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*VERITAS, COGNITIO, IUSTITIA, LIBERTAS.* (Can be read at 125%)

The Democracy Defined Campaign Philosophy is endorsed by a Nobel laureate professor emeritus, academics, former official government Advisers (US & UK), attorneys, doctors (of jurisprudence, medicine, physiology, homeopathy, psychiatry, philosophy) and judges (U.S. & U.K.), and is spread by Activist Members *from all walks of life*. (Standard English Spelling) Print out at A4-size.

## June the Fifteenth, MAGNA CARTA DAY.

**Help spread the word on Magna Carta Day! Print out several copies of the EIS4 “Why Is Trial by Jury Important?” leaflet (also attached to today’s e-mail) and give it to colleagues at work and to your friends and family.**

Friends,

We greet you with a thought about our 1215 Great Charter Constitution Magna Carta, the event so significant in the History of Western Democratic Civilisation which took place at Runnymede Meadow by the River Thames on June the Fifteenth, 1215.

Trial by Jury had been extant throughout Europe since the pre-historical mists of antiquity. Eventually, it came to be installed by Hellenic Athenians as the Constitution of government by Trial by Jury, receiving from them *the defining epithet*, Democracy, demokratia.

After the trauma of the Second World War, great hopes were raised for the future of mankind by United Nations member countries’ recognition of the values scripted into the Universal Declaration on Human Rights (1948). In her speech to the U.N. assembly to inaugurate the Declaration, **Eleanor Roosevelt**, respected widow of the U.S. president, *acknowledged the significance of Magna Carta* by expressing the wish that the U.N. Declaration would become, *“a new Magna Carta for the world.”* Would that it were so!



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One does appreciate those good intentions voiced, but it must be understood now and for all time: The *significance* of the traditional European Constitution *is in its democratic legal empowerment of ordinary citizens as sovereign over the law (statutes) through the Powers, Procedures, Rights and Duty of Jurors in the Trial by Jury Criminal Justice System.* Legem Terræ, the Supreme Law of the Land emplaces Trial by Jury as the exclusive justice system for all causes (lawsuits), civil, criminal and fiscal within Magna Carta and the U.S., Australian and other Constitutions,

This fact is acknowledged not only by those impartial intellectuals learned in the esoteric aspects of history and law (viz. the presidents, chief justices, judges, academics and the constitutional and legal authorities cited in Democracy Defined: *The Manifesto*) but also by all who have an understanding of human nature.

Legally and morally correct contents are subscribed by the U.N. Declaration but tyranny bourgeons and justice remains unattainable without specific constitutional emplacement and practical implementation of Trial by Jury (proper noun; capitalised). The *failure* of the U.N. Declaration and *every other* substantive (i.e., rights) charter, statute or legislation is *inevitable unless* the Common Law Trial by Jury is installed as the exclusive mechanism of adjudication and enforcement.

All-intruding statist theories of the Nineteenth and Twentieth Century pervaded every social structure, mode of thought and education. They gradually, but almost totally, effaced the Westerner's singularly just nature and strength of character. These latter significant attributes derived from and comprised the West's single greatest developmental asset: its citizens' *understanding* of how freedom, justice and progress depend on Common Law Trial by Jury.

It was the understanding of profound abstract concepts, liberty, justice, equity and natural law, which gave cultivated humanity the universal Model Justice System of Trial by Jury, subsequently emplaced in the English (*cf.* British), and many other nations' Constitutions. Not since the reputed achievement by Moses of the freedom of the Hebrews from Pharaonic bondage two and a half thousand years before Magna Carta's original enactment had such a thorough emancipation been achieved, and nonesuch has occurred thereafter.

### MAGNA CARTA WAS AN ACT OF RESTORATION.

Sovereignty was restored to the People (definitive Democracy) by the act of *restoring* the supremacy of the People's Trial by Jury Courts. Magna Carta was installed "*in perpetuity*" and "*for ever*" (viz. Preamble, and Articles 61 & 63).

