

The LAWFUL Remedy to Tyranny Workbook

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Introduction And Disclaimer

This workbook fulfills the need for a succinct legal theory and step-by-step procedure to apply the principles laid out in the book *The LAWFUL Remedy to Tyranny* (“LRT”), and serves as its companion. It points a direction or indicates a path, and even though it is laid out as a step-by-step procedure, use your common sense. This is a work in progress, and your experiences will be incorporated if you would like to share them. Citations are made to the book for reference.

The material contained herein and in LRT represents the author's opinions. It would be prudent to seek legal advice. If there are any laws that make presenting this material illegal, you are hereby required to waive the protection of said government or law; if you do not agree, do not read or use this material. The reader, by reading or using this material, agrees to be responsible for any consequences from the use of this material, including but not limited to losses of any type, and to indemnify and hold harmless the author, including reasonable attorneys fees.

What is Natural Law?

Natural law is the law of cause and effect that underlies all of creation, but in the current context natural law encompasses those laws underlying man's inherent nature and social behavior. Natural law is not man-made.

Man made bodies of law such as common law, administrative law, and equity, must conform to natural law, and why must they conform? For the same reason you don't pour water into your gas tank, or drive nails with a screw driver. It creates problems. You could even say that a gas engine has a right to gasoline, and a nail a right to a hammer. Man has a right to laws in accord with his God-given nature. The nature of the right determines the governing law, and laws contrary to nature are void to the extent of the violation.

The Fundamental Theory of Natural Law

The natural law principles, as stated by various scholars from our natural law tradition, can be grouped into the following five categories:

1. Laws Must be Just¹
2. Laws Must Be Reasonable and Not Arbitrary²
3. Laws Must Be Enacted For and Serve the Common Good³
4. Laws Must Treat All Equally⁴
5. Litigation of Laws Must Exercise Procedural Fairness⁵

The real genius is in how these natural law principles were implemented in our system, by a *presumption of liberty*⁶ which obeys the following three rules:

1. The law can go no further than *necessary* to remedy the perceived harm. Absent harm, there can

1 See Sec. 38 of LRT.

2 See Sec. 39 of LRT.

3 See Sec. 40 of LRT.

4 See Sec. 41 of LRT.

5 See Sec. 42 of LRT.

6 See Sec. 48 of LRT.

be no law.

2. The law must be tailored for minimal intrusion on individual liberties.
3. Where possible, the law must harmonize diverse interests.

With these rules, the result is: Absent harm, there can be no legislation, and the rights of individuals and society are protected. This makes us a free country.⁷

Is the right you are claiming a natural-law right?

Determining whether the right you claim is in fact a natural right would seem to be a key question. How do you know if what you want to do is a natural right?⁸ Early scholars relied on scripture for their source of rights; later scholars based their decision on “right reason in accord with nature.”

Hugo Grotius, universally acknowledged by scholars as the author of the modern law of nations, wrote “The very nature of man ... is the mother of the Law of Nature” which he defined as “... a dictate of right reason, which points out that an act, according as it is or is not in conformity with rational nature, has in it a quality of moral baseness or moral necessity: and that, in consequence, such an act is either forbidden or enjoined by the Author of Nature, God.”⁹

Cicero wrote that “True law is right reason in agreement with nature. ... It is a sin to try to alter this law, nor is it allowable to attempt to repeal any part of it. ... We need not look outside ourselves for an expounder or interpreter of it. ... And there will be one master and ruler, that is, God, over us all, for he is the author of this law, its promulgator and its enforcing judge.”¹⁰

St. John Chrysostom, Patriarch of Constantinople, found natural law expressed through man's conscience. He said: “From the beginning of things, when God created man, He implanted within him the natural law. And what is this natural law? Conscience has revealed it to us and has given us the notion of right and wrong.”¹¹

Grotius, Cicero, and Chrysostom argue that by using “right reason in agreement with nature” we can determine if a law is in accord with our own nature, natural law. As a part of nature, we need only look within. We refer back to our self as the source of our nature, the knower of right and wrong.

