

THE RIGHT TO PETITION

Suffrage Petition, 1866

RG 233, National Archives

A PETITION FOR UNIVERSAL SUFFRAGE.

To the Senate and House of Representatives:

The undersigned, Women of the United States, respectfully ask an amendment of the Constitution that shall prohibit the several States from disfranchising any of their citizens on the ground of sex.

In making our demand for Suffrage, we would call your attention to the fact that we represent fifteen million people—one half the entire population of the country—intelligent, virtuous, native-born American citizens; and yet ~~stand outside~~ ^{stand outside} the pale of political recognition.

The Constitution classes us as "free people," and counts us ~~whole~~ ^{whole} persons in the basis of representation; and yet are we governed without our consent, compelled to pay taxes without appeal, and punished for violations of law without choice of judge or juror.

The experience of all ages, the Declarations of the Fathers, the Statute Laws of our own day, and the fearful revolution through which we have just passed, all prove the uncertain tenure of life, liberty and property so long as the ballot—the only weapon of self-protection—is not in the hand of every citizen.

Therefore, as you are now amending the Constitution, and, in harmony with advancing civilization, placing new safeguards round the individual rights of four millions of emancipated slaves, we ask that you extend the right of Suffrage to Woman—the only remaining class of disfranchised citizens—and thus fulfil your Constitutional obligation "to Guarantee to every State in the Union a Republican form of Government."

As all partial application of Republican principles must ever breed a complicated legislation as well as a discontented people, we would pray your Honorable Body, in order to simplify the machinery of government and ensure domestic tranquillity, that you legislate hereafter for persons, citizens, tax-payers, and not for class or caste.

For justice and equality your petitioners will ever pray.

NAMES.	RESIDENCE.
Eludly Stanton	New York
Susan B. Anthony	Rochester - N.Y.
Antoinette Brown Blackwell	New York
Mary Stone	Newark N. Jersey
Joanna S. Morse	48 Livingston St. Brooklyn
Ernestine S. Rose	New York
Harriet E. Eaton	6 West 121 st Street N.Y.
Catherine C. Wilkeson	83 Clinton Place New York
Elizabeth C. Tilton	48 Livingston St. Brooklyn
Mary Evelyn Gilbert	295 W. 19 th St. New York
May S. Gilbert	New York
Wm. Griffith	New York

REPRODUCED FROM HOLDINGS OF THE NATIONAL ARCHIVES

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

[First Amendment]

DEDICATION

*"If money is wanted by rulers who have in any manner oppressed the People, they may retain it until their grievances are redressed, and thus peaceably procure relief, without trusting to despised petitions or disturbing the public tranquility."
["Continental Congress To The Inhabitants Of The Province Of Quebec." Journals of the Continental Congress. 1774 - 1789. Journals 1: 105-13.]*

TABLE OF CONTENTS

	<u>Page</u>
DEDICATION	2
TABLE OF CONTENTS	3
TABLE OF AUTHORITIES	4
1 Introduction	7
2 Who may invoke or enforce the Right to Petition?	7
3 Who is the most famous advocate of the Right to Petition?	8
4 The Nature of the Right of Redress	8
5 Historical significance of the Right to Petition	12
5.1 James I and his Parliaments	12
5.1.1 The Second Parliament of James	15
5.1.2 The Third Parliament of James	15
5.1.3 The Fourth Parliament of James	17
5.2 Parliaments of Charles I	18
5.2.1 The First (Williams, xix, 535-8; Hume, v, 156-165)	18
5.2.2 Second Parliament of Charles I (Williams, xix, 538-547; Hume, v, 166-174)	18
5.2.3 Third Parliament of Charles I (Williams, xix, 547-561; Hume, v, 187-217)	20
5.2.4 The Interval, 1629-1640 (Williams, xix, 569-577; Hume, v, 217-268)	22
5.2.5 Fourth Parliament of Charles I (Williams, xix, 577; Hume, v, 269; Durant, vii, 206)	24
5.2.6 The Long Parliament (Williams, xix, 581; Hume, v, 285)	24
5.3 Attempted Arrest	26
5.4 The Civil War	33
5.5 Parliaments of Cromwell (Williams, xx, 1-192; Hume, vi, 59-107)	35
5.6 Parliaments of Charles ii (Williams, xx, 232-284; Hume, vi, 242-281)	37
5.7 End of the Second Long Parliament (Williams, xx, 280-292; Hume, vi, 350-355)	39
5.8 Grievances of James ii	40
5.9 William and the Declaration of Rights (Williams, xx, 309-10, 363-6, 391-403, 414-415)	41
6 The IRS Is Violating the Right to Petition	42
7 The Right to Petition is an Ancient Inalienable Right	47
8 The Right to Petition Protects “Proper” Petitions	48
9 The Right to Petition Includes the Right to be Heard	49
10 The Right to Petition was Temporarily Gagged by an Entrenched Interest	50
11 Original Intent Controls and Governs	52
12 The Right to Petition Protects Petitioners From Retaliation	53
13 The Right to Petition Includes the right of Redress Before Taxes	54
14 A Root of Perversion	56
15 Bibliography	58
16 Resources for Further Research	58

TABLE OF AUTHORITIES

Page

CONSTITUTIONAL PROVISIONS

Article IV, Section 3.....	8
Bill of Rights.....	44, 47, 49, 50, 52, 55
Declaration of Independence para. 30 (U.S. 1776)	50
First Amendment.....	1, 42, 44, 45, 46, 48, 49, 53, 54, 55, 56, 58
First and Ninth Amendments to the Constitution of the United States of America.....	42, 43
Fourteenth Amendment.....	53

CASES

Ashwander v. Tennessee Valley Authority, 297 U.S. 288, 56 S.Ct. 466 (1936).....	7
Balzac v. Porto Rico, 258 U.S. 298 (1922)	7
Balzac v. Porto Rico, 258 U.S. 298 at 312, 42 S.Ct. 343, 66 L.Ed. 627 (1921)	8
Bates v. City of Little Rock, 361 U.S. 516.....	53
Bi-Metallic Investment Co. v. State Board of Equalization 239 U.S. 441 (1915).....	53
Cantwell v. Connecticut, 310 U.S. 296, 307	53
Chase v. Kennedy, No. 77-305-T, mem. op. at 2 (S.D. Cal. July 11, 1977), aff'd, 605 F.2d 561, cert. denied, 444 U.S. 935 (1979).....	52
City of Panama, 101 U.S. 453, 460, 25 L.Ed. 1061	7
Cox v. Louisiana, 379 U.S. 536	53
De Jonge v. Oregon, 299 U.S. 353.....	53
De Jonge v. Oregon, 299 U.S. 353, 364-365.....	53
Edwards v. South Carolina, 372 U.S. 229	53
Edwards v. South Carolina, 372 U.S. 229, 238; N.A.A.C.P. v. Button, 371 U.S. 415, 433.....	53
Electric Co. v. Dow, 166 U.S. 489, 17 S.Ct. 645, 41 L.Ed. 1088.....	7
Feiner v. New York, 340 U.S. 315.....	53
Great Falls Mfg. Co. v. Attorney General, 124 U.S. 581, 8 S.Ct. 631, 31 L.Ed. 527.....	7
Herndon v. Lowry, 301 U.S. 242, 258-259.....	53
In re Mills, 135 U.S. 263, 268, 10 S.Ct. 762, 34 L.Ed. 107	7
Int'l Longshoremen's and Warehousemen's Union et al. v. Juneau Spruce Corp., 342 U.S. 237 (1952).....	7
Leonard v. Vicksburg, etc., R. Co., 198 U.S. 416, 422, 25 S.Ct. 750, 49 L.Ed. 1108.....	7
McAllister v. United States, 141 U.S. 174, 182, 183, 11 S.Ct. 949, 35 L.Ed. 693.....	7
Minnesota State Bd. Community Colleges v. Knight, 465 U.S. 217, 284 (1984).....	52
Mookini v. U.S., 303 U.S. 201, 58 S.Ct. 543 (1938).....	8
N.A.A.C.P. v. Alabama, 357 U.S. 449	53
N.A.A.C.P. v. Button, 371 U.S. 415.....	53
N.A.A.C.P. v. Button, 371 U.S. 415, 429-431	54
Niemotko v. Maryland, 340 U.S. 268	53
Pierce v. Somerset Ry., 171 U.S. 641, 648, 19 S.Ct. 64, 43 L.Ed. 316.....	7
Reynolds v. United States, 98 U.S. 145, 154, 25 L.Ed. 244.....	7
Shelton v. Tucker, 364 U.S. 479	53
Shuttlesworth v. City of Birmingham, 382 U.S. 87.....	53
St. Louis Malleable Casting Co. v. Prendergast Construction Co., 260 U.S. 469, 43 S.Ct. 178, 67 L.Ed. 351	7
Stephens v. Cherokee Nation, 174 U.S. 445, 476, 477, 19 S.Ct. 722, 43 L.Ed. 1041	7
Summers v. United States, 231 U.S. 92, 101, 102, 34 S.Ct. 38, 58 L.Ed. 137	7
United States v. Burroughs, 289 U.S. 159, 163, 53 S.Ct. 574, 77 L.Ed. 1096	7
Wall v. Parrot Silver & Copper Co., 244 U.S. 407, 411, 412, 37 S.Ct. 609, 61 L.Ed. 1229	7

OTHER AUTHORITIES

"Continental Congress To The Inhabitants Of The Province Of Quebec." Journals of the Continental Congress. 1774 - 1789. Journals 1: 105-13.	2, 43
--	-------

"Continental Congress To The Inhabitants Of The Province Of Quebec." Journals of the Continental Congress. 1774 -1789. Journals 1: 105-13	54
"A Short History of the Right To Petition Government for the Redress of Grievances," by Stephen A. Higginson, 96 Yale L.J. 142 (1986)	49
"The Bill of Rights as a Constitution," by Akhil Reed Amar, 100 Yale L.J. 1131 (1991).....	49
"The Vestigial Constitution: The History And Significance Of The Right To Petition," by Gregory A. Mark, 66 Fordham L. Rev. 2153 (1998).....	49
1 JOURNALS OF CONGRESS 67-92 (1775) (petition to King)	50
1 THE ANTI-SLAVERY EXAMINER 3 (Aug. 1836).....	50
1 W. BLACKSTONE, COMMENTARIES 143 (rev. ed. 1978) (petitioning to King).....	50
14 CONNECTICUT RECORDS 94-132, 152-55 (1773)	49
2 B. SCHWARTZ, THE BILL OF RIGHTS: A DOCUMENTARY HISTORY 1026 (1971).....	50
2 JOURNALS OF CONGRESS 158-62 (1777) (petition to King)	50
2 STORY, COMMENTARIES ON THE CONSTITUTION OF THE UNITED STATES 645 (5th ed. 1891)	50
4 CONNECTICUT RECORDS 55 (1691).....	50
Agreement of the People (1647).....	56
Alan Tully, Constituent Representative Relationships in Early America: The Case of Pre-Revolutionary Pennsylvania, 11 Can. Hist. J. 139 (1976). note 19, at 146-47	49
An Introductory Statement of the Democratic Principle, from THE DEMOCRATIC REV. (Oct. 1837), in SOCIAL THEORIES OF JACKSONIAN DEMOCRACY 21, 23 (J. Blau ed. 1954).....	50
Annotated First Amendment, Cornell University.....	58
Arthur Haslerig.....	28, 29, 30
Arthur Hazlerig	42
Articles of Freedom, Form #11.114	8
Brett, S. Reed, John Pym (1940, London).....	58
Civil War	51
Col. Thomas Lunsford.....	28
Colburn, Trevor, The Lamp of Experience Whig History and the Intellectual Origins of the American Revolution (1965, 2 vol., Liberty Classics, Indianapolis)	58
Continental Congress 2009	8
D'Ewes.....	29
Declaration of Rights (1689).....	56
Denzil Hollis	29, 30
Durant, Will, The History of Civilization, (11 vol.).....	58
E. Gerry	50
en" s "	30, 32, 33, 42, 58
Famous Quotes About Rights and Liberty, Form #08.001, Sections 4 and 16.....	58
Forster, John, The Arrest of the Five Members (1860, London).....	58
Forster, John, The Arrest of the Five Members (1860, London), pp. 119-122.....	30
Give Me Liberty	8
Government Identity Theft, Form #05.046	8
Gregory A. Mark, The Vestigial Constitution: The History And Significance Of The Right To Petition, 66 Fordham L. Rev. 2153, 2157 (1998)	49
H. JOURNAL, 26th Cong., 1st Sess. 788 (1840) (Massachusetts resolution affirming Congress' duty to give all petitioners "respectful and deliberate consideration," "however mistaken in their views, or insignificant in number").....	51
Higginson, 96 Yale L.J. 142, 156-157.....	50
Higginson, 96 Yale L.J. 142, 163-164.....	51
Higginson, 96 Yale L.J. 142, 166.....	52
Higginson, 96 Yale L.J. 142, n. 45	53
Higginson, 96 Yale L.J. 142, n2.....	52
Higginson, supra 96 Yale L.J. 142, 166	49
HINDS, PRECEDENTS OF THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES § 3361 (1907)	49
House Committee.....	32
House of Commons... 10, 12, 13, 14, 15, 16, 17, 19, 20, 21, 22, 24, 25, 26, 28, 29, 30, 31, 32, 33, 34, 36, 38, 39, 40, 42, 47	
House of Lords	28, 29, 30, 31, 36, 38
Hume, David, The History of England, (1985, 6 vol., Liberty Classics, Indianapolis).....	58

Hyneman, ed., American Political Writings during the Founding Era, 1760-1805, (1983, 2 vol., Liberty Classics, Indianapolis).....	58
J. Madison	50
J. Q. Adams, List of Petitions, National Intelligencer, Apr. 23, 1839, at 2, col. 4	51
J.E.A. Jolliffe, The Constitutional History of Medieval England: From the English Settlement to 1485, at 405 (4th ed. 1961)	47
John Adams.....	51
John Hampden.....	23, 29, 30, 32
John Pym.....	42
K. Smellie, Right of Petition, in 12 Encyclopedia of the Social Sciences 98 (1934)	47
Kimbolton	29
Kurland, Philip B., ed., The Founders' Constitution (1987, 5 vol., Liberty Classics, Indianapolis)	58
Lady Carlisle	31
Law of the Torah.....	57
Long Parliament (1661-1678)	39
Lord Digby	28
Old Testament	57
Oliver Cromwell.....	42
Petition of Rights (1628)	56
Pym	30
R. BAILEY, POPULAR INFLUENCE UPON PUBLIC POLICY 61 (1979) (most prolific source of Virginia Colony legislation was petitioning)	49
Sources of Our Liberties 21 (Perry ed. 1959).....	47
Sovereignty Forms and Instructions Online, Form #10.004, Cites by Topic: First Amendment	58
Statement of Facts and Beliefs Regarding the Right to Petition the Government for Redress of Grievances, We the People, September 2003.....	8, 58
Tax Deposition Questions, Form #03.016, Section 5: First Amendment and Socialism.....	58
The National Era, Jan. 18, 1849, at 10, col. 2.....	51
Thomas Jefferson on Politics and Government, Family Guardian Fellowship	58
W. JAY, MISCELLANEOUS WRITINGS ON SLAVERY 397, 401-02 (1853) (charges that people denied access to representatives on any matter are "gagged")	51
We the People Congress.....	8
We the People Foundation for Constitutional Education	8
We the People of New York.....	8
William and Mary	42
William Strode	29, 30, 31
Williams, Henry Smith, LL. D. ed., Historians' History of the World, (1904, 25 vol., The Outlook Co., New York).....	58
Williams, Henry Smith, LL. D. ed., Historians' History of the World, (1904, 25 vol., The Outlook Co., New York), Volume xx, p. 140.....	36

1 Introduction

The Right to Petition is foundational and applicable to all methods of interacting with government. It requires that in every interaction with the government involving injury or abuse by those physically present within a Constitutional state, the government has an obligation to respond or may be denied the ability to receive compensation.

Examples of the application of the Right To Petition include:

1. Your administrative interactions with the Internal Revenue Service.
2. Any type of enforcement action against the public by the federal government.
3. Abuses by the courts.
4. Interactions with the Social Security Administration.

2 Who may invoke or enforce the Right to Petition?

In order to lawfully invoke the right to petition, you must satisfy the following criteria:

1. You must be physically situated in a Constitutional state of the Union at the time of the injury. All constitutional rights attach to LAND protected by the Constitution and not to the civil status of the people ON that land.

"It is locality that is determinative of the application of the Constitution, in such matters as judicial procedure, and not the status of the people who live in it."
[*Balzac v. Porto Rico*, 258 U.S. 298 (1922)]

2. You may not invoke the "benefits", immunities, or privileges provided by any federal statute in the process of vindicating the right.

6. The Court will not pass upon the constitutionality of a statute at the instance of one who has availed himself of its benefits. [FN7 *Great Falls Mfg. Co. v. Attorney General*, 124 U.S. 581, 8 S.Ct. 631, 31 L.Ed. 527; *Wall v. Parrot Silver & Copper Co.*, 244 U.S. 407, 411, 412, 37 S.Ct. 609, 61 L.Ed. 1229; *St. Louis Malleable Casting Co. v. Prendergast Construction Co.*, 260 U.S. 469, 43 S.Ct. 178, 67 L.Ed. 351.](#)

[FN7 *Compare *Electric Co. v. Dow*, 166 U.S. 489, 17 S.Ct. 645, 41 L.Ed. 1088; *Pierce v. Somerset Ry.*, 171 U.S. 641, 648, 19 S.Ct. 64, 43 L.Ed. 316; *Leonard v. Vicksburg, etc., R. Co.*, 198 U.S. 416, 422, 25 S.Ct. 750, 49 L.Ed. 1108.*](#)
[*Ashwander v. Tennessee Valley Authority*, 297 U.S. 288, 56 S.Ct. 466 (1936)]

The only exception to the above are statutes passed in furtherance of a constitutional right, such as:

- 2.1. 42 U.S.C. §1983.
- 2.2. The Religious Freedom Restoration Act, 42 U.S.C. Chapter 21B.
3. You must invoke the right in an Article III Constitutional court.
 - 3.1. This means you must do so in either the U.S. Supreme Court or the Court of International Trade at the federal level.
 - 3.2. You cannot invoke the right in a United States District Court. All such courts are Article IV territorial courts.

The words "district court of the United States" commonly describe constitutional courts created under Article III of the Constitution, not the legislative courts which have long been the courts of the Territories.
[*Int'l Longshoremen's and Warehousemen's Union et al. v. Juneau Spruce Corp.*, [342 U.S. 237](#) (1952)]

"The term 'District Courts of the United States,' as used in the rules, without an addition expressing a wider connotation, has its historic significance. It describes the constitutional courts created under article 3 of the Constitution. Courts of the Territories are legislative courts, properly speaking, and are not District Courts of the United States. We have often held that vesting a territorial court with jurisdiction similar to that vested in the District Courts of the United States does not make it a 'District Court of the United States.' [Reynolds v. United States](#), 98 U.S. 145, 154, 25 L.Ed. 244; [The City of Panama](#), 101 U.S. 453, 460, 25 L.Ed. 1061; [In re Mills](#), 135 U.S. 263, 268, 10 S.Ct. 762, 34 L.Ed. 107; [McAllister v. United States](#), 141 U.S. 174, 182, 183, 11 S.Ct. 949, 35 L.Ed. 693; [Stephens v. Cherokee Nation](#), 174 U.S. 445, 476, 477, 19 S.Ct. 722, 43 L.Ed. 1041; [Summers v. United States](#), 231 U.S. 92, 101, 102, 34 S.Ct. 38, 58 L.Ed. 137; [United States v. Burroughs](#), 289 U.S. 159, 163, 53 S.Ct. 574, 77 L.Ed. 1096. Not only did the promulgating order use the term District Courts of the United States in its

1 *historic and proper sense, but the omission of provision for the application of the rules to the territorial courts*
2 *and other courts mentioned in the authorizing act clearly shows the limitation that was intended.”*
3 *[Mookini v. U.S., 303 U.S. 201, 58 S.Ct. 543 (1938)]*

4 “The **United States District Court is not a true United States court established under Article III of the**
5 **Constitution to administer the judicial power of the United States therein conveyed.** It is created by virtue
6 of the sovereign congressional faculty, granted under Article IV, Section 3, of that instrument, of making all
7 needful rules and regulations respecting the territory belonging to the United States. The resemblance of its
8 jurisdiction to that of true United States courts in offering an opportunity to nonresidents of resorting to a tribunal
9 not subject to local influence, does not change its character as a mere territorial court.”
10 *[Balzac v. Porto Rico, 258 U.S. 298 at 312, 42 S.Ct. 343, 66 L.Ed. 627 (1921)]*

11 3.3. If the case is brought in state court and involuntarily removed to federal court by the national government, the
12 court can only try CONSTITUTIONAL issues and is committing criminal identity theft to invoke any federal
13 statute OTHER than those documented in items 2.1 and 2.2 above. See:

Government Identity Theft, Form #05.046
<http://sedm.org/Forms/FormIndex.htm>

14 **3 Who is the most famous advocate of the Right to Petition?**

15 Bob Schulz of We the People is the most famous advocate of the Right to Petition. He has litigated hundreds of cases over
16 the years dealing with the Right to Petition. You can read his research at the following sites:

- 17 1. Give Me Liberty
18 <http://givemeliberty.org>
- 19 2. We the People Foundation for Constitutional Education.
20 <http://www.wethepeoplefoundation.org/>
- 21 3. We the People Congress.
22 <http://www.wethepeoplecongress.org/>
- 23 4. Continental Congress 2009
24 <http://cc2009.givemeliberty.org>
- 25 5. We the People of New York
26 <http://wethepeopleofny.org>

27 Bob Schulz personally assisted in the preparation and improvement of this Memorandum of Law, in fact. This Memorandum
28 of Law was prepared to document and preserve and improve upon his research on the subject of the Right to Petition so that
29 it can be reused by all Americans. An example of the invocation of the Right to Petition written by Bob Schulz can be found
30 in the following documents:

- 31 1. *Articles of Freedom*, Form #11.114
32 <http://sedm.org/Forms/FormIndex.htm>
- 33 2. *Statement of Facts and Beliefs Regarding the Right to Petition the Government for Redress of Grievances*, We the
34 People, September 2003
35 <http://famguardian.org/Subjects/Taxes/LegalEthics/RightToPet-031002.pdf>

36 **4 The Nature of the Right of Redress**

37 There are many other examples, than I have given, of Parliament withholding taxes until the redress of grievances, that
38 occurred in the time period between the beginning of English colonization of America and the American Revolution. I have
39 very briefly narrated those that are most clear, most doubtful and that pertain to issues most familiar to American ears. To
40 list every example would be a most interesting work – both to write and to read; but, for my part, it would be a repetition of
41 work that others have done. For your part, if you desire an understanding of the American experiment, you should at least
42 study the history of England from 1604 to 1689; a better understanding would require a study that begins with the reign of
43 Henry VIII. And, if we carry our search back to the reforms of Cleisthenes of Athens in the year 508 before the current era
44 and then forward to Aristotle’s ethical and political works, we will understand the timeless nature of our work.

45 Now that we have examined the right of redress as it was practiced in England, we will assemble various elements of it, so
46 we may understand the additions added to it by Americans.

1 First, the English right of redress was held by Parliament, which could extend it to others as circumstances pleased Parliament.
2 Catholics, for example, never had access to this right. As royalists and Anglicans on one side and Puritans on the other side
3 alternated in the possession of power, the other had no right of redress. If a member of a proscribed group was so foolish as
4 to send a petition to Parliament, he risked fine or imprisonment. Even close affinity was sometimes not sufficient to allow
5 redress. When the victorious Parliamentary army, composed mostly of republicans and independents, petitioned Parliament
6 for payment of arrears and indemnity for injuries caused during the civil war, puritans in Parliament declared supporters of
7 the petition to be enemies of the state.¹

8 The most we can say about the right of redress, as it was practiced in England is that it provided redress for crimes committed
9 by the king for the powerful few; there was no redress for crimes *committed by Parliament* for anyone.

10 Second, before the powerful few would be granted an opportunity to redress their grievances, it required suffering by the
11 many, who would *never* get an opportunity to redress *their* grievances – unless it served an interest of Parliament.

12 Time after time, when Parliament began to address issues that threatened to expose crimes of the court – or deprive it of a
13 long-held arbitrary power, the king would prorogue or dissolve Parliament to prevent exposure or encroachment. The only
14 moderating effect on the king was the temper of the nation. If the nation was approaching civil war, the king would allow
15 Parliament to proceed with its redress in order to not elevate the level of public rage. In other words, unless the nation was
16 buried under a mountain range of grievances, no redress was possible; and, when, as a last resort, the king had to call a
17 Parliament, only those grievances that interested members of Parliament would be redressed. All other grievances would
18 *never be redressed*.

19 Third, since the right of redress was only held by Parliament – and since Parliament only existed by the will of the monarch,
20 the right, itself, was a nullity but by the grace of the king. By this contrivance, the king and his ministers could reduce a
21 nation to an economic stone age and a religious torture chamber before he would have to give slight operation to this right of
22 redress. And then, the king and his ministers would only have to give redress for only one grievance for every thousand on
23 which they received immunity.

24 American Founders were born English subjects, and made significant improvements regarding the right of redress. Those
25 that orchestrated the American Revolution were well versed in English, Greek and Roman history; they learned from David
26 Hume, John Locke and Algernon Sidney, Tacitus and Livy, Aristotle and Herodotus. Many of the paragraphs of the letters
27 and essays written by American Founders were almost direct quotations from these giants from the past. And, each one told
28 our Founders that assemblies of men are not to be trusted with the rights of man. English Parliaments in the time of our
29 narrative contributed a few insights into the nature of man’s rights, but little, or no, protection. Every one of them sought
30 furiously to oppress and plunder dissenters. Toward the end of the first Long Parliament, the army repeatedly called for its
31 dissolution and for a new Parliament. But, Parliament resisted such calls; wanting, instead, to prolong its session in order to
32 enrich its members from the confiscations and forfeitures occasioned by its “laws.”

33 The main lessons to be learned from these Parliaments are two: each Parliament clearly and repeatedly demonstrated the
34 principle of ‘redress before supplies’; and, each gave examples of wrongs that may be considered grievances.

35 The American version of the right of redress includes several improvements over the English version. We start by examining
36 the language of the founders.

37 **The Continental Congress**, “If money is wanted by Rulers who have in any manner oppressed the people, they may retain
38 it until their grievances are redressed, and thus peaceably procure relief, without trusting to despised petitions or disturbing
39 the public tranquility.”²

40 **The First Amendment**, “Congress shall make no law respecting ... the right of the people to petition the government for a
41 redress of grievances.”

42 The first improvement consists of recognizing that the right lies in the hands of “the people” – not an assembly of men.

¹ Williams, xx, 49-50.

² Journals of the Continental Congress, 1774 October 26.

