

## IX. FOUNDATIONS OF LAW, LESSON 8: DUE PROCESS, AUTHORITY & REASON: ARGUMENTS ABOUT ABORTION AND PARENTAL RIGHTS

A. **LAW OF THE LAND.** Due process of law (q. v.). By the law of the land is most clearly intended the general law which hears before it condemns, which proceeds upon inquiry, and renders judgment only after trial. *Dupuy v. Tedora*, 204 La. 560, 15 So.2d 886, 891. The meaning is that every citizen shall hold his life, liberty, property, and immunities under the protection of general rules which govern society. *Rich Hill Coal Co. v. Bra-shore*, 334 Pa. 449, 7 A.2d 302, 316; *In re Stobie's Estate*, 30 Cal.App.2d 525, 86 P.2d 883, 885.

Everything which may pass under the form of an enactment is not the law of the land. *Sedg. St. & Const. Law*, (2d Ed.) 475. When first used in Magna Charta, the phrase probably meant the established law of the kingdom, in opposition to the civil or Roman law. It is now generally regarded as meaning general public laws binding on all members of the community. *Janes v. Reynolds*, 2 Tex. 251; *Beasley v. Cunningham*, 171 Tenn. 334, 103 S.W.2d 18, 20, 110 A.L.R. 306. It means due process of law warranted by the constitution, by the common law adopted by the constitution, or by statutes passed in pursuance of the constitution. *Mayo v. Wilson*, 1 N.H. 53.

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*"No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation." -The Constitution of The United States, Amendment V*

*"No person shall be deprived of life, liberty, or property without due process of law." -Arizona Const. art. 2, § 4.*

*"No person shall be deprived of life, liberty, or property, except by due process of law." -Louisiana Const. art. I, § 2.*

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**DUE PROCESS OF LAW DEFINED (Black's Law Dictionary 4<sup>th</sup> Edition)** "Law in its regular course of administration through courts of justice." 3 Story, Const. 264, 661.

"Due process of law in each particular case means such an exercise of the powers of the government as the settled maxims of law permit and sanction, and under such safeguards for the protection of individual rights as those maxims prescribe for the class of cases to which the one in question belongs." Cooley, Const. Lim. 441.

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Whatever difficulty may be experienced in giving to those terms a definition which will embrace every permissible exertion of power affecting private rights, and exclude such as is forbidden, there can be no doubt of their meaning when applied to judicial proceedings. They then mean a course of legal proceedings according to those rules and principles which have been established in our systems of jurisprudence **for the enforcement and protection of private rights**. To give such proceedings any validity, there must be a tribunal competent by its constitution—that is, **by the law of its creation**—to pass upon the subject-matter of the suit; and, if that involves merely a determination of the personal liability of the defendant, he must be brought within its jurisdiction by service of process within the state, or his voluntary appearance. *Pennoyer v. Neff*, 95 U.S. 733, 24 L.Ed. 565. Due process of law implies the right of the person affected thereby to be present before the tribunal which pronounces judgment upon the question of life, liberty, or property, in its most comprehensive sense; to be heard, by testimony or otherwise, and to have **the right of controverting, by proof, every material fact which bears on the question of right in the matter involved**. If any question of fact or liability be conclusively **presumed** against him, this is not due process of law. *Zeigler v. Railroad Co.*, 58 Ala. 599. These phrases in the constitution do not mean the general body of the law, common and statute, as it was at the time the constitution took effect; for that would seem to deny the right of the legislature to amend or repeal the law. They refer to certain fundamental rights, which that system of jurisprudence, of which ours is a derivative, has always recognized. *Brown v. Levee Com'rs*, 50 Miss. 468. "Due process of law," as used in the constitution, cannot mean less than a prosecution or suit instituted and conducted according to the prescribed forms and solemnities for ascertaining guilt, or determining the title to property. *Embury v. Conner*, 3 N.Y. 511, 517, 53 Am.Dec. 325. *And see, generally, Davidson v. New Orleans*, 96 U.S. 104, 24 L.Ed. 616.

