

**Michigan State Executive Emergency Manager**

**NOTICE OF STATE OF EMERGENCY**

**NOTICE OF CONSTITUTIONAL ACCOUNTABLE COMMITTEE**

From: Executive Emergency Manager  
Constitutional Accountability Committee / Claimant / One of the People / Prosecutor  
Ethan D. Dean / Executive Emergency Manager  
1689 Cool Rd SE  
Kalkaska, Michigan

49646

TO: Mike Borkovich / Leelanau County Sheriff  
8525 Government Center Drive  
Leelanau, Michigan  
49682

TO: James Kiessel / Leelanau County Undersheriff  
8525 Government Center Drive  
Leelanau, Michigan  
49682

- ) Notice of State of Emergency
- ) Notice of Treason
- ) Notice of Constitutional Rights Violations
- ) Notice of Maladministration
- ) Notice of Misadministration
- ) Notice of Constitutional Demand
- ) Notice of Common Law
- ) Notice of Change in Contract Terms
- ) Notice of Right to Arbitration
- ) Notice of Liability
- ) Notice of Restoration Demand
- ) Notice of Retroactive Financial Penalty
- ) Notice of Constitutional Accountability Committee
- ) Notice of Expansion of Jurisdiction
- ) Notice of War Power Authorities
- ) Notice of State Executive Emergency Manager
- ) Notice of Order

Respondents:  
Mike Borkovich  
James Kiessel

**NOTICE OF LIABILITY AND DEMAND**

NOTICE TO PRINCIPAL IS NOTICE TO AGENT

NOTICE TO AGENT IS NOTICE TO PRINCIPAL

NOTICE TO ANY AND OR ALL SUBSTITUTE(S), REPLACEMENT(S), OR SUCCESSOR(S)

**NOTICE BY AFFIDAVIT**

Comes now Affiant, one of the people (as seen in the Michigan Declaration of Rights Article 1 Section 1 Michigan Constitution) Sui Juris, in this court of record, do make the following claims:

## **WARNING:**

Do not seek a British Agent – bar member Attorney that carries and or practices with a bar card, as they are members of a private membership, or any interpretation of the within as they are not responsible for the oath you took concerning this Information, said oath is yours to own. Ignorance of the law or excuses that you were acting under advice of legal counsel will not be an acceptable excuse for there is nothing to interpret. The above constitutional provision Virginia 3-20. Preservation of free government is being translated for you below in exhibit, this is all common law, common language, and is based constitutionally on the law of the land.

## **Michigan**

### **ARTICLE I**

#### **DECLARATION OF RIGHTS**

##### **§ 1 Political power.**

Sec. 1. All political power is inherent in the people. Government is instituted for their equal benefit, security and protection.

History: Const. 1963, Art. I, § 1, Eff. Jan. 1, 1964;

## **Indiana**

### **Article 1 - Bill of Rights**

Section 1. WE DECLARE, That all men are created equal; that they are endowed by their CREATOR with certain unalienable rights; that among these are life, liberty and the pursuit of happiness; that all power is inherent in the PEOPLE; and that all free governments are, and of right ought to be, founded on their authority, and instituted for their peace, safety, and well being. For the advancement of these ends, the PEOPLE have, at all times, an indefeasible right to alter and reform their government;

## **Maryland**

Art. 6. That all persons invested with the Legislative or Executive powers of Government are the Trustees of the Public, and, as such, accountable for their conduct: Wherefore, whenever the ends of Government are perverted, and public liberty manifestly endangered, and all other means of redress are ineffectual, the People may, and of right ought, to reform the old, or establish a new Government; the doctrine of non-resistance against arbitrary power and oppression is absurd, slavish and destructive of the good and happiness of mankind;

## **Gretchen Whitmer makes a Declaration of War on the Free People in Open Court**

In open Court of record Michigan Governor Gretchen Whitmer Admits to Waring with the People of Michigan, and agrees to charge of Treason;  
(See Exhibit 1)

In open Court of record Kalkaska County Michigan Sheriff, Under Sheriff, and Jail Sargent admit to Treason, thusly are Waring with the People of Michigan, and all three (3) agree to charge of Treason;  
(See Exhibit 1)

In open Court of record three (3) Camp Grayling, Michigan Garrison Commanders admit to Treason, thusly are Waring with the People of Michigan, and all 3 agree to charge of Treason;  
(See Exhibit 1)

In open Court of record Barry County Michigan Sheriff and Under Sheriff both admit to Waring with the People of Michigan, and both agree to charge of Treason;  
(See Exhibit 1)

In open Court of record Ethan D Dean established position of Executive Emergency Manager for Michigan State;  
(See Exhibit 1)

As Michigan servants from Governor to Garrison Commanders admit to and agree to charge of Treason, and Waring with the People, the Executive Manager Ethan D Dean has War Power, War Power Authority, and Duty to Defend the Republic Security Interest and the People of the Great Michigan Republic State;

Included with this service you are served a Notice of Liability, thusly said notice of liability is in full force upon you, and your department is subject of liability with regard to all free people; (See Exhibit 2)

Please take further notice;

**TO THE COUNTY SHERIFF TO INFORM & FOR IMMEDIATE ACTION:**

There has been a series of informations, orders and writs by We the People filed in the United States Supreme Court of the United States District Courts, the State Supreme Courts and served upon our elected and appointed servants, when not acted upon, forms an indictment against the same. We the People are exposing the foundational errors of our judicial systems, errors founded on subversion and contempt of law by enemies past and present. It is expected that said servants and all recipients understand the subject matter. All servants and recipients have authority under the law, and have taken an oath to preserve, protect and defend the Constitution. Servants violate this sacred oath and now lives have been destroyed and liberties trespassed in astonishing numbers. Silence when you have a duty to speak or act advocates conspiracy to overthrow the Government(s) of the Michigan willfully and or knowingly;

In Article VII Section 6 the Constitution states:

The sheriff may be required by law to renew his security periodically and in default of giving such security, his office shall be vacant. The county shall never be responsible for his acts except that the board of supervisors may protect him against claims by prisoners in his care. He shall not hold any other office except in civil defense. (Michigan Constitution, 1963). A Michigan Sheriff cannot hold another position in Government, as such you are in violation of granted and restricted Just Authority operating in unlawful administrative process, unlawful administrative court services, and conspiring with bar members, judges, and administrative by-law policy officers, i.e. state police, city police, township police, village police; (See Exhibits 3 & 4)

In Michigan, the state's duty of law enforcement for the protection of its citizens has been constitutionally delegated to the county in the person of the sheriff. (National Union of Police officers v. Board of Commissioners of Wayne County, 1979); (See Exhibit 4)

No man can have a right in one state that is not equally applicable in all republic American states as in Virginia 3-20. Preservation of free government.

Free government and the blessings of liberty can be preserved to any people only by a firm adherence to justice, moderation, temperance, frugality and virtue, and by a frequent recurrence to fundamental principles.

Please take further notice that the meaning of words have changed over time, and so I have translated the above provision so we can all appreciate the meaning of these words of our forefathers as they considered the defined meaning.

(See Exhibit 8)

Admit that all power is inherent in the people, and all free governments are founded on their authority and instituted for their peace, safety and happiness. For the advancement of these ends they have at all times an inalienable and indefeasible right to alter, reform or abolish their government in such manner as they may think proper.

Admit that the Sheriff is a public servant.

Admit that the Sheriff is a law enforcement officer.

Admit that the Office of Sheriff is an elected position.

Admit that the Sheriff has a limited authority.

Admit that the Sheriff is limited to Common Constitutional Law.

Admit that the Sheriff is restricted to Common Constitutional Law.

Admit that the Sheriff nor Sheriff Department can engage in another position in Government. (See Exhibit 4)

Admit that you are in receipt of Notice of Liability included within as Exhibit 2. (See Exhibit 2)

Admit that per Order with the full force of Executive Order, the Court of Record Notice of Liability (exhibit 2) is equally applicable tofore all free men, male and female.

Admit that your Sheriff Department is holding administrative office in direct conflict with the Departments constitutional obligations and duties to the law of the land.

Admit that your Sheriff Department is holding administrative office unconstitutionally trespassing on the free peoples liberties that you are obligated to protect and defend the public with your life if necessary. (See Exhibit 4)

Admit that an unconstitutional act is not law; it confers no rights; it imposes no duties; affords no protection; it creates no office; it is in legal contemplation, as inoperative as though it had never been passed. (See Exhibits 5 and 7)

Admit that per constitutional provisions Government is to be open.

Admit that per constitutional provisions Government is to be accessible.

Admit that per constitutional provisions Government is to be responsive.

Admit that per constitutional provisions Government is to be accountable.

Admit that in open court of record Governor Gretchen Whitmer is a self-admitted war criminal. (See Exhibit 1)

Admit that Michigan Governor Gretchen Whitmer is a war criminal. (See Exhibit 1)

Admit that providing aid or comfort to a treasonous war criminal is an act of treason.