Here is impartial appraisal of Magna Carta and the Common Law Trial by Jury, and by implication, of the Australian and U.S. Constitutions which also base their Justice System on Trial by Jury. **Sir James Mackintosh**, a Scot, says of Magna Carta:

*"To have produced it, to have preserved it, to have matured it, constitute the immortal claim of England on the esteem of Mankind. Her Bacons and Shakespeares, her Miltons and Newtons, with all the truth which they have revealed, and all the generous virtues which they have inspired, are of inferior value when compared with the subjection of men and their rulers to the principles of justice; if, indeed, it be not more true that these mighty spirits could not have been formed except under equal laws, nor roused to full activity without the influence of that spirit which the Great Charter breathed over their forefathers."*

See Chapter Three of Mackintosh's History of England. Emphasis added.



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### *An Inference:*

#### **DEMOCRACY INITIATES UNPRECEDENTED INTELLECTUAL CREATIVITY.**

Let us pause for a moment to consider the inferences to be drawn from Mackintosh.

A release of intellectual energy may generate change and/or initiate revolution. In consideration of Mackintosh's observations (above), what is it that might *stimulate* such creativity in humans? On the other hand, where egalitarian influences are suppressed by, and for, the social advantage of a small ruling class or élite, what effect is then produced? Or rather, what is stifled by this *suffocation*?

Élites are generally served by an unconscionable class of richly patronised representatives of their, not the people's, interests. Today, these bureaucrats, politicians and enforcers are de facto, *controllers* of the rest of the population. Their power derives solely from the state's misappropriation (i.e., 'hijacking') of control over the justice system. That is, the government's denial of Trial by Jury is an illegal act of abolition, compounded and exacerbated by government's imposition of trial-by-judge.

At certain moments down the more recent millennia during the existence of homo sapiens, an invention or an idea has generated a leap in the intellectual, and the related technological progress, of our species; to wit, the mastery of fire, invention of the wheel, and the discovery, or invention, of the Science of Agriculture. These all had to have been an original thought in man at sometime; a first inspiration and understanding. That is to say, in many instances, the *progress* of humankind owes its origin to the inspiration of some few especially talented, intelligent creative persons. Recent examples would be such modern 'prophets' as Einstein, Freud and Darwin. That is to say, scientific revelations about our existence are given to us to wonder at, develop from, and then use to penetrate further the veils which obscure our next discoveries and advances.

The civilisation which we all inherit is unavoidably imbued with the effects, influences and results of certain individuals' unique scientific, philosophical and technological understandings. Mackintosh synthesises and imparts to us the truism that great ideas involving the abstract, artistic, inventive and even the down-to-earth-practical, are well nurtured and may be more readily realised in an atmosphere uplifted by the population having unimpeded access to education, information, and intellectual and creative freedom. The *genuinely* politically 'correct' attitude is that of respect for common law's protection of the people from crimes of malice and injustice—but no more than that. Only the jury may decide whether malice has caused harm, and nothing may brook the decision of the jury. "Political correctness" must always be decided, not by government or judges, but by the people, and then, only by juries. If harm has been done, then the degree of malice and damage is the jury's responsibility to measure, and make fair redress.

For example, following the Athenian Hellenic Greeks' establishment of the Constitution of government by Trial by Jury (and, in spite of the attrition upon that society by repeated pandemics of the Great Plague decimating the population and the deeply damaging incursions of the Spartans in the Peloponnesian War), Athenian society enjoyed an unprecedented bourgeoning of intellectual and social development. *Democracy* created the illustrious Athens which successfully resisted the Persian invasions of 490 and 480/79 at the battles of Marathon and Salamis; which built the Parthenon; set enduring standards in art and architecture; developed



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sciences including those of medicine, mathematics and astronomy; which proffered a stage to Aeschylus, Sophocles, Euripides and Aristophanes; and laid the foundations of Western rational and critical thought. The Trial by Jury Constitution and this Constitution alone was and remains the font of true Civilisation. The progress and social comity which accompany equality-of-all-before-the-law is an inherent characteristic unique to the civilised society.

