

## XVI. FOUNDATIONS OF LAW, LESSON 13: NOTICE AND OPPORTUNITY: MIGRATION AND INVASION

**A. The Fall of Rome:** was a complex event that occurred over a long period of time and was caused by a combination of factors. Some of the key factors that contributed to the fall of Rome include:

1. Economic troubles: Rome's economy was heavily dependent on slave labor, which led to a decline in the value of human labor and the creation of a large underclass of impoverished citizens. Additionally, Rome's extensive empire required constant military campaigns, which put a strain on the treasury and led to high levels of debt.
2. Political instability: Rome's political system became increasingly unstable as the empire grew larger and more complex. Power struggles between different factions within the government, corruption, and the rise of powerful generals all contributed to a breakdown in the political system.
3. Barbarian border invasions: Rome's vast borders made it vulnerable to attack from outside forces. Beginning in the third century CE, barbarian tribes began to invade and conquer parts of the empire, leading to a gradual erosion of Rome's military power.
4. Military overspending: As the empire grew, so did its military expenses. Rome's leaders spent vast amounts of money on military campaigns and maintaining the army, which put a strain on the treasury and contributed to the economic troubles of the empire.
5. Decline of traditional values: Rome's traditional values of discipline, hard work, and patriotism began to decline as the empire grew wealthier and more diverse. The rise of individualism and hedonism led to a decline in civic responsibility and a lack of willingness to defend the empire.

**B. Migration is a State Issue:** In contemporary discussions about immigration, there's often an assumption that it's solely a federal concern. However, upon closer examination, it becomes evident that immigration is primarily a matter for states rather than the federal government. This perspective might seem unconventional, but it becomes clearer when we delve into the foundational principles of constitutional law. To fully grasp this viewpoint, it's crucial to understand that constitutions function as expressed trusts. In simpler terms, expressed trusts are to be interpreted based on the Constitution's literal text and serve as a binding agreement that outlines the powers and constraints of government entities.

The reason that the misconception persists is that immigration has been erroneously framed as a commercial issue. However, recent events, such as those in Texas, highlight the state's jurisdiction over immigration matters. Governor Abbott's assertion of Texas' right to defend its borders underscores the fact that immigration is, at its core, a state issue. This divergence from the prevailing narrative underscores the importance of revisiting and understanding the constitutional framework that governs such matters. By recognizing the inherent authority of states in immigration regulation, we can better navigate the complexities of national policy while upholding the principles of constitutional governance.

## COMMON LAW ACADEMY LESSON

1. **U.S. Constitution, Article I, Section 9, Clause 1:** “The Migration or Importation of such **Persons** as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a Tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person.”
2. **New York v. Miln, 36 U.S. 102 (1837):** Persons are not the subjects of commerce, and not being imported goods, they do not fall within the reasoning founded upon the construction of a power given to Congress to regulate commerce and the prohibition of the states from imposing a duty on imported goods.
3. **U.S. Constitution, Article IV, Section 4:** “The United States shall guarantee to every State in this Union a Republican Form of Government, 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.”



# Lawful Notification of Maladministration to all Executive Branch Officers in the Commonwealth of Massachusetts for Allowing Foreign Invasion

## Notice to Agent is Notice to Principal and Notice to Principal is Notice to Agent

I, \_\_\_\_\_, one of the People (as seen in the 50 State Constitutions), Republican in Form, Sui Juris, do present you with this notice that you and your agents may provide due care;

**Please take notice that** the people have taken the time to do the proper study to be able to come together and have assembled, in an orderly and peaceful manner, to give instructions to their officers and representatives to deal with matters of the common good and observe fundamental principles. As governor, you have been intrusted with delegated powers, commensurate with the offices of captain general, commander in chief, and admiral in order to protect and keep the People of the commonwealth safe from those who invade, or may attempt to invade, conquer, or annoy this commonwealth in accordance with the laws of the land and the Constitution's rules and regulations. (*The following authorities are cited below:*)

*"The people have a right, in an orderly and peaceable manner, to assemble to consult upon the common good; give instructions to their representatives, and to request of the legislative body, by the way of addresses, petitions, or remonstrances, redress of the wrongs done them, and of the grievances they suffer."*  
**Massachusetts Constitution, Part the First, Article XIX**

*"A frequent recurrence to the fundamental principles of the constitution, and a constant adherence to those of piety, justice, moderation, temperance, industry, and frugality, are absolutely necessary to preserve the advantages of liberty, and to maintain a free government. The people ought, consequently, to have a particular attention to all those principles, in the choice of their officers and representatives: and they have a right to require of their lawgivers and magistrates, an exact and constant observance of them, in the formation and execution of the laws necessary for the good administration of the commonwealth."*  
**Massachusetts Constitution, Part the First, Article XVIII**