# Executive Order

1. Close all administrative courts in your county today, this day of service.
2. Grand Jury is to be established in your county, by, and, for the People.
  - a. NOTE: The legislative has no authority over Common law Grand Jury.
  - b. Assembly join up paperwork is to be accessible to the people in your department lobby.
  - c. Grand Jury Pool join up paperwork is to be accessible to the people in your department lobby.
  - d. Gretchen Whitmer court records are to be displayed in your lobby in plain view.
  - e. Wanted posters are to be displayed in your lobby in plain view.
3. Sheriff Duty, Obligation, Just Authority, and Jurisdiction is now expanded State wide, to include both upper and lower peninsula until further Notice, and, or, Order, the Sheriff jurisdiction is expanded, and covers all of Michigan.
4. Fully cooperate with the Constitutional Accountability Committee.
5. Fully cooperate with the Peoples Bureau of Investigation.
6. Report for duty by text message 231-624-3037 with Name and County

**This is an Affidavit and contract and change of terms.** Any man or woman who denies these claims are true must rebut them under penalty of perjury in the form of a sworn affidavit. Any man or woman who decides to suppress this affidavit agrees to pay \$30,000 and any disputes by any public officials or private actors who are bound by contract to the Michigan Constitution and or the United States Constitution within the United States, or, United States of America agrees to have these matters heard before an Arbitrator of my choice and to be bound thereby. Any man or woman denying these claims are true must rebut these claims point by point within three (3) days or 72 hours. Failure to respond means that by acquiescence you agree that all claims are true. Failing to respond with constitutionally granted authority which gave you the power to disregard the rights of the people mentioned within this Affidavit and Contract, means that you agree to have this affidavit used as evidence of Constitutional Rights Violations, Maladministration, Treason, and as law a constitutional common law retroactive financial penalty of \$10,000.00 per day from the date you took the position as Sheriff will be in full force upon you personally, and, additionally, and equally on your Sheriff Department, the County, and State of Michigan. You further agree that once the three (3)-day time period has expired, this Affidavit becomes truth and law and that all matters must be considered adjudged and that no court has jurisdiction to rehear these matters and that the witness (and all additional witnesses) against you shall be considered sufficient for conviction. **Remedy shall be recognition of the Authority serving on you, and response to the within Order when you report for duty as ordered;**

Without remedy all issues of noticed matters remain open, and, to all matters I retain all rights of and with Executive Manager War Power Authority, and all rights to Remedy, and, Waive none;

**Verification**

I hereby declare, certify and state, pursuant to the penalties of perjury under the laws of the United States of America, and by the provisions of 28 USC § 1746 that all of the above and foregoing representations are true and correct to the best of my knowledge, information and belief.

Executed in Kalkaska, Michigan on this 3<sup>rd</sup> day of February in the Year of Our Lord Two Thousand and Twenty-Two

  
Autograph of Affiant:

Notary as JURAT CERTIFICATE  
Michigan  
Kalkaska County

On this 3<sup>rd</sup> day of February, 2022 before me,

Patti Amore, a Notary Public, personally appeared

Ethan D. Dean, who proved to me on the basis of satisfactory evidence to be the man whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his autograph on the instrument the man executed, the instrument.

I certify under PENALTY OF PERJURY under the lawful laws of Michigan State and that the foregoing paragraph is true and correct.  
WITNESS my hand and official seal.

Signature of Notary / Jurat Patti Amore  
Seal

PATTI AMORE  
Notary Public, State of Michigan  
County of Kalkaska

My Commission Expires 03-09-2026  
Acting in the County of Kalkaska

# Exhibit 1

Files on:

**Barry County / Camp Grayling - Gretchen**

**Exhibit 2**

**Copy of:**

**Americans Notice of Liability**

## EXHIBIT 3

### To: All Michigan Sheriff Departments

From: Ethan D Dean / one of the People  
Address, Kalkaska MI

#### Notice to PUBLIC SERVANTS and The PRIVATE Bar Associations

I, Ethan D Dean, one of the People as seen in Michigan State Constitution, Sui Juris, am providing you notice that you may provide due care;

Please take notice that the Bar is a Private entity, and not contracted with nor does it serve to enhance the will of the American People, but stands as outside of those granted with government authority;

Please also take notice that the Bar, as private associations may be pierced for nefarious acts, or inherent evil (please see Dennis v United States 341 U.S. 494 (1951), also Brandenburg v Ohio, 395 U.S. 444 (1969) and I as one of the people, am under the belief that attacking those who serve the will of the People and making baseless claims of them being involved in lies, attempting to steal an election by pursuing the People's Audit puts the lives of the People's servant and their Attorneys in serious danger as seen by the powder substance sent to Senator Karen Fann of Arizona, who is working by direct order of the People. Making attacks against any Bar attorneys who are following the will of the People or assisting the People by contract is a direct interference with the will and the Rights of the People;

Please take notice that as one of the people, it is realized that the Bar has been used to harass the people of America with administrative cases that are held outside of the rights and constitutions guaranteed in the states by Public Officers by Oath. Running adversarial trial-like procedures against the People who are to be protected by Constitutions/Trust Indenture of the States, is causing the government Trustees to directly war with the Constitution and People which give them the power to sit in the seats they sit in;

Please take further notice that they People demanded audits across the nation by Right, yet it seems that there is an attack on the following Attorneys that are standing for the rights of the people;

1. Sidney Powell 2. Lin Wood 3. Rudy Guilliani 4. Matt Deperno 5. Mark Brnovich

Please take further notice that as one of the People, I realize the following people have been attacked by attorneys with frivolous suits and/or arrest in what seems to be political issues;

1. President Trump 2. General Flynn 3. George Papadopoulos

Please take further notice that as a private association, the People have not authorized your private foreign entities to use our courts to attack those who stand in their position for the People's Protection. If you believe that you were given Constitutional Authority to control the

People's Audits and **People's business**, please show the name of your Bar Association in the State Constitution and where we gave you power to interfere with the will of the People within 3 days, sworn under the penalty of perjury, or you agree that you interfering with the rights of the People with full knowledge and malice should any more actions be taken by your private entities.

Public Servants, please take notice that no private entity has the authority to challenge the rights of the People who you swore to serve as Trustees and Servants Please see (Georgia Constitution Bill of Rights, ... public officers are the Trustees and Servants of the People).

Please take further notice that it is my wish, order, and demand that you remove these private actors from the People's business. Furthermore, it is the wish of I that you excuse the Bar Associations from the decisions dealing with the People's rights, that the purposes of the people creating courts are upheld, and not to serve as the playground for Attorneys who wish to settle their political issues by use of the People's servants or Courts. If the Legislature shall wish to ignore this notice, please send Constitutional Authority, given by the People where you are allowed to give an Agent or A Private Association the ability to act as Adversaries to the People within 3 days, sworn under penalty of perjury. If you cannot show these authorities it is my wish that you excuse the Bar from the People's Business immediately and force all cases where government officials attempt to prevent the People's right to audit, be paid for out of the private entity or government officials' personal funds.

Autograph: 

February 3<sup>rd</sup> Year of our Lord Two Thousand Twenty-Two



# The History and Duties of the Michigan Sheriff

## Introduction

From biblical times through medieval times and from our wild west to the present day, the sheriff has been a constant feature of local government and society. The sheriff is a law enforcement officer to be sure but they are required to be so much more. By virtue of how the sheriff is chosen, they must be attuned to the community that they serve in a way that no other law enforcement official can match.

The history of the sheriff's office in Michigan begins in 1788. Gregor McGregor served as Wayne County sheriff under British rule. There are two counties, Isle Royal County and Manitow County, which were organized in the mid to late 1800s which had sheriffs but these counties no longer exist. (Eichman, Eichman 1997) The Michigan sheriff is presents an enigma of sorts. The office of sheriff is well known because of its high profile and the local political nature of the selection of the sheriff; however, the duties, obligations and responsibilities of the office of sheriff are not common knowledge. The responsibilities of the office of sheriff are wide-ranging and complicated. The vast array of legal and political concerns surrounding the sheriff causes dilemmas for every sheriff. Sheriffs are elected officials but are duty bound to enforce laws on the citizens who elected him or her. In order to become a sheriff, a person must be popular in the community but to remain true to the legal obligations the sheriff must enforce the laws of the land. This task is often unpopular by necessity. This is compounded because Deputies are autonomous and their behavior determines the electoral future of the sheriff. The ethical considerations of the sheriff will be the focus of this paper along with a study in the history, and development of the office of sheriff.

### History and development of the office of Sheriff

The earliest reference to the sheriff is found in the Bible. In the Book of Daniel, Chapter 3, verse 2, the King Nebuchadnezzar had erected a golden image, which was to be dedicated in a grand ceremony. The King sent for all of the "princes, the governors, and the Captains, the judges, the treasurers, the counselors, the sheriffs and all the rulers of the provinces to come to the dedication..." (Bible).

It is unclear what role the sheriffs' played in those times but, comparing the titles of the other dignitaries invited, they must have held a highly respected and important position in society. The role of the sheriff becomes clearer in the Magna Charta in the 13th century. The duties of the sheriff included the process of summoning individuals to the court, the disposition of the deceased chattels and property as well as other duties and restrictions placed upon the sheriff. The appointment of sheriffs was also determined.

We will not make any justices, constables, sheriffs or bailiffs, but of such as know the law of the realm and mean duly to observe it. (Magna Charta, 1215) The office of sheriff represented the Crown and enforced the laws of the reigning monarch. The general work of the sheriff was varied and included many of the present day duties.

The sheriff's work was still of many kinds. He held certain local courts; he had a part in the enforcement of the laws, and especially of the peace, through arrest and custody of offenders; he aided the work of the king's courts by the execution and return of writs and the empanelling of juries; he carried out the directions of the executive in the performance of many other duties especially enjoined upon him; an he collected and accounted for a fairly important part of the king's revenue, including the county farms and the judicial income arising through the royal courts. (Morris, Strayer, 1947). The sheriff as in the past was the normal custodian of the king's prisoners. There was a county prison...It was a constantly emphasized duty of the sheriff to receive and safely keep his prisoners. For escapes he was financially responsible. (Morris, Strayer, 1947).

There is also an indication that the sheriff is connected to the processes involved with the distribution of the assets of the deceased and the office of coroner. The coroner recorded and double-checked the sheriff's work. It was customary for the coroner to record the proceedings of felony charges brought by the sheriff in court. The coroner also recorded the tithing made by fines and costs imposed by the sheriff when the sheriff turned the moneys over to the King's escheator. This connection continues today and will be discussed later. (The office of coroner has been replaced in Michigan by the county medical examiner but the duties essentially remain the same as those of a coroner.)

In colonial times the sheriff served the process of the county court and district courts, maintained the peace, kept the jail and collected taxes (Ball, 1996). The sheriff became a feature of colonial life and the sheriff remained an essential component of the government.

In the old west, the sheriff was a prominent person in the community. Tales of shootouts and tracking desperate criminals across the dessert are many.

Some are fact and some are myths but all have the local sheriff in the fray somewhere. In the split second it took to fire a bullet killing Billy the Kid, Sheriff Pat Garrett not only made Billy the Kid a legend but forever linked his death with "the officer—a county sheriff—who freed society from this desperado" (Ball, 1996).