But there is another approach we can take that doesn't require answering the question of whether a claim to natural law is legitimate or not. It is not possible for a lawmaker devoid of divine intelligence to know with certainty whether a law is in accord with natural law, and *the only way to minimize possible infringement upon the Will of God is to follow the presumption of liberty* described in the previous

7 By arguing natural law, we are *throwing out the presumption of constitutionality* (See Sec. 52 of LRT) as being incompatible with natural law. This presumption was created by the O'Gorman and Carolene cases of the 1930s, wherein laws are presumed to be constitutional and beyond review by the courts. We are replacing it with the *presumption of liberty* in effect for the 150 years prior to adoption of the presumption of constitutionality. Furthermore, the Supreme Court had no right or power to change our form of government.

8 See Sec. 76 of LRT.

9 See Sec. 33 of LRT.

10 See Sec. 34 of LRT.

11 See Sec. 34 of LRT.

section.¹² Because God is the sovereign over government, government does not have jurisdiction to violate any natural (meaning God-given) right. No one would argue that it is alright to violate God's will.¹³

If you fight the government in their sandbox playing by their rules, you can expect to lose, it has been designed that way; that is why they are boldly attacking raw milk and food. For the government, there is no legal remedy to natural law, they have no sovereignty over it. This is a sandbox that government is unfamiliar with, who does not know how to deal with law that recommends disobedience.¹⁴

Applying the Theory

Never ignore a letter from government. Be sure right from the beginning that you follow the rules laid out by the Supreme Court if you want to be able to eventually appeal your case to the Supreme Court.¹⁵ For example, the Court will not hear friendly disputes. If you are arguing your right to bear arms, go put a gun on, go to the police station, and then ask them what they are going to do about it. Note: You have no right to a hearing by the Supreme Court, who only hears about 1% of the cases presented to it. The Appellate Court is the final court of appeal by right.

Step 1. Examine the statute, administrative law, and constitution (state or federal) carefully to verify that you are breaking the law as the government claims. It could be they are making it up, expecting that you will not read the law; or they are just wrong. If they are violating your rights under color of law, you have recourse to 18 USC 241 or 242,¹⁶ or 42 USC 1983 for a civil rights action.¹⁷

Step 2. Decide whether or not the government's law is just, reasonable and not arbitrary, is enacted for and serves the common good, treats all equally, exercises procedural fairness, goes no further than necessary to remedy the perceived harm, and is tailored for minimal intrusion on personal liberties. Clearly identify the issue. If the written law is contrary to natural law, then it is no law at all, and disobedience may be the proper remedy.

Step 3. Before you assert your right via disobedience, anticipate what can happen and prepare for it; if you have a group, do some brainstorming. Plan your action. Decide what remedy you will use:

- A. First Amendment religious free exercise allows you to utilize scripture (from whatever religion). You have to be able to prove in court that you have truly and sincerely held religious beliefs based on duty to God, supported by study; you don't have to prove your beliefs, only that you believe them.¹⁸ And, what you want to do has to tend to good order.¹⁹ You cannot use your

12 See Sec. 21 and 48 of LRT.

13 Many (if not all) states pay tribute to God in their constitution, rendering any question of His authority moot. Check your state constitution.

14 For those who argue that Romans 13 advocates obeying illegitimate civil authority, see Sec. 44 of LRT.

15 See Appendix H of LRT.

16 Not covered in LRT is how to initiate a criminal action; if the district attorney will not prosecute, there should be a way to get it before a grand jury because it is in our history. See http://en.wikipedia.org/wiki/Grand_juries_in_the_United_States.

17 See Appendix M of LRT.

18 See Sec. 75 of LRT.

19 If what you want to do already tends to good order, is there any good reason why it could be prohibited?

religion to claim the right to murder infidels. Free exercise is one of the biggest bats you can wield against government because no judge wants to touch it. It might be difficult to use if the Bible has nothing to say on the matter (such as the right to raw milk, unless you are creative). Note: If you follow free exercise, you can gain an exemption of law for yourself, but if others are having the same problem (it is not uniquely your problem), that exemption will not apply to them. If you go to court and you argue free exercise as well as legal reasons why you should prevail, should the court grant a religious exemption, that renders the legal questions moot and will not be answered. If you only argue the legal questions, you cannot come back later and ask for a religious exemption; no one should have to endure prosecution for the same case twice. Thus, you can get a ruling on the law, or you can get an exemption, but not both.