1 The second improvement made the right operate against “the government”; that is, against *all branches* of “the government.”
2 The English version of the right operated against judges and tax-collectors, bishops and governors, king and ministers; that
3 is, against judicial and executive (*i. e.*, military) branches of government – but not the so-called legislative branch.

4 Further, the Continental Congress declared that this right was the means by which “the public tranquility” was to be
5 maintained. Fifteen years later, the Constitutional Convention would declare that one of the major purposes of the federal
6 government was to “insure domestic tranquility.” Thus, wherever the right of redress is violated, we have a double grievance:
7 a denial of justice, and incitement to riot.

8 In England, grievances embraced every kind of wrong – whether based on nursery tales or the law of nature. The class of
9 grievances that takes our attention falls under the heading of a design, whether drawn by one or many, to subvert the
10 constitution and laws of the country. Under this heading, all officers of government were liable if they strayed from their
11 oath of office. Redress reaches all: a king was sent to the block; two others were murdered before Parliament deposed or sent
12 them to the block; a fourth fled. Judges were imprisoned and fined heavily for bribery, for cruel and unusual punishments,
13 for sentences against the law of the land, or against a law of Parliament; Judge Jefferies was imprisoned and murdered in his
14 cell, probably to save his brothers on the bench the embarrassment of a judge being sent to the block, and sliced into a hundred
15 pieces – he was so hated.

16 Levies and seizures of property, and convictions pertaining to taxes not authorized by Parliament resulted in imprisonment,
17 heavy fines and loss of office for judges and sheriffs, officers of the custom and tax farmers.

18 Promoting and imposing the nostrum of the divine right of kings were done at the cost of fines, imprisonment, loss of office
19 and loss of head.

20 Ministers and officers of the army were prosecuted for quartering troops in private homes, and for maintaining standing
21 armies in peacetime.

22 Ministers of the king were penalized for authorizing and protecting monopolies, and for the purpose of inducing such
23 ministers to disclose information.

24 A king was beheaded for waging war against Parliament; for imposing taxes without the consent of the nation; and for
25 violating the right of redress.

26 These are some of the grievances that American settlers brought from England. We look to these examples only to suggest
27 directions and possibilities that we may pursue; for, if we rely on precedent for authority, we will be limited by the lunacy,
28 violence and cruelty of dead bandits and bigots. When James I reminded Parliament that its privileges derived from his grace,
29 its members passed a Protestation declaring their rights and liberties; this incensed James so much that, with his own hand,
30 he tore a page from the house journal that contained the Protestation. Another king ordered a similar declaration to be seized
31 and burned. Members of Parliament, who spoke effectively for the rights of man were routinely imprisoned, tortured, fined
32 and murdered. One king came within a word of ordering the massacre of the entire House of Commons. Parliaments that
33 threatened to uncover too many royal crimes were silenced by prorogation or dissolution. Hampden’s ship-money trial was
34 presided over by twelve judges; two of them gave judgment in his favor – their opinions are “lost.” The opinions that praise
35 the yoke of slavery still exist.

36 When Parliament argued with James I over the status of Parliament’s liberties and jurisdictions, Parliament described them
37 as deriving from their “birthright and inheritance.” James, however, described them differently, “your privileges were derived
38 from the grace and permission of our ancestors and us (for most of them grow from precedents, which shows rather a toleration
39 than inheritance)”³

40 By these and other methods, Great Robbers and Great Dandies destroy precedents, and prevent them from being established
41 – and stop them from being transmitted to posterity.

42 If we are to secure our rights, we must rely on innovation and laws of nature and of reason. To rely on precedent is to oppress
43 posterity with the ignorance or chains of their fathers; and, what man, with the title of father, can do such?

³ James I, *Proceeding and Debates* (of the House of Commons), vol. ii, 317-27; quoted in Brett, 48.

1 I have related the right of redress as it was practiced in England not to provide any authority for the right under its American
2 name. We don't need such authority. The language in the "Appeal to the Inhabitants of Quebec" should be sufficient. For
3 those who need more, let us turn to an all-encompassing document: The Declaration of Independence. There, fifty-six men
4 listed grievances of a nation, and appealed for redressed to the world. They had petitioned previously to their king; but he,
5 and his ministers, did not listen.

6 From the first of their petitions to the last, Americans withheld their money. And then, during the Revolutionary War that
7 followed, they withheld their money, while they sought redress. In other words, *the essence, the soul, of the Revolution was*
8 *a struggle to redress grievances before granting supplies.*

9 This describes every particle, every component, of the American Revolution. Viewed from this perspective, every American
10 bureaucrat and every judge who promotes the nostrum, "pay then sue," commits a most fundamental kind of treason.
11 Contemplate this vista for a few minutes, a few days, and see kind of solution your thoughts bring to you.

12 The procedures used by Parliament to effect redress included investigation, prosecution and every kind of fine and
13 punishment. And so, the right of redress, in its *active* form, is merely a particular application of the general right to litigate.
14 In England this privilege was granted only to Parliament, and only by the grace of the monarch.

15 The right of redress, in its *inactive* form, consists of merely withholding taxes. While Americans have this right and owing
16 to the bandit mentality of American tax-takers, it is hardly advisable, that anyone exercise the right until after substantial
17 measures to remove one's property from the reach of "legal" bandits.

18 In America, both the right and the means to protect it are specifically reserved to the people in the federal Constitution. The
19 right is reserved in Amendment One, "Congress shall make no law respecting... the right of the people... to petition the
20 government for a redress of grievances."

21 The means is reserved by at least two provisions in Article iii, section 2, [a] "The judicial power shall extend to all cases, in
22 law and equity, arising under this constitution, the laws of the United States... [and] [b] to controversies to which the United
23 States shall be a party."

24 Both the right and the means are reserved absolutely, without qualification of any kind. Amendment One states that,
25 "Congress shall make *no law* respecting..." Article iii, section 2 contains no qualifications whatsoever relative to the
26 subsections quoted. If Congress makes any law respecting the right of redress, it can only be declaratory of an existing right
27 or remedy if it is to pass constitutional challenges. Such a law could not be mandatory – it could only suggest.

28 The American judiciary is routinely represented as a mechanism whose purpose is to check abuses by the executive and
29 legislative branches of government. But a court system is a passive instrument; it can do nothing until someone comes
30 forward with a complaint. From the start to the end of due process, nothing happens unless a wronged party moves a court
31 to action.

32 Thus, American courts are the means by which "the people" may use to vindicate their rights *and* to keep governments within
33 their limits. From this perspective, we see that Article iii, section 2 is both a *qualified* grant of jurisdiction to federal courts
34 and an *absolute* reservation of the right to litigate. While some rights are reserved with qualifications in the Bill of Rights,
35 there is none whatsoever pertaining to the rights reserved by Amendment One and Article iii, section 2.

36 The Founders properly understood that the judiciary was an instrument to be used by "the people" to check abuses of
37 government, and used such arguments to gain ratification of the Constitution.

38 Limitations [and rights] ... can be preserved in practice no other way than thru the medium of the courts of justice; whose
39 duty it must be to declare all acts contrary to the manifest tenor of the constitution void. Without this, all the reservation of
40 particular rights or privileges would amount to nothing.

41 When courts void acts of legislature, it does not mean courts are superior to legislature: it means people are superior to both.
42 Hamilton, *Federalist No. 78*; Kurland, vol. iv 142-3.

43 These quotations from the *Federalist Papers* are more authoritative than Supreme-Court decisions. The *Papers* were
44 instrumental in gaining the ratification of the federal Constitution, and are thus generally regarded as part of the Constitution.

1 American courts routinely examine the *Federalist Papers* in order to discern what particular provisions of the Constitution
2 were intended to accomplish. The collection of *Federalist Papers*, in other words, was one of the building blocks upon which
3 the Constitution was erected. Supreme-Court decisions have no such status: federal courts are creations of the Constitution;
4 they had no part in the making of it. Their decisions have the permanency of icicles of winter. Cold wind makes them, they
5 cling to tree branches for a season, then melt away as the warm sun arrives.

6 **5 Historical significance of the Right to Petition**

7 **5.1 James I and his Parliaments**

8 In England, the “right” of redress was not a right at all, but a flimsy privilege granted to Parliament while the king was trying
9 to wheedle money out of Parliament.

10 The early events of the first Parliament under James are remarkable in that they present a timid scene that characterized the
11 contest, soon to become furious, that would subsist between king and Parliament – between despotism and rights of man –
12 from that day, to ours and beyond. No other age in the story of man – save the Golden Age of Greece – has contributed more
13 to the cause of liberty than the one we are about to examine. That being the case, it would be appropriate to treat some of
14 those events with some detail.

15 The first Parliament of James met in April of 1604. In writs that summoned the Parliament, he specified that he desired
16 royalists and Anglicans (those subservient to bishops) to be returned to Parliament; and that any nominated contrary to his
17 desires would be imprisoned.

18 The country, however, was in a rebellious mood. In January of that year, James held the Hampton Court Conference where
19 he met with seven hundred puritans and several bishops to try to resolve disputes between the two sides. James became
20 alarmed at what the puritans wanted, and resolved to force puritans to conform to the state religion or drive them from the
21 land; six weeks later, March 5th, he issued a proclamation for this purpose – and puritans became the hunted. Despite this, “a
22 great number” of them were returned to Parliament – altho not a majority.

23 Puritans came into England in the 1540’s. In 1566 they separated from the Church of England and began to meet in
24 conventicles, gatherings of five or ten people in private homes, fields or public places. In 1583, Elizabeth appointed Whitgift
25 as archbishop, who began an inquisition of puritans. The following year, the House of Commons began to investigate this
26 inquisition – but Elizabeth thundered it into silence.⁴

27 Despite Elizabeth’s and Whitgift’s efforts, Puritanism grew; toward the end of Elizabeth’s time (1603), the majority of the
28 members of the Church of England was puritan. This led to a split in the Church: puritans (and Calvinists) denied the divine
29 right of kings while the High Church party affirmed it.

30 A secular power was also growing in the kingdom. The Tudors, from Henry viii to Elizabeth, followed a policy of countering
31 the power of the barons (the landed class) by increasing the influence of the smaller gentry and traders. By the time of James,
32 the spirit of liberty and self expression had germinated beyond its full term, and could no longer be restrained. When it finally
33 came forth, it had not the wisdom of Aristotle, Cicero or Tacitus – to name a very few. It did not understand that justice is
34 the natural consequence of friendship; it did not know the boundless power, nor the horrible fury, of men finally unchained;
35 and, worse yet, it had no experience in the common, and so necessary, activities of free men. Under such circumstances, its
36 maturation will always be sad and painful to watch. Still, year by year, it would add to its power and subtract from its
37 ignorance – an endless process, to be sure.

38 While two forces of more opposite character – one sought to impose its delusions on all men, the other to serve them – could
39 hardly be found, they, at least, had a common enemy. These were the forces that were struggling for expression, and that
40 James had to contend with.

41 In 1598, James had published his *The True Law of Monarchies*, in which he formerly declared his version of the divine right
42 of kings, “If a monarch betrays his trust, that is a matter between himself and God who ordained him.... A tyrant [or usurper]

⁴ Williams, xix, 448, 452.

1 may be God’s appointed chastisement of a nation; and the proper cure for tyranny is that a nation should give itself, in patience
2 and prayer, to a purer life.”⁵

3 Thus, it is the purpose of religion to make slaves of men, whose religious duty is submission to tyranny. We will see many
4 examples of this in the narrative that follows.

5 James opened the first session of this Parliament by sharing his thoughts on tyranny and duty; and then requested a grant of
6 supplies without delay.

7 The House of Commons had heard this language many times before; but, after many centuries of crushing oppression, a
8 mangled spirit of independence was beginning to rouse. James had just been invited by Englishmen to vacate the throne of
9 Scotland and take that of England; they thought he needed a mild reprimand, “Your majesty would be misinformed,” they
10 said, “if any man should deliver that the kings of England have any absolute power in themselves either to alter religion, or
11 make any laws concerning the same, otherwise than, as in temporal causes, by consent of Parliament.”⁶

12 Over centuries, Parliament evolved to serve two functions: to redress grievances that members had against the king or his
13 ministers, and to grant voluntary supplies (taxes) to the king. That taxes had to be voluntary to be legal had been long settled
14 in England by the statute, *Confirmatio Chartarum*, (Confirmation of the [Magna] Charta) in the twenty-fifth year (1299) of
15 Edward I. This statute abolished all “aids, tasks and prises [sic] unless by common assent of the realm, and for the common
16 profit thereof.” By common understanding, all forms of taxes, no matter their name, were comprehended by this statute.
17 “Henry vii, the most rapacious, and Henry viii, the most despotic of English monarchs, did not presume to violate this
18 acknowledged right.”⁷

19 Instead of acting on James his request for supplies, Parliament proceeded to debate the role between monarch and Parliament,
20 and who should control elections to fill vacancies in Parliament. James grew impatient and reminded Parliament (1604 June
21 7) that he wanted supplies. Parliament ignored his request and fairly conveyed the impression that no supplies would be
22 forthcoming until certain grievances were redressed. James seemed to perceive that a dangerous precedent was being revived
23 and sought to defuse it by sending a ridiculous letter to Parliament declaring that he did not need what was not offered to him
24 (June 26). He then prorogued Parliament, 1604 July 7, to November 5.

25 In the meantime a conspiracy was preparing to blow up the Parliament building on the first day of its next session – at a time
26 when the entire royal family and members of both houses would be present. The roots of this plot extended back to the time
27 when Henry viii broke with Rome (1535-9) and established the Church of England. This rupture led to wholesale
28 confiscations of Catholic properties and to a near total loss of civil liberties and protections for Catholics – with many suffering
29 loss by rope or axe, fire or tide. By 1604, the misery of Catholics had become so severe that a group of at least thirty resolved
30 on the so-called Gunpowder Plot. The plot was detected and the resulting prosecutions uncovered facts and intended
31 consequences that enraged all non-Catholics. Public opinion, then, allowed king and Parliament to add fury to persecution –
32 as it pertained to Catholics.

33 This fury had good cause. During the reformation beginning with Henry, wealthy Catholic families were ground into dust
34 and just as many obscure non-Catholic families were raised into prominence as Henry distributed confiscations into their
35 hands. These latter families were more than anxious to keep Catholics suppressed, lest they inquire about their former
36 “property.”

37 Accordingly, Parliament set to work on a new penal code against Catholics; after a long succession of debates, conferences,
38 and amendments, it became law, 1606 May 27. It contained seventy articles. Among the new oppressions, it (1) restricted
39 their travel and places of dwelling, (2) forbade several kinds of work to them, (3) required their marriages, children and deaths
40 to be licensed by Protestant ministers and (4) subjected their houses and property to arbitrary searches and seizures. There
41 were other proscriptions, with a penalty, attaching to each, ranging from ten pounds per month to loss of two thirds of the
42 offender’s property. At that time, fifty pounds per year was a luxurious life style for a peasant.

43 Parliament enacted another act against Catholics which had an effect more insidious than fine or imprisonment. This act
44 imposed an oath of allegiance on Catholics intended to draw a distinction between those who denied and those who admitted

⁵ Brett, 15.

⁶ Williams, xix, 476.

⁷ *Id.*, xix, 487.

1 the temporal pretensions (*i. e.*, the earthly power) of the pope. Those who denied suffered no penalties beyond those imposed
2 by the aforementioned penal code; those who admitted were liable to an additional penalty of perpetual imprisonment. To
3 these corporeal punishments, this oath had the natural consequence of creating dissensions among Catholics; of dividing
4 friends and splitting families.⁸

5 This session was shortly prorogued (adjourned to a future date) without it voting supplies for James; but, with the anticipation
6 of legalized plunder against Catholics (and puritans), he probably anticipated less need of supplies – and less need of
7 Parliament.

8 Reality, however, fell short of anticipation; or, probably more correctly, the extravagance of James and his favorites ran ahead
9 of expected booty. James had a dilemma: he had to convene another session of Parliament, or he had to raise taxes somehow.
10 Either one was laced with danger. By the practice of over three centuries, Parliament evolved to serve two purposes: to allow
11 a monarch to obtain a voluntary grant of money from his subjects and to afford them an opportunity to redress grievances
12 against the king and his ministers. Thus, every time a king called a Parliament, he ran the risk of having to agree to a
13 restriction of his prerogative, or watching helplessly while Parliament prosecuted one, or many, of his ministers – all as a
14 necessity to receiving new supplies.

15 If a king attempted to raise money by arbitrarily imposing taxes, he would reap taxes but sow hostility, and drive the nation
16 toward civil war.

17 With no eye to the future, James and his ministers decided to attempt an arbitrary tax. They tripled the duty on currants, in
18 violation of the principle that all taxes required the consent of Parliament.

19 Owing to this principle, Bates, an importer of Turkish goods, refused to pay the new duty on currants. He was prosecuted
20 and judges of the exchequer, being creatures of the king, naturally gave judgment for the crown. Two judges of the court
21 gave speeches (no other is extant) more alarming than the decision. Their general tenor declared that the king’s power was
22 absolute, thus, rights, liberties and property of Englishmen had no protections against the king – if the king willed it.
23 Immediately after the decision, a book of rates was published (1608 July), by order of James, imposing heavy duties on almost
24 all merchandise.

25 And, to this day, licensed bandits and court historians refer to the Bates decision as if it were rendered by civilized men.

26 The decreasing amount of plunder taken from puritans and Catholics, and the increasing hostility to the new duties on
27 merchandise, compelled James to convene another session of Parliament, 1610 February.

28 Prior to James, the English nation labored under a near total despotism; and any grievances brought forward by previous
29 Parliaments were timid and weakly framed. This was about to change.

30 Members of the House of Commons understood that, if James could arbitrarily impose taxes on imports, he next would
31 impose taxes on their goods and property without their consent. The illegality of these duties was the major concern of the
32 House of Commons; James sent a message to the Commons commanding them to not enter upon the topic of duties. To the
33 invasion against their property, James added another against their speech. The Commons remonstrated, the “freedom of
34 debate being once foreclosed, the essence of the liberty of Parliament is withal dissolved.”⁹

35 Parliament proceeded to enumerate several grievances and then focused on the matter of granting James a subsidy in exchange
36 for transferring the “rights” of purveyance and wardship (two forms of taxation) from him to Parliament. The House of
37 Commons, meanwhile, voted to abolish the duties on tonnage and poundage, but the House of Lords rejected this measure.
38 On the same day, 1610 June 10, Parliament objected to forced loans by privy seal as illegal taxes. Altho Parliament had
39 proposed a subsidy and declared many grievances, nothing had been concluded by the time Parliament was prorogued in
40 July. “When Parliament met again in November, the Commons were out of humor. Not a grievance had been redressed.”
41 Parliament became more restive; James grew tired of the word “grievance” and dissolved Parliament, 1611 February 9. This
42 Parliament sat for nearly seven years, without a grievance redressed nor a supply granted – it was a period of exploration and
43 learning, with alarm taking root on one side and a sense of liberty growing on the other.

⁸ *Id.*, xix, 480.

⁹ *Id.*, xix, 488.

5.1.1 The Second Parliament of James

The second Parliament (1614 April 6) under James was called for the specific purpose of relieving the king's necessities; he opened the session by demanding supplies. The Commons, instead, responded "with one voice" with a vote against the king's prerogative to impose duties at the ports without the consent of Parliament.

After several weeks, James demanded again supplies under threat of dissolution. This only pushed the Commons to a greater determination to deal with the question of tonnage and poundage; and James dissolved, June 6, the Parliament, which had sat a mere two months.

He committed five members of the House of Commons to the Tower who had been most strenuous in opposition to duties on merchandise. He attempted, thereafter, to supplement his revenue by fines in the Star Chamber.¹⁰

5.1.2 The Third Parliament of James

Between the close of the second and the opening of the third Parliament, two developments occurred that revealed the disdain of James for the opinions of Englishmen. During this time, negotiations were begun for the marriage of Prince Charles (soon to be king) and the Spanish *infanta*. The English were still oppressing Catholics, and the thought of one eventually sitting on the throne caused noticeable alarm thru-out the nation. The other development pertained to Frederick, the elector palatine and son-in-law of James. The king of Bohemia died and Catholic powers appointed one of their own as successor. The Bohemians, who were protestant, held that their crown was elective and offered it to Frederick; he accepted. Once more a great battle between Protestantism and Catholicism approached. While James did nothing, the people of England rose to a fever that had long been repressed. James told his subjects he wanted to help Frederick, but privately told the Spanish ambassador not to worry, that his greatest wish was to cement the marriage between Charles and the *infanta*.

Shortly thereafter, Catholic powers (Spain and Austria) entered the Palatinate, and the cry to arms was so great that James assembled a paltry force and sent it, but too late. Frederick was defeated; and Bohemia, which had been the refuge for persecuted reformers, fell under the iron heel of Catholic Austria, which was allied with Spain. Puritans regarded this defeat as the greatest disaster since the Reformation by Luther in 1517.

The defeat caused great public debate and ill will between James and his subjects. James responded with a proclamation forbidding his subjects to discuss "state matters, either foreign or domestic." All men regarded this proclamation as being issued to please the Spanish ambassador; unruly crowds gathered around his residence, and he was made to feel the necessity to have a guard of soldiers.

Thus, was the temper of the nation when James called his third Parliament, which met 1621 January 30.¹¹

James needed money. The House of Commons had a long list of grievances and, to purchase time to deal with them, adopted the stratagem of voting a fraction of his request, "and that too, at the very beginning of the session, contrary to the maxims frequently adopted by their predecessors."¹²

They went next to redress of grievances, and revived the word "impeachment," which had been unused for nearly two centuries. They first went after mere monopolists. Establishing monopolies was an ancient form of taxation; by this method, a subject would pay a large amount of money, twenty thousand pounds, for example, to the king who would "authorize" the subject to sell wool, for example, in a particular city, or region. This patent would deny all others from the trade and authorize the holder to legally punish any who should compete with him; sometimes the patent would require the king to suppress competition. To recover the "tax" paid to the king, the patentee was allowed to charge whatever price he pleased; it could be two, three or four times what an unfettered market would allow. Parliament aimed at two patents; two men held a patent for gold and silver thread; another man held one for licensing inns and alehouses. The latter used his patent to extort money from proprietors of inns and alehouses and to vexatiously prosecute those who refused the extortion. The former derived "authority" from their patent to search for any goods or equipment that might be used for the manufacture of gold or silver lace – and even to punish, at their own discretion, any offenders. Many men suffered under these patents; besides, it was

¹⁰ *Id.*, xix, 498-9.

¹¹ *Id.*, xix, 504-5.

¹² Hume, v, 85.

1 found that the patentees even adulterated their product – it being mostly copper. For these oppressions and cheats, the
2 patentees were degraded from knighthood, fined and banished.¹³

3 Parliament next impeached the attorney-general for drafting the patents and for protecting them; he was fined fifteen thousand
4 pounds, which James promptly remitted. A judge was impeached for venality; a bishop for being accessory to a bribe.

5 Parliament reached high on the tree of corruption and brought down Francis Bacon. He was accused of taking bribes in his
6 role of lord-chancellor. He admitted to them but denied they influenced his decisions, “I was the justest judge that was in
7 England these fifty years; but it was the justest censure in Parliament that was there these two hundred years.” Whether he
8 had a sense of greatness or justice about him, he was still fined forty thousand pounds and sentenced to prison – which the
9 king remitted, and released, after a few days.

10 The first Parliament under James was the first where we begin to recognize probing and uncertain efforts to limit the power
11 of the crown and to model a system that would secure and protect the rights of man. We will see this effort become more
12 bold and more certain as we continue with this narrative. We will also see another passion raise its head, an ugly, “outrageous
13 cruelty.” But, when we consider that oppressions of long standing always provoke violence, it would be more appropriate to
14 style this “outrageous cruelty” as a reaction. And, when we consider that most such reactions consist of blind rage; and that
15 the cruelties of Parliament occurred after *some* deliberation and after *some* appearance of due process, perhaps we should
16 style the cruelty of these Parliaments as moderately civilized violence. But let us judge each one on its own merits – at least,
17 as they are reported.

18 One such cruelty concerned a Catholic barrister who, upon the fall of the Palatinate to Spain and Austria, expressed his joy
19 that “Goodman Palsgrave (palsgrave, ruler of palatinate) and Goodwife Palsgrave” were driven from Prague. The House of
20 Commons, without hearing the man, sentenced him to a whipping, a fine of five thousand pounds, and life imprisonment. At
21 least the whipping was remitted by the Commons on the motion of Prince Charles.

22 The remainder of this session was spent in a minor feud between king and Commons. He prorogued Parliament for the
23 summer and then jailed a leading member of the opposition in the House of Commons without giving a reason.

24 During the interval, James attempted to improve his image by voluntarily withdrawing thirty-seven patents that had
25 occasioned grievances. But it only exposed a weakness and Parliament would remember, and would not waste the
26 opportunity.

27 One thing motivated Englishmen more than any other: religious zeal. When Parliament returned, 1621 November 14, it
28 remonstrated against Catholics; it requested aid to the Palatine; it complained of the proposed marriage between Prince
29 Charles and a Catholic princess; it requested that children of Catholics be raised and educated by protestants.

30 These issues touched too close to James who sent a letter to Parliament commanding its members not to meddle in matters
31 of his government or mysteries of state; he informed them that their privileges were derived from his grace and that of his
32 ancestors; and that he would not tolerate any insolence in Parliament. The Commons framed a protestation and recorded it
33 1621 December 18. They “affirmed that the liberties and jurisdictions of Parliament are the ancient and undoubted birthright
34 and inheritance of the subjects of England; that the affairs of the king and the state, of the defence of the realm, and of the
35 Church of England, the making of laws, the redress of grievances, are proper subjects of debate in Parliament; that in handling
36 such business every member of the house hath, and of right ought to have, freedom of speech; and that every member hath
37 like freedom from all impeachment, imprisonment, and molestation, except by the censure of the house itself.”¹⁴

38 When James was informed of the nature of this protestation, he brooded in silent anger for a week; then he ordered the journal
39 of the Commons be brought to him and, with his own hand, tore out the page that contained the rights, liberties and
40 “privileges” of Englishmen.¹⁵ After so violent a breach, he realized that it would be dangerous to allow an inflamed
41 Parliament to sit longer; he prorogued, then dissolved, it. He sent six members on a frivolous errand of public service to
42 Ireland as a form of punishment (the expense and loss of time). He imprisoned five other members, including Coke, Pym

¹³ Williams, xix, 505; Hume, v, 85.

¹⁴ Williams, xix, 508 (the full protestation is given in Hume, v, Note [K], at end of volume).

¹⁵ Hume, v, 92.

1 and Seldon. History knows the first, but, by this time, he is in the fall of his years and will soon fade from view. The other
2 two, Pym and Seldon, are known by too few, and we shall meet them again.

3 **5.1.3 The Fourth Parliament of James**

4 The fourth Parliament of James met 1624 February 19 and was prorogued three months later. In the early part of its session,
5 it voted James less than a third what he had requested.