Historically, the sheriff is a long-standing office and has constituted thousands of years as an integral part of the community. Constitutional and Statutory Requirements and Duties

### Constitutional Requirements

In Michigan, the office of sheriff can be traced back to before the first constitution. This was under British rule as stated earlier. Then, in 1835, two years before Michigan gained statehood, a constitution was adopted. This Constitution established the office of sheriff and very little has changed since then. The Michigan Constitution was revised in 1850, 1908 and the last revision in 1963. In the latest revision in 1963, the office of sheriff is established in four articles.

**In Article I Section 1 the Constitution states:**

All political power is inherent in the People. Government is instituted for their equal benefit, security and protection. (Michigan Constitution, 1963)

All power lies with the people. This is especially true for the sheriff. He is the only law enforcement officer elected directly by the people of the community. His or her power lies in the hands of the constituents of the county. The sheriff is one of five offices that are mandated to exist by the Constitution. The Constitution states where they must hold their offices and what securities must be provided by the sheriff. This is not a permissive situation. The Constitution clearly states they shall be elected to these offices. With 83 counties in Michigan, there shall be 83 sheriffs. Their duties are defined by law. Their offices must be at the county seat and the sheriff in particular has to assure the people of the county through a security that he or she will uphold the duties of the office.

**In Article VII Section 4 the Constitution states:**

There shall be elected for four years in each organized county a sheriff, a county clerk, a county treasurer, a register of deeds, and a prosecuting attorney, whose duties and powers shall be provided by law. The board of supervisors may combine the offices of county clerk and register of deeds in one office or separate the same at pleasure. (Michigan Constitution, 1963)

**In Article VII Section 5 the Constitution states:**

The sheriff, county clerk, county treasurer and the register of deeds shall hold their principal offices at the county seat. (Michigan Constitution, 1963)

**In Article VII Section 6 the Constitution states:**

The sheriff may be required by law to renew his security periodically and in default of giving such security, his office shall be vacant. The county shall never be responsible for his acts except that the board of supervisors may protect him against claims by prisoners in his care. He shall not hold any other office except in civil defense. (Michigan Constitution, 1963)

These articles of the Constitution indicate that the sheriff is an integral part of the fabric of government in Michigan. The articles establishing these offices show that the framers of the Constitution gave to each county the autonomy to control and direct the financial, record keeping and law enforcement functions of their jurisdictions.

Section 6 makes two very interesting points. First, that the county board of supervisors "shall never be responsible for his acts." The sheriff must conduct him or herself in a manner that would limit the exposure to liability because there is no umbrella of protection provided. Moreover, in fact, the umbrella of protection is prohibited.

The second point is that the sheriff "shall not hold any other office except in civil defense". The framers of the Constitution considered the office of sheriff so complex and difficult that those duties cannot be shared with any other office. The sheriffs are limited to that office to prevent the accumulation and abuse of power in a community. In addition, they may have been saying that the responsibilities and duties are so great that another office may interfere and influence the sheriff adversely. The sheriff must be an independent entity without influences that could distract from the difficult task of being sheriff. The complexity of the position is immense and this complexity will become clearer when analyzing the statutory duties imposed upon the sheriff. Many duties and responsibilities are assigned to the sheriff and the sheriff alone. Although there are many other law enforcement agencies none have the same range of responsibilities of the sheriff.

In Michigan, the state's duty of law enforcement for the protection of its citizens has been constitutionally delegated to the county in the person of the sheriff. (National Union of Police officers v. Board of Commissioners of Wayne County, 1979)

**Statutory Requirements**

Chapter 51 of the Michigan Compiled Laws is the section that explains the office of sheriff. There are over 300 separate statutes that empower, restrict, provide for the placement or otherwise direct the sheriff of each county. This is just a small portion of the statutory requirements placed on the sheriff. Court and civil process statutes, correctional law, criminal law and many other statutes govern the sheriff.

- (1) The specific duties listed in the statutes include patrolling roads, enforcing state law, investigating traffic accidents, providing emergency assistance to persons on or near the highways and providing these services to cities or villages within the county upon request.
- (2) Each sheriff's department shall provide the following services within the county in which it is established and shall be the law enforcement agency primarily responsible for providing the following services on county primary roads and county local roads within that county, except for those portions of a the county primary roads and county local roads within the boundaries of a city or village; and on those portions of any other highway or road within the boundaries of a county park within that county:
  - (a) Patrolling and monitoring traffic violations
  - (b) Enforcing the criminal laws of this state, violations of which are observed by or brought to the attention of the sheriff's department while providing the patrolling and monitoring required by this subsection.
  - (c) Investigating accidents involving motor vehicles.
  - (d) Providing emergency assistance to persons on or near a highway or road patrolled and monitored as required by this subsection

(3) Upon request, by resolution, of the legislative body of a city or village, the sheriff's department of the county in which the city or village is located shall provide the services described in subsection (2)(a), (c) and (d) on those portions of county primary roads and county local roads and state trunk line highways within the boundaries of the city or village, which are designated by the city or village in the resolution. (MCL 51.76)

A separate provision makes the sheriff primarily responsible for the recovery of drowned bodies. (MCL 51.301) This is a continuation of the duties in the Magna Charta dealing with deceased persons. There is also a connection between the county coroner and the sheriff.

The coroner serves, as sheriff in the case that both the sheriff and undersheriff vacate the offices (Op. Atty. Gen. 1928-30) and the only person who can serve process of any kind on the sheriff is the coroner. (Hubel V. Rorison, 1890). There is a connection between the sheriff and the coroner. The reasoning behind this connection remains unclear; however, it could be a continuation of the tradition from mediaeval times. One theory suggests that the connection in mediaeval times was because of the educational level and position in society that each had. Both were placed in positions that required the ability to read and write in a time when nearly all persons were illiterate.

Secondly, the positions of sheriff and coroner were governmental positions but not solely there to represent the crown but to represent and protect the people of the counties. The knights were there solely for the king and the upper class as were the escheator, lords, barons, and other officials of the crown. The sheriff and coroner were for everyone. The sheriff was chosen by the king from the landowners of the county (or shire) and he: "swore to treat the people of his bailiwick lawfully, to do right to all, and to appoint his bailiffs from among the most lawful men in the county. (Morris, William A, Strayer, Joseph R., 1947).

The sheriff is also required by statute to keep a jail.

The sheriff shall have charge and custody of the jails of his county, and of the prisoners in the same, and shall keep them himself or by his deputy or jailer. (MCL 51.75)

The sheriff is designated as the person responsible for the service of all court process.

Sec. 7. It is hereby provided that this act shall be so construed as to require the sheriff, undersheriff and deputy sheriffs to perform all reasonable services within the jurisdiction of their offices for which the county may be liable and to serve and execute all civil writs and processes that may be reasonably served and executed by said officers under salary. (MCL 45.407)

As these statutes demonstrate, the duties of the sheriff are immense. Patrolling roads, searching out criminal law violators, traffic violators, investigating accidents, recovering drowning victims, keeping a jail, service of all court processes and many other duties not specifically listed in the statutes.

The sheriff must perform duties of office of sheriff as recognized at common law as well as those statutory duties which do not destroy the sheriff's power to perform duties of office at common law. (Brownstown Tp. v. Wayne County, 1976)

Additional duties for the sheriff include patrolling the waters of streams, lakes, and rivers, patrolling snowmobile and ORV trails. Still other duties that are sometimes performed by sheriffs are educational programs, community correctional programs, liaison programs in the areas of mental health, social services, emergency services and others too numerous to mention.

No other law enforcement agency has the common law duties, statutory requirements or constitutional requirements and duties that are imposed upon the sheriff. The sheriffs' duties encompass all aspects of law enforcement, corrections, and court process. These far reaching duties ensure that the organizational structure and operations of the sheriff's department are complex and diverse.

#### Organizational Structure and Operations

Some of the statutory requirements establish the structure of the sheriff's department. Although the sheriff is autonomous in nature, certain laws regarding the organizational structure of the department bind the sheriff. The size of the county where the sheriff serves determines which restrictions apply.

#### Appointments of Deputies

In every county, the sheriff must appoint an undersheriff. The sheriff determines the duties of the undersheriff. However, the law restricts who can be an undersheriff. In reference to the act concerning the Michigan Law Enforcement Officers Training act of 1965 the attorney general stated:

Undersheriffs must comply with the minimum employment standard of this section. (Op.Atty.Gen. 1980)

These standards require that the undersheriff must be a certified police officer, unlike the sheriff who does not have that restriction.

In case of a vacancy of the office of sheriff, the undersheriff acts as sheriff until a sheriff is elected or appointed and qualified.

In counties with a population between 150,000 and 300,000, in addition to the undersheriff, a chief deputy sheriff is appointed. His or her duties are restricted and the qualifications of the position are detailed in statute.

In counties having a population of 150,000 and not more than 300,000, the sheriff shall appoint an undersheriff, a chief deputy who shall be a competent accountant and shall keep the books of the office(MCL 51.241)

In counties of population of more than 400,000, the undersheriff also acts as the chief deputy.

In counties having a population of more than 400,000, the sheriff shall appoint an undersheriff, who shall also be the chief deputy...(MCL 51.242)

It is curious that the duties and appointments of undersheriffs and chief deputies in counties of populations fewer than 150,000 and between 300,000 and 400,000 are not found in the statutes.

Other deputies may be appointed as the sheriff deems necessary (MCL 51.70)

This suggests a partial organizational structure for sheriff. This organization is sheriff as department head and then command officers in the form of undersheriff and chief deputy. The sheriff is the department head and the undersheriff by virtue of the succession to the sheriff is the next in command.

The chief deputy, if one is appointed, is directly responsible for the financial record keeping of the department. The sheriff is entitled to appoint one or more deputies to fulfill the duties, which he or she has.

