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Comprehensive Study of "The Law of the Land"

Part VII: Amendment 1

Sunday - June 15, 2014 / 1 p.m. — 3 p.m.

Blog Talk: *Mhhs—Eyes Wide Open*

Chat Room OR Call In: 347 945-5899

Definitions For Review:

Religion - Man's relation to Divinity, to reverence, worship, obedience, and submission to mandates and precepts of supernatural or superior beings. In its broadest sense includes all forms of belief in the existence of superior beings exercising power over human beings by volition, imposing rules of conduct, with future rewards and punishments. *McMasters v. State*, 21 Okl. Cr. 318, 207 P. 566, 568, 29 A.L.R. 292.

One's views of his relations to his Creator and to the obligations they impose of reverence for his being and character, and of obedience to his will. It is often confounded with cultus or form of worship of a particular sect, but is distinguishable from the latter. *People ex rel. Fish v. Sandstrom*, 3 N.Y.S.2d 1006, 1007, 167 Misc. 436.

Bond uniting man to God, and a virtue whose purpose is to render God worship due him as source of all being and principle of all government of things. *Nikulnikoff v. Archbishop, etc., of Russian Orthodox Greek Catholic Church*, 255 N.Y.S. 653, 663, 142 Misc. 894.

As used in constitutional provisions forbidding the "establishment of religion," the term means a particular system of faith and worship recognized and practised by a particular church, sect, or denomination. *Reynolds v. U. S.*, 98 U.S. 149, 25 L. Ed. 244; *Board of Education v. Minor*, 23 Ohio St. 241, 13 Am.Rep. 233.

Abridge(ing)- To reduce or contract; usually spoken of written language.

In Practice. To shorten a declaration or count by taking away or severing some of the substance of it. *Brooke, Abr., Com., Dig. Abridgment; 1 Viner, Abr. 109*. See Abridgment.

Freedom— The state of being free; liberty; self-determination; absence of restraint; the opposite of slavery.

The power of acting, in the character of a moral personality, according to the dictates of the will, without other check, hindrance, or prohibition than such as may be imposed by just and necessary laws and the duties of social life.

The prevalence, in the government and constitution of a country, of such a system of laws and institutions as secure civil liberty to the individual citizen.

Petition— A written address, embodying an application or prayer from the person or persons preferring it, to the power, body, or person to whom it is presented, for the exercise of his or their authority in the redress of some wrong, or the grant of some favor, privilege, or license. *Enderson v. Hildenbrand*, 52 N.D. 533, 204 N.W. 356; *Benton Coal Mining Co. v. Industrial Commission*, 321 Ill. 208, 151 N.E. 520, 522; *In re L. M. Axle Co.*, C.C.A.Ohio, 3 F.2d 581, 582; *State v. American Sugar Refining Co.*, 138 La. 1005, 71 So. 137, 140.

In practice. An application made to a court *ex parte*, or where there are no parties in opposition, praying for the exercise of the judicial powers of the court in relation to some matter which is not the subject for a suit or action, or for authority to do some act which requires the sanction of the court; as for the appointment of a guardian, for leave to sell trust property, etc.

The word "petition" is generally used in judicial proceedings to describe an application in writing, in contradistinction to a motion, which may be *viva voce*. *Bergen v. Jones*, 4 Metc., Mass., 371. The principal distinction between motions and petitions lies in the fact that motions, though usually made in writing, may sometimes be made orally, while a petition is always in writing. So, also, motions can usually

be made only by a party to the record, while petitions may in some cases be presented by persons not parties. *Gibbs v. Ewing*, 94 Fla. 236, 113 So. 730, 735.

In the practice of some of the states, the word "petition" is adopted as the name of that initiatory pleading in an action which is elsewhere called a "declaration" or "complaint."

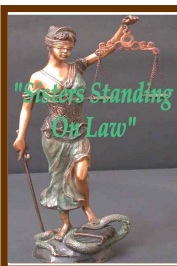
In equity practice. An application in writing for an order of the court, stating the circumstances upon which it is founded; a proceeding resorted to whenever the nature of the application to the court requires a fuller statement than can be conveniently made in a notice of motion. *1 Barb. Ch.Pr. 578*.