"Law of the land," "due course of law," and "due process of law" are synonymous. *People v. Skinner, Cal.*, 110 P.2d 41, 45; *State v. Rossi*, 71 R.I. 284, 43 A.2d 323, 326; *Direct Plumbing Supply Co. v. City of Dayton*, 138 Ohio St. 540, 38 N.E.2d 70, 72, 137 A.L.R. 1058; *Stoner v. Higginson*, 316 Pa. 481, 175 A. 527, 531. But "judicial process" and "judicial proceedings" are not necessarily synonymous with "due process." *Pennsylvania Publications v. Pennsylvania Public Utility Commission*, 152 Pa.Super. 279, 32 A.2d 40, 49; *Barry v. Hall*, 98 F.2d 222, 68 App.D.C. 350. The essential elements of "due process of law" are **notice and opportunity to be heard** and to defend in orderly proceeding adapted to nature of case, and the guarantee or due process requires that every man have protection of day in court and benefit of general law. *Dimke v. Finke*, 209 Minn. 29, 295 N.W. 75, 79; *Di Maio v. Reid*, 13 N.J.L. 17, 37 A.2d 829, 830.

Daniel Webster defined this phrase to mean a law which hears before it condemns, which proceeds on inquiry and renders judgment only after trial. *Wichita Council No. 120 of Security Ben. Ass'n v. Security Ben. Assn.*, 138 Kan. 841, 28 P.2d 976, 980, 94 A.L.R. 629; *J. B. Barnes Drilling Co. v. Phillips*, 166 Okla. 154, 26 P.2d 766. This constitutional guaranty demands only that law shall not be unreasonable, arbitrary, or capricious, and that means selected shall have real and substantial relation to object. *Nebbia v. People of State of New York*, N.Y., 54 S.Ct. 505, 291 U.S. 502, 78 L.Ed. 940, 89 A.L.R. 1469; *North American Co. v. Securities and Exchange Commission*, C.C.A., 133 F.2d 148, 154.

## B. NOTICE AND OPPORTUNITY TO BE HEARD

In Matthew 18:15-18, Jesus, provides guidance on how to handle such disputes. Here is the passage from the English Standard Version (ESV):

### Matthew 18:15-18 (ESV):

*15 “If your brother sins against you, go and tell him his fault, between you and him alone. If he listens to you, you have gained your brother. 16 But if he does not listen, take one or two others along with you, that every charge may be established by the evidence of two or three witnesses. 17 If he refuses to listen to them, tell it to the church. And if he refuses to listen even to the church, let him be to you as a Gentile and a tax collector. 18 Truly, I say to you, whatever you bind on earth shall be bound in heaven, and whatever you loose on earth shall be loosed in heaven.”*

### Interpretation:

#### 1. Private Reconciliation (Verses 15-16):

- Jesus advises a process of private reconciliation for conflicts within the Christian community. If someone has wronged you, the first step is to address the issue privately. The goal is to bring about repentance and reconciliation rather than public shame.
- *You can write an informal letter or call them on the phone to let them know.*

#### 2. Witnesses (Verse 16):

- If the private confrontation does not lead to a resolution, Jesus suggests bringing one or two witnesses along. This serves to establish the facts and provide additional perspectives. The presence of witnesses underscores the seriousness of the matter.
- **This is where you send a lawful notification letter to the person signed by two witnesses or by a jurat. A jurat is a type of verification or certification that is often used in legal documents, affidavits, or sworn statements. It involves a statement made by a person before a notary public or other authorized official, declaring that the contents of the document are true and correct. The person making the statement is required to sign the document in the presence of the notary public, who then completes the jurat by adding a certification that the oath or affirmation was administered.**

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## 3. Involvement of the Church (Verse 17):

- If the issue remains unresolved, it is to be brought before the entire church community. This step emphasizes the communal responsibility for maintaining peace and resolving disputes. The church becomes involved in the process of correction and restoration.
- **In this particular case, we will create an affidavit and present it in court as evidence.**