### **Organization of Sheriff Departments**

The sheriff, in light of these guidelines, structures the department as he or she wishes. Traditionally, departments are organized in a bureaucratic, rational organizational system. Weber's theory of bureaucracy provides us the basis for the structure of a rational organization. The basic elements of the structure include a fixed division of labor, a hierarchy of offices, and a general set of rules. These characteristics define the rational theory and these attributes fit into the mindset of most sheriffs. Law enforcement leaders want to efficiently use tax dollars to catch the bad guys. The problem arises when the attention to efficiency and expenditure of funds gets in the way of catching the bad guys. There is almost always a trade-off between efficiency and effectiveness. Most rational organizations are very efficient at what they do; however, quite a few are not effective. When an organization does not have clear, attainable, measurable goals (such as in law enforcement), then the rational organizational theory becomes less useful. For example, the rational model would suggest that a rule be drawn up that says a deputy sheriff should write 15 traffic tickets per shift. The U.S. Supreme Court has held that police agencies cannot have quotas. Therefore, the department makes the rule that deputy sheriffs should write traffic tickets with no specific standard of how many. The rational model wants specific goals and procedures for attaining those goals. Maybe for making widgets or something it can work but for nearly all public sector services the rational model is difficult to apply. Strict rules governing the behavior of the deputies are an attempt to control and direct the deputies' behavior. Exhaustive policy and procedures exist in sheriffs departments. However, deputies normally act in an autonomous manner. Constructive ways to supervise deputies when they are out on patrol do not exist. The rational system tries to take the decision making process out of the hands of the line worker and place all decision making in the hands of supervisors. This creates a major problem for deputies who are obligated by law to detect and enforce crimes. If the deputy has no discretion about the decisions to enforce laws, then the deputy has a very limited capacity to protect the citizens.

Scott (1998) suggests "The specification of positions, role definitions, procedural rules and regulations, value and factual inputs that guide decision-making—all functions to canalize behavior in the service of predetermined goals". If this is true, then the deputy loses his discretion and becomes less effective.

The rational system does not work well when the line personnel's task is decision-making. Decisions that are based upon training, experience and the ability to analyze and adapt to changing conditions.

### **Environmental Political Considerations**

The sheriff's office operates in a system that must include the public. The election process chooses who is to become sheriff. This direct connection forces the sheriff to understand the community like no other law enforcement official. Without properly receiving and analyzing feedback from the community, the sheriff will not survive politically. Someone who can better understand the community in the next election will replace him or her. Open systems are capable of self-maintenance on the basis of a throughput of resources from the environment. (Scott, 1998). The sheriff takes direction from the county constituents and throughputs that into a plan of action for the deputies. This ensures the political survival of the sheriff individually and his or her department.

Sheriffs and deputies make decisions at all levels and in an infinitely varied environment. Rational organizations prevent this but give the sheriff the power through rules to restrict the deputies' behavior. Open models encourage adaptation in decision making but do not give the sheriff the power to restrict the deputies' behavior. The power vested in the office of sheriff is great. Sheriffs are police officers who are the government's enforcers of the laws. Sheriff and their deputies are given an incredible amount of power in Michigan. They can detain citizens, impound property, issue orders to appear in court, remove children from their parents, and even take a human life. No other profession has that kind of power. Doctors, lawyers, teachers, politicians; none of these have as much power or discretion in depriving citizens of their individual rights.

Deputies make decisions in the absence of direct supervision. This leads to the ethical dilemmas confronting sheriffs, their deputies and all police officials.

### **Ethical Considerations**

Freedom is one of the paramount virtues of a democratic society. (Strait, 2000) Based on individual freedoms, the Constitution provides that above all the individual must be free. This is balanced by the need for society and the government to protect its citizens against harm or intrusion. The police are the first line of defense to protect both society in general and the individual. . When police officers abuse that power, they violate a trust in the government and society that is difficult to repair. Law enforcement personnel have much power in society; they also have higher responsibilities. (Slahor, 1999). As the most visible portion of the government, police conduct affects society's attitude toward their government. When a police officer acts unethically, the repercussions are enormous.

### **Ethics and Integrity**

To discuss police ethics and integrity properly a definition of these terms is needed. Webster defines integrity as the state of being entire, wholeness, probity, honesty, uprightness. (Webster's, 1981) Webster defines ethics as: relating to morals or moral principles or a philosophy which treats of human character and conduct, of distinction between right and wrong, and the moral duty and obligations to the community (Webster's, 1981). It seems that these two terms are used interchangeably. This is not entirely proper. Ethics relates to moral codes and conduct as it relates to the community and integrity relates to wholeness and not moral conduct. However, since they are used as synonyms in the sense of police conduct, then a new definition must emerge that satisfies both definitions. Police integrity is then an obligation by the police to the community to act in a wholly moral way. The

attributes that police must possess are complete and moral. What are the specific attributes that police officers' should possess? They are probably the same as any other public official although the police may be more closely scrutinized. The character of the ideal police officer may include the "six pillars of character". Those are trustworthiness, respect, responsibility, fairness, caring, and citizenship. (Berman, West, Bonczek.1998). How to ensure that the police officers have these qualities will be discussed later. It is enough now to know that they are desirable qualities in police officers.

Almost all governmental intrusion into a citizen's life is done by the police. This intrusion reflects on the government and society in general.

Integrity is universal to the human experience; it can be considered the measure of an individual, an agency, an institution, a discipline, or an entire nation. Integrity is a yardstick for trust, competence, professionalism, and confidence. Deep within every human being is the subconscious ability to interpret behavior and events as a mark of integrity or a violation of trust. This universal tendency makes the study of integrity complex, challenging and important. (Gaffigan, McDonald. 1997).

The police hold a symbolic position in society. (Kappeler, Sluder, Alpert. 1998) They have an unparalleled function. Unlike other public organizations, the police are charged with an important social function: to promote and to preserve civil order and to protect constitutional guarantees (ABA, 1976). This fact causes the police to act in a contradictory way. The police must fight crime to keep the peace; act publicly to control private events; prevent new forms of crime (i.e. computer fraud, political corruption); and appear to serve the community while selectively applying force to whomever they choose. (Souryal, 1992). On one hand the police are to keep the peace and prevent civil disorder and on the other selectively force citizens to comply with laws that may be in conflict with what that citizen feels is a freedom the he is entitled to have.

With all of this power and the discretion to enforce the law of the land, the police must act in an ethical manner or risk losing the power entrusted to them by the public. Without the public's support the police are powerless and cannot maintain order. So, who determines what is ethical or not?

#### **Influences on Determining Ethical Conduct**

There are many influences in the process of determining ethical police behavior. Police leaders, the government at all levels, the media, other police officers, and the public all have a role in determining what is acceptable behavior by the police.

Police leaders bear full responsibility politically, even though they cannot supervise the deputies directly, in the media and in the eyes of the public. (Gaffigan, McDonald. 1997) The leadership of a police department is critical to the ethical behavior of the officers within that department. If the sheriff is behaving unethically in the eyes of the subordinates in the department then their behavior reflects that ideology.

The government, at all levels, shares this determination. Laws, rules and regulations the government enacts provide a framework for the officers to work within. Judicial enforcement of the provisions in the United States Constitution gives officers much of this framework. Other laws and rules are found in other portions of government. The Michigan Constitution requires that "All officers, legislative, executive and judicial, before entering upon the duties of their respective offices, shall take and subscribe the following oath or affirmation:

I do solemnly swear (or affirm) that I will support the Constitution of the United States and the constitution of this state, and that I will faithfully discharge the duties of the office of .....according to the best of my ability.

No other oath, affirmation, or any religious test shall be required as a qualification for any office or public trust."(Constitution of Michigan, 1963). The important phrase is "faithfully discharge the duties". This phrase incorporates the idea of following the charge or obligation of the officer to the duties empowered to them.

The media gives the public information about the world around them. That is their purpose. One of the focuses of their reporting has to do with the government. Moreover, since the police are the most visible form of the government, then the media reports on the police and their conduct frequently. This symbiotic relationship occurs because the media rely on the police for information and the police rely on the media for good community relations. The media has the opportunity to show the public a partial view of police reality and in effect help to form public opinion on the behavior of the police. For example, when Rodney King was beaten by the Los Angeles Police Department it was video taped. The media used that videotape repeatedly to generalize how the LAPD treated people. They used that incident to help the public form an opinion not only about those officers involved but also about the department as a whole and all law enforcement across this country.

Other police officers influence the behavior of police officers everywhere. Police officers are trained to enforce the laws of the land. However, another aspect of their education comes from within the ranks of the department from their fellow officers. Police learn how to behave and what to think from their shared experiences with other police officers. (Kappeler, Sluder, Alpert. 1998). What is accepted by their supervisors, partners and other officers within the department influence new officers and create a generational behavior pattern of conduct. Officers are socialized into a culture, which may promote unethical behavior.

"There are three kinds of men in the department....I call them the birds, the grass eaters and the meat eaters. The birds just fly up high. They don't eat anything either because they are honest or because they don't have any good opportunities. The grass eaters, well they'll accept a cup of coffee or a free meal or a television set wholesale from a merchant, but they draw a line. The meat eaters are different. They're out looking. They're on a pad with gamblers, they deal in junk, or they'd compromise a homicide investigation for money." (Punch, 1985).

New officers are routinely unsupervised and paired with senior officers already acclimated to the "culture". Imagine the "education" a rookie police officer gets if paired with a "meat-eater". The deterioration of morals and ethics can be passed on from officer to officer through out the years.

The culture or subculture of the police is a sociological phenomenon that is best left to be explored in depth by itself. It is mentioned here only for identifying it as an influence on the behavior of police officers.

The public influences what is determined ethical behavior by police in several ways. The public receives information from the media, and police officers and forms their opinion on what the police should or should not be doing. The media has been covered. Police officers give the public information about their behavior everyday. Every contact that a police officer makes with a member of society reveals how that officer conducts himself and that perception by the individual translates into a perception about law enforcement and government in general. Every time a police officer makes a contact with an individual, he represents the department, the sheriff, and the government. His conduct, if perceived to be unethical, gives the impression that all government is behaving similarly. If (a police officer) treats people poorly, they lower the credibility of the department and everyone in that department. (Thompson, 1993). If a police officer is hostile, unprofessional or rude to an individual, then that individual could believe that all police officers, departments and the government are incompetent or corrupt. Research shows that if someone has a bad experience with a police officer he will tell twenty-seven to twenty-eight people over the next three days. (Thompson, 1993). The public can spread a negative opinion about the police like wildfire. This influences the police officers behavior to align more closely with the public's consensus of what is ethical. This is especially true for the sheriff because of the ties to local politics and government.

