

# The Retaking of America

And what you can do to help

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We are all frustrated and sometimes overwhelmed with the incredible pressures being exerted on us largely by too many government programs. Not to worry. There are some solid things that we can do to reverse the insanity in government.

## Background

That our country and its federal government have been taken over by anti-American and unlawful forces should no longer be a surprise to anyone who has been alert and who has been paying attention to current events. Dr. Paul Craig Roberts has a brilliant interview in which he points out many of the destructive activities that have occurred and are still occurring to the detriment of our country by members of our own government.<sup>1</sup> As Dr. Roberts so clearly points out, our government no longer believes it is answerable to our laws or to our people, and this attitude, being observed as it is by the people, causes great stress among all of us. In our country, the people have always supported the government, but we must now observe that our government is treating us as its enemy through the use of denial of justice for the people, the militarizing of the community police, the double standard of the executive branch whereby government figures no longer feel required to obey our laws, the use of totalitarian techniques to deny the God given rights that were once supported by government, the rapid destruction of our economy and our money system, etc. The government no longer serves the people – it controls the people. A careful re-read of our own ***Declaration of Independence***,<sup>2</sup> or the ***South Carolina Declaration of Causes***,<sup>3</sup> shows us that we are today faced with the same tyranny our ancestors complained about just prior to our first War for Independence and our War Between the States. However, this time around, and for a second time in our history, our enemy is not 3,325 miles away – it is on our own shores, in Washington, DC.

From the very beginning, the American British colonies had declared themselves to be independent and sovereign states, and were determined to control their own lives and destinies. The states subsequently created a single figurehead and subservient federal government to represent the collective needs of the states in foreign matters and in an enumerated list of other areas of common interest among the states. As recorded history and founding documents have shown us, the creation of the federal government by way of the ***Constitution for the United States***<sup>4</sup> was meant in no way to usurp the sovereignty of the individual states or to transfer the state's sovereignty to the federal government.<sup>5</sup> The Constitution was meant to instruct and to control the federal government only in a shared sovereignty relationship, but as we can see with the third and final version of the

Thirteenth Amendment, the Constitution started being used to control the states, and the reversal of sovereignty had thus begun.<sup>6</sup>

Through the years, and outside the rules of the contract between the states and the federal government, the states have allowed the federal government to commit many transgressions and violations to their own sovereignty. Today, the executive branch of the federal government has almost completely usurped the power and control over the federal legislative branch, the federal judicial branch, and over the sovereign states. By not doing their job of controlling the federal government, the states have allowed the devolution of a free and independent federal republic into a totalitarian communist regime – a regime now controlled by an unelected, upper class power elite, and mercilessly regulated by unconstitutional agencies and departments of the central government.

The term ‘government’ has been described as ‘the use of force and violence to exert one man’s will over another,’ and for discussion purposes, that is the definition I am going to use. All governments, regardless of type, use laws and regulations to hold back and to control an individual’s behavior at the expense of the individual’s liberty and freedom. Individual and personal freedom (or the absence of legislation and laws), on the other hand, is what the individual wants, and history shows us there has always been a battle of individual freedom versus government control of the individual.

In Christian America, and over the period of 400 years, America has been blessed with enough freedom to allow our people to change and improve the evolution of all mankind. In Rose Wilder Lane’s *‘Discovery of Freedom’*<sup>7</sup> she

*“sought to highlight the difference it made in America that the individual was permitted freedom from government authority. The Americans broke from the idea that dominated all over human history that they must depend on some overarching authority in government to grant them well being, and thus when good happens, we owe ever more to the powers that be.”*

Under communism and other totalitarian tyrannies, human progress is stifled and often reversed, and this is something we must prevent from continuing in America – the world’s last, best hope for human freedom, respect, dignity, and progress. So, here we are, suffering under communist tyranny in America – what are we going to do about it?