Government— GOVERNMENT. From the Latin *gubernaculum*. Signifies the instrument, the helm, whereby the ship to which the state was compared, was guided on its course by the "gubernator" or helmsman, and in that view, the government is but an agency of the state, distinguished as it must be in accurate thought from its scheme and machinery of government. *State v. Chase*, 175 Minn. 259, 220 N.W. 951, 953.

The system of polity in a state; that form of fundamental rules and principles by which a nation or state is governed, or by which individual members of a body politic are to regulate their social actions; a constitution, either written or unwritten, by which the rights and duties of citizens and public officers are prescribed and defined, as a monarchical government, a republican government, etc. Webster. An empire, kingdom, state or independent political community; as in the phrase, "Compacts between independent governments." The sovereign or supreme power in a state or nation.

The machinery by which the sovereign power in a state expresses its will and exercises its functions; or the framework of political institutions, departments, and offices, by means of which the executive, judicial, legislative, and administrative business of the state is carried on. The whole class or body of office-holders or functionaries considered in the aggregate, upon whom devolves the executive, judicial, legislative, and administrative business of the state. *Stokes v. United States*, C.C.A.Mo., 264 F. 18, 22.

In a colloquial sense, the United States or its representatives, considered as the prosecutor in a criminal action; as in the



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phrase, "the government objects to the witness." The regulation, restraint, supervision, or control which is exercised upon the individual members of an organized jural society by those invested with authority; or the *act* of exercising supreme political power or control. *Chicago, B. & Q. R. Co. v. School Dist. No. 1 in Yuma County, 63 Colo. 159, 165 P. 260, 263.*

Federal government. The government of the United States of America, as distinguished from the governments of the several states.

Local government. The government or administration of a particular locality; especially, the governmental authority of a municipal corporation, as a city or county, over its local and individual affairs, exercised in virtue of power delegated to it for that purpose by the general government of the state or nation.

Mixed government. A form of government combining some of the features of two or all of the three primary forms, viz., monarchy, aristocracy, and democracy.

Republican government. One in which the powers of sovereignty are vested in the people and are exercised by the people, either directly, or through representatives chosen by the people, to whom those powers are specially delegated. *Black, Const. Law (3d Ed.) 309; In re Duncan, 139 U.S. 449, 11 S.Ct. 573, 35 L.Ed. 219; Minor v. Happersett, 21 Wall. 175, 22 L.Ed. 627.*

Redress— The receiving satisfaction for an injury sustained.

Grievances— An injury, injustice or wrong which gives ground for complaint because it is unjust and oppressive. *In re Borough of North. Braddock, 126 Pa.Super. 53, 190 A. 357, 361.*

Reminder Notes for Future Classes:

State - A People permanently occupying a fixed territory, bound together by common-law, habits, and custom into one body politic exercising, through the medium of an organized government, independent sovereignty and control over all persons and things within its boundaries, capable of making war and peace and of entering into international relations with other communities of the globe. Black's Law Dictionary 4th Edition

Parties to the Constitution – United States:

1. Moors – Supreme Authority, *and*
2. Union [United] States of America – Europeans, the People adopted into the Nation.

Status – The etymology of the word **state** comes from the latin "Status" – stare – to stand; Status – manner of standing, attitude, position, carriage, manner, dress, apparel; and other senses.

All **legislative powers** herein granted shall be vested in a **Congress of the United States** - Moors, which shall **consist-[stands together with]** of a **Senate and House of Representatives** – [members elected from the Union States]

The 3 Great Departments of Government:

♦ **Legislative** – pass law – this is appropriate if you comprehend that the Moors make up the United States and only the sovereign of the land can make any laws.

♦ **Executive** – approve and execute the laws that have been passed.

♦ **Judicial** – expound and enforce the laws that have been passed.

Supreme Laws for Review:

Section 1 Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof;

... and to petition the government for a redress of grievances.