6 But, it could hardly be said the money was granted *to* James. The nation wanted war to free the Palatinate from the grip of
7 Catholic Powers. James requested money partly for this purpose and even suggested that Parliament place the money in the
8 hands of a committee appointed by Parliament. And so, Parliament granted money according to these conditions, and only
9 for the purpose of recovering the Palatinate. With these supplies, James levied twelve thousand troops and embarked them
10 on ships for the short voyage to the continent. But, James failed, or omitted, to obtain port privileges on the continent, and
11 these ships had to stand outside port for a long period of time. This resulted in half the troops perishing from a contagion
12 from being crowded in the ships. And half of the remainder was so weak and sickly that they were useless as soldiers. The
13 campaign was a signal failure – depending on the point of view. By appearing to undertake a project desired by the nation
14 and by artful bungling, James managed to kill or maim nine thousand of his most zealous opponents.

15 Here, again, we have an example of Parliament proceeding to grievances first, and then supplies *for the king*. Altho Parliament
16 voted supplies first, they were restricted to a purpose *intended* to redress a grievance of the nation.

17 Parliament then went to other grievances. It passed a law *declaring* monopolies to be against the law of the land, but provided
18 no penalties for establishing them.

19 At all times in our narrative we should keep in mind that there were generally two “parties” in Parliament: royalist, who
20 supported the crown, and the opposition, which was comprised mostly of puritans.

21 The next impeachment shows what happens when a government officer believes the blather fed to peasants. They are told
22 that government protects them from certain destruction by the hands of foreign marauders. What is not explained, at least
23 openly, is that government is comprised of *domestic* marauders, who use the power of the state to protect their loot, and
24 destroy witnesses and victims of their crimes. This true nature of government is concealed beneath thin coatings of sugar, or
25 flowers, or whatever deludes the unthinking – those who cannot perceive beneath a surface. Middlesex must have been one
26 of these unthinking, at least in one direction. He was lord-treasurer under James; he made reforms in the royal treasury,
27 denied extravagant demands against it, and generally made it more sound. He made angry those who fed on the sores and
28 miseries of peasants. They, accordingly, instigated an impeachment against him in the House of Commons, which was mainly
29 prosecuted by the royalist party.

30 He was imprisoned, fined fifty thousand pounds, barred from ever being a member of Parliament, banished from the presence
31 of the court, and made incapable of holding any office in government or church.¹⁶

32 John Pym sat in this Parliament; these were formative years for the time when he would rise to leadership in the cause of
33 man. We should take note that the record shows no participation by him in the proceeding against Middlesex.

34 Before Parliament could proceed with other impeachments, James prorogued it.

35 During the recess, members were preparing prosecutions against the Duke of Buckingham, the king’s one-time lover and
36 current boon companion to Prince Charles. Before Parliament met again, however, James died, which was probably arranged
37 by Buckingham in order to prevent his prosecution.

38 Parliaments under James examined the powers of dispensation (to enforce or disregard laws as the king pleased); of arbitrary
39 imprisonment; of imposing taxes under the guise of loan or benevolence (a “voluntary” tax or a compulsory service); of
40 pressing and quartering troops; of altering customs and duties; and of granting monopolies.

¹⁶ Brett, 63.

1 For three centuries prior to James, these issues had never been called into question - Parliaments had slept, or been too servile
2 to voice a complaint. The struggle to walk upright had begun.

3 **5.2 Parliaments of Charles I**

4 **5.2.1 The First (Williams, xix, 535-8; Hume, v, 156-165)**

5 The first Parliament under Charles met 1625 June 18 and quickly voted two subsidies (one hundred, forty thousand pounds
6 by one account, one hundred, twelve thousand by another) – an amount one tenth of what Charles requested. These supplies,
7 as with those last voted for James, were intended to be applied to the recovery of the Palatinate. And so, again, this grant of
8 supplies is more properly regarded as a measure to redress a grievance of Parliament than a grant of revenue to Charles.

9 Parliament then proceeded to other grievances; they demanded a more strict enforcement of penal laws against Catholics;
10 they complained against pardons given to priests; they remonstrated against the king’s chaplain for writing that virtuous
11 Catholics, along with other Christians, are saved from eternal damnation. Such is the manner by which men consume
12 themselves when they imagine a little agitation in their head is the cause of the entire universe.

13 The plague raged in London, and Parliament was adjourned so it could move to Oxford.

14 During the interval, news arrived that inflamed the Commons against the court and Buckingham. Charles had sent seven
15 ships, under the command of Buckingham to the aid of France for the pretence of opposing the Genoese, ally to Catholic
16 Austria and Spain. When they arrived at Diepe, the crew became suspicious that they were to be used for the purpose of
17 suppressing protestants at La Rochelle; the English sailors remonstrated to their commander who immediately ordered the
18 ships back to England. Buckingham, by deceit and misrepresentations persuaded the fleet to return to Diepe. There, every
19 ship was boarded by French sailors, which caused all but one of the English sailors to desert.

20 When Parliament reassembled at Oxford, Charles renewed his appeal for funds, 1625 August 10. Parliament was deaf, and,
21 the following day, proceeded to examine the affairs of Buckingham. To prevent such a dangerous investigation, Charles
22 dissolved Parliament, August 12, without supplies.

23 Charles had to resort to illegal means to raise money: he had to levy and collect taxes without calling the impositions taxes.
24 It was a common problem for English monarchs; and one of the many “solutions” was known as forced loans. These were
25 effected by issuing writs (or privy seals) to certain individuals commanding them to “lend” money to the king. These writs
26 had the status of “proclamations,” which were not recognized as law. If, however, a person refused such a writ, he could be
27 prosecuted in the Star Chamber where he could be certain of conviction, and of a fine many times the amount of the “loan”
28 amount.

29 After dissolving this Parliament, Charles issued such writs mostly against those who presumed to think that the granting of
30 supplies should depend on the redress of grievances. With the money thus raised, Charles fitted eight ships of war for piratical
31 raids against Spanish treasure ships returning from America. Ten thousand men embarked on those ships and soon landed
32 near Cadiz. They found cellars of sweet wine and indulged themselves. Spanish troops found them dead drunk and sliced
33 off their ears and plucked out their eyes. The survivors fled to their ships. A contagious disease broke out on one ship and
34 the men of this ship were distributed to all the other ships. Thousands more died before the fleet found an English harbor.

35 One of the main lessons to be learned from history is that a government is perpetually at war with its own subjects. The
36 people of England were hostile toward Spain and favored war; Charles, however, was friendly with the Spanish monarch. It
37 is easy, then, to conclude that Charles and the Spanish ambassador secretly arranged to place a large quantity of wine near
38 Cadiz and that it was intended that English troops would “stumble” onto this wine. They would naturally drink themselves
39 to a condition of stupidity, which would allow the patient Spanish troops to slaughter them easily. The losses Charles inflicted
40 with forced loans on supporters of the principle ‘redress before taxes’ completed his revenge against a recalcitrant Parliament.

41 **5.2.2 Second Parliament of Charles I (Williams, xix, 538-547; Hume, v, 166-174)**

42 The money from forced loans was wasted and Charles had to resort to constitutional taxation. He summoned another
43 Parliament to meet 1626 February 6. In the meantime, he nominated several of the most vocal opposition as sheriffs and to
44 other petty offices, to prevent their return to Parliament. But, it was to no effect. Parliament began its work as if there had
45 been no change and no interval between the dissolution of the last and the beginning of this one. One of the early orders of

1 business was to appoint committees to investigate matters relative to war, taxes, religion, administration and to prepare
2 statements of grievances.

3 John Pym was the president of the committee on religion. He brought charges against Montague, the king's chaplain, for
4 writing books seditious to the "true religion." Montague was summoned before the House of Commons and severely
5 reprimanded, because his book tended to confuse true believers. This encouraged the Commons to draw up articles of
6 impeachment against Buckingham.

7 John Eliot advised Parliament to withhold funds till Charles admitted Parliament's right to dismiss a king's minister. The
8 House of Commons provisionally voted three subsidies and three fifteenths (totaling two hundred sixty thousand pounds) but
9 specified that this measure should not be passed into law until grievances had been heard and answered by Charles.

10 This hardly made Charles happy; he again requested supplies (May 26th); he reminded the Commons that its privileges derived
11 from his grace, and that the failure to vote supplies would be most injurious to the nation and that, unless Parliament voted
12 supplies, he would have to "try new counsels." Parliament saw dangerous principles expressed in this communication from
13 Charles. To placate the alarm of Parliament, two of the king's ministers sought to moderate his words; one told of the
14 "immense interval between" king and subject, and that the latter owed unconditional obedience to the former; the other
15 minister explained that liberty consisted of compliance with the king's will. Charles then had several opposition leaders
16 arrested. He and his ministers imagined that such treatment would help members of Parliament to see their place in the
17 natural order of the barnyard. Sanctified robbers and their creatures do not think like other men.

18 One of the arrested members had said, "We are free, and must remain so, if the king will preserve his kingdom." The House
19 of Commons declared that it would proceed no further until its privileges were satisfied. Charles alleged these members
20 uttered seditious words; but an investigation found no basis to support the charge, and they were soon released.

21 The House of Commons continued with its investigation of Buckingham and objected to the levying of tonnage and poundage
22 as done without the consent of Parliament. Before this answer could be delivered to Charles, he dissolved Parliament, 1626
23 June 15.

24 Altho the House of Commons was legally closed, its members drew up a remonstrance and delivered it to the king. The main
25 provisions of it were the following: they declared, "the examination of grievances always preceded the voting of supplies";
26 they claimed that the power and influence of Buckingham was their chief grievance, and that the last and their Parliament
27 were dissolved to prevent a just investigation of Buckingham; and that the levying of tonnage and poundage was against the
28 consent of Parliament, and, thus, illegal.

29 Charles ordered the remonstrance to be seized and burned wherever it could be found. Thus, Charles sought to shield one
30 man from justice by tearing out the tongue of a nation.

31 Charles followed this act of insanity with an act of tyranny. The first two Parliaments under Charles had voted five subsidies
32 – but had not passed them into law. Nevertheless, Charles levied the five subsidies with the same rigor as if they had been
33 enacted into law. Great numbers of people refused to pay these exactions – and were harshly treated by courts and goalers.
34 Tax farmers went from house to house begging and plundering. The judges of Westminster Hall attempted to persuade people
35 to pay subsidies; while, outside, five thousand voices answered, "A Parliament, a Parliament; else no subsidies!"

36 The clergy was enlisted to make the payment of taxes a religious duty. Dr. Sibthorpe said, in a sermon, that law comes only
37 from the will of a prince; if one commands anything a subject cannot perform – whether contrary to laws of God or laws of
38 nature, "they must suffer the penalty of their disobedience without murmur, complaint or resistance."

39 Dr. Mainwaring preached before Charles that a royal command binds the conscience of a subject to pay taxes and forced
40 loans; that he who resists commits a great sin and is penalized with eternal damnation; and that consent of Parliament is not
41 needed for imposing taxes.

42 But these pious words were spoken mainly to court parasites who expected to feed on the miseries of others. Resistance and
43 oppression continued; tradesmen and artificers were dragged from their homes to prison or forced service in the army or
44 navy; loyal, and licentious, soldiers were quartered in homes of those who refused to pay taxes, or who asserted their rights.

1 Charles made use of these recalcitrant taxpayers, who were forced into the military. A fleet of one hundred ships, loaded
2 with sixty-eight hundred men, was sent, under Buckingham, to aid the Huguenot protestants at La Rochelle, who were being
3 persecuted by French (Catholic) troops. Owing to past treacheries, the people of La Rochelle refused admittance to the
4 English. Instead, Buckingham laid siege to a nearby principal French fort. When further aid *was expected* from England,
5 Buckingham raised the siege and retreated to his ships. A royalist historian describes the retreat as a rout without an enemy.
6 By disorder and confusion, great numbers of English were crowded to death or drowned. Of sixty-eight hundred who left
7 England, less than three thousand returned.

8 Once more, thru the guise of aiding friends of Parliament, Charles and Buckingham had their revenge on Parliament.

9 **5.2.3 Third Parliament of Charles I (Williams, xix, 547-561; Hume, v, 187-217)**

10 After driving the country to near chaos with despotic government and arbitrary taxes, Charles called his third Parliament, to
11 meet 1628 March 26. He also released above seventy persons from prison who had refused to contribute to the forced loan.
12 Twenty-seven of them were elected to this House of Commons.

13 Charles, as usual, requested that supplies be granted immediately to protect against immediate dangers and relieve current
14 necessities, both of which had been provoked by his royal banditry.

15 The House of Commons began to address grievances; the king, April 10th, reminded the Commons “to decide the question of
16 supplies quickly and in preference to all other matters.”

17 Thomas Phillips answered, “What avail useless words about rights and privileges in Parliament if it is speedily dissolved,
18 and nobody secure at any other time of his person and property.” Thomas Wentworth, “Till liberty is secured no new grants
19 must be made.” We will meet Wentworth later; his life will mark a milestone in this unfolding struggle for liberty – but not
20 as we expect.

21 They then declared an *intention* to grant five subsidies, an amount unprecedented; but the redress contemplated by the
22 Commons was also unprecedented.

23 The Commons enumerated accumulated grievances, and proposed a select committee to frame a petition for their redress.

24 The House of Commons certainly did not speak with one voice. There were many members whose interest laid on the side
25 of oppression and demented speech; one example, “it were surely much better for human society to be deprived of liberty
26 than to be destitute of government.” Despite this gabble, the committee, within two months, brought forward a Petition of
27 Rights. Among its many provisions, it declared that taxes without consent of Parliament were illegal; that no person is to be
28 deprived of life, liberty or property without cause and only by judgment of his peers; no troops are to be quartered in private
29 houses; no citizen is to be tried by martial law; there are to be no extraordinary courts (Star Chamber and High Commission,
30 for example); monopolies deprive unfavored men opportunities to earn a living and, therefore, are illegal.

31 The High Commission was the English version of the inquisition: it had jurisdiction over all heresies, and could punish by
32 fine and imprisonment.

33 This Petition was presented to the king, 1628 June 2. He gave an equivocal answer, which did not conform to the assent
34 needed to make it law. He ordered Parliament not to discuss grievances, and declared an intent to dissolve Parliament, June
35 11.

36 Members of the House of Commons were stunned into silence by the king’s answer; when, at last, they aroused themselves
37 from paralysis, a most uncommon scene occurred in this assembly of men. They must have been conscious of the singular
38 originality of their work, or of the timeless nature of it.

39 One man after another – Phillips and Pym among them – stood to speak in defense of the Petition of Rights and sat down
40 with a body wracked with passion, and a face washed with tears. The elderly and stately Coke stood to speak, but words
41 choked in his throat; he had to sit in order to compose himself; when he rose again, he denounced Buckingham and pleaded
42 the rights of man. A witness said that Coke delivered his words “with solemnity... and an abundance of tears.”

1 There was danger in that collective passion of tears, and Charles dared not contend with it. He assented, in lawful form, to
2 the Petition of Rights, and made it law of the land.

3 Parliament then granted the five subsidies previously promised. Next they prosecuted Mainwaring, who had preached the
4 divine right of kings from his pulpit. He was deprived of his office, fined a thousand pounds and imprisoned; and his sermon
5 was ordered to be burned. Charles remitted the fine and released him from confinement, and elevated him to a higher office
6 from the one he lost. His response did not please Parliament.

7 The House of Commons next sought to cancel commissions issued by Charles to thirty-three men that “authorized” them to
8 concert ways to raise taxes illegally. These were issued a little after writs to summon Parliament; and one authorized a band
9 of a thousand German horsemen to collect taxes in England. The House of Commons again remonstrated against
10 Buckingham; it requested the king to recall his proposal to levy an excise because it was against the Petition of Right, and
11 done without the consent of Parliament. For the same reasons, the house remonstrated against duties on tonnage and
12 poundage.

13 Charles, who saw no contradiction between arbitrary taxation and the Petition of Rights, declared, “you have no more power
14 to take it (tonnage and poundage) from me than I have inclination to give it up.” He then prorogued Parliament to 1629
15 January 20.

16 With the five subsidies granted by Parliament, Charles prepared another expedition to “aid” the protestants of La Rochelle, a
17 cause always dear to the protestants in Parliament. La Rochelle was currently under siege by French troops. Charles, on
18 May 28th, wrote to the authorities of La Rochelle to hold out to the last, “Be assured that I will never abandon you, and that I
19 will employ all the force of my kingdom for your deliverance.” This was promised by a man married to the sister of Louis
20 xiii, and who had treacherously dealt with La Rochelle twice before. Thru lack of memory or reason, protestants still
21 volunteered to “aid” protestants over sea. This letter must have been a factor in coaxing money from Parliament, which was
22 granted two weeks later.

23 Despite complaints of Parliament, Buckingham was to command this fleet of seventy ships, but was assassinated by a
24 disaffected soldier days before it was to sail.

25 When the English fleet arrived at La Rochelle, they found a mole had been constructed across the harbor, which blocked their
26 entry. The English fleet desultorily cruised here and there, fired a few cannon shots and returned home. Thus, did Charles
27 display “all the force of my kingdom.”

28 Still, La Rochelle held out to the last. When French troops entered the town, they found not a horse, dog or cat alive – the
29 people had been reduced to eating leather hides. Of the original fifteen thousand inhabitants, four thousand survived siege
30 and famine. Charles told Parliament what it wanted to hear, and had another revenge against its struggle for liberty.

31 When this Parliament next met, it resumed the work of the former session almost without interruption. The Commons
32 complained of the pardon and elevation of Mainwaring. They declared an intention of investigating two other pious creatures
33 who denounced the authority of Parliament and promoted the absolutism of crown.

34 Oliver Cromwell made his first official appearance in this session and issued a complaint against papacy. He came from a
35 family that profited from Catholic confiscations.

36 The House of Commons, again, turned its attention to the topic of tonnage and poundage. Officers of the custom were
37 required to explain by what authority they had seized the goods of merchants who refused to pay these duties. Barons of the
38 Exchequer were questioned on the like. A sheriff of London was imprisoned for assisting officers of the customhouse.
39 Charles supported all his officers in these complaints, and the quarrel became more intense.

40 On March 2nd of the year 1629, Charles sent a command to the speaker of the House of Commons, Finch, to adjourn the
41 house. Several members objected and declared their intent to finish their affairs before adjourning. John Eliot read a motion
42 on tonnage and poundage and then requested the speaker to put it to a vote. Finch refused, saying that he “had a command
43 from the king, and to put no questions.” He then rose to leave. A tumult ensued. Hollis said, “By God, you shall sit still
44 here till we please to close the debate!” By long custom and practice, the king could make, adjourn and unmake Parliament
45 by his will alone; but, here, men were beginning to rise from their knees. Seldon exclaimed, “It is very blamable that the

1 speaker, a servant of this house, refuse under any pretext to obey. If such obstinacy goes unpunished it will be considered as
2 a precedent, and every speaker may, at any moment, interrupt the business of the house under the pretext of a royal order.”

3 Finch, with “entreaties and tears” still refused to prolong the sitting. This caused Peter Hayman, a relation to Finch, to say,
4 “This brings sorrow over our country and disgrace upon our family. For all evil, nay, our ruin, which may ensue, will appear
5 one day as the consequence of your base conduct, and be spoken of only with indignation and contempt. If, however, the
6 speaker persists in not doing his duty, he must be called to account and another chosen.” These were words of prophecy, as
7 we shall soon see.

8 Finch was pushed back into his chair and held there by Hollis and Valentine. Eliot drew up a protest, which was read by
9 Hollis and passed by the majority – after much confusion and noise. It was, in substance, “That all who should seek to extend
10 or to introduce Roman Catholicism, Arminianism [both of which promoted the absolutism of the crown], or other heretical
11 doctrines, who should advise the levying of tonnage and poundage without consent of Parliament, or who should collect or
12 voluntarily pay these taxes, should be considered as an enemy to his country and a betrayer of the liberties of England.”

13 Charles sent an officer to again order prorogation, but he found the doors locked; Charles then sent a guard to force an
14 entrance, but before it arrived, the house had broken up.

15 Charles appeared before the House of Lords on March 12, accused the “disobedient” members of the House of Commons to
16 be “vipers,” and changed prorogation to dissolution. He then published a declaration intended to prove that several members
17 of the House of Commons had “manifested ill-will, had excited unfounded suspicion, raised useless disputes, proposed
18 injurious innovations” among other acts of insolence. Eliot and Hayman, Hollis and Valentine and six other members were
19 ordered to be arrested, and their effects put under seal.

20 At their trials, Eliot and another denied the authority of Charles to question their words as members of Parliament. The
21 sentence, by the king’s “judges,” imposed, on each of the ten, fines from five hundred to two thousand pounds, imprisonment
22 at the king’s pleasure, and that they should not be liberated till they gave security for their good behavior; and, by “good,” all
23 understood that “servile” was meant.

24 Eliot became seriously ill in consequence of the unhealthfulness of his cell. He wrote a petition to the king, that he might
25 enjoy fresh air. Charles responded, “Not humble enough.” Eliot remained in prison three and a half years, and there died
26 1632 November 27. “It was for him to suffer as those suffer who see that which their fellows cannot see. Like the Swiss
27 warrior, he had gathered into his own bosom the spear-points of the adverse host. His countrymen would follow by-and-by
28 thru the breach which he had made at the cost of his life.”

29 And so, Charles put an end to an assembly of “senseless zealots and presumptuous fools.” The court party pointed to the
30 divine right of Charles: “it knows nothing of Parliament, upper and lower houses, elections, and speakers, but simply orders
31 the people to obey magistrates.” Clergy and judges would spend the next eleven years in an attempt to crush the spirit that
32 had been germinating in the minds of men over the last twenty-five years – after ages of tortured sleep.

33 The nation would struggle painfully over the next eleven years as it attempted to learn rudiments of the language of rights –
34 even tho it had no voice.

35 **5.2.4 The Interval, 1629-1640 (Williams, xix, 569-577; Hume, v, 217-268)**

36 Since puritans in Parliament had clearly demonstrated an intent to limit the crown’s prerogative in exchange for supplies,
37 Charles set upon a policy to suppress puritans in order to make them more pliable in the event he should ever call another
38 Parliament. He employed rewards and punishments to obtain this end. By the first he gave places and pensions to certain
39 puritans, who instantly became stout royalists. The Church of England was employed for the second. It needed no prompting;
40 for, both crown and mitre aimed at tyranny. Archbishop Laud instructed the clergy of the Church to magnify royal authority
41 and to disdain or detest puritanical pretensions to a free and independent constitution.

42 In 1634 Charles imposed ship-money on each county. This money was intended for the repair and maintenance of the navy;
43 and was formerly imposed on sea-coast counties. In order to coat this tax with a glimmer of legality, Charles asked his judges,
44 “Whether, in a case of necessity, for the defense of the kingdom, he might not impose this taxation... and whether he were
45 not sole judge of the necessity?” The judges, who bought their offices from Charles, and served at his pleasure, gave him the
46 answer he wanted.

1 Tax collectors made their rounds and, when they came to the village of Great Kimble in Buckinghamshire, they found that
2 not a farthing had been paid. They found instead, a complaint signed by nearly forty men; the first name on the list was John
3 Hampden. The levy of one pound eleven and six pence was of no consequence to him; the portent was.

4 He was brought to trial, which lasted twelve days. The summary, by David Hume, of the arguments advanced by Hampden
5 and his counselors is rich with maxims, “Where necessity is allowed in one case, it will be invoked in all; Wherever any
6 difficulty shall occur, the administration, instead of endeavoring to overcome it, by gentle and prudent measures, will instantly
7 represent it as a reason for infringing all ancient laws and institutions.”

8 When the king’s judges ruled, no one was surprised, “The Law was only a servant of the king.... Acts of Parliament cannot
9 hinder a king from commanding the subjects, their persons and goods, and, I say, their money too.... No acts of Parliament
10 can make any difference.”

11 By “falsehood and adulation” these judges made Charles absolute, and annulled the Petition of Rights. The nation bided its
12 time, and wrote down names.

13 Shortly after this, Alexander Leighton wrote a fanatical and crazed pamphlet against prelacy (the clergy of the Church of
14 England) and priestcraft (Catholicism). Laud brought him before the Star Chamber and sentenced him to have his nose slit
15 and ears cut-off, to be publicly whipped and to be branded on the cheeks with “S.S.,” for “spreader of sedition.” Since
16 Leighton had two each of nostrils, ears and cheeks, half the entertainment was performed and, a week later, the other half
17 was done; all to the delight of the admirers of uniformity.

18 Prynne, a barrister of Lincoln’s Inn, wrote a thousand-pages quarto critical of a whole catalogue of “pleasures.” He wrote
19 “dancing is the chief honor, plays the chief pleasure of the devil.” This offended the queen, who enjoyed balls and
20 masquerades, attended plays and acted in some. He criticized several innovations of the Church. Laud brought him to the
21 Star Chamber where he was fined five thousand pounds, ordered to stand in the pillory at two places and to lose an ear, and
22 be branded on one cheek at each place.

23 Prynne was stubborn; and apparently called others to his standard. Four years later (1637), he, Burton and Bastwick received
24 the same sentence; but, with regard to Prynne’s ears, he only had to lose what remained of them.

25 Charles, ever desperate for money, imposed illegal excises on soap, salt, candles, wine, leather, coal, butter – and a dictionary
26 of other items. He re-established monopolies for the manufacture, sale and distribution of things of common use. Soap
27 boilers paid ten thousand pounds, agreed to pay eight pounds on every ton of soap – and doubled their prices. Competition
28 was illegal – and would be crushed by the king’s men.

29 In an earlier time, James, the father of Charles, concluded that close quarters of London gave rise to contagion and forbade
30 new building. It was ignored, and the city grew. Charles sent commissioners to assess illegal taxes on “unauthorized”
31 buildings, or, if payment failed, to demolish them. Some owners saved their property by a perpetual extortion. Charles raised
32 some one hundred thousand pounds by this oppression.

33 Men read the Petition of Rights, and wondered what it meant; and added to their list of names.

34 The great mass of humanity is best understood in geological terms. Continents, mountains and rocks move, are built up and
35 worn away in quantities imperceptible to human sense. The great majority of men improve their conditions with the same
36 geological rate of change. Take away the outward appearance of men and we will find habits and beliefs practically
37 indistinguishable from those of twenty thousand years ago. These men are incapable of change; teach them ordinary routines
38 of life, and their capacity for innovation is exhausted. When life requires adjustment, most men would rather die, or kill, than
39 change. From this perspective we better understand what follows.

40 In 1635, canons and liturgy were introduced into the ceremonies of the established church. When they were first read from
41 pulpits, they provoked suspicion of papacy, disorientation and riots. After a riot in Edinburgh, the Scots convened the
42 nobility, gentry, ministers and burgesses, who assumed the authority of the Scottish kingdom. They produced “the Solemn
43 League and Covenant,” which denounced popery, aimed to abolish episcopacy (Church of England) and to establish
44 presbyters (congregations under local control), and pledged members to defend each other.