- B. Apply 96 Stat. 1211,²⁰ wherein Congress asks us to voluntarily apply the teachings of the Bible and the holy scriptures (from whatever religion). This is preferable to First Amendment free exercise because you do not have to prove anything, you only have to apply the teachings. And the scripture *is* the law; you are not getting an exemption from it. However, this is a federal statute and only applies to federal rights. But if a state agency accepts federal funds and is thereby required to follow federal law, that agency comes under federal control.
- C. Assert a Ninth Amendment right not enumerated in the Bill of Rights (or a similar right secured by your state constitution if a state issue). The Supreme Court has only identified half a dozen or so rights under the Ninth Amendment.²¹ Just because the Court has not identified them, doesn't mean we don't have them or can't assert them. We don't need their approval, our rights don't come from them, we just need to defend it.
- D. Waiver of protection of government. Government has the power to protect society, but cannot protect individuals against their will.²² You and your customers can waive their right to the protection of government, under contract. If the federal government claims that they can do whatever they want under the interstate commerce clause,²³ well no they can't. Their law is superseded by natural law. Any laws necessary and proper to carry their enumerated powers into effect must be coextensive with individual rights secured by the Bill of Rights, whether enumerated or unenumerated. "It would be a strange rule of construction that language granting powers is to be liberally construed and that language of restriction is to be narrowly and technically construed."²⁴

Step 4. Write a Declaration of Intent and Purpose,²⁵ sign and notarize, send it to all appropriate government agencies including the attorney general of the state or United States, as appropriate, and file a copy in the local courthouse. This Declaration states who you are, what you are doing, and why you are doing it, that you are not engaging in any illegal activities, that you do not use illegal drugs or advocate the overthrow of the government, as appropriate. If government has any issue, they have 10 days to respond, invite them to inspect your premises, etc. as appropriate. You will not be faulted for trying to stay withing the law while asserting your rights.

20 See Sec. 74 of LRT.

21 See Sec. 79 of LRT.

22 See Sec. 80 of LRT.

23 U.S. Constitution, Art. 1 Sec. 8 Cl. 3.

24 See Sec. 5 of LRT.

25 See Sec. 123 of LRT, and Appendix A below.

Step 5. Try to get your county sheriff on your side, who has taken an oath to protect your state and federal constitutional rights. Being elected by the people and not appointed, he is answerable to the people.²⁶ He can prevent heavy handed government action. At this point, you should have a natural law theory that you can present to him which would be secured by the Constitution and oath; your Declaration of Intent may be suitable for the purpose. If your sheriff is not an oath-keeper, you might consider if the use of arms is appropriate to secure your right to due process by preventing an illegal swat team type of action; you have a right to resist unlawful arrest or similar government action.²⁷ Government cannot seize (or destroy) your property, and then require you to sue to get it back.

Step 6. Contact the administrative agency responsible for your issue. You will argue one (or more) of the natural law principles above. You have to exhaust all administrative remedies before you can go for a judicial remedy. How do you know if you have exhausted all administrative remedies? Ask them.

Step 7. Assuming the government isn't suing you, decide if it would be advantageous to sue the government agency or file an action for Declaratory Judgment (whose purpose is to get a judicial ruling without violating any rights or laws).²⁸ The burden of proof is on you (as plaintiff). Try to limit the number of questions you ask the court. If you think you have five good arguments and you happen to be wrong on one, the court will rule against your one wrong argument and ignore the four good ones.²⁹ If you only have one argument, it is more difficult for a court to ignore. You will need to explain your theory of law, what natural law is and how it works, and why it supersedes positive law.³⁰ Natural law informed the courts until the early 1900s but now lays dormant;³¹ it is not a new creation. In contrast, administrative law was created in the 1930s, and is known to be hostile to natural rights because executive, legislative, and judicial functions are embodied in one administrative agency. If government can create a new body of law, then it can recognize an old one.

