.

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JOHN WALSH, Esq., Barrister-at-Law, Author; Constitutional lawyer (U.S. & Australia).

“What a magnificent article! (Madison and Democracy) I intend to incorporate parts of it into my speeches and writings.”
PROFESSOR JULIAN HEICKLEN, Jury Rights Activist, U.S. National Coordinator, Tyranny Fighters.

“Kenn d’Oudney is a brilliant writer and researcher when it comes to Democracy and Trial by Jury. The best source of common law is Kenn d’Oudney.”
DR. JOHN WILSON, Jury Rights Activist; Co-Founder & Chairman, Australian Common Law Party.

“Thanks, Kenn. I’ve circulated this.”
SIMON RICHARDS, Campaign Director; The Freedom Association; Founded by John Gouriet; the Viscount de L’Isle, VC, KG, PC; Ross McWhirter and Norris McWhirter, CBE.
MORE REVIEWS –

“Your book is an absolute triumph! I now understand why the term 'Lawful Rebellion' grates with you. I genuinely believe that your book should be compulsory reading for every one of our elected representatives... not to mention our own supporters! So well done. Excellent book and a great source of reference.”
JUSTIN WALKER, Campaign Co-ordinator, British Constitution Group.

“I bought a copy of your excellent book from Amazon and I am impressed by both size and content. Frankly I haven't been able to put it down. Every home should have one and not just every law school but every secondary school should have one in its curriculum. I particularly enjoyed the 'Traitors to the People' chapter. The whole book is a fascinating read, well done.”
JOHN S., Swindon. (E-mail to DD.)

“I am SO pleased that I’ve read this compelling book and that I now understand the true meaning of “Democracy.” Although it’s certainly not a novel, I found it as gripping as one. I had trouble putting it down. DEMOCRACY DEFINED: The Manifesto has opened my awareness dramatically.”
CAL BUCK, West Bromwich, Amazon reviewer.

“The Handbook for every person on the planet explaining True Law and Democracy.”
KENNETH JOHNS, Amazon reviewer.

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ROBERT JOHN MONTAGUE, Amazon reviewer.

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PROFESSOR PATRICK D. WALL, M.D., Author; Professor of Physiology, UMDS St. Thomas's (Teaching) Hospital, London; Fellow of the Royal Society; DM, FRCP.

“You are to be congratulated on a work well done. Very readable. It is an important REPORT and I do hope it will be widely distributed and read.”

PROFESSOR LESTER GRINSPOON, MD, Official Adviser on Drugs to U.S. government (Clinton Administration), Professor of Psychiatry, Harvard University School of Medicine.

“The sections dealing with the rights and responsibilities of the jury are eloquent in their defence of fundamental individual rights. The authors correctly perceive the bedrock importance of trial by jury, and the significance of the jury’s right to judge the law itself. I welcome the addition of this REPORT to the world’s store of important writings on the subject of human liberty.”

DON DOIG, BSc., Author; U.S. National Coordinator, Co-founder, Fully Informed Jury Association (FIJA) / American Jury Institute.

“I did enjoy reading it. THE REPORT should contribute much.”

THE HON. JONATHON PORRITT, Bt., former Adviser to U.K. government on Environment; Author; Founder, Friends of the Earth; TV series writer and presenter.

“I have just finished reading your and Joanna’s book on Cannabis. It is a masterpiece on both drug prohibition and jury rights. Thanks to both of you for writing it.”

PROFESSOR JULIAN HEICKLEN, Jury Rights Activist; U.S. National Coordinator, Tyranny Fighters Campaign.

“I am totally amazed at THE REPORT’s quality and overall goodness.”

DR. ANNE BIEZANEK, Authoress; ChB, BSc, MB, MFHom.
SO YOU THINK CANNABIS PROHIBITION HAS NO EFFECT UPON YOU?

THE REPORT ISBN 9781902848211: Part (chapter) Two contains the unprecedented (new) Cannabis Biomass Energy Equation (CBEE; Modern Uses) which proves the clean-combusting production-cost-free, i.e., FREE, cannabis by-product pyrolytic CH₃OH is the immediate non-polluting, renewable, total world replacement for fossils and uranium, whilst macro-cultivation simultaneously significantly increases world production of staple seed food (protein-rich; no relaxant in seed). The CBEE exposes the bankowner-corporate-government monumental ulterior motive behind fraudulent prohibition. ‘Prohibition’ is a venal, cartel-fabricated subterfuge; a false fuel-energy MONOPOLY.