45 We should take note of this Covenant; for, it will play a major role in the combustion that follows.

1 Charles ordered this convention to disband under penalties of treason; but he was ignored. Charles tried negotiation; but his
2 concessions only exposed weakness, where, by a free man, they would demonstrate strength.

3 Finally, he resolved on the use of arms to subdue the covenanters. They armed themselves in defense, and hostilities followed.
4 Charles had provoked a “necessity,” and, after eleven years, was forced to call a Parliament.

5 **5.2.5 Fourth Parliament of Charles I (Williams, xix, 577; Hume, v, 269; Durant, vii, 206)**

6 This fourth Parliament of Charles convened 1640 April 13. He wanted twelve subsidies to finance the suppression of the
7 Scottish rebellion. But, John Pym had communicated with the covenanters and found their cause to be similar to Parliament’s.
8 He then persuaded Parliament to deny funds to Charles and to arrange an alliance with those covenanters. The House of
9 Commons proceeded to grievances. It began to exam the behavior of the speaker (Finch) on the last day of the previous
10 Parliament. Next, they went to inquire into the imprisonment and prosecution of Eliot, Hollis and Valentine. They prepared
11 to make ship money illegal. Parliament was determined to confirm the “ancient practice... to give grievances the precedency
12 of supplies.”

13 Charles saw no profit in any of these topics and dissolved Parliament, May 5, a mere twenty-two days after it had convened.
14 He imprisoned three members on the basis they wanted to “examine and censure” his acts – as if Charles was bound to
15 account for his acts to Parliament.

16 It was the custom at this time that, when Parliament met, bishops would convene as a sort of mirror assembly for the purpose
17 of dealing with religious matters. When Parliament was dissolved, this convocation of prelates continued to sit; departing
18 from the usual practice of adjourning with Parliament. This convocation granted a supply to the king from the spirituality.
19 It passed a resolution that ordered the “clergy to teach the people the divine right of kings, [to extricate] that damnable sin of
20 resistance to [kingly and priestly] authority,” and to impose on the people the “etcetera” oath, which was intended to maintain
21 the authority of the Church.

22 These proceedings were regarded as illegal by most men since they were done without the assent of Parliament.

23 The Scottish army then “invaded” England and promised to pay for everything – except for property plundered from Catholic
24 houses. It demanded an English Parliament; and every town received them kindly. Charles opposed them but was troubled
25 by several mutinies provoked by papist officers.

26 **5.2.6 The Long Parliament (Williams, xix, 581; Hume, v, 285)**

27 Embarrassed by “necessities” provoked by his own ineptitude and folly, Charles called another Parliament – the most
28 momentous assembly of men in the tortured story of man.

29 On the morning of November 9, 1640, Charles arrived privately at the Parliament door – contrary to his usual mode of royal
30 splendor, “One thing I desire of you, as one of the greatest means to make this a happy Parliament, that you on your parts, as
31 I on mine, lay aside all suspicion, one of another.” He did not know what he had done, and imagined an oppressed nation
32 was as short of memory as he.

33 The nation consulted its list of names; an army of petitions arrived at the House of Commons. From the Fleet prison came a
34 petition from Alexander Leighton, who had languished there ten years. Another came from John Lilburne who had been
35 whipped and imprisoned for distributing Prynne’s book; his petition was delivered by Oliver Cromwell. Petitions from
36 Prynne, Burton and Bastwick reached the house. These men were ordered to London; Leighton, mutilated, deaf and blind,
37 crept out of his cell where he had expected to die; Prynne and a fellow sufferer made a triumphal entry into London. Bastwick
38 entered London with trumpets sounding, torches burning and a thousand horse for his convoy.

39 The House of Commons voted that these men should be restored to their callings and that those judges who had unjustly
40 treated them should pay high damages as compensation, to each of them.

41 Some days before Parliament opened, Pym declared his intention of “removing all grievances and pulling up the causes by
42 the roots.” On November 11th, he rose in his place and said that he desired to speak on a matter of the utmost importance.
43 He requested that strangers be excluded and the doors to the house be locked. For three hours he recounted crimes of
44 Strafford, and asked that he be impeached of high treason.

1 Thomas Wentworth began his career in the House of Commons (1628) and demonstrated a foremost position in the cause of
2 liberty; Charles made him earl of Strafford, and he went to the other extreme. Charles appointed him to a position in Scotland;
3 and then in Ireland as governor. In both places, Strafford practiced an undisguised tyranny, and made many enemies.

4 The House of Commons was particularly offended by Strafford. Most men choose evil because they can get wealth and
5 “honor” no other way. Strafford had intelligence, wisdom and competence: he had all that was necessary to succeed in an
6 honest calling; instead, he chose evil because it was evil.

7 Pym carried his motion in the House of Commons. Doors of the house were thrown open and Pym led three hundred members
8 into the House of Lords where they demanded the impeachment and arrest of Strafford.

9 The work of this Parliament had hardly begun. Archbishop Laud was accused of “a design of subverting the constitution and
10 laws of England, and introducing arbitrary and unlimited authority.” He was impeached and arrested.

11 Lord keeper Finch (former speaker of the House of Commons) was impeached; he was a minor offender and the event that
12 made his impeachment memorable was that he, naturally, fled the kingdom.

13 Sheriffs who assessed ship money were declared delinquents (those who have been guilty of some crime, offence, or failure
14 of duty), as were tax farmers and officers of the custom who levied and collected duties on tonnage and poundage. They were
15 fined one hundred and fifty thousand pounds.

16 Judges of the Star Chamber and High Commission were voted to be liable to penalties of law. That is, their victims could
17 seek civil damages against them in the ordinary course of law.

18 Five judges who declared ship-money (regarding Hambden’s trial) “were visited with a just retribution for their servility.
19 They were compelled to give securities to abide the judgment of Parliament, whilst the most obnoxious of them, Sir Robert
20 Berkley, being impeached of high treason, was taken to prison from his judgment seat in the King’s Bench, which struck a
21 great terror in the rest of his brethren then sitting in Westminster Hall, and in all his profession.”

22 Monopolies were abolished and monopolists were made delinquents and expelled from the house.

23 Strafford was convicted of high treason and sentenced to lose his head. Altho he was guilty as charged, his trial was conducted
24 in a manner that embarrasses a man acquainted with rules of due process. With a touch of humanity, or because of disgust
25 of a barbaric practice, the house saved Strafford’s children from forfeiture and corruption of blood; the crown had never done
26 this.

27 Strafford’s execution (1641 May 12) was the first blood of this revolution, and demonstrated its twin passion. While this
28 Parliament is unique in the strides it took for self-government and redress of grievances, it is also guilty of many cruelties
29 and outrages. Perhaps these latter can more properly be regarded as natural consequences of long oppression, which allows
30 no redress for crime. Where men are denied justice, violent measures are their only redress. It is inevitable and natural that
31 the reaction will be violent, inartful and a source of shame for those who look back.

32 Historians have had difficulties determining the justice of Strafford’s conviction. In general terms, he was accused of
33 pursuing a plan to free the king from all restraint, by an unlimited right of taxation and a standing army to enforce such
34 pretensions. Two of the articles against Strafford were that he imposed taxes by his own authority, as lord-lieutenant of
35 Ireland, and quartered troops on those who complained of his oppression.

36 Treason, according to the law of England, consisted of any conspiracy or act that aims at, or results in, harm to the *king*. By
37 this common understanding of treason, Strafford could not have committed treason; for, his actions aimed at making Charles
38 an absolute despot. Strafford *and Charles* were waging war against *the people*, not the king, of England.

39 The difficulty lay in the fact that no law of treason specifically declared such behavior to be a crime. At the time of Strafford’s
40 execution, the nation was on the verge of a civil war between royalist and Parliamentary forces. In six years, agents of a
41 victorious Parliamentary army would present to this Parliament ‘An Agreement of the People,’ which declared sovereignty
42 to lie in the people, among other things. This was the perspective needed by Parliament to convict Strafford of treason with
43 consistency.

1 The story of man with power is the story of folly, irony and cruelty; the story of this Long Parliament and Strafford is no less.
2 Ireland was almost entirely Catholic. When Strafford was appointed governor of it in 1632, he said that he found it in a “state
3 of perfect dissolution” – and this after some four hundred years of barbarous English rule. Elizabeth, for example, had
4 instituted a “final solution” that resulted in the extermination of some three hundred thousand Irish not eighty years before.
5 Strafford wrote, “stronger measures were necessary... [and] ... none but thorough measures can subdue the spirit of the times,
6 and the elevation of the royal powers must be the most important – nay, the sole object of my government.”

7 Shortly after Strafford’s execution, Parliament abolished the Star Chamber and High Commission; neither king nor bishop
8 now had an instrument by which to enforce their proclamations, which we would probably call ‘executive orders.’ Other
9 arbitrary courts were abolished.

10 After the dissolution of the last Parliament, the convocation of the clergy continued to sit; it granted money to Charles and
11 made several changes in church matters and instructed the clergy of the Church to conduct a general oppression of the nation,
12 and puritans especially. This Parliament declared the clergy could make no changes without consent of Parliament and
13 imposed fines ranging from five hundred pounds to twenty thousand pounds. A series of bills pertaining to bishops emerged
14 from Parliament; first to restrict, then to abolish them. Later thirteen bishops who participated in the convocation were
15 criminally accused.

16 About this time Parliament voted supplies to compensate both English *and* Scottish armies. Since the latter was the cause
17 for invoking Parliament, Parliament was determined to keep it on English soil until Parliament had completed its agenda.

18 **5.3 Attempted Arrest**

19 The hostility against the king and the fury of Parliament were both beginning to abate; and zealots in Parliament were
20 despairing for motive power. But Charles would rectify this situation, probably out of stupidity.

21 The event we are about to examine is regarded by English historians as the most significant event during the most significant
22 upheaval in English history. It has several roots, and we will take a brief survey of a few of them. One of those roots pertained
23 to the relationship between palace and temple. On 1640 December 11, Parliament received a petition, signed by fifteen
24 thousand people complaining against episcopacy; it called for abolition of “the Government of Arch-Bishops, Lord Bishops,
25 deans, and Arch-Deacons, all its dependencies, Roots and Branches...” (Brett, 161.)

26 A week later, Pym moved for an impeachment of Arch-Bishop Laud. The articles against Laud included the following.

27 The second article claimed that Laud defended “absolute and unlimited power by preaching, by sermons, and other discourses,
28 printed matter...” Pym coined a maxim in this article: by Laud’s efforts, the “Truth of God defends the lawlessness of man.”

29 The third article asserted that Laud “dispenses and distributes justice by *fear and intimidation*...” Here, Pym named the
30 violation before men had named the right – which Americans would lay as a cornerstone of their experiment: the pursuit of
31 happiness.

32 By the sixth article, Pym declared that “Bishops labor to set king above the laws, and themselves above the king.” (Brett,
33 161)

34 Laud was arrested 1641 March 1st, and would remain in prison nearly four years before being led to the block. (Brett, 177-
35 8)

36 Ten days later, the House of Commons passed a resolution to debar the clergy from exercising any judicial function. Two
37 months later, a bill was introduced, by Cromwell and Vane the younger, into the House of Commons to abolish episcopacy.
38 It passed by a vote of 139 to 108, with Pym and Hampden in the majority. (Brett, 181)

39 Shortly after this, the king announced his plans to go to Scotland; the House of Commons appointed several commissioners
40 to accompany the king on his trip, with Hampden being one of them. Parliament then adjourned to October 20th. The real
41 purpose of these commissioners was to watch the king’s movements.

1 When Parliament reconvened, its first act, 1641 October 21st, was to pass a bill to exclude Bishops from the House of Lords;
2 this would remove twenty-six votes that were nearly always cast for the court. Rather than extirpate episcopacy at once, it
3 was thought wiser to tear off one branch or root at a time.

4 Four days later, Pym was attacked with a sick rag. He was handed a package that contained a letter and a rag that had been
5 used as a dressing for a wound, and that was soaked with infectious fluids. The letter warned Pym to shut up or expect a
6 dagger. "Not long after," a man in Westminster Hall, mistaken for Pym, was stabbed to death. Neither the letter writer nor
7 the killer was found. (Brett, 189-190.)

8 On 1641 November 1st, Parliament received intelligence the Irish had risen up in anger, nearly a year, to the day, after Pym
9 had suggested a committee to into Irish grievances. Irish Catholics got tired of waiting and massacred thousands of English
10 Protestants; estimates range from four to eight thousands.

11 When Strafford was arrested in November of 1640, the government of Ireland was continued by creatures he had selected.
12 By one artifice, treachery and oppression at a time Strafford, and his creatures, pushed the Irish beyond their endurance. On
13 1641 December 8th, Parliament resolved that the Catholic religion should no longer be tolerated in Ireland. The following
14 February, Parliament made an enactment that must forever embarrass civilized men, "All rebels, as well as their adherents
15 and favourers, shall be wounded, killed, put to death, and annihilated by all means and ways; all places, towns, and houses,
16 where the rebels abide or have abode, or where they have been protected or assisted, shall be plundered, laid waste, pulled
17 down and burned; all the hay and corn in them shall be destroyed, and all the inhabitants able to bear arms shall be killed!"

18 Within the last year, this Parliament had impeached and executed Strafford for doing the same. Before Strafford became
19 governor of Ireland, he held the same position in Scotland. The tyrannical rule that he left there, would later drive the Scots
20 to rebellion and Charles to the necessity of calling and maintaining Parliament. In the rising of the Irish, some men saw
21 Strafford rise from his grave and make one more gift to Puritanism. Strangely do men benefit those they oppress; and reward
22 their benefactors.

23 How should Parliament respond to this Irish violence? If Parliament supplied the king with an army to suppress the Irish,
24 most members of Parliament were fearful that Charles, instead, would use the army against Parliament. Further, many
25 members believed that Charles had encouraged the rebellion as a means to wheedle money, and an army, from Parliament.
26 It was finally resolved to give Instructions to the king regarding the Irish uprising. These instructions, required, among other
27 things, that Charles had to "employ such councilors, ambassadors and other ministers... as the Parliament may confide in,
28 without which we cannot give His Majesty such supplies for support of his own estate..." (Brett, 194.)

29 Thus, Parliament wanted the power of "advice and consent" relative to the king's appointments. Until this grievance was
30 redressed, Parliament would vote no supplies. This was unacceptable to Charles, of course.

31 While Parliament sought to exterminate men over sea, it sought to secure men's rights nearby.

32 Let us paint this irony in greater relief. In the midst of this Irish insurrection, an unprecedented struggle, November 9th to the
33 22nd, occurred in Parliament. This was the time of debate on the Grand Remonstrance. This petition, among other things,
34 requested the king to remove bishops from the upper house, and all evil-minded and suspicious persons from his councils,
35 and employ only those who had the confidence of Parliament. This remonstrance contained a list of every complaint that had
36 been leveled against Charles since he took the throne – some two hundred in all; and affirmed that Charles was surrounded
37 by a wicked party that was the cause of all evils. When light failed on the evening of the 22nd, candles were brought into the
38 House; and the midnight vote was one hundred and fifty-nine to one hundred and forty-eight in favor.

39 Part of the majority had intended to color Charles as black as possible in preparation for imposing more limitations on his
40 prerogatives. Another part viewed the Petition and Remonstrance as essential for the security of their rights; Cromwell
41 remarked at the end of the sitting that, if the Remonstrance had not passed, he, with many who thought like him, would have
42 sold their property and never seen England again.

43 The greater number of the majority was motivated by religious ideals, and had intended to exterminate all who were not
44 devoted to their nursery tales.

45 After passage of the Remonstrance, a motion was immediately made to print the Bill, which was highly irregular; by long
46 custom, a bill was printed after it received an assent from a king. By this motion, the majority demonstrated its main purpose

1 was to inflame the populace against the king, and give it new hope for additional redress of grievances. Pym's remarks
2 concerning the Remonstrance ended with, "This declaration will bind the people's heart to us when they see how we have
3 been used." And, by "we," he meant the English nation. (Brett, 195.)

4 Passions ran high during the debate on this Remonstrance, and the motion to print pushed them higher. Men drew their
5 swords, and only the calm intervention of Hampden averted bloodshed. Palmer, who was among the minority, made a motion
6 to allow members in the minority to enter their names as protesting the printing. His motion was defeated and, a few days
7 later, the House imprisoned him for two weeks for his part in provoking near-bloodshed in the House. These hot tempers
8 allowed cool heads to persuade the House to withhold its order to print. (Brett, 195.)

9 Here, we only give one example that, when a sect breaks away from its mother superstition, it will demand freedom to practice
10 its folly and allow this freedom to none others. When a man demands for himself what he denies to others, we are kind when
11 we characterize his behavior as folly. When his folly is fortified with power, we are kind to characterize it as cruelty.

12 The king returned to London and a triumphal entry, November 25th. People flocked to the streets to cheer his greatness; the
13 Lord-Mayor and City companies turned out in full dress and gave an equal welcome. It was an unusual show of enthusiasm
14 and Charles interpreted it as a sign that popular opinion had turned against Parliament. The next day he dismissed the
15 Parliamentary guard under Essex (trusted by Parliament). Parliament immediately protested and Charles appointed a new
16 guard under Dorset (trusted by Charles). On November 29th, an unruly crowd broke into the Palace Yard and shouted, "No
17 Bishops!" Dorset ordered the guard to shoot, but it refused.

18 In the meantime, the House of Commons had appointed a committee to draw up "Reasons for a Guard." Pym reported its
19 finding that Parliament desired "a Guard, under the command of the Earl of Essex.... But to have it under the Command of
20 any other, not chosen by themselves, they can by no means consent...." This caused Charles to dismiss Dorset. (Brett, 198.)

21 On December 1st the Grand Remonstrance was presented to the king; he said that he would answer it, and asked that it not be
22 printed.

23 The early days of December brought fresh insults to Charles. On the seventh, Arthur Haslerig introduced a bill that would
24 effectively place land and sea forces under the command of Parliament. This represented a very deep and radical inroad
25 against the king's power; it was hotly debated and a motion to reject it was defeated 158 to 125. On the eleventh, a Petition,
26 bearing twenty thousand signatures, was delivered to the House of Commons in support of Pym's policy to exclude Bishops
27 and Catholics from the House of Lords. On the fifteenth, the House of Commons voted that the Grand Remonstrance should
28 be printed, it would wait no longer for the king's answer. (Brett, 199.)

29 Charles had just returned from Scotland where he had collected information that members of Parliament were conspiring
30 with Scottish covenanters to reform English society for the purpose of making the liberty, rights and property of Englishmen
31 more secure. From Charles' perspective this was treason, and he was determined to bring the conspirators under his heel. In
32 this planned retaliation, Lord Digby was the king's chief advisor.

33 One man that stood in their way was Balfour, the governor of the Tower. He, by refusing a bribe to allow Strafford to escape,
34 had demonstrated opposition to the crown and loyalty to Parliament. December 24th Balfour was removed and replaced by
35 Col. Thomas Lunsford, a friend and companion of Digby; he was "a soldier of evil character and infamous name...a mere
36 desperate tool for any kind of reckless service." He was "a few years before compelled to fly the kingdom, to avoid the hand
37 of justice for some riotous misdemeanor." (Forster, 10, 34.)

38 The strength of the royalist forces laid in northern and western counties. Lunsford belonged to the army of the north, and
39 was deeply involved in plots to bring it up to Westminster to overawe Parliament.

40 Members of the House of Commons knew of Lunsford's character, and, without a dissenting voice, voted to cancel his
41 appointment: the measure was declined in the House of Lords.

42 Lunsford's appointment alarmed the populace. In the last several days of December of 1641, the situation approached a
43 flashpoint. Crowds assembled in the streets around Parliament to deliver petitions, and encourage progress on others.

1 The oppression and cruelty of bishops began to bring fruit. Crowds around Parliament intimidated bishops as they entered
2 or left the House of Lords. Depending on who passed, the crowd would shout “A good lord! A good man! Let him pass!” or,
3 “No bishops! No bishops!” (Forster, 71, 93)

4 At one point, a bishop had his dress torn as he passed thru the crowd.

5 Court apologists described the bishop’s torn garment as a near capital offense; officers and ruffians fed by the king went into
6 the streets and attacked crowds of people as they encountered them. Lunsford was one of the leading officers in this campaign.
7 There was one reported killing by this violence, but many injuries. In former ages, such violence by the king’s men would
8 intimidate and disperse the crowd; but, in this time, it added fuel to a fire.

9 In response to the crowd, several bishops drew up a protestation and delivered it to the king and House of Lords. They
10 declared their intent to withdraw from Parliament, that its laws were invalid without their participation, and that it should be
11 dissolved.

12 Within half an hour of the reading of this protestation before the House of Lords, the House of Commons sent up an
13 impeachment for treason against its authors; and ten of the twelve were sent immediately to the Tower – the other two were
14 confined in private houses because of their extreme age.

15 In the meantime, crowds became more numerous, and more assertive. After two days of tumults, Charles decided to recall
16 Lunsford’s appointment and replace him with another man of equally desperate reputation.

17 But the recall came too late. From our vantage point, it appears that Charles had intended to provoke violence so he could
18 “justify” autocratic measures. But, he had lost control. Each day, violence escalated noticeably; and the people became
19 sensible of their power, and that safety lay in greater demands – not retreat.

20 Pym must have been one of those who have the capacity to discern a shadow before the obstruction arrives; the outline before
21 substance. On December 30th, he requested the doors of the house to be shut, detailed his anticipation of some dangerous
22 attempt against the liberties or even the existence of Parliament, and then requested a guard of private citizens for the security
23 of Parliament.

24 The following day, Denzil Hollis went to the king and requested a guard out of London under the command of Essex, a man
25 trusted by Parliament. Charles declined this verbal message and requested a written one, which was supplied within hours.
26 And the king gave no answer.

27 The house, nevertheless, set three watches armed with halberds.

28 This was the situation as December gave way to January. The tinder was smoldering, and waited for a breeze.

29 On January the third, the king’s messenger arrived at the House of Lords to accuse six members of Parliament of treason: one
30 lord, Kimbolton, and five commoners, John Pym, Arthur Haslerig and John Hampden, Denzil Hollis and William Strode.
31 The messenger then read the articles of treason; there were seven. The first article charged the accused of an attempt to
32 subvert the Government and fundamental laws by placing “in subjects an arbitrary and tyrannical power over [their own]
33 lives, liberties and estates.” The second article aimed at the authors of the Grand Remonstrance, which cast “many fowle
34 aspersions upon his Majesty” and led to alienation between himself and his “loving subjects.” The fifth article charged them
35 with an attempt to subvert the right and being of Parliament when the House of Commons refused to record a protest, by a
36 minority of the house, against the Remonstrance. The seventh characterized the request for an armed guard for the protection
37 of the House as a conspiracy to levy war against the king. (Forster, 113-4)

38 Kimbolton instantly rose after the charge was read and repelled the accusation and challenged public inquiry into it. Lord
39 Digby was sitting next to Kimbolton while the articles were being read; he had promised the king to move for Kimbolton’s
40 imprisonment as soon as the accusation had been made. But the intensity of Kimbolton’s denial and the hot agitation of
41 other members caused Digby to lose his nerve, lest he be cut to pieces. Digby even pretended surprise, and suggested the
42 king to be ill advised; then “rapidly quitted the house.” (Forster, 116-7)

43 The king’s messenger then proceeded to the House of Commons to read the accusations there. Before this message arrived
44 there, D’Ewes, the scribe for the lower house, entered the house and noticed “crowds of officers and other people scattered

1 in the lobbies and passages in a manner not usual.” Pym gave a speech that day recorded by D’Ewes in half sentences, “One
2 Mr. Buckle,” remarked Pym, “had said the Earl of Strafford’s death must be avenged, and the House of Commons were (sic)
3 a company of giddy-brained fellows.” (Forster, 118-9)

4 After Pym had finished, he and Denzil Hollis were called to the door for urgent messages from their servants; they learned
5 that their (and Hampden’s) papers and other writings (“trunks, study, and chambers”) were sealed up by men sent by the king.

6 This seizure had occurred before the articles of treason were read to the House of Commons. The house, accordingly, declared
7 this seizure of papers to be a grave breach of privilege; and that, if any person should offer to detain or arrest any member of
8 the house, such member had the lawful right to resist such attempt, according to the Protestation signed by every member of
9 the house on the eve of Strafford’s execution.

10 The Upper House joined with the Lower in declaring against the act of sealing up the trunks, papers, and doors, in the private
11 houses of the accused. The House then passed an order to break open those seals and to arrest the two men by whom they
12 were attached. (Forster, 124-5)

13 These events brought house members to an animation of high level. The new Chancellor of the Exchequer (Culpepper) and
14 new Privy Councilor (Falkland) sat for the first time in seats next to the Speaker’s; they uttered not a word against the
15 proceedings. Both had been appointed to their new offices December 30th.

16 The house was preparing to send its declaration to the House of Lords when the king’s messenger arrived with the request
17 for the persons of Denzil Hollis, Arthur Haslerig, John Pym, John Hampden and William Strode. By this time, members of
18 the house had mastered the flow of their adrenalin,

19 *“a sort of settled and stern composure, contrasting strangely with the agitation that prevailed while yet the*
20 *threatened blow had not fallen, appears in all the proceedings that immediately followed.”*
21 *[Forster, John, The Arrest of the Five Members (1860, London), pp. 119-122]*

22 After the king’s messenger delivered his master’s desire to the House of Commons, he was ordered to wait outside the door
23 while the House prepared its answer. The House responded that it would take into serious consideration the king’s accusation
24 and that the accused members would answer any *legal* charge against them. To impress the king of the House’s sincerity,
25 Culpepper and Falkland, the king’s two new ministers, and two others, were required to deliver the answer to the king.

26 The resolution, made earlier that day by Pym, for a guard for the house was made into an order and promptly executed. The
27 whole House thereby committed the same act of treason charged against five of its members. The House then adjourned to
28 the next day, when it would consider the king’s desire.

29 After the arrest message was delivered, the House of Lords agreed with the lower house to petition for a guard; the king’s
30 answer was handed in several days later, after he left London. Charles proposed two hundred men commanded by a man
31 who would later become commander-in-chief of the royalist forces during the rebellion. (Forster, 115.)

32 When the king learned of the request of the House of Commons for a guard to be supplied by the City, he sent an order to the
33 mayor of London to refuse the House’s request, and to provide, instead, a guard for the royal service to suppress any assembly
34 of people that might be provoked on the following day, January 4th. He then sent summons to the four Inns of Court “to be
35 ready at an hour’s notice to defend his Majesty’s person.” (Forster, 155-6, 161.)

36 On the morning of January 4th, all accused members were present in the Lower House. Pym was the first to speak. He
37 conceded that charges constituted treason; and, his remarks allow any reasonable man to draw the conclusion that Charles –
38 not members of Parliament – had committed the treason.