*"The governor of this commonwealth for the time being, shall be the commander in chief of the army and navy, and of all the military forces of the state, by sea and land, and shall have full power by himself, or by any commander, or other officer or officers, from time to time, to train, instruct, exercise and govern the militia and navy; and, for the special defence and safety of the commonwealth, to assemble in martial array, and put in warlike posture, the inhabitants thereof, and to lead and conduct them, and with them to encounter, repel, resist, expel and pursue, by force of arms, as well by sea as by land, within or without the limits of this commonwealth, and also to kill, slay and destroy, if necessary, and conquer, by all fitting ways, enterprises, and means whatsoever, all and every such person and persons as shall, at any time hereafter, in a hostile manner, attempt or enterprise the destruction, invasion, detriment, or annoyance of this commonwealth; and to use and exercise, over the army and navy, and over the militia in actual service, the law martial, in time of war or invasion, and also in time of rebellion, declared by the legislature to exist, as occasion shall necessarily require; and to take and surprise by all ways and means whatsoever, all and every such person or persons, with their ships, arms, ammunition and other goods, as shall, in a hostile manner, invade, or attempt the invading, conquering, or annoying this commonwealth; and that the governor be intrusted with all these and other powers, incident to the offices of captain-general and commander in chief, and admiral, to be exercised agreeably to the rules and regulations of the constitution, and the laws of the land, and not otherwise."*  
**Massachusetts Constitution, Part the First, Chapter 2, Section 1, Article VII, Paragraph 1**

**Please take notice that** the sole and only legitimate end of the institution, maintenance, and administration of government is to secure the existence of the body politic. To protect it, and to furnish the individuals who comprise it with the power of enjoying, in safety and tranquility, their natural rights and every other function is usurpation and oppression and consequently, treason against the sovereignty of the people occurs when public officials in a limited government go beyond the bounds that the Constitution sets for their powers. (*The following authorities are cited below:*)

*"Objective of government. That the sole object and only legitimate end of government is to protect the citizen in the enjoyment of life, liberty, and property, and when the government assumes other functions, it is usurpation and oppression."*  
**Alabama Constitution, Article I, § 35**

**Tucker Blackstone Vol. 1 Appendix Note B [Section 3] 1803** *"If in a limited government, the public functionaries exceed the limits which the constitution prescribes to their powers, every act is an act of usurpation in the government, and, as such, treason against the sovereignty of the people."*

**Maxim of Law 51r.** *"As usurpation is the exercise of power, which another has a right to; so, tyranny is the exercise of power beyond right, which nobody can have a right to."*  
**Locke, Treat. 2, 18, 199.**

**Please take notice that** it is your duty to execute the uniform naturalization laws passed by the United States in Congress assembled and carry them into effect to stop any foreign invasion of the commonwealth "by all proper ways, enterprises, and means whatsoever." Every member of the government, whether they are appointed or elected, is a trustee and servant of the people and is, by implied or expressed contract, obligated by oath or affirmation to defend the Constitutions of the United States and their State in a manner that is most consistent with and binding on their conscience from enemies of the republic, both domestic and foreign. By allowing thousands of undocumented and unvetted foreigners to infiltrate our communities, you have unequivocally failed to secure the rights and safety of the people and to uphold your Oath to the trust indenture. This has exposed the People to serious threats to their lives, liberty, and property. By placing the needs of migrants above those you serve, you have depleted our natural and production resources, endangered our economy, crowded our cities and towns, overtaxed our legal and educational systems, placed undue pressure on our state's emergency shelter system, which is already at capacity, squandered our fortunes, and overcrowded our healthcare system.

By providing migrants who have illegally entered the commonwealth and who lack savings, a job, a sponsor, or a plan, exclusive privileges, not afforded to the people you have not only provided unlawful aid and comfort to foreigners but have done so at the expense of the people in the form of housing, meals, translators' college, transportation, phones, and monthly stipends. Regardless of political leanings, we are a nation of laws and not of men and as such you are bound to an exact adherence of the law. These major failures are the direct result of the inability to follow the form as prescribed by law, resulting in what is known as maladministration and willful misconduct. (The following authorities are cited below:)

**Maxim of Law** "There is no stronger link or bond between men than an oath." *Jenk. Cent. Cas. 126; Id. P. 126, case 54.*

**Please take notice that** it is the people alone who have an incontestable, unalienable, and indefeasible right to institute government and to reform, alter, or completely change it whenever the public's protection, safety, prosperity, and happiness so demand it; and it is our right to instruct our representatives and make the expression of our voices and opinions heard, which is essential to the operation of a just, equal and representative system. (The following authorities are cited below:)

