



CALIFORNIA VOLUNTEERS



OUR MISSION:
RESTORE OUR REPUBLIC

Reading Our Founding Documents

Understanding the Relationship and Inter-Dependence of our
Declaration of Independence, Constitution and First Ten Amendments

It all began with our Declaration of Independence:

- * We declared our political independence
- * We claimed our inherent individual rights and liberty as undeniable FACT
- * We agreed that our society's sole purpose for creating government is to preserve our inherent, individual Rights.

We *command* by our Declaration of Independence. We do not ask, pray or beg when we declare that all men are created equal, with certain unalienable rights, that to secure these rights, Governments are instituted and their powers derived from the consent of the People whose rights are thereby preserved.

So we have decided, shall our Liberty and self-determination be protected in our America.

"Everyone knows" that we "declared our independence" in 1776, and that we have a "Federal Constitution", a "Bill of Rights" and 50 "Free States". Unfortunately, we have forgotten our purpose for Government and why we have a Constitution. By our **Declaration of Independence** we have commanded **that the Purpose for the Constitution is** to bind the institutions of Government to the preservation of our inherent individual Rights and Liberty among the States. Yet, we are studiously silent when our people in government mock our Rights and thrash Liberty. Are we ignorant? If not, we are cowards. Are we not slaves to obey the commands of our rulers? If not, neither are we free.

The Declaration provides the Purpose for our institutions and their conduct. Our Constitution establishes the form of our governments, but does not govern the People. The Constitution governs the Governing of the People. Our **Goals for the Constitution** are provided by its Preamble and are intended to preserve our Rights and Liberty.

- To form a more perfect Union than had been achieved by the Articles of Confederation.
- To establish Justice.
- To insure domestic Tranquility.
- To provide for the common defense.
- To promote the general Welfare.
- And last, to secure the Blessings of Liberty to ourselves and our posterity.

The **Essential Function** of the **First Ten Amendments to the Constitution**, (paraphrased) *is to prevent misconstruction or abuse of its powers. In addition, further declaratory and restrictive clauses were added to the Constitution's* main body. Those ten Amendments are to be construed as being a part of the original document of the Constitution.

Unlike all other governments, our governments have no inherent or implied powers. A Power not explicitly granted cannot be exercised nor can a grant of Power be expanded by inference, implication, custom or policy. Where no Power is granted, the Government shall not act. Proper construction of our Constitution assures that neither the Society nor the Government may claim superior authority over individual Rights and Liberty. No individual or group of individuals or their rights may be sacrificed for the general welfare.

Because the Constitution contains no inherent Powers or Powers which are not specifically delegated, concern was expressed that if the Constitution did not specifically enumerate our rights, that future Government People would say there are no rights named therein that the Government must respect or protect. U.S. Supreme Court Justice Antonin Scalia explains "If a right is not explicitly granted by the Congress or identified by the Constitution, the Federal Courts have no power to protect it." Scalia errs in his logic, because he disregards the purpose of our Government as was made explicit by our Declaration. The Constitution is silent on our Purpose and the first ten amendments guide us to the proper, if unspoken, construction our Declaration.

Preservation of our inherent Rights depends upon our guard of the relationship and mutual dependence of our organic founding documents with each other. They depend upon each other, stating **Purpose, Goals** and **Construction**. Absent a Declared Purpose, the Constitution has no anchor or definition for the intended institutional Goals. Without the prudent guidance for construction provided by the first ten Amendments, the Powers of government would be self defined and unlimited in practice.

The first ten Amendments to our Constitution were added as clarifying mandates and restrictions for construction of the rules that we established by our Constitution. These first ten Amendments are NOT a "Bill of Rights" Try as you will, you will not find the term "Bill of Rights" in any of our founding documents. If these Amendments were to be a true bill of rights, Antonin Scalia's error of judgment would be the rule, not an error. And if so, we would have no rights which would be respected by the power of government. Such is the case today, where our rights which the government reluctantly agrees must be protected by our Constitution have been ruthlessly regulated and taxed into non-existence.

The first ten amendments remind us that:

- The Constitution is a grant of borrowed and limited powers.
- They provide instructions for our construction of the provisions of our Constitution.
- They add further declaratory and restrictive clauses to the original writing.

Our Rights are inborn and cannot be removed without our own destruction. Our Rights cannot be defined nor can they be numbered. When we petition the Government for redress for violation of our Rights, our petition in that instant becomes our Sovereign "Declaration of Rights" and the Government is bound to hear our petition. Then, at the command of a Jury of our Peers, our delegated powers of government must preserve our claim of right or explain why our claim is invalid. Inaction or silence by the government are not discretions they may exercise.

Scalia's mistaken opinion advocates and supports insurrection by government to free the People of Government from the chains of the Constitution and defies the Authority of the People. This is the result of the error of separating the Declaration's purpose from the Constitution's goals and the first ten Amendments' rules.

To prevent this kind of tyranny or rebellion of warped logic, the First and Second Amendments are instructive.

If the Constitution contains not a word regarding a subject, the "Congress Shall Make No Law"!