39 Hampden declared that he would be a disloyal subject if he would yield to a royal command that was against the laws of
40 England; he criticized the Church of Rome, to him, “prayers to the Virgin Mary, to angels, to saints, cringing and bowing
41 and creeping to the alter... [were] devilish.” (Forster, 161-6.)

42 After the accused members had spoken, the House resolved on a conference with the House of Lords to inform it that a
43 scandalous paper had been published and that its authors should be discovered and punished. The Lower House also declared
44 the king’s guard at Whitehall to be a grievance; it constituted “a breach of our privilege and an interruption of the freedom

1 of debate.” It was reported that thirty to forty canoneers went yesternight into the Tower at ten of the clock; that days earlier
2 Whitehall (the king’s residence) had been considerably fortified with arms and ammunition; that a “great number of loose
3 debauched fellows” had been recruited to Whitehall, where the king provided “ a constant table for their entertainment.”
4 (Forster, 146, 161, 172.)

5 It was midday, January 4th of the year 1642. The Lower House adjourned, and would reconvene at one of the clock. During
6 this lunch hour, Lady Carlisle conveyed to Pym the king’s intention to personally seize the five members. Nevertheless, all
7 accused members returned to the House that afternoon. About three that afternoon, a messenger arrived at the House, out of
8 breath. He had run all the way from Whitehall; he reported that the king was approaching the House at the head of a large
9 body of men; estimates range from three hundred to five hundred.

10 The House then voted to “allow” the accused members to absent themselves. Owing to the heated words and excited state of
11 all members, this was thought to be the alternative that would avoid bloodshed.

12 William Strode was one of those accused of treason by Charles. He had been a member of the 1629 Parliament, and had been
13 arrested by Charles at its close. He remained in prison until his election, to the Short Parliament of 1640, set him free. On
14 this day, which threatened him with another imprisonment, he passionately declared his innocence, and that he would remain
15 in his seat, and defend his honor with his blood, if need be. His friends tried to persuade him to leave with the other four, but
16 his relative youth commanded him to stay. He finally had to be forcibly removed by the departing members. As they passed
17 thru the door that led to the water, the king came in by another.

18 Charles entered the main hall and instructed his marauders to wait at the door, and to keep the doors open. As he approached
19 the Speaker’s chair, he noticed that Pym was not in his usual seat – the others were not known to him by sight. His speech
20 was short, and punctuated with several long pauses; betrayal and uncertainty were battling in his mind. Once he had
21 determined that none of the accused was in the House, he closed his speech and began walking from the hall; as he neared
22 the door, the word “Privilege! Privilege!” rang out.

23 A man who witnessed the event remarked that Charles intended the same fate for the five as was suffered by John Eliot –
24 who was arrested without cause, who, naturally, was never shown the cause of his arrest, and who died in the Tower.

25 The five members had gone into London for safety. During the night of January the 4th, double guards were posted at every
26 gate of London for opposition to the king. Alarmed cries were heard thru-out the night that the king’s Cavaliers were entering;
27 that they intended to fire the City; and that the king was at their head. Intelligence that the king intended to break into private
28 homes and seize all arms raised the dread and excitement to a deadly level. (Forster, 254-5.)

29 On January the 5th, the king visited London to secure the five. The reception on the streets was not favorable; the words,
30 “Privilege to Parliament!” were everywhere thrown into his ears. He gave a short speech at Guildhall before the Common
31 Council of London in an effort to calm the rising tide of apprehension while he demanded the arrest of the accused. To shouts
32 of “Privilege to Parliament,” he lost his composure and shouted, “tryall – tryall!” After this scene, he had supper at the house
33 of Sheriff Garret, where he had invited himself. He was entertained there till three of the clock; he then returned to Whitehall
34 thru streets lined with thousands of people who shouted “Privilege! Privilege!” (Forster, 258-63.)

35 The same day Charles was speaking at Guildhall, the House of Commons had met to decide a response to the attempted
36 arrest. Westminster was the place of their meeting; it was without the walls of London and had no fortifications. Members
37 wanted to move their meetings inside the walls of London, where the populace was mostly favorable to Parliament. But to
38 make such a change required the consent of the House of Lords and the king. The latter was thought to be impossible. To
39 overcome this obstacle, the House voted to form a committee and instruct it to meet at Guildhall in London. Its duty was to
40 collect more information on the attempted arrest and to consider the means to secure the safety of Parliament. The House
41 then adjourned to January 11th, six days hence.

42 The following day, January 6th, the committee issued a Declaration that stated that the warrants issued by the king were
43 unlawful; that any who acted under them were “a public enemy to the commonwealth”; and that the House of Commons
44 would defend the just rights and liberties of the subjects and Parliament of England.” (Forster, 274-9, 319.)

45 The attempted arrest much altered men. What was held deep within, rose to the surface. Moderation gave way to fierceness;
46 guarded speech was abandoned, and clear thought displayed. The scabbard was flung away.

1 On the night of January the 6th, the watch at Ludgate was alarmed suddenly between nine and ten of the clock, by information
2 that the same desperadoes that accompanied Charles on the visit to the House of Commons, were now preparing to enter the
3 City to seize the five members, “dead or alive.” Rumor said they were to be led by Digby and Lunsford. Sentinels ran from
4 door to door, knocking violently and shouting “Arm! Arm!” Within an hour one hundred and forty thousand men were
5 standing ready to defend six men who the king had accused of treason. (Forster, 322.)

6 The following day, January 7th, the Committee had to move its meeting to Grocers’ Hall. There, it deposed many witnesses
7 and participants of the event of Tuesday, the fourth. Several testified, who were among the king’s guard, that they expected
8 a word or signal to begin violence against the entire House.

9 On Saturday, the 8th, the king issued a new Proclamation for the arrest of the five members of the House. On the same day,
10 the House Committee voted that the king’s Proclamation was “false, scandalous, and illegal”; that all acts of any persons in
11 defense of Parliament were according to their duty; and that anyone who hindered any such person would be regarded as an
12 enemy of the Commonwealth.

13 The Committee then turned to the issue of who should be placed in charge of the Tower. It was of utmost importance to have
14 someone in the Tower who had the confidence of both the merchants of London and the members of Parliament; for, without
15 such confidence, men would not bring their bullion to the Tower and, by consequence, they would not bring it into the
16 kingdom. (Forster. 333-5.)

17 The next day, January the 9th, saw groups of strange men on the streets of London. Large numbers had poured in that morning
18 with a petition “signed by several thousands,” of citizens and merchants, artisans and apprentices, declaring for the protection
19 of the House of Commons in general, John Pym in particular.

20 Four thousand freeholders and squires had ridden up from Buckinghamshire to protect John Hampden, whom they had
21 selected to obtain redress for their wrongs. Weeks earlier they had chosen to refuse the payment of illegal levies – and to risk
22 imprisonment. They brought a petition signed by all, declaring that they were ready to live or die with John Hampden. He
23 probably wrote the petition, and summoned the troops to London. These were the first troops mustered for the rebellion that
24 was rising on foundations laid in these, and earlier, days. (Forster, 338.)

25 January the tenth was the day appointed for the accused members to return to their seats at Committee hearings; the streets
26 around Grocers’ Hall were thronged with people.

27 Pennington began the hearings by detailing his findings as to the unusual fortifications of the Tower done by Charles.

28 A resolution was then debated regarding the illegality of the sealing and seizure of the accused members’ “chambers and
29 studies, writings and trunks”; and about the essence of freedom of speech. They seemed to understand that freedom of speech
30 is the first step toward every redress – whether in the home, in the marketplace, on the frontier; that its suppression is the
31 prime guard of every crime. (Forster, 346-7.)

32 These resolutions had scarcely been voted when a fresh commotion outside the Hall brought new excitement. “A very
33 numerous deputation of sailors and masters of ships brought a petition, signed by a thousand hands, which offered “to defend
34 Parliament by water with muskets and other ammunition in several vessels.” (Forster, 347.)

35 The streets remained crowded all day with people waiting for the return of five members of the House of Commons. Shortly
36 after the seamen left, there came shouts from without louder than any yet heard, and told of the approach of the five. They
37 passed with difficulty, thru the welcomes of many and took their seats. The press and well-wishes of the people were
38 incessant. The Committee suspended its operation and invited several of their number into the Hall. In their own names, and
39 for the rest, they expressed, in simple words, a desire to guard the Parliament on the morrow. Time was taken to make
40 arrangements as to how best to accomplish this task, and the people departed. There were others that offered assistance, but
41 I have sketched the scene sufficiently. (Forster, 348.)

42 On the afternoon of January the tenth, as the Committee brought its session to a close, Charles had determined to fly. All
43 during that day, messengers had arrived from Grocers’ Hall to give him news of events there. For so many weeks or months,
44 he had plotted a great crime; but, unfolding events told him something much worse: that he had committed a great folly. He
45 would be a prisoner the next time he saw London.

1 Tuesday, January the eleventh arrived; this was the day Parliament was to resume. The five members arrived on a barge;
2 both sides of the river were lined with people, the river itself was covered with vessels – all to hail these men. Ordinance
3 sounded, and would continue to sound as Parliament would proceed with its business. A few days earlier, the Committee
4 issued a Protestation calling Englishmen to defend the privileges of Parliament, among other things. This day, thousands of
5 people had attached copies of this Protestation to their muskets and pikes, their hats and shirts. No Roman triumph could
6 match this scene. And, I surmise, no age ever will.

7 The accused entered the House and took their seats; they had chosen Pym to express their humble gratitude. Sir Edward
8 Dering, a royalist member of the House, later wrote to his wife, “If I could be Pym with honesty, I had rather be Pym than
9 king Charles.” (Forster, 369-72.)

10 By his flight the previous day, Charles effectively abdicated the throne; this day, the crown, effectively, was given to John
11 Pym.

12 The living force of the building rebellion dwelt in those members of the House of Commons that Charles attempted to arrest.
13 At the time, maybe one Englishman in ten supported Parliament with an intensity just below open rebellion. Had Charles
14 slaughtered members of Parliament, support for Parliament would have multiplied – both in numbers and intensity. If those
15 five members escaped the slaughter, the whole nation would have rallied behind them; and they would have had difficulty
16 restraining the nation from a general slaughter of royalists.

17 Without men, such as Pym and Haslerig, Hampden and Hollis, the English people hardly had a voice. Charles must have
18 known that a slaughter of house members would have given irresistible power and murderous fury to those five members.
19 Since they were not available, he and his troops withdrew from the house, without further incident.

20 By this rash act, Charles pulled the veil and exposed his dedication to tyranny; it was plain to see that, if he could recover his
21 power, he would abolish all concessions he had made, and pursue a bloody revenge; and it was prevented only by the absence
22 of five members and by cool heads that endured the taunts of the king’s ruffians. Even moderate royalists became enraged,
23 and went over to the opposition. Once a sword is drawn against a tyrant, a scabbard is useless. Civil war was to follow; and
24 men, on either side, became traitors to the other.

25 **5.4 The Civil War**

26 The civil war itself does not concern us, except for the career of one man, Oliver Cromwell. Until the civil war, he was a
27 relatively insignificant member of the House of Commons. At the outbreak of hostilities, he retired into the eastern counties,
28 and organized militias.

29 Here we should more exactly define the Presbyterian party, which comprised most of the rebels. It was divided, at this time,
30 into three sects: puritan, independent, and Leveller. The first believed in a decentralized church and would tolerate no other
31 sect. Independents differed by allowing toleration to all – except Catholics and prelates (Anglicans). Levellers tended toward
32 communism and pretended a toleration for all. (All collectivists, when they seize power, give toleration to none.) The most
33 numerous sect was the puritan, which controlled Parliament. Cromwell was an independent and little favored by Parliament.
34 But it was soon noticed that Cromwell and his troops never lost a battle, no matter the odds. Royalists were motivated by
35 plunder, their erections and drunkenness. Presbyterians were motivated by none of these; or, perhaps, their opposites. While
36 the zeal of puritans was usually sufficient to overcome royalist forces, the fierceness of independents was implacable, and
37 triumphed over all – even great numbers. Parliament gradually advanced Cromwell to the command of the Parliamentary
38 army, and he soon put an end to the civil war.

39 Our focus is to examine the right of redress. We will, accordingly, turn our attention to a most singular redress of grievance.
40 For forty years, Parliament repeatedly attempted to establish the principle that every form of taxation required the consent of
41 Parliament; to reform the constitution and laws of England in order to secure the rights, liberty and property of Englishmen;
42 and to provide remedy for gross violations. Charles heard not; he constantly levied taxes that had never been imposed by
43 Parliament – or that had been forbade; he routinely ignored laws intended to protect English property – which, sometimes,
44 he had ratified only days earlier. His lies and frauds pushed a nation beyond its limits of patience. Near the end of the civil
45 war, men complained that the “land had been defiled with blood, and could not be cleansed but by the blood of him who shed
46 it.”

1 Accordingly, the House of Commons appointed a High Court of Justice and nominated one hundred and thirty-three
2 commissioners to try Charles for treason, for waging war against Parliament, and the people. So strange was this prosecution
3 that scarce more than seventy commissioners sat at one time.

4 Charles, like all other monarchs, had been educated to the perspective that he had a divine right to lie and plunder; and that
5 his victims had a divine obligation to submit to his oppression. Armed with the blessings of his priests, Charles and his
6 brigands had destroyed countless people; he and his court were no different from any others. In his eyes, he had been
7 prosecuted by farm animals. His mistake laid in not perceiving that English farm animals were evolving, before his eyes,
8 into rational creatures.

9 It is common for those who cut new trails to undertake work that is later abandoned, or refined – sometimes beyond
10 recognition. Were it not for the early steps of pioneers, we would still be living in caves and eating roots. We allow errors
11 to the pioneer that we do not allow to others.

12 Altho the prosecution against Charles involved irregularities and omissions, his conviction was just. And he remained blind
13 to the end; on the scaffold, Charles remarked, “contempt for the rights of the sovereign had been the true cause of the miseries
14 of the people... [and]... people ought to have no share in the government.” Most of Europe, trained up in the art of
15 worshipping dandies and pirates as father figures, watched in stunned disbelief as a nation struck off the head of its king.
16 Never before had a nation murdered a tyrant with a semblance of law – rather than by a dagger in the night, or poison in his
17 cup.

18 The grandmother of Charles, Mary, queen of Scots, also died on the block. She too was tried by a panel of commissioners.
19 She too was convicted of treason. But, Mary was the monarch of a foreign nation, and was judicially murdered by Elizabeth
20 in order to secure the latter’s crown; the people of England had small part in it.

21 Charles got no money from this Long Parliament, except at high cost. When Parliament voted supplies, the intent was usually
22 to redress grievances: the money, for example, voted by Parliament for the support of the Scottish army was intended to keep
23 it on English soil and Parliament in session until its agenda was completed.

24 The only money that Charles received was at the cost of a concession that effectively destroyed his throne. While he was
25 agonizing over whether or not to assent to the execution of Strafford, a Lancashire knight offered to lend six hundred and
26 fifty thousand pounds to Charles on condition that he assent to a law that would require the consent of both houses of
27 Parliament before it could be prorogued or dissolved. He assented to this law (1641 May 11) and, the next day, Strafford lost
28 his head. Charles, then, was powerless to stop Parliament from work that, eventually, would bring the same fate to him.

29 While this Parliament is famous for bringing monarchy under heel, we should not conclude that its work represented a more
30 secure protection of rights for the people in general. It is true that many of the grievances were framed in the language of
31 rights and protection of them; the results, however, were different.

32 All during the civil war, Parliament imposed unprecedented taxes, and spent them without control; committees never brought
33 in their accounts. Parliament pretended to aim at liberty while it plundered with unmatched rapacity; members “interlarded
34 all their iniquities with long and fervent prayers, saved themselves from blushing by their pious grimaces, and exercised, in
35 the name of the Lord all their cruelties on man.”¹⁷

36 At the opening of hostilities on the field, Parliament began an oppression against fairy tales and fables not approved by
37 Parliament. As non-Catholics were plundered and violated for eight hundred years prior to Henry viii; so Catholics were
38 equally treated by him. His daughter, Mary, reversed him, and sent nearly three hundred protestants to the stake or block in
39 three years – not counting those who died of various causes in prisons. Under Elizabeth, James and Charles, Anglican bishops
40 persecuted Presbyterians and Catholics. So now Anglicans and Catholics would take their turns under this Parliament of
41 puritans. Under orders of Parliament, dogs of persecution removed religious idols, statues were smashed, organs demolished,
42 pipes melted into bullets, stained-glass windows broken, inscriptions effaced, ornamented pavements pulled-up, theaters
43 closed, traveling forbade; the figure of the cross was not tolerated.

44 The puritan minister Stephan Marshall gave marching orders to the puritan soldier, “What soldier’s heart is not appalled at
45 the thought of piercing little children in a conquered city or of holding them up by the legs and dashing their heads against

¹⁷ Hume, v, 500-1.

1 the wall. But if this work is done to avenge God's church (the Presbyterians) upon Babylon (the Church of England), happy
2 is he that taketh the little ones and dasheth them against the stones."¹⁸

3 The army of Parliament proceeded to follow the good minister's orders at several places in three kingdoms.¹⁹

4 Parliament established a committee in each county that equaled or exceeded the tyranny of the Star Chamber.

5 Between the years 1645 and 1647, this Parliament burned two hundred women.²⁰

6 In 1648, Parliament pushed a bill to make non-belief, according to the favored fairy tales and fables a capital crime; other
7 lesser sins with lesser penalties were also proposed.

8 Laws against papacy were strengthened. Instead of waiting for proof of dissent, Parliament ordained that mere suspicion was
9 sufficient to seize Catholic property. Catholic priests were subject to the loss of all their property and to a capital punishment.
10 But still, English persecution was mild compared to what dissenters on the continent had to suffer. Only one Catholic priest
11 was executed under these laws; when other priests were similarly threatened, Parliament chose, instead of death, to sell them
12 as slaves to buyers in the West Indies. Lay Catholics suffered less barbarously; they would lose civil liberties and two thirds
13 of their property, and were denied certain occupations. All suffered, both high and low. A Catholic serving maid, an orphan,
14 during seventeen years of servitude, had managed to save twenty pounds. An informer had found where she had deposited
15 her money, and agents of Parliament took thirteen pounds, thirteen schillings and eight pence. So voracious are assemblies
16 of men.

17 In March of 1652, this nameless girl applied for relief, and found none. So blind, so deaf and so utterly without humanity is
18 bigotry.²¹

19 And still, this Parliament made unprecedented strides in limiting arbitrary power and giving examples of what grievances
20 men might redress. But it was only concerned with grievances in which its members had an interest, or which were necessary
21 to maintain public support. All others were discouraged, suppressed or persecuted. Catholics and Anglicans, for example,
22 had no voice; hence, no redress. When the army, which had won the war, petitioned Parliament for arrears and indemnity,
23 Parliament declared them to be "enemies of the state."

24 Yes, the Long Parliament brought down monarchy; but the search continued for the hand that would draft the rights of man.

25 These oppressions of the Long Parliament are related to illustrate that rights of man are never secure in the hands of an
26 assembly of men. When men exercise power, they first use it to redress *their* grievances. Next, they turn it to their own
27 enrichment – to the disadvantage of all others; for, what use is an arbitrary instrument but to use it arbitrarily?

28 It remained to Americans to transfer this right of redress from an assembly of men to the people – at least on paper. It remains
29 for us to turn it to practice.

30 **5.5 Parliaments of Cromwell (Williams, xx, 1-192; Hume, vi, 59-107)**

31 The principle, that grievances must be redressed before taxes, is clear, and established. In the years that followed the
32 execution of Charles, every Parliament adhered to this principle – even those hand-picked by Cromwell, Charles ii and James
33 ii.

34 The qualifications for Cromwell's first Parliament assured that only the most pious would be returned to Parliament. When
35 they met at Westminster, they devoted nearly the entire first day to "pious exercises." Rather than submit problems to rational
36 debate, these members sought solutions in long and loud sermons or prayers. The Lord answered their entreaties and told
37 them to bring forth the kingdom of Christ. They were to close schools and universities; for, prayer and revelation made

¹⁸ Williams, xx, 29.

¹⁹ *Id.*, xx, 39, 100, 118.

²⁰ Durant, vii, 163.

²¹ Williams, xx, 133-4.

1 education unnecessary. The common law was to be abolished and Mosaical law established; sinners – that is, men of
2 commerce – were to be extirpated from the kingdom.

3 Some members of the House of Commons became alarmed at its proceedings. Thomas Sydenham gave a blistering speech
4 critical of the proposals of what seemed to be the majority,

5 *“Their [the majority] purpose was to take away the law of the land, and the birthrights of Englishmen, for which*
6 *all had so long been contending with their blood, and to substitute in their room a code, modeled on the law of*
7 *Moses, and which was adapted only for the nation of Jews.”*
8 *[Williams, Henry Smith, LL. D. ed., *Historians' History of the World*, (1904, 25 vol., The Outlook Co., New York),*
9 *Volume xx, p. 140]*

10 He moved that the continuance of Parliament, “as now constituted,” would be hazardous to the commonwealth, and that it
11 should dissolve itself. His motion was immediately seconded, and debate followed; it became heated, and gave indication of
12 becoming long. Suddenly, the speaker left his chair and broke up the sitting. He, and about forty others, proceeded to
13 Cromwell’s offices and delivered into his hands a signed resignation of the powers they had received from him. This act of
14 abdication remained open for three or four days until it exhibited above eighty names, a majority of the whole assembly. The
15 dissolution was made effective 1653 December 12 – the day of Sydenham’s speech; and saved the nation from further
16 embarrassment. This Parliament of Saints sat for five months and resolved on nothing but its end.

17 Cromwell had called and “dissolved” his first Parliament as commander of the army. He was shortly thereafter made
18 protector.

19 His second Parliament was called under more worldly qualifications; electors had to have real or personal estates of two
20 hundred pounds. Papists, prelates and royalists were excluded. This Parliament opened with a discussion as to where
21 sovereignty lay. When Cromwell saw this

22 Parliament tending to place sovereignty in the people, he dissolved it, nine days after it met.

23 What happened next is probably one of the greatest ironies in history. Cromwell was one of the more central figures in
24 defeating and executing a king for imposing taxes without the consent of Parliament. Cromwell had called two Parliaments
25 and got no supplies from either. He then proceeded to collect taxes without the consent of Parliament.

26 He imposed an income tax on royalists, on the theory that those who threaten a nation should pay for its defense – a theory
27 that deserves much attention (see *American Inquisition*). His taxes provoked tax rebellions that were put down with force.
28 Peter Wentworth refused to pay a direct tax in the county. He was fined and distrained; he sued to recover. He reminded
29 Cromwell of his own words, “the subject who yields to an illegal impost is more the enemy of his country than the tyrant
30 who imposes it.” Coney withheld duties on imports; he and his counsel were imprisoned for questioning Cromwell’s authority
31 to levy taxes. A civil war seemed to have taught men nothing.²²

32 Still, Cromwell needed money. He summoned another Parliament and designed it to exclude republicans; some were removed
33 by imprisonment, others by criminal prosecutions, and, of course, Catholics and royalists were again excluded.

34 He attempted to neutralize Arthur Hazlerig, a fiery republican, by giving him a peerage, which qualified him for the House
35 of Lords. But Hazlerig went, instead, to the House of Commons.

36 Despite Cromwell’s manipulations, court candidates were rejected wholly in some counties, partly in most. When members
37 began to assemble, Cromwell forcibly excluded nearly one hundred on pretexts of immorality or delinquency (most of the
38 excluded members were deists; Cromwell detested them because he could not control them with fairy tales). This mock
39 Parliament voted four hundred thousand pounds for Cromwell, but it could make no decision as to how to collect it; the intent
40 never became law. This Parliament eventually settled on Cromwell a revenue of one million, three hundred thousand pounds.
41 But it was a self-serving vote. A catalogue printed at the time reported that of three hundred fifty to four hundred members
42 of the House of Commons, some one hundred and eighty-two members “were sons, kinsmen, servants, and otherwise engaged
43 unto, and had places of profit, offices, salaries, and advantages, under the protector, sharing annually among them out of the

²² Williams, Henry Smith, LL. D. ed., *Historians' History of the World*, (1904, 25 vol., The Outlook Co., New York), Volume xx, pp. 162-163.

1 public money the incredible sum of one million sixteen thousand three hundred and seventeen pounds, sixteen shillings, and
2 eightpence.”²³

3 **5.6 Parliaments of Charles ii (Williams, xx, 232-284; Hume, vi, 242-281)**

4 The protectorate exhausted the nation of its patience, and the people called for the son of their slain king.

5 The general assessment of Charles ii is that he was utterly without ambition, “never was there a mind on which both services
6 and injuries left such faint and transitory impressions.”²⁴ In his early years, his only concern was to supply his royal wienie
7 with masturbation dolls. Parliament was reluctant to provide for this service. So Charles had to turn to other sources for
8 revenue. He first married Catherine of Portugal and squandered the dowry of five hundred thousand pounds; he then sold
9 Dunkirk to France for five million livres. It is reported that Charles had seventeen mistresses; to finance them he turned to
10 Louis xiii for money. He also wanted Louis to finance a standing army to suppress his English subjects. A motive for seeking
11 the aid of Louis was because Charles did not like Parliament examining how he spent his money.

12 Parliaments under Charles ii were mostly royalist. Owing to losses suffered by them under the Long Parliament and the
13 Protectorate, they were anxious to return the favor to puritans and republicans. At the time, Dutch provinces were
14 administered under republican principles and offered a more tolerant refuge to religious dissenters than did England. Rather
15 than wage open warfare against domestic protestants, Charles and Parliament provoked a war with the Dutch. Parliament
16 granted two and a half million pounds for this purpose, and Charles and his courtiers sat back and giggled while Dutch
17 protestants butchered English protestants.²⁵

18 When men fail at reason, we throw their bodies into a common grave – they are so numerous; and remember them with a
19 page of crime and folly, which some men call history.

20 After the great fire of 1666 and while the Dutch war raged, royalists and Anglicans in Parliament took revenge against puritans
21 by passing the so-called Five-Mile Act. By this act, all in holy orders who had not subscribed to the Act of Uniformity were
22 required to take an oath of non-resistance to any act of the king – howsoever illegal – and of non-interference in the
23 government of church or state. In default, they were forbidden to dwell, or come, unless upon the road, within five miles of
24 any corporate town, or any other place where they had been ministers. An attempt was made to impose this oath of non-
25 resistance on the whole nation, but a small majority defeated it.

26 The five-mile Act supplemented the barbarous Conventicle Act, which forbade, any meetings of five or more persons,
27 whether in a public place, an open field or a private house. To assure compliance, a provision was included to encourage “all
28 persons to be employed in the execution” of the act. A pack of informers was unkenneled. Spies crept into homes; men
29 knew not who their friends were. Violators were fined and informers rewarded. Troops were quartered in homes of
30 dissenters. The insignificant became wealthy and the insolent violated with impunity.