The *denial of equal justice* through denial of Trial by Jury is a signal feature of primitive societies and despotism. This explains why, wherever despotism reigns, the forces in power attenuate the Common Law Juror's Powers, Procedures, Rights and Duties by which the population may decide their laws and liberties *for themselves*.

Thus it is that the criteria by which civilisation may be measured *must* demonstrate that a more profound human *social* progress has occurred than one in which mere urbanisation, intricate artefacts, great buildings, pyramids and temples have been constructed. *Edifices* do not demonstrate the *human* side of civilisation. Élite control results in suppression of the rights of adult citizens. It establishes an imposed, inhumane, *uncivilised* modus vivendi.

As opposed to absolute rule, inequality and oppression, the implementation of the culture of equal justice and universal liberty (which are uniquely rendered by the common law Trial by Jury justice system) are the measure of true civilisation... for the general emancipation of citizens under the Constitution of government by Trial by Jury follows: Trial by Jury gave birth to Western, or Democratic, Civilisation.

Democracy promoted education which in turn enabled self-improvement and gestated creativity. The liberated spirit dispersed the Arts and Sciences, encouraged enquiry, learning and progress to give us all that which is worth preserving of Western Culture.

Mackintosh acknowledges the sound inference that, upon Magna Carta's inception, *its social emancipation of citizens right down to the poorest* (viz. Common Law Article Twenty), had an intellectually stimulating and ameliorating effect to the great benefit, well-being and prosperity of those who lived under its influence. Consider indeed, the genius Isaac Newton, who is one of the "mighty spirits" he mentions.

Publication of *Philosophiæ Naturalis Principia Mathematica* in 1687, "The Mathematical Principles of Natural Philosophy," laid the foundations for Classical Mechanics. In it he formulated the Three Laws of Motion derived from Johannes Kepler's earlier Laws of Planetary Motion, and created the mathematical description of Gravity. These insights not only led to the revoking of numerous popular superstitions and myths, but their implications also made further human intellectual and technological advances possible. One cannot but wonder how backward many sciences might have remained had his genius not reached its full potential. ***Yet, it is possible that such a rare talent would have been stricken altogether barren had Newton personally dwelt under oppression.*** So, Mackintosh penetrates the psyche and experiences of man to perceive and express to us his estimation of the utterly priceless quality of equal justice.

*Trial by Jury bestows on every adult citizen the privilege, burden and duty of participating in self-government by making, deciding and enforcing the laws, upholding the innocent, deterring real crimes, punishing criminals, and annulling bad statutes.* This is democracy. If men and women *do not unite responsibly and insist on* parliamentary installation of **The Restoration Amendment** (statute), they have only themselves to blame, alas, for having to live in an unjust society!



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This Trial by Jury Constitution has boundless positive and creative effects, and it is only under its all-pervading benign influence that the compassionate democratic societal ambiance indispensable to true civilisation is able to exist. Consider too, that there is another implication and meaning to interpret from Mackintosh's dictum which expounds timeless principles and applies today in *the modern era of the Illegality of the Status Quo*. It provides a logical conclusion...

In saying "such mighty spirits (Shakespeare, Newton et al.) *could not have been formed except under equal laws, nor roused to full activity without the influence of that spirit which the Great Charter breathed over their forefathers,*" the reinforcing logical corollary, implied but unmentioned, must also be posited: that is, *totalitarian régimes of all types suffocate intellectual activity and prevent its development amongst the population* except when it promotes the interests of the élite (viz. Plato and Socrates, DD, Chapter Six). If there is no authentic Trial by Jury Justice System by which to protect the people from exploitation by government, such a catastrophic outcome to citizens as described, is the premeditated, intended result produced by *élitists* whenever they gain the ascendancy in a society. This is so because 'dumbing down' is one of the *predicted effects* of which despotism is the *cause*. The folk become no more than slaves and helots helplessly bound by invisible—but real—fetters; subject to the exploitative caprice of comfortable politicians and clandestine rulers.

