
DEMOCRACY -v- REPUBLIC

Memorandum of Law

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;*

While trying to discover a form of government John Adams wrote that: *“Democracy never lasts long. It soon wastes, exhausts, and murders itself. There was never a democracy that did not commit suicide.”*

Our Founding Fathers reviled democracy and gave their posterity a Republic, as Thomas Jefferson said: *“The Republican is the only form of government which is not eternally at open or secret war with the rights of mankind.”*

Edmund Burke – *“Of this I am certain, that in a democracy the majority of the citizens is capable of exercising the most cruel oppression upon the minority...”*

Thomas Jefferson – *“A democracy is nothing more than mob rule, where 51 percent of the people may take away the rights of the other 49 percent.”*

Benjamin Franklin – *“Democracy is two wolves and a lamb voting on what to have for lunch. Liberty is a well-armed lamb contesting the vote.”*



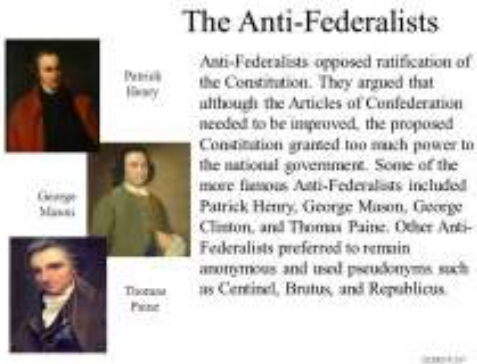
Winston Churchill – *“The best argument against democracy is a five-minute conversation with the average voter.”*

Aristotle – *“Unlimited democracy is, just like oligarchy, a tyranny spread over a large number of people.”*

Federalist No. 1, Hamilton: *“The necessity of a government at least equally energetic with the one proposed, to the attainment of this object; the conformity of the proposed constitution to the true principles of a Republican Government in its equivalence to our state constitutions.”¹*

¹ **The Federalist Papers:** FEDERALIST: No. 1 General Introduction For the Independent Journal; HAMILTON [page 8].

Federalist No. 10, Madison: “Democracies have ever been spectacles of turbulence and contention; have ever been found incompatible with personal security or the rights of property; and have in general been as short in their lives as they have been violent in their deaths.”



Anti-Federalist No. 10: “True democrats are in general fanatics and enthusiasts, and some few sensible, charming madmen.”

Anti-Federalist No. 18-20: “A confederacy of republics must be the establishment in America, or we must cease altogether to retain the republican form of government. From the moment we become one great republic, either in form or substance, the period is very shortly removed

when we shall sink first into monarchy, and then into despotism. ... Before we establish a government, whose acts will be the supreme law of the land, and whose power will extend to almost every case without exception, we ought carefully to guard ourselves by a bill of rights, against the invasion of those liberties which it is essential for us to retain, which it is of no real use for government to deprive us of; but which, in the course of human events, have been too often insulted with all the wantonness of an idle barbarity.”²

Federalist No. 48: “In a democracy, where a multitude of people exercise in person the legislative functions, and are continually exposed, by their incapacity for regular deliberation and concerted measures, to the ambitious intrigues of their executive magistrates, tyranny may well be apprehended, on some favorable emergency, to start up in the same quarter.”³

Anti-Federalist No. 74: “There is not a tincture⁴ of democracy in the proposed constitution, except the nominal elections... Every freeman of America ought to hold up this idea to himself that he has no superior but God and the laws.”⁵

² **Antifederalist** No. 18-20 WHAT DOES HISTORY TEACH? (PART 1) “AN OLD WHIG,” taken from The Massachusetts Gazette, November 27, 1787, as reprinted from the [Philadelphia] Independent Gazetteer: [Page 46].

³ The Federalist Papers: No. 48. These Departments Should Not Be So Far Separated as to Have No Constitutional Control Over Each Other From the New York Packet. Friday, February 1, 1788. MADISON. [page 222].

⁴ An indication that something has been present.

⁵ **Antifederalist No. 74** THE PRESIDENT AS MILITARY KING “PHILADELPHIENSIS,” who was influenced by Thomas Paine (in “Common Sense), wrote the following selection. It is taken from 3 essays which appearing February 6 & 20, and April 9 of 1788 in either The Freeman’s Journal or, The North-American Intelligencer. [Page 197].