31 While Parliament was almost entirely Anglican (and, hence, royalist), Charles and his brother, the duke of York, favored
32 Catholicism. The bigotry of Parliament against puritans was exceeded only by its bigotry against Catholics, and this led to a
33 major rupture between Parliament and throne.

34 The major reason for this bigotry was hardly based in fairy tales. For more than eight hundred years, the Church of Rome
35 dominated and plundered the English isles. By the time of Henry viii, it is estimated that Rome owned nearly one quarter of
36 the kingdom. When Henry broke with Rome, he began a process by which Catholic property was transferred to the king and
37 his (or her) favorites. This breakup was the origin of great wealth for many English families. Oliver Cromwell’s parents, for
38 example, became wealthy from the plunder of Catholic property. These families were most anxious to keep Catholics
39 oppressed, lest they recover their power and take revenge on those who held title to property formerly possessed by the
40 Church of Rome.

41 In September of 1673, the duke of York (the future James ii) espoused Maria D’Este, sister to the duke of Modena, a princess
42 of fifteen years of age, and a Catholic. This was intolerable to Parliament; for, any child of the union would be raised a
43 Catholic and would be a potential heir to the throne. Parliament complained; Charles said it was too late and refused to

²³ *Id.*, xx, 168.

²⁴ *Id.*, xx, 232.

²⁵ Hume, vi, 242, 252.

1 interfere. The House of Commons then voted a standing army to be a grievance and would vote no more supplies for it unless
2 the protestant Dutch refused all reasonable offers of peace. Charles saw nothing in these measures that he liked, and resolved
3 to prorogue Parliament, “with that intention he came unexpectedly to the house of peers, and sent the usher to summon the
4 Commons. It happened, that the speaker and the usher nearly met at the door of the house; but the speaker being within,
5 some of the members suddenly shut the door, and cried, *To the chair, to the chair*; while others cried, *The black rod is at the*
6 *door*. The speaker was hurried to the chair; and the following motions were instantly made: That the alliance with France is
7 a grievance; that the evil counselors about the king are a grievance; that the duke of Lauderdale is a grievance, and not fit to
8 be trusted or employed. There was a general cry, *To the question, to the question*: But the usher knocking violently at the
9 door, the speaker leaped from the chair, and the house rose in great confusion.”²⁶

10 Charles prorogued this Parliament to give his brother leisure to finish his marriage; he still wanted money, however, and had
11 to convene another session. He requested money; but, Parliament was in a bad mood and declared the king’s guards to be
12 dangerous to the liberty of Parliament – as they were not authorized by Parliament (hence, a body of men not authorized by
13 the people would be dangerous to the liberty of the people); Parliament took steps toward a more rigorous test act (which
14 denied public office, in church and state, to dissenters, especially Catholics); an investigation was begun into the affairs of
15 the cabal of ministers surrounding Charles.

16 Charles, who favored Catholicism, regarded the conflict with Holland as a war against the religion and liberties of his own
17 subjects rather than as a war against a foreign enemy. As a consequence, most of the nation hated the war with Holland and,
18 owing to their anti-papist sentiments, favored war with France. These circumstances facilitated a secret treaty between
19 Charles and Louis xiii, where Louis would subsidize Charles to make him independent of Parliament and to forestall war
20 between the two kingdoms.

21 Charles saw he could get no supplies from this session and made peace with the Dutch; he adjourned Parliament, 1674
22 February 28, and collected five hundred thousand crowns from Louis.

23 The next session met 1675 April 13. Charles requested supplies, as usual; but Parliament went first to grievances, as usual.
24 The House of Commons attempted impeachment of several ministers; but they had bribed enough members to cause the
25 articles to be thrown out. The House of Lords undertook to make a more rigorous test act (the non-resistance bill). By this
26 bill it would be traitorous to take arms or to make resistance against the king for any reason whatsoever. If the king wished
27 to dine on one of his subjects, the latter was to sit passively while he was roasted alive. This bill was hotly debated in the
28 House of Lords for seventeen days, with the king attending every day; it passed by two votes. Its supporters knew it would
29 be rejected by a large majority in the House of Commons, and never sent the bill there. The House of Commons had brought
30 a bill to make it treason to levy taxes without authority of Parliament. Charles, seeing no profit in such defeats, and, without
31 supplies, prorogued Parliament, June 9th.

32 When Parliament met again, 1675 October 13, it granted three hundred thousand pounds for the building of twenty ships of
33 war, with the money strictly supervised by Parliament; these ships were to be used against Catholic France, but Charles would
34 later use them against protestant Holland. Both houses then entered into a dispute as to whether a subject could sue a member
35 of Parliament; neither house could extricate itself from this trivial matter. Charles prorogued (November 22) Parliament for
36 fifteen months, for which he received five hundred thousand crowns from France. Louis was so pleased at the long
37 interruption that he granted Charles an additional one hundred thousand pounds per year.

38 Three months later Charles and Louis concluded a secret treaty by which Charles would receive one hundred thousand pounds
39 per year and neither would enter into any engagement but by mutual agreement and both would give aid to the other in case
40 of any rebellion in their respective dominions. Louis was happy to make Charles independent of Parliament; Charles had
41 good reason for the non-resistance bill.

42 During this interruption, ministers liberally bribed members of Parliament so that, when it met again, 1677 February, it
43 granted six hundred thousand pounds to build war ships. This appropriation did not go into the Treasury; so Charles still
44 wanted money. The House of Commons voted an address requesting the king to enter into a treaty of friendship with Holland;
45 this angered Charles so much that he prorogued Parliament. He then demanded an additional one hundred thousand pounds
46 from Louis for this service. He also informed Louis that, if the pension were regularly paid, he would lengthen the

²⁶ *Id.*, vi, 281.

1 adjournment from July to the following April. The pension was timely paid, and the grievances of Parliament had to wait till
2 April.

3 The remaining years of the reign of Charles were repetitions of earlier years with blood on both sides becoming hotter.
4 Charles, and many members of Parliament, continued to take pensions from Louis. Parliament attempted numerous times to
5 redress grievances – without success; and, Charles received no more supplies from Parliament. A reason this Parliament had
6 difficulty in redressing grievances was that those guilty were of the same party as members of Parliament – a difficulty the
7 puritan Long Parliament did not have. Both court and Parliament furiously persecuted Catholics in England and protestants
8 in Scotland.

9 **5.7 End of the Second Long Parliament (Williams, xx, 280-292; Hume, vi, 350-355)**

10 Before there can be a right of redress, there must be a right of access.²⁷ If there is no information or evidence of a grievance,
11 it is impossible to identify a grievance, and, hence, redress, also, is impossible. In final months of 1678, Montague,
12 ambassador to France, laid before Parliament a letter he had received from the lord-treasurer Danby. This letter was written
13 during negotiations at Nimeguen for a peace among England, France and Holland. The offending language included, “In
14 case the conditions of peace shall be accepted, the king expects to have six millions of livres a year for three years, from the
15 time that this agreement shall be signed between his majesty and the king of France; because it will probably be two or three
16 years before the Parliament will be in humour to give him any supplies after the making of any peace with France; and the
17 [French] ambassador here has always agreed to that sum; but not for so long a time.”²⁸

18 This project was so obnoxious to Danby that the king had to subjoin to the letter, by his own hand, “This letter is writ by my
19 order, C. R. [Carolus Rex].” With this notation, Danby was willing to affix his name to the letter and send it to Montague.

20 Such clear evidence of the treason of Charles had the natural effect of inflaming the House of Commons. Its members brought
21 articles of impeachment for treason against Danby – even tho his reputation and the king’s notation indicated him to be an
22 unwilling tool. By this prosecution, the House of Commons had hoped to force more disclosures concerning the long-
23 suspected financial transactions between Charles and Louis. This prosecution became more intense and portended nothing
24 but ill for Charles. The prosecution of his father had been founded on a failure to enforce and comply with several laws of
25 the kingdom, and on the imposition of taxes without the consent of Parliament – mere trifles compared to crimes of the son.
26 There had been only one prosecution of a king of England for treason, and this mostly royalist Parliament was fast
27 approaching the tenor of that earlier Long Parliament. The building fury of this Parliament was sensible to Charles, and he
28 dissolved it, 1678 December 30th.

29 Thus, came to an end the second Long Parliament (1661-1678), “the most loyal Parliament that had ever met in England.”²⁹

30 If there were any Parliaments in English history that could be expected to reverse the long-established custom of “redress
31 before taxes,” this would be the one. And yet, the custom held fast. This Parliament was mostly royalist, its members had
32 lost property, places and family members under the first Long Parliament (1640-1653) and Protectorate. Monarchy was
33 restored by members of this Parliament; and, when they first met, it was impossible they should have grievances against the
34 king. Their grievances were against puritans and regicides; they quickly voted money and enacted oppressions against these
35 dissenters in order to redress their grievances, perpetrated *by these dissenters* – in exact conformity with our custom. It is the
36 nature of autocracy to oppress enemies and insult friends, who then become enemies. It took Charles only a few months to
37 turn the most Loyal Parliament in English history into a hot bed of insurrection. The few times that this Parliament voted
38 money for the court were done under conditions most odious to Charles – and for purposes of redressing grievances.

39 Owing to misgovernment and necessities, he still wanted money; and he had to call another Parliament – hoping it would be
40 less furious than the one he had just dispersed. But tyrants never seem to allow into their calculations that a desire for revenge
41 is a natural reaction to oppression.

42 When Parliament was summoned, it ignited a contest over the whole country that was “fierce and obstinate beyond
43 example.... Dissenting preachers, who had long hidden themselves in quiet nooks from persecution [– under the Five-mile

²⁷ The right of access is founded in natural law and is more comprehensive than the so-called Freedom of Information Act and Privacy Act, which are privileges extended to aliens by the American Congress. See Appendix A.

²⁸ Hume, vi, 351.

²⁹ Williams, xx, 290; Hume, vi, 353.

1 and Conventicle Acts –] now emerged from their retreats, and rode from village to village, for the purpose of rekindling the
2 zeal of the scattered people of God. The tide ran strong against the government. Most of the new members came up to
3 Westminster in a mood little differing from that of their predecessors who had sent Strafford and Laud to the tower.³⁰

4 They resumed the impeachment of Danby. In a clumsy attempt to prevent this proceeding, Charles issued a pardon to Danby
5 *before his trial*, by which Charles conceded his complicity – and stupidly gave Parliament another grievance. Danby defended
6 himself by pleading this pardon. The House of Commons treated the pardon with contempt and proceeded with the
7 impeachment. Apparently, members of the House of Commons knew that Danby was only a scapegoat: he was committed
8 to the Tower, and released and exonerated five years later. The treason of Charles remained a secret; the machinery, law and
9 procedures to compel disclosure of crimes had not then been developed – and still haven't.³¹

10 **5.8 Grievances of James ii**

11 Charles ii died in 1685, and was probably poisoned by order of his brother, James. On the evening of 1685 February 1st,
12 Charles, in the midst of revelers and gamblers, chatted and toyed with three women. He did not feel well. His rest that night
13 was broken. When he arose the next morning, his attendants noticed immediately that his speech was indistinct and slurred.
14 His face turned black; his eyes turned in his head; he staggered and fell. This was no illness.³²

15 It is difficult to say whether the poison or the cure killed him. When it became clear that something was wrong with Charles,
16 his physicians immediately set to work: his veins were lanced, and he was “bled largely”; cupping glasses were applied to
17 his shoulders; his hair was shaved in order to raise blisters on his scalp; plasters of pitch and pigeon dung were applied to his
18 feet; hellebores (any of poisonous or medicinal substances obtained from plants in the buttercup family) were blown up his
19 nostrils to induce sneezing; antimony and sulfate of zinc were poured down his throat to make him vomit; and strong
20 purgatives and a brisk succession of clysters (enemas) were given to him to clear his bowels. There were many people who
21 would have benefited from his death – and they did not want to trust poison alone.³³

22 He was succeeded by his brother, James ii. Here, details would be repetitious. Suffice it to say that hardly an act of James
23 was consistent with law or custom, according to English standards. The natural son of the former king, the duke of
24 Monmouth, led an abortive rebellion; he was captured and convicted of treason. The cruelty of James even visited the helpless
25 and ignorant. To show support for Monmouth, a schoolmistress recruited girls under ten years of age to march in his
26 progression. The king's men seized these children and turned them over to the queen's maids of honor, who extorted ransom
27 from their parents.³⁴

28 Monmouth was more popular than competent: he drew a sympathetic axe man, whose hands were so reluctant that it required
29 five strokes to sever Monmouth's head from his body.

30 Cruelty appointed cruelty. Two of the king's implements, Col. Kirke and judge Jefferies, traveled thru the rebellious counties
31 and demonstrated the maxim that a tyrant's favorite is a creature that has neither reverence for justice nor sense of shame.

32 They held mock trials that sent hundreds to the gallows, and other instruments of death. When the legs of rebels quivered in
33 their last agony, Kirke ordered the drums to strike up; he would give music for their dance of death.

34 Kirke had a taste for pleasure. He conquered a beautiful woman by promising to save her brother (husband, friend or father)
35 from the gallows. After he was finished with her, he led her to a window, where she saw the lifeless remains of her brother
36 swaying in the breeze. The story is probably a fiction. It is related to show the brush that powerless people use to paint the
37 cruelty they suffer.

38 It took less than three years for James to alienate the nation – even his own army.

³⁰ Williams, xx, 290.

³¹ See Appendix A.

³² Williams, xx, 309-310.

³³ Durant, viii, 287.

³⁴ Williams, xx, 363-6.

1 The act that triggered his downfall was the so-called Declaration of Indulgence, which combined relief from suffering with
2 totalitarian procedures. Since the restoration of monarchy (1661), puritans were persecuted by court, Parliament and Church
3 of England; Catholics suffered under Parliament and the Church – the court generally refrained from this.

4 By this Declaration, James annulled a long series of statutes pertaining to religious matters; he suspended all penal laws
5 against all non-conformists; he authorized Catholic and protestant dissenters to perform worship publicly; he forbade anyone
6 to molest others on account of religion; he abolished all test acts. It gave immediate relief to millions by a totalitarian
7 procedure: the exercise of legislative/judicial powers by one who constitutionally held neither. He offered to replace one
8 yoke with another. Those who suffered hardly took time to deliberate on this fine distinction. Who could blame them?

9 This Declaration was not popular with either Parliament or the established Church. James ordered his priests to read this
10 Declaration from their pulpits; ninety percent refused. Bishops of the Church of England relied on the Test and other religious
11 Acts to maintain their power; the Declaration took fire and sword from their hands. So long as Parliament and court were
12 butchering non-conformists, bishops were happy. Anglican doctors preached an absolute doctrine of non-resistance; it was
13 the religious duty of the subject to be roasted alive without a struggle – if the king so desired. This doctrine of passive
14 obedience seemed perfectly sound when dissenters burned; however, many flaws appeared when bishops lost their privilege
15 of the faggot. For, how could they tolerate a prince who would not allow them to persecute “non-believers”?

16 Several bishops remonstrated and carried a petition to James. He ordered them to prison and to trial. As they were carried
17 to the Tower, large crowds of sympathizers gathered; guards and officers of the Tower received them kneeling – and drank
18 to their health, against orders.

19 They were charged with criticizing government and exposing mal-administration. James packed the court and jury – to no
20 avail. The bishops were acquitted, which operated to convict James “of a conspiracy to maintain usurpation by oppression.”

21 The dispute between king and bishops effectively disarmed the king; the season for “invasion” was come.

22 **5.9 William and the Declaration of Rights (Williams, xx, 309-10, 363-6, 391-403, 414-415)**

23 The prince of Orange was invited to “invade” England and overthrow James: William had wed the eldest daughter of Charles
24 ii, Mary, who was next in line of succession to the throne after her father. William came, and declared that his main intentions
25 were to procure a free Parliament and to protect the right of redress of grievances; he disclaimed any interest in religious
26 bigotries that animated so many English.

27 James thought to oppose the “invasion.” For three years, he had imposed Catholic officers on his army, which caused a
28 general, and invisible, mutiny in his army. James was uncertain as to the loyalty of his army, and decided to test it. He chose
29 a regiment that was considered as the most manageable. Those who would not pledge to support the Declaration of
30 Indulgence were called upon to lay down their arms. The whole regiment, with the exception of two officers and a few
31 Catholic soldiers, placed their arms on the ground. This remarkable scene informed James that his situation was hopeless,
32 and, within a few months, he fled the island. The revolution was effected without bloodshed, except for a dozen or so
33 casualties in an accidental skirmish.

34 A free Parliament was called, and fruit came forth from soil in which earlier Englishmen had sown – and nourished with their
35 blood. In 1647, officers of the victorious Parliamentary army presented an Agreement of the People to Parliament in which
36 it was declared sovereignty originated from the people; thus, implying that society was ruled by a contract between people
37 and ruler. Cromwell attempted to introduce the principle that a “constitution” should be established first, *then* a government
38 organized under it. In 1654 he summoned a Parliament for which the persons so chosen should not have the power to alter
39 government as then settled in one single person and a Parliament. This Parliament met and immediately began to examine
40 this principle. Cromwell dissolved the Parliament after only nine days, explaining there should be something “fundamental,
41 unalterable.”

42 Some thirty-five years later, the Parliament called by William (known as the convention Parliament) declared that there is an
43 original contract between people and king. Parliament then fell into the trivial matter of whether to use “forfeit, abdicate, or
44 vacant” relative to James’ flight. After spending some weeks on this issue, William summoned several members of
45 Parliament to encourage them to hasten the process of determining who should wear the crown; and that, if they did not desire
46 to place regal powers equally in his hands and in Mary’s, he would wind-up his affairs in England and return to his
47 responsibilities on the continent; for, he did not want to rule by the grace of apron strings.

1 This unusual avowal prompted Parliament to frame a “constitution” – elementary by our standard – which is known as the
2 Declaration of Rights.

3 It opened with a complaint of wrongs the nation had so long contended to correct, and, had so recently suffered under James.
4 He had usurped the legislative power, and treated the right of petitioning for redress as a crime; he had oppressed the church;
5 he had levied taxes and maintained a standing army in peacetime – both without the consent of Parliament; he had violated
6 the freedom of elections; he had appointed as judges fiends from hell, summoned corrupt juries and penalized independent
7 jurors; he had imposed excessive bail and fines; inflicted barbarous and unusual punishments; he had caused estates of men
8 to be sold *before*, or without, lawful convictions.

9 Parliament then declared a delegation of authority and a reservation of rights. The king would have no dispensing power (*i.*
10 *e.*, he must observe and enforce *all* laws – not just those that pleased him); there would be no taxes, nor standing armies,
11 except by consent of Parliament; the right to petition would be protected; free elections guaranteed; freedom of debate in
12 Parliament would not be infringed; and, every Englishman would have a right to a trial by jury.

13 The purpose of this Declaration was to more precisely define the rights of Englishmen, and more narrowly restrict the
14 prerogatives of the crown than previously had been done in England. It was read to William and Mary in the presence of
15 both houses. At the conclusion, William was asked if he would accept the crown limited by this Declaration; he accepted in
16 his own name and in that of his wife.

17 And so, the English set-up a milestone in human liberty that had been building for more than eighty years on English soil.
18 The milestone was not all of English origin, of course; if it were composed of a thousand pebbles, perhaps a few scores of
19 them were gathered from English soil; the rest came from other lands – France, Germany, Switzerland, Rome, Athens – and
20 other ages. It was an elementary sign, and far from complete; by the time it had been set up in England, oppressed Englishmen
21 had been carrying its pebbles to America for eighty years, and would build another.

22 Perhaps Americans would have erected their milestone sooner had it not been for a fateful mistake of Charles i. In 1626,
23 Arthur Hazlerig, John Hampden, Oliver Cromwell and John Pym had embarked on a small fleet of eight ships for the purpose
24 of emigrating to America – but Charles forbade them to leave. Several events have been narrated concerning the last three
25 men, and it would be appropriate here to list a few regarding the first. Hazlerig first appears in our contest as one of the five
26 members of the House of Commons that Charles attempted to arrest in 1641. This necessarily implies that he, by that time,
27 had established his reputation as one of the leaders of the republican party. He was active in the civil war; and later became
28 a thorn in the side of Cromwell when the latter sought to betray the principles for which so many had fought.

29 Without these four men, the Long Parliament would have had no fire, no soul and no direction; if there had been a civil war,
30 there would have been no Cromwell to win it; Charles would have continued to rule over a prostrate country, and would have
31 died the death of most kings.

32 It is always interesting to speculate as to how the stories of men would change had certain events not happened. Perhaps we
33 can say that, by this careless decision of Charles, England won a measure of freedom sooner than otherwise and provided a
34 more complete example for Americans. We can say with certainty that Charles paid for this decision with his life. No one
35 was more influential than Cromwell in bringing Charles to the block; the warrant that ordered his execution contained fifty-
36 nine signatures. Cromwell’s was third on the list.

37 **6 The IRS Is Violating the Right to Petition**

38 The First Amendment to the Constitution reads in part: “Congress shall make no law... abridging the freedom... to petition
39 the Government for a redress of grievances.”

40 We have an unalienable Right to Petition the government for a Redress of Grievances, a

41 Right guaranteed by the First Amendment to the Constitution of the United States of America.

42 Under color of legal authority, the IRS is interfering with the unalienable Right to Petition the government for a Redress of
43 Grievances , including the Right to Redress Before Taxes, without harassment, retribution or prior restraint, a Right
44 guaranteed by the First and Ninth Amendments to the Constitution of the United States of America.

1 The Right of Redress BEFORE Taxes is an integral part of the Right to Petition for Redress of Grievances.

2 In an official Act of the Continental Congress, the founding fathers wrote:

3 *"If money is wanted by rulers who have in any manner oppressed the People, they may retain it until their*
4 *grievances are redressed, and thus peaceably procure relief, without trusting to despised petitions or disturbing*
5 *the public tranquility."*³⁵

6 We have an inherent, unalienable Right to Redress Before Taxes, guaranteed by the First and Ninth Amendments to the
7 Constitution of the United States of America.

8 The actions the IRS is targeting are consistent with and protected by said Right.

9 Key to the defense (restoration) of our Constitution is the Peoples' unalienable right to Petition for Redress of Grievances,
10 our servant government's obligation to respond *and the People's ability to enforce (non-violently) the Right to Remedy*
11 *Grievances*.

12 Our Founding Fathers knew that if the People allowed the government to turn a blind eye and a deaf ear to the Peoples'
13 Petitions for Redress of Grievances it would be the final expression of tyranny and despotism in America, the beginning of
14 the end of our Constitutional Republic with its system of "separate powers' and checks and balances, the beginning of the
15 end of the Great American Experiment -- government of, by and for the People, the beginning of the end of government based
16 on the consent of the People, and the beginning of the end of the most wonderful and powerful expression of the Creator's
17 intent for civil government -- popular sovereignty and constitutionally guaranteed *individual*, unalienable rights.

18 If the People rest satisfied, or apparently satisfied, without opposition and discontent, allowing the government to turn a deaf
19 ear to the People's intelligent and rational Petitions for Redress of Grievances, the People will, in effect, be turning their
20 backs on the Creator and on humanity.

21 If the government turns a deaf ear to the Peoples' intelligent and rational Petitions for Redress of Grievances, it will, in effect,
22 be turning its back not only on the Constitution, but on Nature's God, upon whom the Founders themselves relied in declaring
23 the Peoples' Independence from tyranny.

24 Must the People acquiesce to the government's turning a deaf ear to their Petitions? No, of course not. As a free People,
25 they possess the ultimate Power in our society.

26 The Founding Fathers could hardly have used words more clear when they declared,

27 *"... the people ... may retain [their money] until their grievances are redressed...."*

28 By these words, the Founding Fathers fully recognized and clearly stated that the Right of Redress of Grievances includes
29 the Right of *redress before payment of taxes*, that this Right of *redress before taxes* lies in the hands of the People and that
30 this Right is the People's nonviolent, peaceful means to procuring a remedy to their grievances without having to depend on
31 -- or place their trust in -- the government's willingness to respond to the Peoples' petitions and without having to resort to
32 violence.

33 This very American Right of Redress of Grievances Before Taxes has always been deeply embedded in our law.

34 The founding fathers were well acquainted with the fact that government is the enemy of Freedom, that those wielding
35 governmental power despise petitions from the People; the representatives of the People, in a popular assembly, seem
36 sometimes to fancy that they are the People themselves and exhibit strong symptoms of impatience and disgust at the least
37 sign of opposition from any quarter.

38 The founding fathers knew that it was possible for the institutions of the Congress, the Executive *and* the Courts to someday
39 begin to fail in their duty to protect the people from tyranny. They knew that unless the People had the right to withhold their

³⁵ "Continental Congress To The Inhabitants Of The Province Of Quebec." Journals of the Continental Congress. 1774 -1789. Journals 1: 105-13.

1 money from the government their grievances and Petitions might fall on deaf ears and Liberty would give way to tyranny,
2 despotism and involuntary servitude.

3 The First Amendment to the United States Constitution states clearly and unambiguously,

4 *"Congress shall make NO law ...abridging ...the right of the people ... to petition the government for a redress*
5 *of grievances."*

6 While some Rights are reserved with qualifications in the Bill of Rights, there are *none whatsoever* pertaining to the Right of
7 Redress. There are *no* limits on the Right of Redress. Any constitutional offense is legitimately petitionable.

8 We have established that the Founding Fathers clearly declared that the Right of Redress of Grievances *includes* the Right to
9 withhold payment of taxes while the grievance remains. By the 1st Amendment, the founding fathers secured for posterity the
10 Right of Redress of Grievances *Before* payment of Taxes and they made the Right of Redress *Before* Taxes operate against
11 "*the government*," that is, against *all branches* of "the government," -- the legislative, the executive and the judicial branches.
12 Redress reaches all.

13 Notice that the founding fathers, sitting as the Continental Congress in 1774, held that this Right of Redress *Before* Taxes
14 was the means by which "the public tranquility" was to be maintained. *Then*, sitting as the Constitutional Convention, the
15 founding fathers declared that one of the major purposes of *the (federal) government* was to "insure domestic tranquility."
16 Therefore, whenever this Right of Redress is violated, the People have a double grievance: a denial of justice by the
17 government *and*, an incitement *by the government* to general unrest.

18 Today, our concern is the grievance that falls under the heading of a design to subvert the Constitution and laws of the country
19 by those wielding governmental power.

20 Under this heading, all officers of the government are liable, if they strayed from their oath of office.

21 If we are to secure our Rights, we must rely on the laws of nature and a reasoned sense of innovation. To rely on precedent
22 is to oppress posterity with the ignorance or chains of their fathers. Being forced by the government to rely on precedent is,
23 *itself*, a grievance.

24 The sequence of Redress Before Taxes was well established in English law at a time when great numbers of Englishmen
25 traveled to America. They brought with them English history and English law: they brought with them the principle of "taxes
26 with consent"; the unlawfulness of "troops quartered in private homes," of "cruel and unusual punishments," and a whole
27 collection of Rights, such as Redress, Speech, Assembly and Trial by Jury.