There are also the personal moral beliefs that each individual officer holds. These beliefs are the foundation for the individual's character. Honesty is part of that character. Honesty can be divided into two parts. Moral and conditioned honesty. Moral honesty is instilled in the individual during formative childhood years. It is religion. It is the subconscious compulsion to do things honestly. (Carson, 1977) Conditioned honesty is the result of fear of the consequences of being caught in a dishonest act, based upon conscious thought and it requires an intelligent reasoning capacity. This conditioning is the result of experience and fear. (Carson, 1977) It is this conditioning that is affected by the police subculture, the sheriff and his administrators and others. The individual's religious upbringing, the code of conduct, which the parents of the individual used, or any other deeply set moral fiber is difficult to unravel. Unless or until the conditioned fear outweighs this moral fiber. The influences described above may eventually out weigh even the strictest of moral upbringing.

With all of these influences, it seems that the behavior of the individual officer may be difficult to improve. Ethical behavior by police can be modified with strategies developed to improve the behavior and perception of that behavior of police officers.

#### **Strategies for Improving Ethical Behavior**

Improving the ethical behavior of police includes several strategies. They all have one thing in common. The particular strategy employed is a result of the belief by the sheriff that a particular influence needs to be modified. Some sheriffs believe that the police "subculture" is to blame and that strategy attacks that portion of the influence. Others believe that training is the key. Still others believe that the selection process is the paramount concern. Each of these strategies have merits and these among others will be explored.

The police "subculture" is a result of peer pressure and the autonomous nature of police work. This particular aspect cannot be modified without looking at several other areas. Those areas would include continuing education, training and supervisory practices.

Selection and training are standardized throughout the country's police forces. Individual standards and training vary from place to place. However, there is not a police force in the United States today that does not have some minimum standards that the applicants must meet. The selection of potential police officers must include some screening for desired qualities.

The first step in any plan to make our police departments more competent to control crime is keeping out, rather than removal after they get in, of undesirable, incompetent, and physically or mentally unfit persons from the police force. An unfit or incompetent police man weakens the moral fiber of his associates and at the same time destroys the confidence of the public in the department. The protective organization suffers, and society always pays the bill when the policemen of a community are dishonest, brutal, stupid, and physically or temperamentally unsuited to their work. (Peirson, 1976).

The importance of this screening cannot be over emphasized. It is much easier to prevent those from entering the police force than eliminating them after they are employed. Many sheriff departments are unionized and "many union contracts provide legal support to officers who commit integrity violations. (Gaffigan, McDonald. 1997). Many times the selection of deputy sheriffs focused more on ability to perform job tasks than on character. (Gaffigan, McDonald. 1997). Most important, background investigations of recruits must include serious inquiries into their past behavior, their reputation for honesty and integrity, their current and past associations, and their financial and marital stability, as well as any evidence of illegal drug use or alcohol abuse. (Moffit, Meese, Reagan, 1996)

Training of pre-service and in-service police officers is becoming more prevalent. Training requirements have increased for pre-service recruits. In Michigan, the Michigan Commission on Law Enforcement Standards (MCOLES) has set mandatory hours of instruction. These hours have increased from no required hours in 1972 to over 500 hours today. MCOLES is considering mandatory in-service training for officers to continue to be police officers. Part of this training would include cultural diversity and ethics training. This is a trend among police agencies nationwide. The Regional Training Academy in San Diego has instituted situational ethics training program. This program was developed because, "after academy training in the most basic issues, most officers are left to their own devices to come to terms with ethical dilemmas during their career." (Huntington, 1999). This training is relatively new to police departments and is still being developed.

Supervisory practices are ever changing. With the introduction of Community Oriented Policing and Problem Solving(COPPS), comes a different approach to policing than the traditional role of law enforcement. COPPS can generally be described as the reunification of the police and the community they serve. COPPS is meant to be a partnership, a shared responsibility based on trust, to reduce crime, violence and fear in our

neighborhoods. (Borrello, 1998). Supervisors of these programs are able to interact with the community and the line officers rather than to look solely at the "production" (i.e. tickets, arrests etc.) of their subordinates.

Sheriffs must be leaders. They must be leaders in the exercise of ethical behavior. Few actions erode the confidence of the public or of the police in their own department as much as the indifference of command officers to misconduct by their personnel. (Moffit, Meese, Reagan, 1996)

Sheriffs and their deputies are the guardians of the freedoms in society. They are the protectors of the individual and the community. They are the most visible agents of the government. Their conduct is the meter which people gauge their government. Ethical behavior by sheriffs and deputies is paramount for society to continue to give them the power to restrict freedoms, incarcerate persons, seize property and perform all of the other functions for the government.

Ethics are the standards, which the many influences, media, public, sheriffs and other police officers, set for the conduct of police. In practice, the term "ethics" is not clearly defined because of the many influences. Each influence sees ethics differently and each action is viewed under different circumstances. There is not a clear set of rules that are written in stone that determine what is an ethical decision. Ethics are individual and collective at the same time. Morality and religion were only briefly mentioned in the body of this work. This was purposeful. Religion does and will affect the individual now and always. However, religious beliefs have little to do with ethical behavior in public officials. In becoming a sheriff or a deputy, the individual must be able to separate their internal moral code from that of the public. Sheriffs' represent their government and their community and those entities may not share their individual religious beliefs. Sheriffs can rely on their own set of values and "moral honesty" or they can rely on the "conditioned honesty". For the good of the communities they serve, they must adopt the collective set of values of their community. If they do not then they are policing for themselves and not for the community.

The strategies for improving the ethical behavior of police officers are numerous. The trend today is toward a greater emphasis on training. Training programs on ethics and cultural diversity abound. Political correctness is the only option for any governmental figure, the police included. Training the veteran police officer, as well as the raw recruit, in dealing with ethical dilemmas is of most importance to applying the law to citizens without breaching the trust of the people.

Sheriffs need to be above reproach. Line officers need to understand that their leaders are ethical people and do not tolerate the unethical behavior of their subordinates. "The answer is proper supervision, planning and looking at the consequences down the road. (Sheriffs) need to set clear rules and policies." (Hall, 1998).

Selection of recruits needs to be more stringent. Instead of focusing on the individual job tasks, the selection process should focus on the individual's character. This would ensure that the ethical standards so richly desired by the community will be met. Specific, strict guidelines should be adopted to prevent those individuals lacking good moral qualities from being hired by police agencies.

The police subculture of silence and compliance is perhaps the most difficult aspect of police ethical problems to fix. The "Thin Blue Line" as it is sometimes referred is the attitude of some police officers that loyalty to the "brotherhood" is more important than following the law. Lack of support from police leadership is the main cause of this phenomenon. If sheriffs are unwilling to reward those who speak out and unwilling to punish those who violate the public's trust, then the "Thin Blue Line" will continue. As one convicted corrupt police officer puts it "Cops don't want to turn in other cops," he said. "Cops don't want to be a rat." And even when honest cops are willing to blow the whistle, there may not be anyone willing to listen." (Dowd, 1993) sheriffs must step up and lead their respective departments into an era that rewards those officers who choose to do the right thing.

The most heinous crime anyone can commit is to breach a trust of such great importance. The ability of sheriffs and deputy sheriffs to control such power over their neighbors requires that those officers have highest morals and ethics. Without the trust of the public in the police then the police become powerless and anarchy would ensue. The public, the media, sheriffs' administrators, the courts, virtually everyone needs to keep a watchful eye on the police. Make them answer for their actions. The police are the public and the public are the police. Without the public the police are useless.

When the police become useless, only the criminals and predators will survive.

#### Future of the Michigan Sheriff

There is a paradigm shift that is occurring across all public agencies. This shift is from the bureaucratic paradigm to the post-bureaucratic paradigm. This shift includes the change in the basic philosophy of public service. The paradigm shift includes ideas of quality and value versus efficiency; from control to winning adherence to norms and from merely following rules and procedures to understanding and applying norms; identifying and solving problems, and continuously improving processes within the organization. (Barzelay, 1992) This paradigm shift is towards a customer driven quality and value driven entrepreneurial government.

This shift is towards something that as yet is to be defined for sheriffs and their departments. Many theories are promoted but have not been able to break the bureaucratic mindset of many of the current sheriffs. It is possible that the optimum organizational design for a sheriff's department is a combination of the rational, human potential, natural and open models.

The sheriff and his or her deputies are no exception to this shift. Even though the office is bound with traditions and history the office must recognize this is an era of change. Sheriffs must look at the changing face of law enforcement and adapt or be lost. Not only is the role of local law enforcement changing but the advancement of technologies also influences the way in which crime occurs and is detected.

Sheriffs must look to the private sector for motivation and possibly, some answers to the changing environment. The eight basic principles of excellent companies are areas to be explored. Those eight principles are: a bias for action, staying close to the customer, autonomy and entrepreneurship.

productivity through people, hands on value driven, stick to the knitting, simple lean form staff and simultaneous loose-tight properties. (Peters, Waterman, 1982). These basic principles apply to the sheriff because these principles exemplify the changing paradigm of government and the updating of the relationship between the public and the sheriff. Especially those dealing with simultaneous loose-tight properties. The situation will dictate whether rigid, bureaucratic rules prevail or discretion prevails. When the situation calls for discretion, then the sheriff must try to influence the culture of the department to act in an ethical manner. This attempt at influencing the police subculture, although extremely difficult, is essential for the sheriff to accomplish. With the extreme amount of power given to sheriffs and deputies there must be rigid controls in place to prevent abuse of that power but still have the flexibility to successfully complete the task of the duties of the office of sheriff.

Today's environment demands institutions that, at times, are extremely flexible and adaptable or, at other times, rigid and bureaucratic. (Osborne, Gaebler, 1992). The bureaucracies that have formed the office of sheriff have in most cases outlived their usefulness. These bureaucracies need to be examined and modified so that the office of sheriff is customer driven, innovative and productive in a manner which the public is satisfied with the results. This examination should include the changing of the organizations DNA. If you change the organization's DNA, new capacities and behaviors emerge. (Osborne Plastrik, 1996). Any organization's DNA consists of the five basic strategies. The core, consequences, customer, control and culture strategies are the fundamental strategies that can revolutionize and re-invent an organization. (Osborne Plastrik, 1996).

The behavior of the sheriff's conduct must be above reproach. The ethical conflict between being an elected official and an enforcer of laws must be dealt with delicately. A sheriff must be responsive to the community as a law enforcement official yet still gain popular standing. Sheriff's and police officers need to recognize the extreme responsibilities placed upon them. They must live up to the expectations of an ever-demanding citizenry and deliver quality law enforcement and service to the community. They must find strategies to blend these duties to ensure the continuation of their positions in society as guardians and protectors.