Opressors who stifle the equal justice rendered by Trial by Jury wreak innumerable disastrous effects and results on the men and women who suffer under such criminal misgovernance, even to the point of their being repeatedly dragged into illegal Wars of Aggression. Denial of Trial by Jury does irremediable damage both to individual and the mass, and produces a brute's ethos overall. This replaces the benevolent society of progressive civilisation. Denial is a wretched and unforgivable Crime against Humanity, for wherever and whenever denial of Trial by Jury occurs, an anti-democratic *élitists'* society develops, and a cruel cold crushing statism disappoints all aspirations for a decent existence.

### THE TORCH OF FREEDOM.

The Goths conquered and settled in all parts of Europe following their overthrow of the yoke and hegemony of Rome<sup>1</sup>. Gothic Anglo-Saxons took Trial by Jury to Britain and North-West Europe with them. This was the culture common to all Europeans. Gothic Normans were familiar with Trial by Jury before they invaded England. See Sir Matthew Hale on the subject:

*"The trial by jury of twelve men was the usual trial among the Normans, in most suits; especially in assizes, et juris utrum [trials to which the right belongs]."*<sup>2</sup>

1 See Edward Gibbon, *Decline and Fall of the Roman Empire*, Dent, London; Dutton, New York.

2 See Chief Justice Hale's *History of the Common Law*, p. 219. This was in Normandy, before the Normans' conquest of England. Also see *ibidem*, p. 218.

Wherever they went across the entire continent of Europe, the Franks (French), Burgundians, Allemani, Visigoths, Ostrogoths, Gepidæ, Lombards and numerous others carried this Palladium with them, a metaphorical Torch of Freedom, spreading Trial by Jury and egalitarian, secular concepts of justice and democracy to all parts of Europe.

### TRIAL BY JURY IS THE TRUE EUROPEAN CONSTITUTION.

It is a fact that at one time throughout Europe, all shared, and the people rigorously defended their unique *legem terræ* common law Trial by Jury Constitutional Justice System against government interference.



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Significantly, Conrad the Second, 1027-1039, Holy Roman Emperor, King of the Franks (i.e., French; also known as Gauls), King of Italy, King of Burgundy, Emperor of Germany (*Magna Germania's* extensive domains to the Urals; i.e., today's "**Russia**"), had installed Trial by Jury for his people nearly two centuries before the 1215 Great Charter, Magna Carta <sup>1</sup>.

*Cf. Constitutional and empirical utilisation by King Alfred the Great, 871-899 C.E., of common law governing petit juries, randomly chosen jurors, the Principle of Unanimity, etc.*

<sup>1</sup> See vol. 3, Blackstone, p. 350. See the wording of Conrad's Law cited on page DD, p.150.

Wars, ruthless monarchs, revolutionaries, and dictatorial rulers imposing their 'codes', constant political change; alternating adoption, modification and rejection of diverse social theories; Socrates' and Plato's proto-fascism, Marxism, socialism, communism; all wreaked upheaval and left Europe's nations with a variety of constitutional arrangements. Within the Continent of Europe, America and to a great extent within modern Britain, the collective awareness that all Europeans once universally shared a constitutional ideal has been eroded by historio-political miseducation (political propaganda; indoctrination).