Auberon Herbert, a 19th century British politician and writer described democracy like this: *“Five men are in a room. Because three men take one view and two another, have the three men any moral right to enforce their view on the other two men? What magical power comes over the three men that because they are one more in number than the two men, therefore they suddenly become possessors of the minds and bodies of these others? As long as they were two to two, so long we supposed each man remained master of his own mind and body; but from the moment that another man, acting Heaven only knows from what motives, has joined himself to one party or the other, that party has become straightaway possessed of the souls and bodies of the other party. Was there ever such a degrading and indefensible superstition? Is it not the true lineal descendent of the old superstitions about emperors and high priests and their authority over the souls and bodies of men?”*

We constantly hear Congressmen, Senators, Presidents, and even United States Supreme Court Justices refer to America as a democracy. Are our elected servants that ignorant of our Constitution, our History, and our Heritage? Or is there a methodical covert conspiracy hell-bent on destroying our Republic? Just how close are we? Or should I say how close were we? I think the following says it all when President Barack Obama during the 2016 White House Correspondents’ Dinner where he predicted Hillary Clinton’s presidency in 2017 said;

“The end of the republic has never looked better.”⁶

And then the unexpected happened, by God’s mercy and divine providence the coup failed and President Trump was elected in her stead and declared in contrast;

“In America, the people govern, the people rule, and the people are sovereign. I was elected not to take power, but to give power to the American people where it belongs.”⁷

Elected and appointed servants are creatures of the law, a/k/a the United States Constitution. Whereas, “We the People” as sovereigns are subservient to the laws of Natures God alone. Not civil law! Not equity! “We the People” ordained and established the Constitution for the United States of America and thereby vesting a clipped sovereignty to Congress under Article I, the President under Article II, and the Supreme Court under Article III, this is the Supreme Law of the Land.

Article VI: *This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state*

⁶ President Barack Obama during the 2016 White House Correspondents’ Dinner.

⁷ Sep 25, 2018, President Donald Trump Addressing the United Nations General Assembly in New York.

shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

Preamble: *We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.*

As a consequence, “We the People” are above the Constitution whereas the aforesaid three branches of government are bound under the Constitution and thereby restricted (clipped) in authority and jurisdictions. We have not vested Congress with the authority to legislate our behavior. All legislative statutes, codes, and regulations implemented in equity courts are for elected, appointed and hired government servants alone and commercial activities.

Black’s Law defines a democracy as that form of government in which the sovereign power resides in and is exercised by the whole body of free citizens, as distinguished from a monarchy, aristocracy, or oligarchy. According to the theory of a pure democracy, every citizen should participate directly in the business of governing, and the legislative assembly should comprise the whole people. Of course this is not possible and if it were, without a Constitution this would be “mob rule.”

Representative Democracy, being a government liberated from a Constitution, would place “We the People” under the thumb of the legislators, the judiciary and the administration that would then have the power to give or take the Peoples rights at will. Such a government would not be able to sustain three separate and equal branches one would eventually subdue the others. Nor would a democracy permit a government by consent of the People. A representative democracy will always become an oligarchy which is a small group of people having control of a country behind what appears to be a democracy. Not unlike the Deep State in the United States today because “We the People” being ignorant of our heritage and having been told for more than 100 years by our servant government who have become our masters that we are a democracy and the populous believe.

“With the introduction of Representative Democracy, which is a form of government where the “powers of the sovereignty” are delegated to a body of men, elected from time to time, who exercise them for the benefit of the whole nation.”⁸ With such a democracy unshackled by Law (Constitution) the results would be absolute tyranny. They already ignore our Constitution and this case and our efforts over the past twenty years prove it. But, “the times they are a changing!” There is a new chief in town, the swamp is being

⁸ 1 Bouv.Inst. no. 31.

drained, the People are rising, and the resisters of the Law will be tried in a “Court of Law” for treason.

In a Republic, a Constitution or Charter of Rights protects certain unalienable rights that cannot be taken away by the government, even if it has been elected by a majority of voters. In a democracy, the majority is not restrained in this way and can impose its will on the minority. Although we choose most of our representatives and local heads of state and judges democratically they are all governed by the Law of the Land which restricts their powers and jurisdiction in order to conform to the will of the People through the Constitution by authority vested in the People via Natural Law (God).

“To highlight the offensiveness to liberty that democracy and majority rule is, just ask yourself how many decisions in your life would you like to be made democratically. How about what car you drive, where you live, whom you marry, whether you have turkey or ham for Thanksgiving dinner? If those decisions were made through a democratic process, the average person would see it as tyranny and not personal liberty. Isn’t it no less tyranny for the democratic process to determine [what is lawful and what is not lawful] whether you purchase health insurance or set aside money for retirement? Both for ourselves, and our fellow man around the globe, we should be advocating liberty, not the democracy that we’ve become where an unscrupulous Congress does anything upon which they can muster a majority vote.”

In 2016 we stood at the precipice, today we stand at the doors of Justice.

“Silence can only be equated with fraud where there is a legal or moral duty to speak, or where an inquiry left unanswered would be intentionally misleading.”⁹

⁹ **U.S. v. Tweel**, 550 F.2d 297, 299. See also *U.S. v. Prudden*, 424 F.2d 1021, 1032; *Carmine v. Bowen*, 64 A. 932.