## **What To Do About Tyranny**

After we recognize that we have a problem, we start looking around for solutions to the problem. Our problem, of course, is a runaway and unlawful federal government that has just about shut down and destroyed the United States of America through its corrupt and unconstitutional actions and usurpations. There is a *proposed 28th amendment*<sup>8</sup> that is intended to correct the problems within the federal government, and if you look at it closely, the net effect is to tighten the controls that were already covered in the original document. But, you must also consider the fact that if the states were already fulfilling their duties to their own citizens, the amendment would not have to be suggested, or even seriously considered.

What I am leading up to, the idea of the federal government self-regulating and doing the right thing for the people, is a dream that will never happen. The only solution to the control of a tyrannical, out-of-control, and lawless central government is found within the states and within the people.

Some of what follows may seem to be a bit overdone, and I offer it to you as a reminder list more than anything else. You already know most of this stuff.

**Federal Employees:** If you work for the federal government in any capacity, remember your sworn oath to defend and protect the Constitution for the United States. If you are in law enforcement or the military, consider joining the Oath Keepers. The United States is your country and it serves you better when the country as a whole prospers and thrives. Do not participate in any agency's or department's actions that are intent on denying or destroying our constitutionally protected rights, our individual freedoms and liberties to defend ourselves and our families, or our ability to support and feed ourselves and our families. If you do that, we will consider you our enemy. Because you are our neighbor, we don't want to do that, but when you are unlawful, or when you believe you are above our laws, we will. Trust us.

**State Employees:** If your role in life is to work for the people of your state as part of your state's government, then this means it is your sworn responsibility to defend and protect the lawful citizen voters who put you in office, first and foremost. You must follow and abide by your state constitution and your state laws. You are not above the law, and you are not a member of an upper class. Keep our election processes clean, honest, and above manipulation by criminal forces. If you are a democrat, consider carefully your inclusion in a progressive and communistic ideological political group, and if you want to stay progressive and/or communist in your views, get the hell out of our government. We only want constitutional patriots working for us.

**Local government employees:** If you work for your city, town, or county, the same rules apply. It is a privilege to work in service to your lawful citizen neighbors. Treat them with respect, work hard for them, and treat them as your bosses, because they are your bosses. Again, we only want patriotic public servants working for us, so if you don't believe in our laws and in our culture, get the hell out of our service. Remember:

*"There will never be a really free and enlightened State until the State comes to recognize the individual as a higher and independent power, from which all its own power and authority are derived, and treats him accordingly." -- Henry David Thoreau*

**Lawful, resident citizen voters:** If you are a lawful citizen and voter, re-learn your own laws and your American history, economics, and politics, starting in colonial times. Understand your own laws and be lawful. You can't demand your government to be lawful if you are not lawful. Don't waste your time with learning much about communism and or Marxism except to understand your enemy – both are proven failures at government. Go to church. Help your neighbors. Be charitable to those in need, although sometimes that may mean practicing a bit of tough love. Be demanding of those who serve you. If you are young enough to participate in your local militia, do so. Buy guns and learn how to use them. We have been taught fear by our government, and we have to unlearn that bad habit – excessive

and unlawful government is actually our enemy. There is nothing kind, forgiving, or lovable about a government agency or bureaucrat when he's on duty. It's all force and violence. Remember that.

For everyone who wants to throw the bums out for violating their oaths to support and defend the Constitution, this is a fun video for you to watch.<sup>9</sup> Also, there seems to be greater interest in recalling errant government figures as is found in this article written by Joel S. Hirschhorn:<sup>10</sup>

Nothing is more powerful in a democracy than fed up citizens lawfully yanking public officials out of their jobs. Considering all the frustration and anger about government that is too big, expensive, corrupt and dysfunctional, it is wise to consider how much better American democracy would be if citizens could recall members of Congress, the President and even Supreme Court Justices. In a world moving at faster and faster speeds why wait for the usual ways to fix government, especially when none of them seem to work?

### **The Jury System**

There are a few additional and necessary tools available to the average citizen to help restore control of government to the people. The first, of course, is to become dedicated and committed to the return of lawful government in your state and in the United States, and that leads us to a discussion about the fourth branch of government. I am referring, of course, to our wonderful jury system.