In the future the sheriff must look at these strategies and implement them into the way in which he or she does his or her job. These strategies, simply put, are how a sheriff does his or her job and for whose benefit. Clarifying the role the sheriff has in the community and the purpose for which the office exists, empowering the deputies to perform better and empowering the community, changing the culture of the sheriff's departments will all make effective changes that will create a sheriff department that does more for the community.

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## Exhibit 5

### ABOUT DEFECTIVE WRITS AND VOIDS

“An unconstitutional act is not law; it confers no rights; it imposes no duties; affords no protection; it creates no office; it is in legal contemplation, as inoperative as though it had never been passed.”

**Norton v. Shelby County, 118 U.S. 425**

A writ may be void because it is defective in language, because the court had no jurisdiction to issue the writ; **Big Torts 122 nixon v. Reeves, 65 Minn. 159, 67 n.W. 989, 33 L.R.A. 506.** see Bouviers Law Encyclopedia Rawles 3<sup>rd</sup> revision Pg. 1182.

The Clerk of the court who issues a **defective writ**, or one not authorized by the Court, is liable; **and so is a judge who orders a writ which he had no right to issue or where he had no jurisdiction** Big torts 128 see Bouviers Law Encyclopedia Rawles 3<sup>rd</sup> revision Pg. 1182.

#### WHEREAS,

“The court is to protect against any encroachment of Constitutionally secured liberties.” **Boyd v. U.S., 116 U.S. 616.**

“Where rights secured by the Constitution are involved, there can be no rule making or legislation, which would abrogate them.” **Miranda v. Arizona, 384 U.S. 436**

#### WHEREAS,

**A Self-Executing Constitutional Provision.** is defined as immediately effective without the necessity of ancillary legislation. **Cleary v. Kincaid, 23 Idaho, 789, 131 P. 1117, 1118; Stange v. City of Cleveland, 94 Ohio St. 377, 114 N.E. 261, 262.** full Faith and Credit via Article 4 section 1.

**THEREFORE,** with respect to the Facts and Laws herein, and Self Executing Provisions mentioned and directed to the Court herein, it is obligatory upon the Officers of the WHATEVER COURT TOWNSHIP OR COUNTY OR MUNICIPAL COURT to terminate this matter and return any finances that were submitted under threat, duress and coercion as was stated by me as a matter of record on such and such date. **and**

All officers and parties involved be sanctioned for their violations against the law and the rights of the people, of which they have an oath bound and fiduciary duty to uphold, protect and preserve.

# Exhibit 6

## THE NUREMBERG CODE

1. The voluntary consent of the human subject is absolutely essential. This means that the person involved should have legal capacity to give consent; should be so situated as to be able to exercise free power of choice, without the intervention of any element of force, fraud, deceit, duress, over-reaching, or other ulterior form of constraint or coercion; and should have sufficient knowledge and comprehension of the elements of the subject matter involved, as to enable him to make an understanding and enlightened decision. This latter element requires that, before the acceptance of an affirmative decision by the experimental subject, there should be made known to him the nature, duration, and purpose of the experiment; the method and means by which it is to be conducted; all inconveniences and hazards reasonably to be expected; and the effects upon his health or person, which may possibly come from his participation in the experiment.
  - The duty and responsibility for ascertaining the quality of the consent rests upon each individual who initiates, directs or engages in the experiment. It is a personal duty and responsibility which may not be delegated to another with impunity.
  2. The experiment should be such as to yield fruitful results for the good of society, unprocurable by other methods or means of study, and not random and unnecessary in nature.
  3. The experiment should be so designed and based on the results of animal experimentation and a knowledge of the natural history of the disease or other problem under study, that the anticipated results will justify the performance of the experiment.
  4. The experiment should be so conducted as to avoid all unnecessary physical and mental suffering and injury.
  5. No experiment should be conducted, where there is an a priori reason to believe that death or disabling injury will occur; except, perhaps, in those experiments where the experimental physicians also serve as subjects.
  6. The degree of risk to be taken should never exceed that determined by the humanitarian importance of the problem to be solved by the experiment.
  7. Proper preparations should be made and adequate facilities provided to protect the experimental subject against even remote possibilities of injury, disability, or death.
  8. The experiment should be conducted only by scientifically qualified persons. The highest degree of skill and care should be required through all stages of the experiment of those who conduct or engage in the experiment.
  9. During the course of the experiment, the human subject should be at liberty to bring the experiment to an end, if he has reached the physical or mental state, where continuation of the experiment seemed to him to be impossible.
  10. During the course of the experiment, the scientist in charge must be prepared to terminate the experiment at any stage, if he has probable cause to believe, in the exercise of the good faith, superior skill and careful judgement required of him, that a continuation of the experiment is likely to result in injury, disability, or death to the experimental subject.
- [“Trials of War Criminals before the Nuremberg Military Tribunals under Control Council Law No. 10”, Vol. 2, pp. 181-182. Washington, D.C.: U.S. Government Printing Office, 1949.]

# Exhibit 7

## Maxims of Law

**Maxims of Law: a Preamble by Richard Anthony.**

Maxims are the foundation of the laws of man relations [commerce] as a foundation is a part of a building. Having their basis in God's Laws Maxims of Law, they are fundamental and immutable. No one of sound mind argues against maxims because they are the bedrock of logic, of reason, of common sense, of truth. The maxims are fundamental principles upon which all that is right, just and true is founded, and are the standards to measure the correctness of any course or action.

The word 'maxim' is defined as an expression of an absolute truth or principle. Maxims are so powerful and unequivocal that they are the foundation of all relationships between man and his fellow man. Maxims have the power to cut to the heart of a matter in a heartbeat with reason, logic, and authority. Maxims cover every topic imaginable and every aspect of lives of man. Maxims are not easily misunderstood, misapplied, or subverted; maxims are universally accepted for what they are: self-evident.

### Truths

Maxims are considered the infallible emergency backup system when all else fails. Anyone who is not schooled in the logic of maxims is easily confused for the want of comprehension and understanding. The legal profession has a vested interest in keeping the People ignorant of these principles: protecting the need for their arcane "priestcraft."

Priestcraft is "the arcane craft of specialists always striving to create the illusion their craft is too complex to be understood by the uninitiated.

It doesn't take a law degree to understand maxims.

**End of preamble by Richard Anthony.**

Following is a selective collection of Maxims of Law by Court of family Frenette, for the enlightenment of all man.

**NB: the word 'man' refers to both man and woman of any age, and is either 'singular' or 'plural' as the narrative logic indicates.**

The Law of God and the natural Law of the Land and the Common Law are one and the same.

The Law of God Law cannot be affected [degraded, amended, voided; Deuteronomy 12:32 "Whatever I command thee, ye shall not add to nor take away from it].

Man and Land [earth, soil] are one.

The Common Law [of the Land] is the perfection of reason.

The Common Law [of the Land] is above government.

The Law is from the everlasting.

The Law of nature is unchanging.

All are equal under God.

All are equal under the Law.

It is self-evident that all men have equal, absolute, inalienable Rights endowed by the creator.

One cannot serve both God and Mammon [Mathew 6:4].

One cannot serve two masters [Mathew 6:4].

The created cannot be greater than the creator.

The Law is harsh, but that is the Law.

Ignorance of the law is no excuse [is not a defence].

Maxims of Law are the foundations of Law.

Maxims of Law are based on God's Laws, therefore are fundamental and immutable,

**Remove the foundation, and all falls [Luke 6:48].**

**All claims fail without foundation**

**In default of Law, the maxims rule.**

**We are all servants of the Law.**

**Courts, whether of the king, or of the people, or of parliament, are established not by written law, but by common law.**

**Tyranny begins where Law ends.**

**Custom is observed for law.**

**A traitor is punished, that by the death of one, all may not perish.**

**Survival [self-preservation] is the first Law of nature.**

**Survival [Self-preservation] is the first Right of man: The first Right of man is to defend himself and his property [both temporal and Spiritual].**

**No man is bound to arm his opponent.**

**No one may make a claim in the name of another.**

**No man has a Right not to be offended.**

**Property is what is proper to man, exclusive of all others in the universe.**

No man has a right to take the property of another, without the [freewill] consent of the owner.  
He who makes, owns.  
Rights come from God, privileges come from man.  
Rights come from the Everlasting [God], privileges come from man.  
Nothing is unchangeable but the inherent and nonalienable rights of man.  
Rights cannot be taxed.  
Rights never die.  
He who uses his Rights, harms no one.  
A Right cannot arise from a wrong.  
Rights abused still remain Rights.  
A Right cannot be converted into a crime.  
No man may be charged for exercising a Right.  
No man has a Right to deny or trespass on the equal Rights of another man.  
No man has a Right to permit another man to act outside the Law.  
Statutes are not law, and no Act statuted as law is valid if it waives a fundamental right in order to comply with the demands of something called the state.  
A workman is worthy of his hire.  
It is unjust to allow some to merchandize, and to prohibit others.  
Might does not make Right.  
Where there is a right, there is a remedy.  
Wherever there is a wrong, there damages follow.  
No man shall act outside the Law, to uphold the Law  
No man shall permit another man to act outside the Law.  
To deny or trespass on a Right of another [man], is an act of war.  
They who advocate pacificism in time of despotism, tyranny and terrorism by government, are traitors to man, liberty and the law of the lan  
Malfeasance in public office is a tort.  
A tort is an act of war.  
A trespass is an act of war.  
Punish harshly a few, to deter the many from doing wrong.  
To tell the truth is extreme, to tell less, is to lie.  
Man has a Right to kill an aggressor, though the ultimate intent of the aggressor is not to kill.  
The Law of the Land allows man to kill an aggressor, though the ultimate intent of the aggressor may not be to kill.  
Badges, symbols and uniforms do not grant extra Rights, nor reduce or overarch Rights of man.  
Badges, symbols and uniforms do not protect a wrongdoer from liability for harming another.  
An office ought not be injurious to any man.  
That what is inequitable is not Law.  
That what goes against the mind, is not Law.  
The Law is for all, or it is for none.  
No man is above the Law.  
Every man is independent of Laws except those prescribed by nature [God].  
The king [Monarch] be so high, the Law is above the King.  
Law is silent in time of war.  
The Common law is superior to and overarches statute law, in every case.  
A statute should be harmonious with the Common Law.  
Statutes are not law, and no Act statuted as law is valid if it waives a fundamental right in order to comply with the demands of something called the state [or government].  
There is no such thing as bad Law, because if it is bad, it is not Law.  
Man is not bound by any institution formed by another man, without consent.  
Contract [agreement] makes the Law.  
The agreement of the parties makes the law of the contract.  
The agreement of the parties overrides the law.  
Agreement gives the law to a contract.  
Consent makes the Law.  
For joinder to be lawful, there must be [freewill] agreement and [freewill] consent of all the parties.  
The Common Law will not allow a statute to be used as a cloak for fraud.  
Contempt of court is a creature of the common law.  
A statute is a contractual legal instrument of commerce.  
All statutes must be agreed upon.  
A statute needs consent to have the power of Law.  
A statute contrary to Common Law, is void at inception [ab initio].  
Long use does not make lawful a void statute.  
A statute is private law.  
False spelling or false grammar does not vitiate an Affidavit.  
A privilege, as it were, is a private law.  
Vain does he who offends against the Law, seek the help of the Law.