The Constitution is completely silent on the inherent rights of the establishment of religion, the exercise of religion, speech, press, assembly or petition for redress. The rights mentioned in this amendment are not granted by the amendment, nor are they recognized by the amendment for the purposes of acknowledgment. These rights precede even the Declaration of Independence.

Silence in the Constitution instructs the Congress to make no law. To "make no law" is an explicate command of absolute denial of any restraint, condition, license, permit or any other limitation by law, policy, custom or practice by Government interference.

This prohibition does not prevent the courts from hearing a petition for redress of grievance to remove Government interference from un-enumerated rights. Scalia's view to the contrary is willfully mistaken.

The Second Amendment addresses a similar question and fear.

What if the Constitution addresses a topic and grants powers for that topic, but individual conduct is not mentioned in the Constitutional discussion?

The Constitution goes to great lengths to describe the militia, army and navy, arms, training and etc. but does not mention an individual right to be armed for whatever reason may seem to us to be prudent, necessary or desirable in any way. The right to keep and bear arms is a right inherent in Liberty and precedes the Declaration.

Additionally, the term "arms" means all manner of weapon, including large, expensive or crew-served. The defense of Liberty from enemies foreign and domestic demands that the arms common to the ordinary People must be at minimum the equivalent of arms at the disposal of the people of governments.

The Second Amendment is clear in declaring (similar to the First Amendment's prohibition) that the Right to Keep and Bear Arms shall not be infringed. As with the First Amendment, the language and admonition is a certain and unambiguous command that if the Constitution does not declare an explicit and explicitly encompassing grant of power, the power is denied and the Government is prohibited from any conduct in such regard. The Government has no power or authority which would remove or restrict our acquisition, ownership or use of arms in any way we see fit, short of trespass on the rights and Liberty of others.

In this example, Scalia is again our poster-boy for treason by his opinion that the individual right to keep and bear arms may be limited in type, regulated and controlled by the government. Scalia's opinion is an unlawful expansion of the powers of Government by which Scalia openly defies our command that "the right to keep and bear arms shall not be infringed"

Other restrictive and prohibitive clauses of the first ten Amendments add to protection of rights which are not addressed, but which were universally understood at the time. These first Amendments conclude by reminding future Governments that the mention (for illustration) of certain rights shall NOT be interpreted as limiting or not preserving other rights not formally mentioned, and that powers not explicitly delegated for the conduct of Government are reserved for our exclusive exercise and are expressly denied for governing.

We formed a very practical and effective form of Government by our Declaration, Constitution and first ten Amendments. A form which, if dutifully followed and enforced by you and me, would complete the near perfect vision of our founders.

If any law or policy is considered, we must ask but two questions:

"Does the proposed legislation or policy secure, preserve and protect our individual rights and liberty?"

And . . .

"Are the means of the proposed Law or Policy within the powers granted by the Constitution?"

If either question must be answered "no" or "maybe," the proposed law, policy or treaty is prohibited and cannot be considered because we have either not granted to Government the power to act or we have withheld or prohibited the power or conduct.

A final word regarding federal and state constitutions and powers. Most defenders of the Constitution also are strong defenders of states rights. In their defense of states rights, they often hold the concept that the federal Constitution is not for the states and to the extent that the states precede the Constitution, there should be no argument. I do take exception to the defenders of states rights opinions that the Constitution does not provide a floor of protections and powers which must be heeded by the states in their formation of constitutions, which conform to the concept of a Constitutional Republican Union of states. The Declaration provides the purpose for government at every level. No state or people within this self-governing concept may establish a law or a policy which defies the purpose of government as commanded by our Declaration or which in any manner presupposes any authority or power within our free society of free men and free women to deny our individual inherent rights or infringe upon our individual liberty of their free exercise. We did not fight and win our liberty 225 years ago to create a federal union whereby the powers of Federal government are restrained by our Constitution and yet enable the free states to make slaves of any or all of us.

No man, woman or group can grant any of us a right that we do not already possess or Liberty we do not already enjoy by virtue of our individual existence. People of Government can only protect or destroy. Our Governments have no inherent powers and may exercise only powers We choose to share and control. Their incomprehension of these facts and defiance of our authority to govern those who govern is the source of their errors as public servants.

Today, we face a new conflict. From the beginning, we allowed the people in government to defy our purpose and to re-define the purpose for government, abusing our trust and usurping our authority. Our trusted servants accomplished a successful insurrection against our command. They have now established their own purposes and empower their own desired conduct with the pretense of law. Most of us never recognized that we were at war, that our Rights and Liberty were under attack or that our very lives had been placed in mortal peril. This is our history and the experience which has cost us our Liberty and perhaps our future. Today, we are mere servants in the house that we built, in the land that we won with our blood.

Our own ignorance and submission is the cause of our Lost Liberty. It is time now to Learn, to Comprehend our Danger, and especially, to Act for our Survival! Please review our proposal to "Deny the incumbent re-election" and to "Vote them all out!" as the immediate method to restore our Liberty without the necessity of a new and bloody war.

Thank you for your continued Patriotic Work!



Henry Nicolle

City of San Buenaventura, California

c/o POB 5633

Ventura, California (93005)

805-758-4446

henry@california-freedomtofascism.org

henry@henrynicolle.org

henry@sheriffhenry.com