*"I consider trial by jury the greatest anchor ever yet devised by humankind for holding a government to the principles of its constitution." -- Thomas Jefferson, 1792*

But our juries appear to have come into some amount of disrepair, and there are those like Judge William Young who see our jury system going into decline,<sup>11</sup> although even Judge Young admits in his somewhat disturbing speech:

*"Here's the point I am here to make: that the American jury system is the strongest guarantor of judicial independence that we have."*

The courts publicly support the importance of the jury system, although they generally do not promote the idea that juries can decide issues of law.<sup>12</sup> Having said that, it should be noted that I believe in jury nullification, as have others, including John Adams:

*"It is not only the juror's right, but his duty, to find the verdict according to his own best understanding, judgment and conscience, though in direct opposition to the instruction of the court." -- John Adams, 1771*

From Wikipedia,<sup>13</sup> we have a pretty good introduction to the subject of jury nullification:

*"Jury nullification occurs in a trial when a jury reaches a verdict contrary to the weight of the evidence and contrary to the letter of the law (an official rule, and especially a legislative enactment). A jury exercising its power of nullification need not disagree with the judge's instructions themselves— which concern*

*what the law is—but may rule contrary to the instruction in light of the actual evidence admitted in the case.*

*“A jury verdict contrary to the letter of the law pertains only to the particular case before it; however, **if a pattern of identical verdicts develops in response to repeated attempts to prosecute a statutory offense, it can have the de facto effect of invalidating the statute.** A pattern of jury nullification may indicate public opposition to an unwanted legislative enactment.” [Emphasis added]*

My point here is that jury nullification is a very powerful method of keeping government control in the hands of the people. It works toward keeping government control local (where it belongs) and serves to reflect back to the government the public's opposition to errant and unwanted laws. Now imagine for a moment, that there are many cases being brought into federal court against a federal agency like the EPA (a patriot's favorite to hate) by individuals, and in every case the jury finds against the EPA. Don't you think that would have a negative impact on the power and control of the EPA?

Some commonly cited historical examples of jury nullification involve the refusal of American revolutionaries to convict a defendant under English law.<sup>14</sup> Juries have also refused to convict due to the perceived injustice of a law in general,<sup>15</sup> or the perceived injustice of the way the law is applied in particular cases.<sup>16</sup> But, while we're at it, let's not forget that government will always fight against your individual freedoms and your free rights to nullify their onerous laws.<sup>17</sup>

Tragically, if we don't recover control of our judicial system, we will see more articles<sup>18</sup> like this one:

*“On February 26th, I received word that the verdict had come in on Morningland of the Ozarks court case. Late on Sunday night I received the documents. It took a little digesting, but one thing was clear straight out of the gate; if we want justice, we aren't going to get it without a jury of our peers. Morningland was denied a jury trial.”*

So, all of you seniors with common sense, you should be volunteering to be on grand juries and on individual state and federal juries in your districts, and then decide on the cases in favor of the people. If a law or an agency regulation looks unconstitutional, decide against it. That is your right and your responsibility.

**The Fully Informed Jury Association** provides many fine booklets including one on methods of getting on a jury,<sup>19</sup> and one describing “The Jury's secret Power.”<sup>20</sup> It would be good for you to become learned about juries and get involved in government at that level. What a great learning experience.

## **Sue the Bastards**

I have to admit that I borrowed that section title line from Judge Andrew Napolitano's book '**Constitutional Chaos**,'<sup>21</sup> but I borrowed it because, like jury nullification of onerous and

tyrannical laws and regulations, I believe law suits are one part of the proper, non-violent solution to resolving problems with government tyranny.

To quote from Constitutional Chaos:

*“You should be able to sue the local police, state police, and the FBI under the same legal theories [you can sue a corporation if it pollutes the air you breath] if they torment you, if they prevent you from speaking freely, if they bribe witnesses to testify against you, if they steal your property, or if they break the law in order to convict you.”*

Now, a careful footnote has to be inserted here, and that is this: often the agencies you want to sue consider themselves protected by sovereign immunity (that is, they are above the law with regard to being sued). I'm not certain how constitutionally legal that position is actually. Can public servants become unchallengeable in a court of law when they screw up? Doesn't seem right or reasonable to me. 'Sovereign immunity' helps to isolate and raise public's servants above the citizen at large in status, and that is a throwback to a two class system in which the government is above the citizen in class and privilege (does that sound at all like something a King George monarchy would have included?). If anyone should have sovereign immunity, it should be the citizen.