They who commit inequity, shall not receive equity.

Sovereignty is the people, not the government.

Man makes government, therefore man is higher than government.

The government is subject to man and the Law, because man and the Law make government.

The government cannot confer a power nor a favour nor a privilege which occasions injury or loss to others.

Government is the servant of man.

The first duty of government is to protect man and the property [both temporal and spiritual] of man.

Government was not created to diminish or destroy the property [both temporal and spiritual] of man.

The Law is not to be trespassed [traversed] upon by those in government.

A government that enacts a statute contrary to the Common Law, is an enemy at war with the people.

A government that enacts a statute trespassing [traversing] on a Right of man, is an enemy at war with the people.

The greatest enemies to man are unlawful force and wrong.

Unlawful force and wrong are greatly contrary to peace.

Force is inimical to Law.

Nothing is so contrary to consent as force and fear [constructive force].

No man shall be taken by force from his house to be conducted before a judge.

A wrongdoer puts himself beyond the protection of the Law, and deserves no mercy from anyone, least of all, from his victim.

Man has a Right to take up and use arms against the armed [aggressor].

Ignorance of the Law does not excuse misconduct by anyone, least of all a sworn officer of the Law.

Ignorance of facts excuses, ignorance of Law does not.

The Law punishes falsehoods.

Where damages are given, the losing party should pay the costs of the victor.

He who acts through another, acts for himself.

Do unto others as you would have others to do unto you.

Thou shalt not bear false witness: thou shalt not speak falsely before the King, nor before the Judge, nor in the assembly of the Princes, nor in the presence of the Ruler, nor unto the Minister of the Law, nor among the multitude; nor in the ear of thy friend, nor to thy wife, nor thy child, nor thy servant: neither shalt thou withhold the truth from the King, nor the Judge, nor him that is set in authority: for thus shall righteousness be established in all thy borders.

Thou shalt not steal: thou shalt not trespass upon anything that is thy neighbour's, to take it from him, nor to destroy it: neither shalt thou trespass upon the stranger that dwelleth within thy gates, to destroy his substance, nor to take it from him; for to thee he looketh for justice, and a shield round about all that he hath; and the fear of the Lord thy God is upon him also, and to his righteousness he also seeketh: neither shalt thou overreach him by cunning, nor by stratagem, to take his substance from thy neighbour, nor the stranger within thy gates. Remember that ye were strangers, and were oppressed, and oppress not the stranger, lest his cry ascend to God against you.

The habitation of each man is an inviolable asylum for him.

**“The poorest man may in his cottage bid defiance to all the forces of the Crown. It may be frail, its roof may shake, the wind may blow through it, the storm may enter, the rain may enter but the King of England cannot enter ... all his force dares not cross the threshold of the ruined tenement.”**

William Pitt, Earl of Chatham 1708–78; British Whig statesman; Prime Minister, 1766–8, speech in March 1763; reign of George III

Thou shalt not covet thy neighbour's inheritance: thou shalt not covet thy neighbour's house, nor his bondman, nor his bondwoman, nor his manservant, nor his woman servant, nor his horse, nor his carriage, nor the instruments of his labour, nor the produce of his land, nor the things that he has made, nor the treasures that he has in store, nor anything that is thy neighbour's: thy desire shall not be upon them, to take them by stealth, nor by fraud, nor by cunning, nor by violence: neither shalt thou covet that which belongeth to the stranger that dwelleth within thy gates; but thou shalt improve thine own, and thy desire shall be unto it; lest thou be corrupt, and the hand of thy neighbours be against thee, and the cry of the poor ascend to God against thee.

Conciliate with thine adversary quickly, whilst thou art in the way with him; lest at any time the adversary deliver thee to the judge, and the judge deliver thee to the officer, and thou be cast into prison. [Matthew: 5:25- 26]

You will not be free till you have paid the last penny. [Matthew: 5:25- 26]

Legality is not reality.

Legality is fiction.

Where truth is, fiction of law does not exist.

Fiction of law is wrongful when it works loss or injury to any man.

Legal fiction is wrongful when it works loss or injury to any man.

A legal Fiction is bound by legislation and statutory duties, man is not.

Trademarks cannot sue, nor be sued.

Corporations being legal fictions, do not work loss or injury to any man; it is man, often in the name of a legal fiction, who works loss or injury to man.

Legal fiction is legal fraud.

A claim made in the name of a fictitious plaintiff, is a contempt of court. [Ref: Black's Law Dictionary editions 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup> ~ later editions are corrupted by misinformation and political correctness and giving legal fictions greater importance than they have at Law proper].

Fiction is fiction, is fiction, is fiction ad infinitum.

Fraud is fraud, is fraud, is fraud ad infinitum.

Gross negligence is a fault.  
Gross fault is a fraud.  
A right of action cannot arise out of fraud.  
No one acquires a right of action through his own fraud.  
Fraud vitiates a contract.  
Fraud voids a contract.  
Fraud vitiates the most solemn promise.  
Injury caused by intentional misrepresentation or concealing facts which are bound by duty or required, is fraud.  
Deceit is an artifice, since it pretends one thing and does another.  
He is not to be heard who alleges things contradictory to each other.  
False in one, false in all.  
Once a fraud always a fraud.  
Once a knave, always a knave.  
It is a fault for a man not to know his everyday job.  
A concealed fault is equal to a deceit.  
It is a fraud to conceal a fraud.  
A fraud, though null and void, is valid against the defrauders.  
It is fraud to take emolument for inferior work done.  
He who does an action through another is adjudged in Law, to do it himself.  
He who conceals treason, commits treason.  
It is treason to conceal treason.  
It is a crime to conceal a crime.  
He who conceals a fraud perpetrates a fraud himself.  
Gross negligence is equivalent to fraud.  
Out of fraud no action arises.  
No document is a fraud because it is what it is; it is the passing off a document as something that it is not, that constitutes the act of fraud.  
He who errs does not consent.  
To lie is to go against the mind.  
Concealment of the truth is [equivalent to] a statement of what is false.  
Suppression of fact, which should have been disclosed, is the same in effect as wilful misrepresentation.  
The multitude who err is no excuse for error.  
No man can give to another more than he himself has.  
No man has a right not to be offended.  
No man is considered as committing damage, unless he is doing what he has no Right to do.  
No man shall take advantage of his own wrong.  
No man ought to derive any benefit of his own wrong.  
No man ought to benefit by another man's loss.  
No man ought to gain by another man's ignorance.  
No man ought to enrich himself at the expense of others.  
No man shall improve his condition by crime.  
It is disgraceful for a man to be ignorant of that which he is daily engaged.  
He who acts badly, hates the light.  
Each jurisdiction has its own court.  
Each office has its own jurisdiction.  
Every jurisdiction has its own bounds.  
Two states cannot operate in the same jurisdiction.  
Two jurisdictions cannot operate in the same state.  
The order of things is confounded when everyone preserves not his jurisdiction.  
Dissimilar things ought not be joined. [Corinthians; 26:14].  
Truth may be forgotten but remains the truth.  
In commerce truth is supreme.  
Truth stands supreme.  
Truth affects but is not affected.  
Truth fears not investigation.  
Truth is expressed in the form of an Affidavit.  
An affidavit is a law between the parties.  
An affidavit is a court.  
Punishment is due if the words if an oath be false.  
No one is believed in court but upon his oath.  
An affidavit is indivisible; it cannot be held partly true and partly false.  
Every oath ought to be founded on certain knowledge.  
An infamous person is repelled or prevented from taking an oath.  
A crime is neither diminished nor expunged by passing time.  
Let a man be punished when he commits the offence.

Free men have arms, slaves do not. Sir William Blackstone, SL., KC., Justice of the King's Bench, Justice of the Common Pleas, Jurist, author of "Commentaries on the Laws of England."

No man gives what he does not have.

Honesty is the foundation wisdom.

No man shall be a judge in his own cause.

One cannot be judge and party.

Judge thyself before judging others.

He who wishes to control others, ought first learn to control himself.

Not to believe rashly is the nerve of wisdom.

An act done against my will, is not my act.

Not every submission is a consent.

When the proof of facts are present, what need is there of words.

No man can make a claim in the name of another.

No claim is given to one who has received no harm or no loss.

Facts are more powerful than words.

Callousness betokens villainy.

Villiany betokens callousness.

While a crime remains unpunished, the world remains unbalanced.

Claims made in an Affidavit, if not rebutted, emerge as the truth of the matter.

Intent makes the Instrument.

The intention of the party is the soul of the instrument.

An un rebutted Affidavit becomes the judgement in Law.

An affidavit must be rebutted line-by-line, in substance, by Affidavit.

The word of a man who will not make oath, is worth nothing.

The word of a man who will not make oath, is not to be heard.

An infamous man should not be allowed to make an oath.

He who states contrary things, is not to be believed.

He who states contrary things, is not to be heard.

No man is believed in court but upon his oath.

There is no stronger link among man than an oath.