## C. CRAFTING ARGUMENTS BASED ON AUTHORITY & REASON

**Maxim 20e.** There are two instruments for confirming or impugning all things, -reason and authority. **8 Coke, 16.**

### 1. Authority Arguments

*5i. An argument drawn from authority is the strongest in the law. "The book cases are the best proof of what the law is." Co. Litt. 254a.*

*11a. A delegated power cannot be again delegated. 2 Inst. 597; Black's, 2d. 347; 2 Bouv. Inst. n. 1300. A deputy cannot have (or appoint) a deputy. Story, Ag. s. 13; 9 Coke, 77; 2 Bouv. Inst. n. 1936.*

*11b. The derivative power cannot be greater than the original from which it is derived. Noy, Max.; Wing. Max. 66; Finch, Law, b. 1, c. 3*

*11i. Where there is no authority for establishing a rule, there is no necessity of obeying it. Black's, 2d. Useless power is to no purpose. Branch, Prine.*

*86m. No right is held more sacred, or is more carefully guarded by the common law, than the right of every individual to the possession and control of his own person, free from all restraint or interference of others, unless by clear or unquestionable authority of law. **Union Pac. Ry. v. Botsford, 141 U.S. 250, 251.***

**Please take notice that** as trustees and servants, you are at all times amenable to the people. Please provide clarity about where you were granted the lawful authority from creation

- to grant immunity to Pfizer and Moderna.
- to circumvent the will of the people and substitute your own.
- to abrogate the rights of the people to bear arms in defense of their lives, liberty, and property.
- to collude with a foreign power, such as the World Economic Forum and war against the people.
- to do nothing about chemtrails when you are to protect people's rights to a healthy environment.
- to deprive the people of due process under the common law.

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- to undermine the people's right to choose their representatives freely by not following the law as written and ignoring the calls for audits.
- to violate the rights of citizens and erode public trust.
- to conduct mass surveillance and infringe on the right to privacy.
- to  censor or limit the people’s freedom of speech and to convert speech into a crime by labeling it hate speech.
- to deprive people of their right to justice by refusing to prosecute those in government who violate fundamental law and the provisions of the Constitution.

## 2. Reason Arguments

*71ij. The law always intends what is agreeable to reason. Co. Litt. 78b.*

*71 uu. Reason is the soul of law; and when the reason of any law ceases, the law ceases also. Co. Litt. Ob, 122a; 2 Bl. Comm. 390, 391; Broom, Max. 159; C.L.M.; 4 Coke, 38.*

*73e. Nothing that is against reason is lawful. Co. Litt. 97b.*

*74c. The laws of nature are unchangeable. Cycl. Diet. 566; Branch, Prine.*

*74f. Jus naturale, or natural law, has its foundation in the will of God. 1 Bl. Comm. 39; 1 Kent, Comm. 2, note; Id. 4 note.*

*74j. Things which are forbidden by the nature of things are confirmed by no law. Branch, Prine. Positive laws are framed after the laws of nature and reason. Finch, Law.*

**Please take notice that** as trustees and servants, you are at all times amenable to the people. You are obligated to adhere strictly to the fundamental principle of law that anything contrary to reason cannot be considered lawful. Please clarify how promoting \_\_\_\_\_ is lawful?

- transgender ideologies
- murder of an unborn baby
- genetic modifications or experiments
- the engagement of wars without just cause
- forced medical countermeasures
- defining truth as racist
- the persecution of one's political rivals
- and providing for illegal invaders at the expense of the people
- genocide & population control

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## D. DEBATE QUESTION #1:

**Please take notice that** as trustees and servants, you are at all times amenable to the people. Please provide clarity about where you were granted the lawful authority from creation to legalize abortion.

List Argument Points & Authorities Below:

1. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_

4. \_\_\_\_\_

5. \_\_\_\_\_

Additional Notes:



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## E. DEBATE QUESTION #2:

**Please take notice that** as trustees and servants, you are at all times amenable to the people. Please provide clarity about where you were granted the lawful authority from creation to deprive parents of their biological property/offspring.