Your service on jury duty will teach you a lot about the operational side of the law, and you can use this knowledge to help keep government in a lawful condition in your own personal life. At this point I could get into the idea of representing yourself in court (pro se), but experience has shown me, that as effective as acting pro se is when in the right hands, it takes a while to become knowledgeable enough to do it successfully (i.e. win your case). On the other hand, if you want to try it, I would be the last one to discourage anyone from defending themselves in court, especially if you, the accused, are on the right side of the law. In the beginning, try it in some non-jailable offense, like fighting a traffic ticket, and avoid the possibility of being seriously railroaded by the prosecutor. Maybe consulting with a local attorney will help provide the necessary guidance, but when you are a pro se litigant, you get to do the hard job of writing the motions, doing the research, etc. I have used attorneys to help me look at legal matters from a different point of view, and have been quite happy to pay their hourly fee for their super experience.

Also, and interestingly enough, as a layman, I have developed a special appreciation of federal courts over state courts – they seem more organized, and have been much more helpful when I have had questions. All of which leads me to discussing my favorite form of lawsuit in federal court – **Title 42, Section 1983**. When I suggest suing the bastards, this is the preferred tool I suggest using when it is appropriate to do so.

***Sec. 1983. - Civil action for deprivation of rights***

*Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that*

*in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.*

This is actually a fairly sophisticated area of law, and by sophisticated, I mean complicated, but there are books and references available to help the burgeoning law student.<sup>22</sup> Family rights discussions and cases are found here.<sup>23</sup> A well written guide: ***'A Guide To Civil Rights Liability Under 42 U.S.C. § 1983: An Overview Of Supreme Court And Eleventh Circuit Precedent'*** is found here.<sup>24</sup>

The end goal is for you to understand your own laws, theoretically and operationally. Remember that the major complaint to King George by the colonial governours was that ***'everyone knows the law.'*** Not so true today, but understanding the law can be readily accomplished, especially if you really want to 'get 'er done.'

## **Nullification**

Nullification seems to be the word of the day, but what does it really mean. From Rense.com,<sup>25</sup> we have this definition:

*"In law "nullification" is not repeal or rescission of statutes or executive or judicial actions. It is the result of a sustained, widespread refusal to cooperate with them, until those attempting to enforce the actions are confronted with the unpalatable choice of either backing down or resorting to murderous brutality."*

And by now, I hope everyone has read Tom Woods' book entitled ***'Nullification – How to Resist Federal Tyranny in the 21st Century'***<sup>26</sup> in which Woods points out on page 3:

"Nullification begins with the axiomatic point that a federal law that violates the Constitution is no law at all. It is void and of no effect."

And,

"...it is up to the states, the parties to the federal compact, to declare it so and thus refuse to enforce it."

So, there you have it. The states, as parties to the original compact, are responsible for nullifying errant and unlawful federal legislation and regulations. So, is your state doing it? And if not, why aren't they doing it? Collectively, it seems the states are considering nullification more and more every day, especially with huge federal burdens like Obamacare being imposed on them. And that's a good thing for the citizens of the states.

To support the individuals and the states, there are now groups like the Tenth Amendment Center<sup>27</sup> that provide legal, historical, and intellectual information, articles, and resources on state sovereignty and on methods for pulling in the reins of the bulbous federal government. The Tenth Amendment Center is an excellent resource for the patriot.



But note that nothing about nullification says the individual citizen can't also nullify an onerous and tyrannical federal law of legislation in his/her daily actions and in his/her votes.

### **Get involved in government**

The real message from this article is that every patriot in America has to get re-engaged in government in as many ways, and in as many levels, as possible. For too long we have allowed the progressives and communists to redesign our country's laws and cultures to a point where we may not survive as a Judeo/Christian free republic.