**Maxim of Law 11a.** "A delegated power cannot be again delegated." *2 Inst. 597; Black's, 2d. 347; 2 Bouv. Inst. n. 1300.*

**Maxim of Law 11e.** "Power can never be delegated which the authority said to delegate never possessed itself. *N.J. Steam Co. v. Merch Bank, 6 How. (47 U.S.) 344, 407.*

**Please take further notice that** we demand that all public servants, trustees, and agents begin at once to take the necessary action to protect the interests of the people whom you are bound to serve by securing the Commonwealth from further invasion and against the dangers of maladministration and the threats posed therein. The failure of attorneys to understand the lawful obligation inherent in the oath of office for public servants, and/or the presenting of information contrary to the universally admitted authority of fundamental law, to any government official or worker, does not excuse the government official or worker from failing to understand their duty, nor does it exempt them from properly performing it.

## Notice of Liability

**Please take notice that** the people can never be secure from tyranny if there is no means to escape it till they are perfectly under it; and, therefore, it is self-evident that they have a right to not only reject it, but a duty to prevent it. When those who have the supreme executive power neglect and abandon their charge so that laws already made can no longer be put to execution, or act contrary to the trust reposed in them, making themselves masters or arbitrary disposers of the lives, liberties, or fortunes of the people, their trust is therefore dissolved; For the society can never, by the fault of another, lose the native and original right it has to preserve itself. The state of mankind is not so miserable that they are not capable of using this remedy till it is too late to look for any. You must, at once, cease and desist any further acts of maladministration and treason. The failure to correct these issues will be considered a willful trespass with full knowledge, intent, and malice. (The following authorities are cited below:)

**John Locke, "Two Treatises of Government"**

**Section 219.** *There is one way more whereby such a government may be dissolved, and that is, when he who has the supreme executive power neglects and abandons that charge, so that the laws already made can no longer be put in execution. This is demonstratively to reduce all to anarchy, and so effectually to dissolve*

the government: for laws not being made for themselves, but to be, by their execution, the bonds of the society, to keep every part of the body politic in its due place and function; when that totally ceases, the government visibly ceases, and the people become a confused multitude, without order or connexion. Where there is no longer the administration of justice, for the securing of men's rights, nor any remaining power within the community to direct the force, or provide for the necessities of the public; there certainly is no government left. Where the laws cannot be executed, it is all one as if there were no laws; and a government without laws is, I suppose, a mystery in politics, inconceivable to human capacity, and inconsistent with human society.

**Section 220.** In these, and the like cases, when the government is dissolved, the people are at liberty to provide for themselves by erecting a new legislative differing from the other by the change of persons, or form, or both, as they shall find it most for their safety and good. For the society can never, by the fault of another, lose the native and original right it has to preserve itself, which can only be done by a settled legislative and a fair and impartial execution of the laws made by it. But the state of mankind is not so miserable that they are not capable of using this remedy till it be too late to look for any. To tell people they may provide for themselves by erecting a new legislative, when, by oppression, artifice, or being delivered over to a foreign power, their old one is gone, is only to tell them they may expect relief when it is too late, and the evil is past cure. This is, in effect, no more than to bid them first be slaves, and then to take care of their liberty, and, when their chains are on, tell them they may act like free men. This, if barely so, is rather mockery than relief, and men can never be secure from tyranny if there be no means to escape it till they are perfectly under it; and, therefore, it is that they have not only a right to get out of it but to prevent it."

**Maxim 51c.** The government is to be subject to the law, for the law makes the government. **C.L.M.**

**Miranda v. Arizona, 384 U.S. 436 (1966) page 491** "Where rights secured by the Constitution are involved, there can be no rulemaking or legislation which would abrogate them.

**Maxim 86b.** No man can forfeit another's right. **Fleta, lib. 1, c. 28, s. 11**

**Furthermore,** if you disagree and believe any of these claims are untrue, you **must** respond by affidavit, sworn under penalty of perjury, and explain why as governor, the powers intrusted, were not used to protect the people from foreign invasion and show where you have been granted the authority to ignore our instructions and infringe upon, or, do anything other than secure the rights of the people, within fourteen (14) days, or you agree that all herein be true and continued transgressions by ambition, oppression, usurpation fear, folly or corruption over the lives and liberties of the people constitutes a breach of trust and forfeiture of the power the people had delegated and therefore you are relieved of duty and shall be personally liable for any statutory violations, as well provide remedy of \$7,000 individually, per incident, for all people impacted by said invasion. I reserve the right to have this issue resolved by an arbitrator of my choice.

This Notice is sent to you in peace and with the love of Christ, so that you may provide immediate due care to those in whom all political power is inherent, the People. We look forward to your timely written response.

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Autograph

Date

Witness \_\_\_\_\_

Witness \_\_\_\_\_