The 'establishment of religion' clause of the First Amendment means at least this: Neither a state nor the Federal Government can set up a church. Neither can pass laws which aid one religion, aid all religions, or prefer one religion over another. Neither can force nor influence a person to go to or to remain away from church against his will or force him to profess a belief or disbelief in any religion. [Everson v. Board of Education](#), 330 U.S. 1 (1947)

The miracles of the New Testament, the Divinity of Christ, life after death, the power of prayer are deep in the religious convictions of many. If one could be sent to jail because a jury in a hostile environment found those teachings false, little indeed would be left of religious freedom. [United States v. Ballard](#), 322 U.S. 78 (1944)

Military Service Act, which exempted from subjection to the draft regular or duly ordained ministers of religion and theological students as well as other members of religious sects as enumerated whose tenets excluded the moral right to engage in war, was constitutional. *Arver v. United States*, 245 U.S. 366 (1918)

The conscientious objector, if his liberties were to be thus extended, might refuse to contribute taxes in furtherance of a war, whether for attack or for defense, or in furtherance of any other end condemned by his conscience as irreligious or immoral. The right of private judgment has never yet been so exalted above the powers and the compulsion of the agencies of government. [Hamilton v. Regents of California](#), 293 U.S. 245 (1934)

4 Lawful Questions:

1. What areas can Congress **not** make any laws regarding?
2. What do you think “*prohibiting the free exercise thereof*”, in regards to “*respecting an establishment of religion*” means?
3. Who is the Congress?
4. If there are laws to be made, what area of government can make laws?
 - Can Anyone else make laws?

Group Discussion Question

5. ...“to petition the government for a redress of grievances” reflects that government is for the People, by the People.
 - What do you think the above is really saying?
 - Who would you be having a grievance with?
 - Does it sound like the redress is predicated on the “government” first agreeing there that is a grievance?

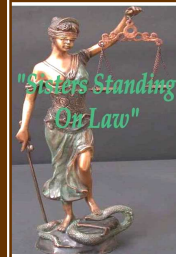
Concluding Lawful Perspective:

"The fundamental law declares the interest of the United States that the free exercise of religion be not prohibited by the states. **Cantwell v. Connecticut.**

Excerpt From “**Message To America**”
by Prophet Noble Drew Ali, In regards to
“**Religious Freedom**”

....the legal right to oppose citizens, individuals and organizations alike for their religious belief does not exist in the United States. The door of religious freedom made by the American Constitution swings open to all, and people may enter through it and worship as they desire. Without religious freedom, no search for truth would be possible; without religious freedom, no discovery of truth would be useful; without religious freedom, religious progress would be checked and we would no longer march forward toward the nobler life which the future holds for the races of men; without religious freedom, there would be no inspiration to lift our heads and gaze with fearlessness into the vast beyond, seeking a hope eternal.

It is a sad weakness in us after all, to oppose our fellowmen for their religious beliefs and if there are angels who record the sorrows of men as well as their sins, they certainly know how many and deep are the useless sorrows that spring forth from such opposition. Possibly, love and time will cancel our ancient hatreds in this regard and prove that in mankind, tolerance is better than unwarranted opposition.



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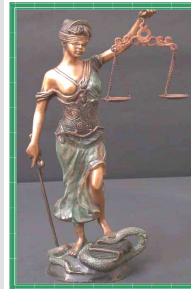
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Next Class:

An Analysis of “The Spirit of the Supreme Law of the Land” Part VIII – 2nd & 3rd Bill of Rights of the American Constitution 1791.

Hint:

The carrying of arms in a quiet, peaceable, and orderly manner, concealed on or about the person, is not a breach of the peace. Nor does such an act of itself, lead to a breach of the peace.” (Wharton's **Criminal and Civil Procedure, 12th Ed., Vol.2: *Judy v. Lashley, 5 W. Va. 628, 41 S.E. 197***)



Sisters Standing On Law

13 Month Syllabus Topics

Part I —Preamble	Part 7 — Bill of Right I
Part 2 —Article I	Part 8— Bill of Right II & III
Part 3 —Article II	Part 9 — Bill of Right IV
Part 4 —Article III	Part 10 — Bill Right V
Part 5 — Article IV & V	Part 11 — Bill of Right VI
Part 6 —Article VI & VII	Part 12 — Bill of Right VII & VIII
	Part 13 — Bill of Right IX & X

This Series contains a total of 13 Classes and the first class began on December 15th, 2013, our 7th overall broadcast on MHHS-Eyes Wides Open Blog Talk “Sisters Standing On Law” .