28 Any notion, spurious act of Congress or opinion by a Court that taxes must be paid *before* Redress is a perversion of Natural
29 Law, of modern English law, of the American Constitution and of Truth and Justice.

30 The reverse principle of "Taxes Before Redress" is based on the essence of monarchy and kingly power: the king owns
31 everything under his domain. People possess property under a monarch by his grace alone. Since a king owns everything
32 under his domain, he merely has to speak to lawfully dispose of his property. Thus, if a king imposed a tax on land he imposed
33 it on his own land and whoever occupied the land was obligated to pay the tax to the king's treasury. A tax, then, being a part
34 of the king's property, was legally presumed to be in the possession of the king before and after its assessment.

35 Since the landholder, or landless subject, enjoyed the privilege of tenancy on the land only by the will of the king, he could
36 be required to pay over the tax before he could contest the assessment—or redress a grievance.

37 Thus, the theory that a tax must be paid before redress rests on the presumption that society is organized as a monarchy; that
38 all people living therein exist by grace of an autocrat – whether one man or an assembly of men. This proposition was soundly
39 rejected by the Founders in designing our unique system of governance.

40 In America, such presumptions constitute grievances. The first duty of any officer is to uphold the Constitution – the entire
41 Constitution, without reservation and without bribery or blackmail.

1 Petitioning the government for a Redress of Grievance naturally includes the ability to compel admissions – the production
2 of information and answers to questions.

3 Jefferson wrote,

4 *"The right of freely examining public characters and measures, and of free communication among the people*
5 *thereon, ...has ever been justly deemed the only effectual guardian of every other right."*

6 According to the Right of Redress, as the Founders described it, we have a right to withhold taxes *if government violates our*
7 *rights*. But, as American courts describe the Right, we must suffer the injury, pay the taxes, and only then, sue for Redress
8 against a politicized adversary with *unlimited* resources.

9 The idea that *taxes* are to be paid *before* redress is asserted by Congress in the Internal Revenue Code at Section 7241, which
10 states, "no suit for the purpose of restraining the assessment or collection of any tax shall be maintained in any court by any
11 person"

12 *How repugnant!* The American government is supposed to be organized to protect American citizens; but section 7241
13 "authorizes" the IRS to destroy them with impunity and *the judiciary is cooperating with the executive and legislative*
14 *branches in a collective decision to deny the People their constitutional Rights.* **Such acts of government are**
15 **unconstitutional, null and void.**

16 In America, the right to petition our government for redress of grievances is the basis of our liberty. Our founders explicitly
17 recognized this right in the very first amendment to our constitution -- for they understood that without it, we could not have
18 a servant government whose power is defined and limited by the consent of the people.

19 In America, the right to petition our government for Redress of Grievances is an *unalienable right*. It derives from our faith
20 in a supreme being - an ultimate moral authority from whom we gain our understanding of equality, justice and the rule of
21 law. Implicit in our first amendment constitutional right to petition our government for a redress of grievances, is the
22 government's absolute moral and legal obligation to respond honestly and completely to the people's petition.

23 This is the essential cornerstone of Popular Sovereignty -- a government of the People, by the People and for the People.

24 In 1791, the right to petition became primary among the Rights of the People of the United States of America, as expressed
25 in, and guaranteed by, the First Amendment.

26 Some would now have us believe that our First Amendment right of petition is nothing more than a guarantee of free speech;
27 that this vital constitutional protection - the very basis of our liberty - is simply a right to voice our grievances to the
28 government. Some would try to convince us that We The People do not have the absolute right to an honest and complete
29 response to our petitions -- or the authority to demand that our government correct the abuses and violations of our liberties
30 that result in our petitions. Some would even go so far as to say it is merely a Right to complain, with no expectation of
31 response.

32 *This is nonsense!* This is dangerous talk to a free people. We *must not* listen to those who would denigrate our Constitution,
33 and undermine the principles of liberty and justice that gave birth to our nation. At best they are imbeciles, and at worst they
34 are tyrants.

35 We must guard against this nonsense. We must harden our hearts to these false notions that government is God. We must
36 recognize that even in the long run *government can never be rational, without a principled Constitution firmly rooted in*
37 *Liberty*. Government has but one legitimate purpose -- to serve and protect all of the people equally. Government is not God.
38 It is our servant. It is accountable to the People.

1 The right to Petition for Redress of Grievances *is the final protection* -- the *final, peaceful check and balance* in our system
2 of Constitutional government in which the government derives its limited powers *from the consent of the sovereign people*.
3 This is the right which publicly reveals and reiterates for all, who is Master and who is Servant.³⁶

4 The government is refusing to answer the Peoples' allegations of governmental wrongdoing. Unless the People withhold their
5 money from the government their grievances *will fall* on deaf ears and Liberty *will give way* to tyranny, despotism and
6 involuntary, economic servitude.

7 The right to Petition is the foundation of Popular Sovereignty and is the direct vehicle for the peaceful, non-violent resolution
8 of matters involving errant government. This right is the procedural mechanism that enables the People to call *any branch* of
9 their servant government before them.

10 In America, there are only two things that stand between the people and government tyranny -- our Constitution, *and our will*
11 *as a free people to protect and defend it*.

12 These petitions are about us -- We the People. They are proof of our resolve to correct our government's abusive and unlawful
13 behavior.

14 If the People cannot enforce their Rights against encroachment, we will end forever the chapter in human history when a
15 People reigned sovereign, and the chains of a written constitution limited and bound their government to their service.

16 We are asking that our government obey the Constitution, which, after all is a strongly worded set of principles to govern *the*
17 *government*, not the people.

18 By the terms and provisions of the Constitution the People have not only formed their government and enabled the
19 government to act in certain ways, they have purposely and markedly restricted and prohibited the government from acting
20 in certain *other* ways.

21 The nature of our resistance is clear. It is not an act of anarchy or rebellion; rather it is an act of resistance to a government
22 that is violating the purposes for which the Creator -- through the People and the Constitution -- has ordained civil
23 government.

24 We are not "anti-tax." We are "pro-constitution" and "anti-fraud."

25 Our defense of our home, family, property and possessions is a most important point to us.

26 It is our heritage. *It is our Right*.

27 There is not the most distant thought of subverting the government or of hurting the interest of the people of America, but of
28 defending his personal Rights, Freedoms and Liberties from unjust encroachment.

³⁶ The First Amendment right to petition the government for redress of grievances is an **individual, unalienable** right of every American. Our constitutional republican form of government, with its' attendant process of democratic representation, was designed to promote the will of the majority, while, with equal force, securing the unalienable rights of individual Americans. Our constitution imposes strict prohibitions on the voting majority's power to deny, impair, or in any way interfere with the natural, unalienable rights of the individual. As American citizens, we each have the lawful authority to **directly** petition our servant government for a redress of grievances concerning **any** violation of our unalienable rights, including those implicitly retained by the Ninth and Tenth Amendments. The right of **the individual citizen** to exercise this constitutional authority is not contingent upon, nor conditioned on, the popular support of the voting majority, nor is it subject to the arbitrary discretion of any elected or appointed government representative/s. The individual right to petition for redress of grievances (along with every other provision of the First Amendment) is, per force, worthless, absent the individual petitioner's ability to compel a truthful, accurate, timely and complete response from the government. In summary, it cannot be credibly argued that representative democracy (and the choice between two equally repugnant alternatives at the voting booth) is somehow an effective substitute for the First Amendment's guarantee that every American has the lawfully authority to **directly** petition his servant government for a redress of grievances--and to get a timely, honest answer.

1 There was not the least desire of withdrawing his obedience from the leaders of the branches until it became absolutely
2 necessary -- and, indeed, it has been their own choice.

3 Our political leaders know that our cause is just. They know that we, the People, struggle for that freedom to which all men
4 are entitled -- that we struggle against oppression, seizure, plunder, extortion and more than savage barbarity.

5 Our civil action is for the cause of civil justice -- a righteous struggle, undertaken in defense of his property, his happiness
6 and his family. It is to oppose the invasions of usurped power. *We will bravely suffer present hardships and face future*
7 *dangers*, to secure the rights of humanity and the blessings of freedom for generations yet unborn.

8 It is our obligation, as responsible citizens of this country, to set a proper value upon, and to defend to the utmost, our just
9 rights and the blessings of Life and Liberty. Without this personal commitment, a few unprincipled individuals would
10 tyrannize the People, and make the passive multitude the slaves of their power. Thus it is that civil action is not only justifiable,
11 *but an indispensable duty* to correct these wrongs.

12 It is upon *these principles* that we are resisting the government and are opposing force with non-violent force.

13 As our Founders said so clearly: "If money is wanted by Rulers who have in any manner oppressed the People, [the People]
14 may retain [their money] until their grievances are redressed, and thus peaceably procure relief, *without trusting to despised*
15 *petitions* or disturbing the public tranquility."

16 **How? No Answers. No Taxes! If the servant is taking over the house, starve the servant!**

17 The only practical, peaceful and morally appropriate option available to us, under the present circumstances, is to withhold
18 the payment of taxes from the government. Without money, the government cannot easily continue to operate outside the
19 boundaries the People have drawn around its power, i.e., it cannot continue its abuse of power while continuing to ignore
20 Petitions for Redress.

21 **7 The Right to Petition is an Ancient Inalienable Right**

22 By the seventeenth century, monarchical challenge to a petition was defended on the basis that petitioning was an ancient
23 right. See

- 24 1. J.E.A. Jolliffe, *The Constitutional History of Medieval England: From the English Settlement to 1485*, at 405 (4th ed.
25 1961);
- 26 2. K. Smellie, Right of Petition, in *12 Encyclopedia of the Social Sciences* 98 (1934) ("The ordinary mode of legislation
27 was by statute made on petition of the Commons. The words petition and bill were used interchangeably in legal and
28 common speech down to Tudor times." (citation omitted)).

29 In *Adderley v. Florida*, Supreme Court Justice Douglas wrote:

30 *The historical antecedents of the right to petition for the redress of grievances run deep, and strike to the heart*
31 *of the democratic philosophy. C. 61 of the Magna Carta provided:*

32 *"That if we or our justiciar, or our bailiffs, or any of our servants shall have done wrong in any way toward any*
33 *one, or shall have transgressed any of the articles of peace or security; and the wrong shall have been shown to*
34 *four barons of the aforesaid twenty-five barons, let those four barons come to us or to our justiciar, if we are out*
35 *of the kingdom, laying before us the transgression, and let them ask that we cause that transgression to be*
36 *corrected without delay."* *Sources of Our Liberties* 21 (Perry ed. 1959)

37 Justice Douglas went on to say,

38 *The representatives of the people vigorously exercised the right in order to gain the initiative in legislation and*
39 *a voice in their government. See Pollard, *The Evolution of Parliament* 329-331 (1964). By 1669 the House of*
40 *Commons had resolved that "it is an inherent right of every commoner of England to prepare and present*
41 *Petitions to the house of commons in case of grievance," and "That no court whatsoever hath power to judge or*
42 *censure any Petition presented . . ."* 4 *Parl. Hist. Eng.* 432-433 (1669). *The Bill of Rights of 1689 provided "That*
43 *it is the right of the subjects to petition the king and all commitments and prosecutions for such petitioning are*
44 *illegal."* *Adams & Stephens, Select Documents of English Constitutional History* 464. *The right to petition for a*
45 *redress of grievances was early asserted in the Colonies. The Stamp Act Congress of 1765 declared "That it is*
46 *the right of the British subjects in these colonies, to petition the king or either house of parliament."* *Sources of*

1 *Our Liberties 271 (Perry ed. 1959). The Declaration and Resolves of the First Continental Congress, adopted*
2 *October 14, 1774, declared that Americans "have a right peaceably to assemble, consider their grievances, and*
3 *petition the king; and that all prosecutions, prohibitory proclamations, and commitments for the same, are*
4 *illegal." Id., at 288. The Declaration of Independence assigned as one of the reasons for the break from England*
5 *the fact that "Our repeated Petitions have been answered only by repeated injury." The constitutions of four of*
6 *the original States specifically guaranteed the right. Mass. Const., Art. 19 (1780); Pa. Const., Art. IX, § 20 (1790);*
7 *N. H. Const., Art. 32 (1784); N. C. Const., Art. 18 (1776).*

8 *Adderley v. Florida, 385 U.S. 39; n2 (dissenting opinion).*

9 The American Declaration of Independence lists the English King's "injuries and usurpations," including among them his
10 undermining of the legitimate processes of colonial government, and only then notes, "In every stage of these Oppressions
11 We have Petitioned for Redress in the most humble terms: Our repeated Petitions have been answered only by repeated injury.
12 A Prince, whose character is thus marked by every act which may define a Tyrant, is unfit to be the ruler of a free people. "

13 That petitions were a legitimate vehicle by which to complain of the broadest spectrum of grievances is evident from the
14 enumeration preceding the **capstone (ultimate) complaint, that the colonists' petitions fell on the king's deaf ears.**

15 The Declaration's litany runs the gamut from political usurpations to having "plundered our seas, ravaged our Coasts, burnt
16 our towns, and destroyed the lives of our people." The public character of the grievances is immediately apparent, as is the
17 colonists' felt view that **petition was an appropriate remedy**, indeed a remedy available, "in every stage" of a grievance.
18 The **capstone** of the list of grievances was the king's violence to the Right of Petition, the breaking apart of the bonds of
19 deference and obligation on which hierarchical legitimacy rested. Having met the sole precondition for reception by
20 petitioning "in the most humble terms," the colonists felt entitled to consideration.

21 That the King would not hear the colonists' Petitions for Redress was the ultimate violation and was wholly unacceptable.
22 The answer sent by the king was: "repeated Injury," indeed "only by repeated Injury." Clearly, more was expected, even
23 required, in contemporary politics.

24 The colonists held that **tyranny marked a society in which the rulers ignored "a free People."**

25 The meaning of petitions and the process of reception made it the **capstone** grievance in the Declaration and ultimately
26 underlay the inclusion of the Right to Petition as the **capstone** Right in the First Amendment.

27 **8 The Right to Petition Protects "Proper" Petitions**

28 A communication, to be protected as a Petition for Redress, would have to embody certain components to ensure that the
29 document was a petition and not a "pretended petition." Not all communications, nor just any document, can be regarded as
30 a constitutionally protected Petition for Redress of Grievances.

- 31 1. Plaintiff's Petition for Redress does not rise to the level of frivolity.
- 32 2. Plaintiff's Petition for Redress contains no falsehoods.
- 33 3. Plaintiff's Petition for Redress is not absent probable cause.
- 34 4. Plaintiff's Petition for Redress has the quality of a dispute.
- 35 5. Plaintiff's Petition for Redress comes from someone outside of direct participation in the
- 36 6. formal political culture – the Constitution is his religion.
- 37 7. Plaintiff's Petition for Redress contains both "direction" and "prayer." Plaintiff's Petition for Redress has been
- 38 9. punctilious.
- 39 8. Plaintiff's Petition for Redress addresses public, collective grievances.
- 40 9. Plaintiff's Petition for Redress involves constitutional innovators not political talk.
- 41 10. Plaintiff's Petition for Redress has been signed only or primarily by citizens.
- 42 11. Plaintiff's Petition for Redress has been dignified.
- 43 12. Plaintiff's Petition for Redress has widespread participation and consequences.
- 44 13. Plaintiff's Petition for Redress is an instrument of deliberation not agitation.
- 45 14. Plaintiff's Petition for Redress provides new information.
- 46 15. Plaintiff's Petition for Redress does not advocate violence or crime.
- 47 16. Plaintiff's Petition for Redress merely requests answers to specific questions.

9 The Right to Petition Includes the Right to be Heard

In colonial America and for decades following the adoption of the Constitution and Bill of Rights, the right of citizens to petition their local, state and federal assemblies was an affirmative, remedial right which required governmental hearing and response. Because each petition commanded legislative consideration, citizens, in large part, controlled legislative agendas. This original theory and practice of petitioning tripped when abolitionists flooded Congress with petitions during the debates over slavery. Southern Congressmen, **acting in behalf of slavery interests**, were responsible for the adoption of a “gag order” on further petitions, which, *in effect*, changed the construction of the Constitution without an Article V Amendment. As a result, the right of petition was collapsed into the right of free speech and expression – an unconstitutional definitional narrowing, which went unchallenged in the courts and persists to this day. See:

1. “A Short History of the Right To Petition Government for the Redress of Grievances,” by Stephen A. Higginson, 96 Yale L.J. 142 (1986);
2. “The Bill of Rights as a Constitution,” by Akhil Reed Amar, 100 Yale L.J. 1131 (1991);
3. “The **Vestigial Constitution**: The History And Significance Of The Right To Petition,” by Gregory A. Mark, 66 Fordham L. Rev. 2153 (1998).

“Petitioning was at the core of the constitutional law and politics of the early United States. That was why it was included in the First Amendment, not as an afterthought, but rather as its **capstone**. . . . petitioning embodied important norms of political participation in imperfectly representative political institutions. . . . Petitioning was the most important form of political speech . . . For individuals and groups, it was a mechanism for redress of wrongs that transcended the stringencies of the courts and could force the government's attention on the claims of the governed when no other mechanism could.” Gregory A. Mark, The Vestigial Constitution: The History And Significance Of The Right To Petition, 66 Fordham L. Rev. 2153, 2157 (1998). (plaintiff's emphasis).

In the colonies, petitions were almost always received and read and responded to. In practice, those “ignored or rejected outright . . . were few in number.” Alan Tully, *Constituent Representative Relationships in Early America: The Case of Pre-Revolutionary Pennsylvania*, 11 Can. Hist. J. 139 (1976). note 19, at 146-47.

The right to petition carried a mandate of hearing, but not of approval. The original intent was, “a right which had compelled legislatures to accord citizens' petitions fair hearing and consideration.” Higginson, *supra* 96 Yale L.J. 142, 166.

The founder's intent of the First Amendment petition clause included a governmental duty to consider petitioners' grievances. In its early years, Congress attempted to pass favorably or unfavorably on every petition. See HINDS, PRECEDENTS OF THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES § 3361 (1907).

The Founders' Intent underpinning the Right to Petition stemmed in part from the popular right to petition local assemblies in colonial America where no sharp line dividing constituents from representatives existed to separate control of the legislative agenda from the People's initiatives. Petitions assured a seamlessness of public and private governance. Assemblies would receive petitions, refer them to committees for consideration, and then act upon the committees' recommendations. This process originated more bills in pre-constitutional America than any other source of legislation.³⁷

Apathy – the lack of emotion and interest in public affairs – was not a prevailing attitude in America in the decades leading up to and following the adoption of the First Amendment and the Right to Petition, in large part because of the widespread practice of Petitioning and the normal practice of having one's Petition heard and responded to by the government.

Assemblies responded to information from the People, even the disenfranchised, making petitions vital initiatives for governmental actions.

However, the Right to Petition was not absolute. For instance, the assemblies did retain one important and longstanding restraint on petitioning: the threat of contempt proceedings. Allegations discovered to be ambiguous or false could lead to

³⁷ For example, in the Connecticut General Assembly session of May, 1773, over five-sixths of the resolutions were direct responses to residents' petitions and still the Assembly postponed consideration of a further 250 petitions, including one petition from a slave. At this session, petitioners prompted a naturalization bill, a reversal of a superior court judgment, debt discharges, public fishery regulations, road making resolutions, Indian land delimitations (upon petition by Indians), town tax revisions, and constable replacements. See 14 CONNECTICUT RECORDS 94-132, 152-55 (1773); see also R. BAILEY, POPULAR INFLUENCE UPON PUBLIC POLICY 61 (1979) (most prolific source of Virginia Colony legislation was petitioning).

1 dismissal or to charges against the petitioner. See, e.g., 4 CONNECTICUT RECORDS 55 (1691) (landowners' petition for
2 township status dismissed because "none of the principle proprietors of sayd land [were] in the petition").

3 The fundamental Right of Petition was included in the Bill of Rights even though, as Story wrote,

4 *"[The right of petition] would seem unnecessary to be expressly provided for in a republican government, since*
5 *... [i]t is impossible that it could be practically denied until the spirit of liberty had wholly disappeared, and the*
6 *people had become so servile and debased as to be unfit to exercise any of the privileges of freemen."* 2 STORY,
7 *COMMENTARIES ON THE CONSTITUTION OF THE UNITED STATES* 645 (5th ed. 1891) (footnote omitted);
8 *see also* 1 W. BLACKSTONE, *COMMENTARIES* 143 (rev. ed. 1978) (petitioning to King);

9 There can be no doubt that the petitioning of government was understood to be an inherent Right.

10 That the Framers meant to imply a corresponding governmental duty of a fair hearing seems clear given the history of
11 petitioning in the colonies and the colonists' outrage at England's refusal to listen to their grievances.

12 "In every stage of these Oppressions We have Petitioned for Redress in the most humble terms: Our repeated Petitions have
13 been answered only by repeated injury." The Declaration of Independence para. 30 (U.S. 1776); *see also* 1 JOURNALS OF
14 CONGRESS 67-92 (1775) (petition to King); *id.* at 117-18 (resolution protesting Parliament's interference with right of
15 petition); 2 JOURNALS OF CONGRESS 158-62 (1777) (petition to King).

16 Congress, in its first session, approved the right of petition virtually without comment. When Madison introduced his
17 proposed list of amendments on June 8, 1789, he separated the clause for the rights of assembly, consultation, and petition
18 from the clause containing the free expression guarantees of speech and the press. The express function of the assembly
19 petition clause was to protect citizens

20 *"applying to the Legislature . . . for a redress of their grievances."*
21 [2 B. SCHWARTZ, *THE BILL OF RIGHTS: A DOCUMENTARY HISTORY* 1026 (1971)]

22 While refusing to vest individuals and groups with the power to bind Congress, and while guarding jealously their discretion
23 to judge and reject instructions as unwise, the Framers of the Bill of Rights nonetheless maintained that citizens'
24 "instructions," like petitions, would be heard and considered. *Id.* at 1093-94 (right to consult goes no further than petitioning,
25 but representatives have duty to inquire into petitioners' suggested measures) (statement of R. Sherman); *id.* at 1094-95 (right
26 to consult Congress is non-binding, but Congress has responsibility never to shut its ears to petitions) (statement of E. Gerry);
27 *id.* at 1096 (right to bring non-binding instructions to Congress' attention is protected) (statement of J. Madison).

28 In Congress' first decades petitions were received and considered, typically by referral to committees. The petition-response
29 mechanism dealt procedurally with such controversial issues as contested election results, the National Bank, the expulsion
30 of Cherokees from Georgia, land distribution, the abolition of dueling, government in the territories, the Alien and Sedition
31 Acts, and the slave trade. Generally, favorable legislation or an adverse report halted further petitioning. Higginson, 96 Yale
32 L.J. 142, 156-157.

33 The development of nationwide petitioning efforts was underway in the Jacksonian era, whose sentiment it was that
34 representatives owe "unrelaxing responsibility to the vigilance of public opinion." *An Introductory Statement of the*
35 *Democratic Principle*, from THE DEMOCRATIC REV. (Oct. 1837), in SOCIAL THEORIES OF JACKSONIAN
36 DEMOCRACY 21, 23 (J. Blau ed. 1954).

37 **10 The Right to Petition was Temporarily Gagged by an Entrenched Interest**

38 While the intent of the Founders was that the Constitution would protect the citizenry's two constitutional means of
39 approaching the government, **periodic election AND continual instruction through petitioning**, a powerful special interest
40 (the pro-slavery folks) was eventually responsible for the "gagging" of the latter in the Congress.

41 This, in spite of the fact that petitioning was known to be essential to informed voting and legislation and was protected by
42 the Constitution. *See, e.g.,* 1 THE ANTI-SLAVERY EXAMINER 3 (Aug. 1836).

43 The gag was unconstitutionally applied to a class of petitions even though citizens had the liberty, even the responsibility, to
44 petition on any matter, regardless of the legislature's power of redress. Since both "offer" and "consideration" were, for over

1 a century, indispensable to effective petitioning, the correct line lay between the guarantee of those two rights and the
2 legislature's discretion to deny or disapprove a particular petitioner's request.

3 The gag was applied to all petitions on the issue of slavery over the objections of John Adams and a few others who
4 strenuously defended the right of every person to petition Congress, whatever the motive, declaring that each petition was
5 entitled to a hearing on its merits.³⁸

6 The Right was infringed in spite of the fact that constitutionally protected representation **by ballot and petition** not only
7 assures popular control of government, but also attaches to each citizen responsibility for the nation's laws, or lack thereof.
8 *See, e.g.,* The National Era, Jan. 18, 1849, at 10, col. 2 (concerning petitioning against slavery, "those who elect the law-
9 makers are responsible for the laws made, or for the neglect to pass laws which ought to be enacted").

10 Unfortunately, the prohibition against Petitions regarding slavery was not brought to the Supreme Court to be heard. The gag
11 was applied merely amidst political discourse, not judicial determination.³⁹

12 To no avail, abolitionists warned that a pro-slavery "gag" against petitions might, with equal facility, silence other matters of
13 public concern. They feared that one branch of Congress could by itself limit the scope of constitutional protection by
14 summarily denying citizens the right of prayer. Barring consideration of a class of petitions was criticized as an arbitrary act,
15 akin to a judicial decision pronounced in advance of the facts. Adams and others declared that minority political expression
16 would be silenced if petitioning were confined only to those subjects approved by a majority in Congress. At bottom, the
17 "gag" opponents insisted that the right to petition implied duties to hear, consider, debate, and decide. Even if want of authority
18 required the ultimate denial of a petition, the preliminary rights of communication and consideration ought not to be infringed.
19 This logic took vivid illustration in the controversy over Adams's introduction of a petition from Haverhill, Massachusetts,
20 requesting dissolution of the Union. Members moved to censure Adams on the grounds that the right of petition could not
21 extend to destruction of the sovereign power petitioned. Adams, while admitting that Congress could not take such action,
22 denied that the unavailability of the requested remedy should preclude the processes of petition and hearing. Recalling the
23 events of 1776 and "the right of the people to alter, to change, to destroy, the Government if it becomes oppressive to them,"
24 Adams concluded,

25 *"I rest that petition on the Declaration of Independence."*
26 [*Higginson, 96 Yale L.J. 142, 163-164. (plaintiff's emphasis)*]

27 **It is arguable that had the federal government not assumed in the early 1840' that it could not reason with its citizens**
28 **the slavery issue would have been settled before 1861 and the Civil War.**

29 Notwithstanding the intent of the founders and the long-standing practice that linked petitioning to a corollary duty of
30 legislative response, the Southern "gag" proponents successfully managed to temporarily subsume the right within free
31 expression.

32 The abrupt suspension of a right so indispensable to representative government has but one factual explanation, the
33 assailability of any principle, however fundamental, when

34 confronted by interests as entrenched as slavery.