*From beyond the Urals to the Atlantic, from the Arctic Ocean to the Mediterranean and Black Seas, the Trial by Jury was adopted throughout all the nations of Europe and subsequently by (post) colonial nations. Common Law Trial by Jury is the pan-European, pan-Occidental Constitution; the only just, impartial, and hence legitimate, justice system.*

Millar: "*Among the Gothic nations of modern Europe, the custom of deciding lawsuits by a jury seems to have prevailed universally.*" <sup>2</sup>

<sup>2</sup> See Professor John Millar's second volume of *An Historical View of English Government*, pp.295-6; & Vol. 2, *Palgrave's Rise and Progress of the English Commonwealth*; pp. 147-8. See **TRIAL BY JURY** ISBN 97819028485723 by d'Oudney and Spooner for further references *in re* the pan-European Trial by Jury.

In setting out the English and pan-European Gothic Common Law of the Land which is at the foundation of modern Western Civilisation, Magna Carta extends its constitutional attributes to Australia, Eire, Scotland, Wales, Ulster, Canada, New Zealand and other countries. As shown by the U.S. Constitution's co-author, Justice James Wilson, this history was intimately known to the Founding Fathers (see Wilson's Works, Vol. 2). The Founders constitutionally installed Trial by Jury.

If people would but ponder their own history, they would know that it was the influence of Trial by Jury which gave rise to what came to be called **the Free World**. The naissance and 're-naissance' of a more civilised England and Europe came about because of the pan-European implementation of Trial by Jury after the Roman Legions departed, before the rise of mediaeval and modern dictators.

Constitutional Common Law Trial by Jury requires to be established throughout the world: *Only then do worldwide elimination of tyrannies, Crimes against Humanity by politicians and governments, and permanent relative Peace on Earth become feasible.*

So, please help spread the word on Magna Carta Day! Print out several copies of the EIS4 "Why Is Trial by Jury Important?" leaflet (attached) and give it to colleagues at work and to your friends and family.

Kenn d'Oudney.

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TO JUDGE ON THE JUSTICE OF LAW.  
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*Near this Site  
WILLIAM PENN and WILLIAM MEAD  
were tried in 1650  
for preaching to an unlawful assembly  
in Grace Church Street  
This tablet commemorates  
The courage and endurance of the Jury Thos Vere, Edward Bushell  
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Verdict of Not Guilty  
The case of these Jurymen was reviewed on a writ of Habeas Corpus  
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which established The Right of Juries to give their Verdict  
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Photo: Major John Gouriet

*Runnymede Meadow*

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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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*"I think it is certainly true that Keynesian economics, as put into practice, has handed the economic power of the West to a few men who now almost totally control it. Likewise, I agree that the trial by jury is an essential bulwark of democracy and justice against a bankers' tyranny. I congratulate you on disseminating the above points."*

His Hon. Patrick S.J. Carmack, Esq. Producer of The Money Masters video documentary.

*"Thank you for your excellent work on Magna Carta. What a masterly exposition."*

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

See further reviews inside.



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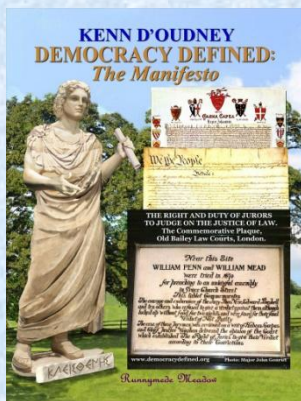
See **SYNOPSIS** and **REVIEWS** on next page.



Kenn d'Oudney is the author of books and essays including the following:

Kenn d'Oudney est auteur de livres et essais y compris les suivants:

Kenn d'Oudney ist Autor von Büchern und Essays einschließlich der folgenden:



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*"Superb. Should be read in every law school."*

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, 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."*

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*"Thanks, Kenn. I've circulated this."*

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The book Democracy Defined: *The Manifesto* ISBN 978-1902848280 sets out the Educational Campaign for Restoration of government by Trial by Jury; i.e., Restoration of the Constitutional rule of law, definitive of Democracy.

*The Manifesto* includes the wording (six pages) of THE RESTORATION AMENDMENT (statute):

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