With all of the problems we have with our federal government these days, we must remember we have 50 fully functioning state governments that can replace the federal government in power and control. But this will only happen if we demand the state governments do their job protecting us and controlling the federal government. I have this crazy theory that it is much more effective for us to march on our own state capitals than it is to march on the non-responsive federal government. The feds have shown us they simply don't care about us. Let's take this huge federal problem and divide it into 50 smaller and more manageable pieces – something we can control from our own homes.

So, go to your local town meetings. Meet your town representatives. Tell them what you expect (and don't expect) from your government. Tell your town fathers that you are law abiding as a citizen and you expect them to be the same, and if they aren't, you will replace them with law abiding citizens. Talk to them about their political affiliation, their background and experience, and how they envision the future of your town or city. Get on their mailing lists and actually correspond with them on a regular basis. Tell them you expect honest, un-manipulated elections, and that you expect there will be no ballot tampering by the unions or any miscreants in local government. Work to support your town in any way that makes sense, even if it means helping on a voluntary basis on nights and weekends.

Vote in every election, and vote as though your very future and your children's future depends on it - because it does! [P.S. There are many, including myself, who have a problem suggesting that everyone vote when the election process is so corrupted. So, if you choose to vote, just be aware that your vote may not actually be counted.]

Meet and talk with your state representatives and your three federal ambassadors (two senators, one congressman). Tell them what you want from state and federal government. Talk to them about your state and federal Constitutions and about pending legislation, especially about the financial impacts of specific legislation. Get a copy of the federal Constitution<sup>28</sup> and your state constitution and become a constitutional student and expert.

Make certain your public servants do not implement a new law or regulation that they are NOT empowered to implement by the limitations imposed in the specific constitution. And remember, the federal Constitution is meant to control and limit only the federal government – it was not intended to control the state governments.<sup>29</sup>

If you are patriotic, well educated, and have a clean record, run for office. Start with local elections to learn the ropes of politics. Go back to college and study American history and



politics. Some states (Maine included) provide educational benefits in state colleges for working citizens and seniors (65 and older).

None of what I'm suggesting will be easy, but then again, neither is slavery to a communist government easy or comfortable. We Americans have done an excellent job of creating the most successful and beneficial country on the face of the planet, but while we were working and supporting our families, our churches, and our communities, our enemies have snuck into our camp and have been eating the fruits of our labor and destroying the future of our children. This criminal action by our enemies must be reversed, and will be reversed, when we patriots retake America.

So, good luck to us all, and God Bless America!

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**End Notes:**

1 Alex Jones and PrisonPlanet's video interview of Dr. Paul Craig Roberts and "How The Law Was Lost:" <https://www.youtube.com/watch?v=V8xCDjcAaN4>

2 Transcribed version of the Declaration of Independence with document history attached: <https://highlander.com/us-declaration-of-independence/>

3 The Confederate States of America - Declaration of the Immediate Causes Which Induce and Justify the Secession of South Carolina from the Federal Union: <https://highlander.com/secession-of-south-carolina-1860/>

4 Transcribed version of the Constitution for the United States with comments included that describe changes to the document, including a brief description of the three Thirteenth Amendments: <https://highlander.com/constitution-for-the-united-states/>

5 An article, based largely on the Federalist Papers for historical material, that discusses the subject of, and the history of, the American state's sovereignty: <https://highlander.com/john-sutherland-state-sovereignty-dec-2019/>

6 Jon Christian Ryter provides research and background information on the three thirteenth amendments to the Constitution that have been designed and implemented in various time periods: <https://highlander.com/jon-christian-ryter-the-3-13th-amendments/>

7 Rose Wilder Lane, 'The Discovery of Freedom' is available here: <https://highlander.com/rose-wilder-lane-the-discovery-of-freedom-2/>