The CBEE Formulation proffers CH₃OH oil-gasoline-type fuel combustion for all power-station, industrial, land, sea and air transportation and domestic energy supply, with ZERO net atmospheric increase of CO₂. Viz. the CBEE thereby simultaneously demonstrates governments’ mendacity in their claims to wish to reduce carbon emissions, and proves the “eco” and “carbon taxes” to be fraudulent: a criminal government imposture completely without foundation. The misuse of exorbitant, world-economy-depressing fossils and uranium as ‘fuel’ is potentially catastrophic, legally and economically unjustifiable, and requires to be prohibited forthwith.

See pyrolysis diagrams, photo, equation, etc.

Part Six of THE REPORT, PROHIBITION: THE PROGENITOR OF CRIME.

“To cause crime to occur is to be accountable for the crime, morally and legally. To consent to any measure is to share responsibility for its results.”

Legalised, cannabis grows anywhere: the benign herb’s foliage and flowers come free or at an insignificant price, but yielding no revenues to government and no profits to corporations. However, prohibition creates the Black Market: the Economic Effects of Prohibition (scarcity + enforcement, etc.) augment "street" value by 3000% plus, making all Black Market associated crime inevitable. The political commodities' prohibition, the War on Drugs, rather that is to say, the politicians who pass and the judiciaries who maintain the legislation engender (cause) and are culpable for a significant proportion of all crimes (official statistics) throughout the West.

EXONERATIVE FINDINGS OF FACT; Official Empirical Research; THE REPORT collates the medico-scientific Findings of Fact and Conclusions of the government-funded clinical studies conducted by world-respected research and academic institutions into non-toxic, non-addictive natural herb cannabis (differentiated from pharmaceutical laboratory toxic product THC). The investigations' empirical evidence exonerates cannabis from all allegations of 'harm' and 'impairment' (including tests on simulated driving) exempting cannabis from all legislative criteria of control ('prohibition'). All citizens persecuted thereunder are due Amnesty and Restitution (as for other Wrongful Penalisation).

MEDICATION: Efficacious in over 100 adverse medical conditions (viz. Official Pharmacopoeias) including applications which are life-saving, preserve eyesight, Curative and/or Preventive, and with potential cheaply to replace numerous lines of lucrative but ineffective, debilitating, addictive, toxic pharmaceuticals, rendering massive financial government-corporate ulterior revenue and profit motive (trillions) behind apocryphal prohibition by perjurious derogation. + Medical Case Histories.
Six Parts (chapters) include expert documentary, legal, academic, scientific, technical, medical, economic, social, criminological, philosophical evidence, and that which is based on grounds of equity, vindicating all private cultivation, trade, possession and use, and which further exposes perjury and venality behind prohibition 'legislation', all acts of enforcement constituting crime per se.

Part Seven, RESTORATION: JUSTICE AND THE CONSTITUTION, exposes corruption, ineptitude and injustice in the justice process; examines Law: natural law, supreme secular legem terræ Constitutional common law, treaties, statutes; quotes presidents, judges, lawyers and chief justices.

THE REPORT is regularly presented pre-trial by defendants to courts (judges) who routinely forbid all Findings of Fact, evidence and defences which “dispute the legality of the law” before the jury. The official and expert evidence in THE REPORT establishes the apocryphal, illegal nature of the legislation. THE REPORT quotes legal grounds (national and international) which demonstrate numerous infractions of laws by the prohibition legislation, and which show all acts of its enforcement to be crime per se. All citizens persecuted thereunder are due Amnesty and Restitution (as for other Wrongful Penalisation). This textbook demonstrates in the law: injustice, inequity, invalidity, adverse effects, venal ulterior motive, perjury, fallacious derogation, and the inherent illegality of law which creates the Black Market and engenders all associated crime. The outcomes of this procedure of presenting THE REPORT as documentary evidence to the judge have proved beneficial in the extreme for defendants. *Courts require documentary evidence presented as the published textbook (not copies or e-book).

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