Step 8. In an era of tyranny and government run amuck, the above formal administrative and judicial remedies may be a lost cause but will be useful so that you have law on your side. You should exhaust all lawful remedies before you disobey. You always follow the law; it is just that your law is higher than theirs, and you will follow the higher law, and you argue it in court. Disobedience is the lawful and recommended remedy to unjust law from our natural law tradition.³² If the courts will not listen and you believe your natural right is being violated and the law, being unjust, is no law at all, you have now to decide what you are willing to pay to assert the right via disobedience. You or your family might face a swat team. Your property might be seized. You might go to jail. If you can't do this, let someone else be the tip of the spear. Unless you have no choice.³³

26 See Sec. 81 of LRT.

27 See Sec. 101 of LRT.

28 See Sec. 124 of LRT.

29 This *exactly* happened to me, in a drivers license case.

30 I expect to be writing this document soon, distilling LRT down to a legal brief.

31 The tradition of natural law was not banned; being an expression of the Will of God, it never could be, but was allowed to fade away.

32 See Sec. 44 and 45 of LRT.

33 If you want to remain emotionally stable during this action, *Stress Free Emotions* is a natural herbal supplement that really works. I found it useful in dealings with the IRS.
http://www.mapi.com/maharishi_ayurveda/products/ayurveda_herbal_remedies/stressfreemotions.html.

Step 9. In the case of raw milk³⁴ where you have private/non-public members, have them enter into a contract with you, and include in that contract their waiver of protection of government.³⁵ If government will not allow you to waive its protection, that is tantamount to being a ward; you are not a free man, and that is a good place to draw a line in the sand.

Appendix A: Example Declaration of Intent and Purpose as applied to raw milk.

This is a rough draft that should be adapted for your cause. The “whereas” format is not necessary; you can use numbered points if you like. Then have it notarized, and file it in your local county courthouse to make a public record. Send copies to the appropriate state administrative agencies and the state Attorney General. If you are going to challenge federal law, send a copy to the FDA, FTC, USDA, and U.S. Attorney General who is the designated receiver of legal process. Include a cover letter asking them to reply in 10 days if they have any objections.

Declaration of Intent and Purpose

Whereas the undersigned intends to obey all federal and state laws, and

Whereas under the police power “*no trade can be subjected to police regulation of any kind unless its prosecution involves some harm or injury to the public or third persons, and in any case the regulation cannot extend beyond the evil which is to be restrained*” - *Marymont v. Banking Board*, 33 Nev. 333, and

Whereas the government itself has stated that raw milk is safe (www.westonaprice.org/press/government-data-proves-raw-milk-safe), and

Whereas numerous municipalities safely regulate raw milk; and

Whereas the consumption of raw milk has been a tradition for several thousand years, and it is self-evident that government cannot make immoral or illegal that which has been legal for thousands of years, and

Whereas members of a private buying club have, under contract, waived the protection of government and are not members of the public subject to the protection of government, and

Whereas the undersigned is not a ward of government and is fully competent to enter into contracts, and the state cannot protect a person against his will, thereby converting him into a ward of state, and

34 See Sec. 82 of LRT.

35 For an example of how a cancer-cures website waived government protection, see Appendix C of LRT.

Whereas the state cannot impair the obligation of contracts, U.S. Const. Art.1 Sec. 10 [also cite state constitution], and

Whereas the state, when it has the ability, must choose methods that harmonize diverse interests, and since raw milk has been demonstrated to be safely sold and consumed, the state does not have the option to choose prohibition when regulation is being used elsewhere, and

Whereas pursuant to our tradition of natural law, any law that is arbitrary or unreasonable is no law at all, and

Whereas the prohibition of raw milk leaves the alternative of pasteurized milk which has been shown to cause health problems and is demonstrably less safe than raw milk, which removes the basis of the police power to prohibit raw milk, and

Whereas the *Rational Basis Test* of a law that requires only that the law be rationally related to a legitimate government interest, is insufficient protection to God-given rights and liberties, and is a recent creation circa 1930s by the Supreme Court which changed our form of government, contrary to our tradition of liberty,

Therefore, it is my intention to sell raw milk to the community to those who want it, under contract, who have agreed to waive the protection of government, and allow natural law to provide any relief for damages. This means that natural law, the Will of God, will provide punishment to wrongdoers in God's own time, which supersedes the protection afforded by local, state, or federal governments.

Signed _____ Dated _____