List Argument Points & Authorities Below:

1. \_\_\_\_\_

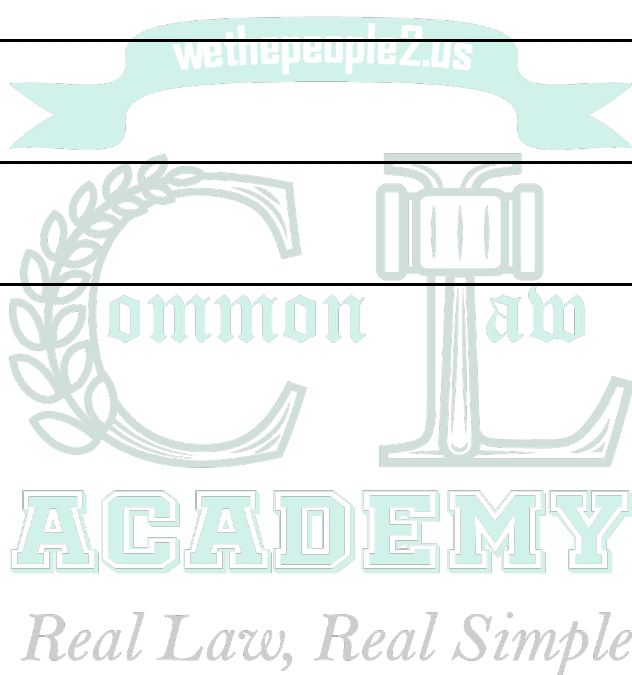
2. \_\_\_\_\_

3. \_\_\_\_\_

4. \_\_\_\_\_

5. \_\_\_\_\_

Additional Notes:



## F. EXAMPLE 2<sup>ND</sup> AMENDMENT ARGUMENT

**Please take notice that** as trustees and servants, you are at all times amenable to the people. Please provide clarity about where you were granted the lawful authority from creation to abrogate the rights of the people to bear arms in defense of their lives, liberty, and property or to convert that liberty into a privilege. **The people have a guaranteed, inherent, unalienable right to have the weapons necessary to preserve their life, liberty, and property. You cannot pass legislation that in any way abrogates these rights without violating your oath of office and warring against the people. To guard against transgressions of the high powers, we the people, have excepted out of the general powers of government, everything listed in the bills and declarations of rights and they are to forever remain inviolate, and all legislation contrary thereto, or contrary to the Federal or State Constitutions are void. (The following authorities are cited below:)**

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

### **Militia defined.**

*"I ask who are the militia? They consist now of the whole people, except a few public officers." – George Mason, Address to the Virginia Ratifying Convention, June 4, 1788*

*"A militia when properly formed are in fact the people themselves...and include, according to the past and general usage of the states, all men capable of bearing arms... "To preserve liberty, it is essential that the whole body of the people always possess arms, and be taught alike, especially when young, how to use them." – Richard Henry Lee, Federal Farmer No. 18, January 25, 1788*

**The Intent of the 2nd Amendment** *"As civil rulers, not having their duty to the people before them, may attempt to tyrannize, and as the military forces which must be occasionally raised to defend our country, might pervert their power to the injury of their fellow citizens, the people are confirmed by the article in their right to keep and bear their private arms." – Tench Coxe, Philadelphia Federal Gazette, June 18, 1789*

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

**Blue Island v. Kozul, 379 Ill. 511, 519, 41 N.E.2d 515, 519.** *"A person cannot be compelled to purchase, through a license or a license tax, the privilege freely granted by the constitution."*

**Maxim of Law 9c.** *"It is a liberty of free citizens to retain arms for their protection and according to their condition." People v. Horton, 264 N.Y.S. 84, 88.*

**Marbury v Madison 5 U.S. (Cranch) 137,174,176 (1803)** *"Thus, the particular phraseology of the constitution of the United States confirms and strengthens the principle, supposed to be essential to all written constitutions, that a law repugnant to the constitution is void; and that courts, as well as other departments, are bound by that instrument."*