35 Modern petitioning has since come to differ in importance so wildly from petition's importance in the early decades of the
36 Republic that its salient features have been ignored, misunderstood, or unintentionally downplayed by modern analysts.

37 "The original character of the right to petition may impose an untenable restraint on the autonomy and agenda setting power
38 of the federal legislature. But until this conclusion is made, court opinions will appear to rest not on the Framers' intent, but

³⁸ *See* J. Q. Adams, *List of Petitions*, National Intelligencer, Apr. 23, 1839, at 2, col. 4; Speech of Mr. Cushing, of Massachusetts, on the Right of Petition, as Connected with Petitions for the Abolition of Slavery and the Slave Trade in the District of Columbia in the House of Representatives 11 (Jan. 25, 1836) (every citizen's right to be heard on floor of House essential to democracy) (avail. in Library of Congress)

³⁹ *See, e.g.,* Address by William Jay to the Friends of Constitutional Liberty on the Violation by the United States House of Representatives of the Right of Petition (Feb. 13, 1840), in W. JAY, MISCELLANEOUS WRITINGS ON SLAVERY 397, 401-02 (1853) (charges that people denied access to representatives on any matter are "gagged") [hereinafter Address by William Jay]; H. JOURNAL, 26th Cong., 1st Sess. 788 (1840) (Massachusetts resolution affirming Congress' duty to give all petitioners "respectful and deliberate consideration," "however mistaken in their views, or insignificant in number").

1 on deference to the resolve of antebellum Congresses to defeat a right which threatened the institution of slavery.” Higginson,
2 96 Yale L.J. 142, 166.

3 Here, the Petition for a Redress of Grievances regarding the origin and operation/enforcement of the income tax system is, in
4 effect, an effort to revive the “forgotten Right” and like the abolitionists of yesteryear, **its supporters are up against a**
5 **powerful, entrenched interest – involuntary servitude and peonage.**

6 **11 Original Intent Controls and Governs**

7 It is common knowledge that when attempting to interpret any constitutional provision, such as the Petition Clause, one needs
8 to consider the original intent of the Founders for no words of the Constitution and Bill of Rights are ever to be considered
9 extraneous or meaningless.

10 It is common knowledge that in American jurisprudence, the approach to interpreting the meaning of constitutional provisions
11 is to look to the “intent of the Founders,” which involves three steps: first, one needs to consider what was the common
12 practice in the years preceding the adoption of the constitutional provision; second, what was said by those arguing for or
13 against the provision; and third, what was the common practice in the years following the adoption of the provision?

14 With respect to any question about the obligation of the government to respond to plaintiff’s Petition for Redress of
15 Grievances relating to the fraudulent origin and illegal operation and enforcement of the income tax system, the historical
16 record demonstrates conclusively that the common practice before and long after the adoption of the Petition Clause was for
17 the government to hear and act on virtually all Petitions presented to it provided those Petitions were not frivolous, contained
18 no falsehoods, had probable cause, had the quality of a dispute, was signed by citizens, was dignified, did not advocate a
19 crime, etc.

20 However, according to Yale Law School Professor Stephen A. Higginson,

21 *“The short line of Supreme Court cases that raise the petition clause... consistently err in their interpretation of*
22 *the petition clause as merely a free expression guarantee... These cases reveal an unstudied treatment of*
23 *colonial legal history by ignoring the original meaning of the right, and especially its remedial, legislative*
24 *character....”*
25 *[Higginson, 96 Yale L.J. 142, n2. (plaintiff’s emphasis)]*

26 For instance, apparently without investigating the intent of the founders and the original meaning of the Right, but relying
27 only on the language of the Petition Clause itself, the District Court held in *Chase v. Kennedy*, “The plaintiff has confused
28 his right to petition with a supposed right to have his petition granted or acted upon in a certain way. **But no such right is**
29 **found in the Constitution.** . . . What a Senator does with petitions is absolutely within his discretion and is not a proper
30 subject of judicial inquiry, even if it might appear that he be grossly abusing that discretion. *Chase v. Kennedy*, No. 77-305-
31 T, mem. op. at 2 (S.D. Cal. July 11, 1977), *aff’d*, 605 F.2d 561, *cert. denied*, 444 U.S. 935 (1979); (plaintiff’s emphasis).

32 Another example of the judiciary’s carelessness and misleading opinions is found in Minnesota State Bd. Community
33 Colleges v. Knight, 465 U.S. 217, 284 (1984), a case dealing with collective bargaining and the rights of non-union faculty
34 members to “meet and confer” with the State Board of Community Colleges.

35 In Minnesota v Knight the majority’s opinion reads:

36 *“The District Court agreed with appellees’ claim to the extent that it was limited to faculty participation in*
37 *governance of institutions of higher education. The court reasoned that “issues in higher education have a special*
38 *character.” 571 F.Supp., at 8. Tradition and public policy support the right of faculty to participate in*
39 *policymaking in higher education, the court stated, and the “right of expression by faculty members also holds a*
40 *special place under our Constitution.” Id., at 8-9. Because of the “vital concern for academic freedom,” the*
41 *District Court concluded, “when the state compels creation of a representative governance system in higher*
42 *education and utilizes that forum for ongoing debate and resolution of virtually all issues outside the scope of*
43 *collective bargaining, it must afford every faculty member a fair opportunity to participate in the selection of*
44 *governance representatives.” Id., at 9-10.*

45 The very next paragraph in Minnesota v. Knight reads:

1 *"This conclusion is erroneous. Appellees have no constitutional right to force the government to listen to their*
2 *views. They have no such right as members of the public, as government employees, or as instructors in an*
3 *institution of higher education."*

4 Obviously the court was careless here in its choice of language. Someone wanting to use this case to argue that plaintiff's
5 Right of Petition does not include the Right to have his Petition heard by the government might erroneously take out of
6 context the words "...no constitutional right to force the government to listen to their views."

7 As its next paragraph reveals, however, the court was not addressing the First Amendment Right to Petition, it was addressing
8 the issue of due process and the Fourteenth Amendment:

9 *"The Constitution does not grant to members of the public generally a right to be heard by public bodies making*
10 *decisions of policy. In Bi-Metallic Investment Co. v. [State Board of Equalization](#) 239 U.S. 441 (1915), this Court*
11 *rejected a claim to such a right founded on the Due Process Clause of the Fourteenth Amendment."*

12 **12 The Right to Petition Protects Petitioners From Retaliation**

13 If communications to one's representative could be arbitrarily ignored, refused, or **punished** popular sovereignty was
14 threatened. See G. WOOD, The Creation Of The American Republic 1776-1787, at 363 (1969).

15 Petitions were tied to distrust of, and the imperfect nature of representative institutions and refusal to identify individuals'
16 rights with, or subordinate them to, the wills of elected representatives. Undue assertions of parliamentary privilege --
17 **punishing** petitioners who were said to menace the dignity of the assembly -- jeopardized the entire institution of petitioning.
18 Higginson, 96 Yale L.J. 142, n. 45.

19 Before a First Amendment right may be curtailed under the guise of a law, such as "willful failure to file" or promotion of an
20 illegal tax shelter," any evil that may be collateral to the exercise of the right, must be isolated and defined in a "narrowly
21 drawn" statute (Cantwell v. Connecticut, 310 U.S. 296, 307) lest the power to control excesses of conduct be used to suppress
22 the constitutional right itself. See Stromberg v. California, 283 U.S. 359, 369; Herndon v. Lowry, 301 U.S. 242, 258-259;
23 Edwards v. South Carolina, 372 U.S. 229, 238; N.A.A.C.P. v. Button, 371 U.S. 415, 433.

24 That tragic consequence is threatened today when broadly drawn laws such as "promotion of a tax shelter" and "willful failure
25 to file" are used to bludgeon plaintiff who is peacefully exercising a First Amendment right to protest to government against
26 one of the most grievous of all modern oppressions which our federal and state governments under color of law are inflicting
27 on the working men and women in America – state ownership of their labor property, which if constitutional at 1% would
28 also be constitutional at 100%.

29 The IRS, in issuing the Summons under the facts and circumstances of this case and in full knowledge of plaintiff's Petition
30 process, disregards the admonition in De Jonge v. Oregon, 299 U.S. 353, 364-365:

31 *"These [First Amendment] rights may be abused by using speech or press or assembly in order to incite to*
32 *violence and crime. The people through their legislatures may protect themselves against that abuse. But the*
33 *legislative intervention can find constitutional justification only by dealing with the abuse. The rights themselves*
34 *must not be curtailed. The greater the importance of safeguarding the community from incitements to the*
35 *overthrow of our institutions by force and violence, the more imperative is the need to preserve inviolate the*
36 *constitutional rights of free speech, free press and free assembly [and petition] in order to maintain the*
37 *opportunity for free political discussion, to the end that government may be responsive to the will of the people*
38 *and that changes, if desired, may be obtained by peaceful means. Therein lies the security of the Republic, the*
39 *very foundation of constitutional government." (plaintiff's emphasis).*

40 In other words, if the invalidity of official acts and official conduct curtailing First Amendment Rights of petition, speech,
41 press and assembly turned on an unequivocal showing that the measure was intended to inhibit the Rights, protection would
42 be severely lacking for it is not the intent or purpose of the measure but its effect on First Amendment rights which is crucial.
43 See, e.g., De Jonge v. Oregon, 299 U.S. 353; Feiner v. New York, 340 U.S. 315; Niemotko v. Maryland, 340 U.S. 268;
44 N.A.A.C.P. v. Alabama, 357 U.S. 449; Bates v. City of Little Rock, 361 U.S. 516; Shelton v. Tucker, 364 U.S. 479; N.A.A.C.P.
45 v. Button, 371 U.S. 415; Edwards v. South Carolina, 372 U.S. 229; Cox v. Louisiana, 379 U.S. 536; and Shuttlesworth v.
46 City of Birmingham, 382 U.S. 87.

47 There can be no doubt but that an IRS letter or Summons (demanding a turn over of all documents, books, records and other
48 data for the purpose of inquiring into any offense connected with the enforcement of the income tax laws and to determine

1 tax liability) is issued to penalize and to inhibit and curtail the First Amendment Right to Petition for a Redress of Grievance
2 regarding the fraudulent origin and illegal enforcement of the income tax system, and Rights to speech, press and assembly,
3 regarding the same.

4 There is no evidence in Record of anything but the People's open, honest and humble actions in relation to the Petition
5 process. There is nothing in the record of any inappropriate or untoward behavior, nothing.

6 Today misdemeanors are being used to harass and penalize People for exercising a constitutional right of assembly and
7 petition. Tomorrow a disorderly conduct statute, a breach-of-the-peace statute, a vagrancy statute will be put to the same end.
8 The IRS and the DOJ will undoubtedly say they are not targeting People because of the constitutional principles that they
9 espouse. However, that excuse is usually given, as we know from the many cases involving arrests of minority groups for
10 breaches of the peace, unlawful assemblies, and parading without a permit. The charge against William Penn, who preached
11 a nonconformist doctrine in a street in London, was that he caused "a great concourse and tumult of people" in contempt of
12 the King and "to the great disturbance of his peace." 6 How. St. Tr. 951, 955. That was in 1670.

13 Today, the IRS is moving to silence People who question government's behavior and preach a nonconformist doctrine, "the
14 government has an obligation to hear and answer the People's Petitions for Redress of Grievances regarding the fraudulent
15 origin and illegal operation and enforcement of the income tax system and the People have a Right to Redress Before Taxes."
16 Such abuse of police power is usually sought to be justified by some legitimate function of government.

17 By attempting to suppress the orderly and civilized protest against injustice, the IRS only increases the forces of frustration,
18 which the conditions of second-class citizenship are generating amongst us.

19 **For instance, the IRS does violence to the First Amendment when it attempts to turn a "petition for redress of
20 grievances regarding the origin and enforcement of the individual income tax" into an "illegal tax shelter" action or
21 a "willful failure to file" action.**

22 **13 The Right to Petition Includes the right of Redress Before Taxes**

23 The right to petition for the redress of grievances has an ancient history and is not limited to writing a letter or sending a
24 telegram to a congressman; it is not confined to appearing before the local city council, or writing letters to the President or
25 Governor or Mayor. See *N.A.A.C.P. v. Button*, 371 U.S. 415, 429-431.

26 As the record in the instant case reveals, conventional methods of petitioning have been shut off. Invitations to formal
27 conferences and symposiums have been ignored; legislators have turned deaf ears; newspaper advertisements have been
28 ignored; formal complaints have been routed endlessly through a bureaucratic maze; courts have let the wheels of justice
29 grind very slowly. Those who do not control television and radio, those who cannot afford to advertise in newspapers or
30 circulate elaborate pamphlets have only a more limited (unconventional) type of access to public officials.

31 Unconventional methods of petitioning [such as redress before taxes] are protected as long as the assembly and petition are
32 peaceable.

33 The founding fathers, in an act of the Continental Congress in 1774, said, "If money is wanted by Rulers who have in any
34 manner oppressed the People, [the People] may retain [their money] until their grievances are redressed, and thus peaceably
35 procure relief, without trusting to despised petitions or disturbing the public tranquility." ⁴⁰

36 This very American Right of Redress of Grievances *Before Taxes* is deeply embedded in our law.

37 The founding fathers could hardly have used words more clear when they declared, "the people ... may retain [their money]
38 until their grievances are [remedied]."

39 By these words, the founding fathers fully recognized and clearly stated: that the Right of Redress of Grievances includes the
40 right of *Redress Before payment of Taxes*, that this Right of *Redress Before Taxes* lies in the hands of the People, that this
41 Right is the People's non-violent, peaceful means to procuring a remedy to their grievances without having depend on – or

⁴⁰ "Continental Congress To The Inhabitants Of The Province Of Quebec." Journals of the Continental Congress. 1774 -1789. Journals 1: 105-13.

1 place their trust in -- the government's willingness to respond to the People's petitions and without having to resort to
2 violence.

3 The founding fathers were well acquainted with the fact that government is the enemy of Freedom, that those wielding
4 governmental power, who do not like opposition from any quarter, despise Petitions for Redress from the People; the
5 representatives of the People, in a popular assembly, seem sometimes to fancy that they are the People themselves and exhibit
6 strong symptoms of impatience and disgust at the least sign of opposition from any quarter.

7 The founding fathers knew that it was possible for the institutions of the Congress, the Executive *and* the Courts to someday
8 begin to fail in their duty to protect the people from tyranny. They knew that unless the People had the right to withhold their
9 money from the government their grievances might fall on deaf ears and Liberty would give way to tyranny, despotism and
10 involuntary servitude.

11 The First Amendment to the United States Constitution states clearly and unambiguously, "Congress shall make NO law
12 ...abridging ...the right of the people ... to petition the government for a redress of grievances."

13 While some Rights are reserved with qualifications in the Bill of Rights, there are *none whatsoever* pertaining to the Right of
14 Redress. There are *no* limits on the Right of Redress. Any constitutional offense is legitimately petitionable.

15 The Founding Fathers clearly declared that the Right of Redress of Grievances *includes* the Right to withhold payment of
16 taxes while the grievance remains. By the 1st Amendment, the founding fathers secured for posterity the Right of Redress of
17 Grievances *Before* payment of Taxes and they made the Right of Redress *Before* Taxes operate against "*the government*,"
18 that is, against *all branches* of "the government," -- the legislative, the executive and the judicial branches. Redress Notice
19 that the founding fathers, sitting as the Continental Congress in 1774, held that this Right of Redress *Before* Taxes was the
20 means by which "the public tranquility" was to be maintained. *Then*, sitting as the Constitutional Convention, the founding
21 fathers declared that one of the major purposes of *the (federal) government* was to "insure domestic tranquility." Therefore,
22 whenever this Right of Redress is violated, the People have a double grievance: a denial of justice by the government *and*,
23 an incitement *by the government* to general unrest.

24 Today, our concern is the grievance that falls under the heading of a design to subvert the Constitution and laws of the country
25 by those wielding governmental power.

26 Under this heading, all officers of the government are liable, if they strayed from their oath of office.

27 If we are to secure our Rights, we must rely on the laws of nature and a reasoned sense of innovation. To rely on precedent
28 is to oppress posterity with the ignorance or chains of their fathers. Being forced by the government to rely on precedent is,
29 *itself*, a grievance.

30 The sequence of Redress Before Taxes was well established in English law at a time when great numbers of Englishmen
31 traveled to America. They brought with them English history and English law: they brought with them the principle of "taxes
32 with consent"; the unlawfulness of "troops quartered in private homes," of "cruel and unusual punishments," and a whole
33 collection of Rights, such as Redress, Speech, Assembly and Trial by Jury.

34 Any notion, spurious act of Congress or opinion by a Court that taxes must be paid before Redress is a perversion of Natural
35 Law, of modern English law, of the American Constitution and of Truth and Justice.

36 The reverse principle of "Taxes Before Redress" is based on the essence of monarchy and kingly power: the king owns
37 everything under his domain. People possess property under a monarch by his grace alone. Since a king owns everything
38 under his domain, he merely has to speak to lawfully dispose of his property. Thus, if a king imposed a tax on land he imposed
39 it on his own land and whoever occupied the land was obligated to pay the tax to the king's treasury.

40 A tax, then, being a part of the king's property, was legally presumed to be in the possession of the king *before and after its*
41 *assessment*.

42 Since the landholder, or landless subject, enjoyed the privilege of tenancy on the land only by the will of the king, he could
43 be required to pay over the tax *before he could contest the assessment*—or redress a grievance.

1 Thus, the theory that a tax must be paid *before redress* rests on the presumption that society is organized as a monarchy; that
2 all people living therein exist by grace of an autocrat – whether one man or an assembly of men. *This proposition was soundly*
3 *rejected by the Founders in designing our unique system of governance.*

4 In America, such presumptions constitute grievances. The first duty of any officer is to uphold the Constitution – the entire
5 Constitution, without reservation and without bribery or blackmail.

6 Petitioning the government for a Redress of Grievance naturally includes the ability to compel admissions – the production
7 of information and answers to questions.

8 Jefferson wrote,

9 *"The right of freely examining public characters and measures, and of free communication among the people*
10 *thereon, ... has ever been justly deemed the only effectual guardian of every other right."*

11 According to the Right of Redress, as the Founders described it, we have a right to withhold taxes *if government infringes on*
12 *our rights* and ignores our Petitions for Redress.

13 In America, the right to petition our government for redress of grievances is the basis of our liberty. Our founders explicitly
14 recognized this right in the first amendment to our constitution -- for they understood that without it, we could not have a
15 servant government whose power is defined and limited by the consent of the people.

16 In America, the right to petition our government for a Redress of Grievances is an *unalienable right*. It derives from our faith
17 in a supreme being - an ultimate moral authority from whom we gain our understanding of equality, justice and the rule of
18 law. Implicit in our first amendment constitutional right to petition our government for a redress of grievances, is the
19 government's absolute moral and legal obligation to respond honestly and completely to the people's petition.

20 This is the essential cornerstone of Popular Sovereignty -- a government of the People, by the People and for the People.

21 In 1791, the right to petition became primary among the Rights of the People of the United States of America, as expressed
22 in, and guaranteed by, the First Amendment.

23 **14 A Root of Perversion**

24 The American conception of the right of redress clearly derives from English law. The Continental Congress could hardly
25 have used words more clear when it declared, "the people... may retain it [their money] until their grievances are redressed."

26 We have shown that the sequence of 'redress before taxes' was well established in English law at a time when great numbers
27 of Englishmen traveled to America. They brought with them English history and English law: they brought with them the
28 principle of 'taxes with consent'; the unlawfulness of 'troops quartered in private homes,' of 'cruel and unusual punishments';
29 a collection of rights, such as redress, speech, assembly and trial by jury. The Magna Charta is universally represented as the
30 origin of American founding documents, which, themselves, were merely refined versions of earlier English documents -
31 such as the Petition of Rights (1628), Agreement of the People (1647) and Declaration of Rights (1689). We would expect
32 American courts to rule, in cases of redress, according to principles as developed and practiced in England – and yet they rule
33 just the opposite, that taxes must be paid before redress.

34 Where do American courts derive authority for such a ruling? Did it materialize out of thin air? From fairy tales? For
35 decisions of American courts to be lawful, they must be founded on, and consistent with, constitutional principles; otherwise,
36 courts engage in law making, or constitution amending – either of which would constitute a grievance.

37 Where does the perversion, 'taxes before redress,' come from?

1 This perversion is clearly explained in the Jewish law of taxation; there are “several Talmudic references... for the widely
2 accepted custom that a person appealing against a tax assessment has first to pay as assessed before the legal hearing could
3 take place.”⁴¹

4 Lest we should be challenged on the applicability of this quotation to my narrative, I should observe that men “appeal... a
5 tax assessment” because they believe it to be illegal. Our narrative of English Parliaments is rich with examples of grievances
6 founded on illegal taxes.

7 The Jewish law of taxation pertains to taxes collected by Jews for the king or imposed on Jewish communities by the king –
8 there is no taxation by consent of the people in Jewish law. Further, Jews have been favored tax collectors for kings and
9 priests for more than twenty-five hundred years, a profession that I expose in *Fires that Cry*. And so, to understand this
10 perversion of ‘taxes before redress,’ it would be instructive to briefly review the nature of kingly power.

11 The essence of monarchy is that the king owns everything under his dominion: he owns everything that breathes and
12 everything that doesn’t. People possess property under a monarch by his grace alone, and this grace is usually purchased by
13 service in the king’s army. Thus, the land is divided and distributed to captains and officers of the king’s army. Monarchy,
14 in other words, consists of nothing less than a military occupation of the land, and every transaction on it is subject to military
15 law.

16 Since a king owns everything under his dominion, he merely has to speak to lawfully dispose of his property. Thus, if a king
17 imposed a tax on land, he imposed it on his own land; and whoever occupied the land was obligated to pay the tax into the
18 king’s treasury. The landholder was merely an officer in the king’s army, and was obligated to obey his commander-in-chief.

19 A tax, then, being a part of the king’s property, was legally presumed to be in the possession of the king before and after its
20 assessment. Since the landholder, or landless subject, had privileges only by the will of the king, he was required to pay over
21 the tax before he could contest the assessment – or redress a grievance.

22 Rabbis wished to preserve this advantage; it was “a custom according with the Law of the Torah,... that the king was
23 presumed to be in possession of the tax [demanded] of each individual and therefore also the community wishes to be
24 presumed in possession, to be defendants and not plaintiffs... with regard to the rule that the burden of proof is on the person
25 who seeks to recover from another ... for thus it [the community lorded over by rabbis] will at all times have the upper
26 hand.”⁴²

27 Thus, the theory, that a ‘tax must be paid before redress,’ rests on the presumption that society is organized as a monarchy;
28 that all people living therein exist by grace of an autocrat – whether one man or an assembly of men (for example, a legislature,
29 a party, a bar association). In America, such presumptions constitute grievances. The first duty of any office is to uphold the
30 constitution. When men take an oath to uphold a constitution, they are required to perform according to the *entire* constitution
31 without reservation, without bribes.

32 A monarchy presumes a military occupation of the land; and, constitutional law and military law are mutually exclusive.⁴³

33 When men embrace presumptions contrary to the constitution from which they derive their authority, the nature of the
34 grievance is treason, a design to subvert the constitution and laws of the country.

35 Further, the nostrum ‘taxes before redress’ is a “custom according with the Law of the Torah.”⁴⁴ The Torah consists of the
36 first five books of the Old Testament. The Law of the Torah, then, is the code of Moses. Thomas Sydenham remonstrated
37 against this code of Moses in the Parliament of Saints and declared it to be dangerous to the constitution of England and
38 liberties of Englishmen. His remonstrance led to the voluntary dissolution of that Parliament. Americans erected a barrier
39 between church and state; thus, an American judge or bureaucrat that relies on the perversion ‘taxes before redress’ invokes

⁴¹ *Encyclopedia Judaica*, xv, 846; see also, *id*, 842 and 864.

⁴² *Id*, 863.

⁴³ See *Invasion of the Admiral*.

⁴⁴ *Id*, xv, 863.

1 a “custom according with the Law of the Torah,” and violates a constitutional barrier. He also adheres to a design to subvert
2 the constitution and laws of the country. Both of which are grievances.

3 History is a river that flows thru time. Tribes, nations, and, sometimes, solitary men are its tributaries; some contribute much
4 to this river; some little; some, for want of a voice, have passed entirely from our memory. No one knows its source – and
5 may never know it; no one knows its destination – and can never know it.

6 Books are the vessels that ply the waters of this river, and are the means by which knowledge, hope, and despair are
7 transmitted from age to age. Most of them carry the refuse and failed experiments of our species; a few, so very few, carry
8 the wisdom and treasures of time past. The tributary that we have examined is comprised of wide categories of men; some
9 evil, some good, some both. From most of these men we only learn the consequences of arming delusion with power; a few
10 of them carry names that – if nature would allow – we would choose for our fathers.

11 **15 Bibliography**

12 Brett, S. Reed, *John Pym* (1940, London).

13 Colburn, Trevor, *The Lamp of Experience Whig History and the Intellectual Origins of the American Revolution* (1965, 2
14 vol., Liberty Classics, Indianapolis).

15 Durant, Will, *The History of Civilization*, (11 vol.)

16 Forster, John, *The Arrest of the Five Members* (1860, London).

17 Hume, David, *The History of England*, (1985, 6 vol., Liberty Classics, Indianapolis).

18 Hyneman, ed., *American Political Writings during the Founding Era, 1760-1805*, (1983, 2 vol., Liberty Classics,
19 Indianapolis).

20 Kurland, Philip B., ed., *The Founders' Constitution* (1987, 5 vol., Liberty Classics, Indianapolis).

21 Williams, Henry Smith, LL. D. ed., *Historians' History of the World*, (1904, 25 vol., The Outlook Co., New York).

22 **16 Resources for Further Research**

23 1. *Statement of Facts and Beliefs Regarding the Right to Petition the Government for Redress of Grievances*, We the
24 People, September 2003

25 <http://famguardian.org/Subjects/Taxes/LegalEthics/RightToPet-031002.pdf>

26 2. *Annotated First Amendment*, Cornell University

27 https://www.law.cornell.edu/anncon/html/amdt1toc_user.html

28 3. *Thomas Jefferson on Politics and Government*, Family Guardian Fellowship

29 <http://famguardian.org/Subjects/Politics/ThomasJefferson/jeffcont.htm>

30 4. *Sovereignty Forms and Instructions Online*, Form #10.004, Cites by Topic: First Amendment

31 <http://famguardian.org/TaxFreedom/CitesByTopic/FirstAmendment.htm>

32 5. *Tax Deposition Questions*, Form #03.016, Section 5: First Amendment and Socialism

33 <http://sedm.org/Forms/FormIndex.htm>

34 6. *Famous Quotes About Rights and Liberty*, Form #08.001, Sections 4 and 16

35 FORMS PAGE: <http://sedm.org/Forms/FormIndex.htm>

36 DIRECT LINK: <http://sedm.org/Forms/08-PolicyDocs/FamousQuotes.pdf>