TREASON

by Ralph Boryszewski

Published by Foundation for Rights, Rochester, New York 14617.

ISBN 0-9710247-0-7

such for three years past in the Supreme Court of the State to which they respectively belong ... ."[2] That was the beginning of government by lawyers.

It was supposed to be a government of the people, so with the advice and consent of the Senate, the President had appointed Justices of the Supreme Court. No other Constitutional qualifications or limitations exist for those who would be a Judge. The Supreme Court had to accept any person whom President Washington had appointed to be a member of that Court. If Judges, nominees by the President, weren't required to be lawyers - those who practice before the Justices certainly did not have to be. The word lawyer, and the qualification for them doesn't appear once in the Constitution. For good reason, the Constitution does not authorize the Courts to make rules for conducting its business. But as its first business, the Jay Court brazenly and unconstitutionally made and adopted Rules "as to the form of writs and as to the admission of counselors and attorneys."[3]

The people had ratified the Constitution because it clearly provided that a lay person would be the elected President and lay people would be the elected members of Congress. Most importantly, lay people would sit as judges on the Supreme Court and the people in general would sit as judges on every Grand and Trial Jury Body. The Jay Court made rules that were copies of British writs and also admitted "Officers of the Court" who would obediently follow British writs. So the Supreme Court that was supposed to protect the American people from a Congress or President who would violate the Constitution became the biggest threat to the new Constitutional system of and by the people. The Supreme Court in one stroke, in the beginning, denied forever the American people a proper and honest Judicial forum in which they could challenge and obtain Constitutional redress without the intercession of high-priced lawyers and complicated self-serving rules.

In order for the reader to see the extensive damage done by the First Supreme Court, let's continue on with the action of that Court. On February 8th, 9th and 10th, "the only business transacted was the admission of sixteen further counselors and seven attorneys. Of the nineteen counselors admitted at this first Term ... two were Senators and nine were Representatives present in New York attending the First Congress." An Anti-Federalist publication stated: "It is alarming to find so many Members of Congress sworn into the Federal Court at its very first sitting in New York. The question then is whether it is proper that Congress should consist of so large a proportion of members who are sworn attorneys in the Federal Courts ... ."[4]

The question raised above can best be answered by a careful reading. The Constitution's Article I Section 6. last phrase of Clause 2 states: " ... **no person holding any office under the United States shall be a member of either House during his continuance in office."**

The foregoing provision of the Constitution was a modification from a similar provision contained in Article V of the Articles of Confederation which, in its last clause states: **nor shall "any person, being a delegate, be capable of holding any office under the United States, for which he, or another for his benefit receives any salary, fee or emolument of any kind."** The words "fee or emoluments" were purposely omitted from the new Constitutional provisions. The reader should be convinced about the unholy connection between a lawyer in government and his law firm. Lawyers and their fees have always been a threat

[2] Charles Warren, "The Supreme Court in United States History," Vol. One p. 49

[3] Charles Warren, "The Supreme Court in United States History," Vol. One p. 49

[4] Charles Warren, "The Supreme Court in United States History," Vol. One p. 50

to the fair and honest working of the American Constitutional system. The members of the Jay Court were aware that House and Senate members they admitted and swore to practice as an "officer of the Court," had previously taken another oath as a member of Congress. The taking of two oaths by lawyers, allows them to enact laws favorable to the Judiciary. All challengers to those engaged in this serious violation of the separation of powers would have to appeal to a lawyer-dominated Supreme Court to end this cardinal violation. But remember, the Supreme Court itself was the first to violate Article I Section 6. Clause 2. Can anyone expect the Supreme Court to give an honest redress to a petitioner who would seek a lawful separation of powers? Both Houses, on February 5th, 1790 did not discharge the first of its own members who chose to be "Practitioners before the Bar." Today, both Houses are dominated by "officers of the Court" who were admitted, in violation of Article I Section 6. Clause 2.

In hundreds of complaints over the last 50 years, this author wanted to argue in support of a separation of powers, so I intentionally petitioned both Houses and the Supreme Court to no avail. Without a separation of powers, meaningful checks and balances are an impossibility. This, the American people can prove to themselves.

On September 23, 1790 the *Independent Chronicle* asked if "it is prudent to trust men to enact laws who are practicing on them in another department. Let common sense answer. If Congress does consist of practicing attorneys, the laws enacted may, in a great measure, depend on the particular causes such individuals may have to manage in the Judiciary; this being the case, the property of the people may in a few years become the sport of Law-Makers acting in the capacity of interested attorneys."[5] Think Microsoft, tobacco and guns for starters.

To avoid questions or challenge, the lawyers who dominated the Philadelphia Convention in 1787, purposely omitted the oath that was to be taken by members elected to the Congress. Without the taking of a Constitutional oath by its own members, the First Congress was not authorized to commence any duty or Constitutional function whatsoever. Furthermore the Constitution does not provide a stated and explicit number of Supreme Court Justices that were to be appointed to the First Supreme Court Bench, nor was there a Constitutional oath that the Supreme Court Justices were required to take before they entered upon their duties. The Founders promised the people there would be three departments of government and each was to be a check upon the other. So from the very first day of doing business, a Supreme Court had to be sitting and available to the people to challenge any unconstitutional act by Congress or the President. The Founders betrayed the people. A Supreme Court was not made available for eleven months. During that time, the Congress and President Washington were engaged in the usurpation of key Constitutional processes and Bill of Rights provisions. The following are examples.

Under the new Constitution, the very first law enacted was on June 1st, 1789 when Congress passed the Oath Bill. President Washington, badly influenced by the many lawyers in the First Congress, signed the Bill into law. Washington was not authorized to sign the Oath Bill. He knew that members of the House and Senate, while not under a Constitutional oath, had been doing business since April 6th, 1789 when both Houses first achieved a quorum. For months, Washington was fully aware that a Supreme Court would purposely not be made available to the people to challenge the First Congress, and his own unchecked usurpation. He disregarded the Constitution and continued to unconstitutionally sign bills into law for eleven months. During that eleven month period, the Consti-

[5] Charles Warren, "The Supreme Court in United States History," Vol. One p. 50