8 A proposed 28th amendment to the Constitution: <https://highlander.com/amendment-xxviii-the-american-amendment-v9/>

9 So you want to nullify violations of the Constitution: <http://www.youtube.com/watch?v=26g0rWwvYVY>

- 10 Joel S. Hirschhorn, 'Americans Deserve Recall Power to Fire Federal Officials': [http://www.smirkingchimp.com/thread/joel\\_s\\_hirschhorn/28180/americans\\_deserve\\_recall\\_power\\_to\\_fire\\_federal\\_officials/](http://www.smirkingchimp.com/thread/joel_s_hirschhorn/28180/americans_deserve_recall_power_to_fire_federal_officials/)
- 11 Judge William G. Young: Speech at Judicial Luncheon The Florida Bar's Annual Convention in Orlando, June 28, 2007: <http://www.houstonlitigationblog.com/Young%20speech.pdf>
- 12 NY District Court 'Handbook for Trial Jurors' web page: [http://www.nysd.uscourts.gov/jury\\_handbook.php](http://www.nysd.uscourts.gov/jury_handbook.php)
- 13 Wikipedia, 'Jury Nullification': [https://secure.wikimedia.org/wikipedia/en/wiki/Jury\\_nullification](https://secure.wikimedia.org/wikipedia/en/wiki/Jury_nullification)
- 14 Dr. John Concannon, 'The Gaspee Affair': <http://www.gaspee.org/WhatstheImportance.html>
- 15 Howell's State Trials, Vol. 6, Page 951 (6 How. 951), 'The Trial of William Penn and William Mead' <http://www.constitution.org/trials/penn/penn-mead.htm>
- 16 BBC, Wednesday, 18 November, 1998, 17:27 GMT, 'Troubled history of Official Secrets Act': [http://news.bbc.co.uk/2/hi/uk\\_news/216868.stm](http://news.bbc.co.uk/2/hi/uk_news/216868.stm)
- 17 NYT article: 'Jury Nullification Advocate Is Indicted' [http://www.nytimes.com/2011/02/26/nyregion/26jury.html?\\_r=1&\\_amp](http://www.nytimes.com/2011/02/26/nyregion/26jury.html?_r=1&_amp)
- 18 Doreen Hannes, 'The Truth Of The Matter Doesn't Matter': <http://www.newswithviews.com/Hannes/doreen112.htm>
- 19 Clay S. Conrad, 'Doing Your Best As A Trial Juror: Surviving Voir Dire': [http://fija.org/download/BR\\_YYYY\\_surviving\\_voir\\_dire.pdf](http://fija.org/download/BR_YYYY_surviving_voir_dire.pdf)
- 20 FIJA.org, 'The Jury's Secret Power': [http://fija.org/download/BR\\_Jury\\_Secret\\_Power\\_REVISED.pdf](http://fija.org/download/BR_Jury_Secret_Power_REVISED.pdf)
- 21 Judge Andrew Napolitano, 'Constitutional Chaos,' Thomas Nelson Publishers, Nashville, TN, 2004
- 22 Michael G. Collins, '**Section 1983 Litigation in a Nutshell**' - A reliable source on Section 1983 litigation, this Law in a Nutshell: Section 1983 Litigation provides an authoritative commentary which includes coverage of Monroe and the modern Section 1983 Action; Parratt and the scope of due process; excessive force, private violence, and Section 1983; and enforcing the laws under Section 1983. Also discusses municipal liability, state sovereign immunity, and personal immunities. Available at amazon.com.
- 23 American family Rights: <http://www.familyrightsassociation.com/info/law/title42sec1983/>
- 24 Constitution Society: [http://www.constitution.org/brief/forsythe\\_42-1983.htm](http://www.constitution.org/brief/forsythe_42-1983.htm)

25 Rense.com 'Nullification, A Serious Option': <http://rense.com/general89/null.htm>

26 Tom Woods, 'Nullification: How to Resist Federal Tyranny in the 21st Century': <http://www.tomwoods.com/books/nullification/>

27 Tenth Amendment Center: <http://www.tenthamentendmentcenter.com/>

28 National Archives transcribed version of the Constitution with comments and annotations: <https://highlander.com/constitution-for-the-united-states/>

29 Timothy Baldwin, 'McDonald v. Chicago: The Great Misunderstanding Of State Sovereignty' <https://highlander.com/timothy-baldwin-mcdonald-v-chicago/>

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