An infamous man is repelled or prevented from taking an oath.

No man can be amerced in his absence, except for his default.

While the battle continues, he who first leaves the field or refuses to contend, loses by default.

He who is not willing to speak the truth, is a betrayer of the truth.

He who does not speak the truth, is a traitor to the truth.

The truth will out.

Truth fears nothing except concealment.

Suppression of the truth is equivalent to the expression of what is false.

Punishment is due when the word of an oath be false.

If one falsely accuses another of a crime, the punishment due for that crime, should be inflicted on the perjurer. [Deuteronomy 19:18].

A man is free to make any decision he wishes, but a man is never free to escape the consequences of his decisions. Slavery is outlawry.

An unequivocal statement prevails over an implication.

The expression of one thing, is the exclusion of another.

All things are presumed against a wrongdoer.

An unlawful action voids all following related actions.

If a ruler hearkens to lies, all his servants are wicked.

A master is responsible for his servant.

A servant must obey the master, within the Law.

Ignorance of the Law shall not excuse a man or relieve him from the consequences of a crime or from a liability of a contract.

Criminal conspiracy is the agreement of rash men.

When the righteous rule, the people rejoice, but when the wicked rule, the people mourn.

Perverted minds are easily corrupted.

Similar is not the same.

The greatest in incitement to guilt, is the hope of sinning with impunity.

Justice consists in doing no injury to man; decency in giving man no offence.

Good faith is the foundation of justice.

Mistakes, neglect or misconduct are not to be regarded as accidents.

A man may renounce a law introduced for his benefit.

No man is obliged to accept a benefit against his consent.

No man ought to gain from another man's ignorance [in matters of legal fictions].

The instigator of a crime is worse than he who perpetrates the crime.

They who consent to a wrong, and they who do it, shall be visited with equal punishment.

Acting and consenting parties, shall be liable to the same punishment.



Intent is not a crime.  
No man ought to be punished for intent.  
Punishment ought not precede a crime.  
He who does not forbid a crime while he may, sanctions it.  
He who does not blame, approves.  
Gross negligence is held equivalent to intentional wrong.  
The propriety of the words is the safety of property.  
It is immaterial whether a man gives his assent by words or by acts or deeds.  
Ignorance of the Law does not excuse misconduct in anyone, least of all a sworn officer of the law.  
No man ought to be judged unheard.  
A judge ought not practice Law from the Bench.  
If you judge, understand.  
Do not judge when the truth is unknown.  
No man can be at once judge and party.  
The twisting of language is unworthy of a judge.  
A wrongdoing judge is an anathema and an enemy of man.  
To a judge who exceeds his office or his jurisdiction, no obedience is due.  
A man who acts under an unconstitutional statute, does so at his peril and must take the consequences.  
Everyone is presumed innocent until his guilt is proved beyond all reasonable doubt.  
No man can transfer a Right which he has not.  
Things taken or captured by pirates and robbers do not change their ownership.  
No man gives what he does not own.  
What is mine cannot be taken away without my [freewill] consent.  
Know who you deal with.  
Know thyself: Know who you are.  
A workman is worthy of his hire.  
In commerce truth is supreme.  
Truth is expressed in the form of an Affidavit.  
An un rebutted Affidavit stands as the truth in commerce.  
False spelling and false grammar do not vitiate an Affidavit.  
In commerce a matter must be expressed to be resolved.  
He who leaves the battlefield first loses by default.  
He who is silent appears to consent.  
Sacrifice is the measure of credibility.  
A lien claim can only be satisfied by point-by-point rebuttle, in substance, at Law, by Affidavit or payment or [when not disbarred by tacit procuration agreement obtained by default] by jury resolution.  
Claims made without accountability are void.  
The Admiralty court has no jurisdiction over those matters which are determined by the Law of the Land.  
Principals and associates and agents should suffer the same punishment.  
He who ratifies a bad action is considered as having ordered it.  
Property ought to be valued at the will of the owner.  
The Law allows man to take arms [old/middle English word] against the armed [aggressor].  
A crime may be forgotten, yet remains.  
A crime is not diminished nor expunged by the passing of time.  
A wrong is not diminished nor expunged by the passing of time.  
He adds one offence to another, who, when he commits a crime, joins to it the protection of a defence.  
The multitude of those who err is no excuse for error.  
Felony is implied in every treason.  
A wrong is not presumed.  
A wrong follows the wrongdoer, forever, through all jurisdictions.  
An offence follows the offender, forever, through all jurisdictions.  
A crime follows the perpetrator, forever, through all jurisdictions.  
He who seeks equity must do equity.  
He deservedly loses the benefit of law, who intends to subvert the law itself.  
Let the infliction of punishment increase as transgressions multiply.  
If you know not the name of things, the knowledge of things themselves perishes; and, if you lose the names, the distinction of the things is certainly lost.  
The expression of one thing, is the exclusion of all others.  
Notice to Principal is notice to associates and to agents and to successors.  
Notice to associates and to agents and to successors is notice to Principal.

## Exhibit 8

### WARNING:

Do not seek a British Agent – bar member, attorney that carries and or practices with a bar card for interpretation as they are not responsible for the oath you took concerning this Information, said oath is yours to own. Ignorance of the law or excuses that you were acting under advice of legal counsel will not be an acceptable excuse for there is nothing to interpret. The

**constitutional provision Virginia 3-20. Preservation of free government is being translated for you below, this is all common law, common language, and is based constitutionally on the law of the land. Virginia 3-20. Preservation of free government.**

**Free government and the blessings of liberty can be preserved to any people only by a firm adherence to justice, moderation, temperance, frugality and virtue, and by a frequent recurrence to fundamental principles.**

## Virginia

### 3-20. Preservation of free government.

#### Free freedom (n.)

Old English *freodom* "power of self-determination, state of free will; emancipation from slavery, deliverance;" see **free** (adj.) + **-dom**. Meaning "exemption from arbitrary or despotic control, civil liberty" is from late 14c. Meaning "possession of particular privileges" is from 1570s. Similar formation in Old Frisian *fridom*, Dutch *vrijdom*, Middle Low German *vridom*.

It has been said by some physicians, that life is a forced state. The same may be said of freedom. It requires efforts, it presupposes mental and moral qualities of a high order to be generally diffused in the society where it exists. [John C. Calhoun, speech, U.S. House of Representatives, Jan. 31, 1816]

[F]reedom is only truly freedom when it appears against the background of an artificial limitation. [T.S. Eliot, "Reflections on 'Vers Libre'"]

**Freedom fighter** attested by 1903 (originally with reference to Cuba). **Freedom-loving** (adj.) is from 1841. **Freedom-rider** is recorded from 1961 in reference to civil rights activists in U.S. trying to integrate bus lines.

#### Entries linking to freedom

##### free (adj.)

Old English *freo* "exempt from; not in bondage, acting of one's own will," also "noble; joyful," from Proto-Germanic *\*friez* "beloved; not in bondage" (source also of Old Frisian *fri*, Old Saxon *vri*, Old High German *vri*, German *frei*, Dutch *vrij*, Gothic *freis* "free"), from PIE *\*priy-a-* "dear, beloved," from root *\*pri-* "to love."

The sense evolution from "to love" to "free" is perhaps from the terms "beloved" or "friend" being applied to the free members of one's clan (as opposed to slaves; compare Latin *liberi*, meaning both "free persons" and "children of a family"). For the older sense in Germanic, compare Gothic *frijjon* "to love;" Old English *freod* "affection, friendship, peace," *friga* "love," *friðu* "peace;" Old Norse *friðr* "peace, personal security; love, friendship," German *Friede* "peace;" Old English *freo* "wife;" Old Norse *Frigg*, name of the wife of Odin, literally "beloved" or "loving;" Middle Low German *vrien* "to take to wife," Dutch *vrijen*, German *freien* "to woo."

Meaning "clear of obstruction" is from mid-13c.; sense of "unrestrained in movement" is from c. 1300; of animals, "loose, at liberty, wild," late 14c. Meaning "liberal, not parsimonious" is from c. 1300. Sense of "characterized by liberty of action or expression" is from 1630s; of art, etc., "not holding strictly to rule or form," from 1813. Of nations, "not subject to foreign rule or to despotism," recorded in English from late 14c. (**Free world** "non-communist nations" attested from 1950 on notion of "based on principles of civil liberty.") Sense of "given without cost" is 1580s, from notion of "free of cost." Free even to the definition of freedom, "without any hindrance that does not arise out of his own constitution." [Emerson, "The American Scholar," 1837]

**Free lunch**, originally offered in bars to draw in customers, by 1850, American English. **Free pass** on railways, etc., attested by 1850. **Free speech** in Britain was used of a privilege in Parliament since the time of Henry VIII. In U.S., in reference to a civil right to expression, it became a prominent phrase in the debates over the Gag Rule (1836). **Free enterprise** recorded from 1832; **free trade** is from 1823; **free market** from 1630s. **Free will** is from early 13c. **Free school** is from late 15c. **Free association** in psychology is from 1899. **Free love** "sexual liberation" attested from 1822 (the doctrine itself is much older), American English. **Free and easy** "unrestrained" is from 1690s.

##### -dom

abstract suffix of state, from Old English *dom* "statute, judgment" (see **doom** (n.)). Originally an independent word, but already active as a suffix in Old English (as in *freodom*, *wisdom*). Cognate with German *-tum* (Old High German *tuom*). "Jurisdiction," hence "province, state, condition, quality."

### \***pri-**

*pri-*, Proto-Indo-European root meaning "to love." In some languages (notably Germanic and Celtic) it developed derivatives with the sense "free, not in bondage," perhaps via "beloved" or "friend" being applied to the free members of one's clan (as opposed to slaves).

It forms all or part

of: **afraid**; **affray**; **filibuster**; **Frederick**; **free**; **freebooter**; **freedom**; **friend**; **Friday**; **Frigg**; **Godfrey**; **Geofrey**; **Siegfried**; **Winfred**.

It is the hypothetical source of/evidence for its existence is provided by: Sanskrit *priyah* "own, dear, beloved," *priyate* "loves;" Old Church Slavonic *prijati* "to help," *prijatelj* "friend;" Welsh *rhwydd* "free;" Old English *freo* "exempt from; not in bondage, acting of one's own will," Gothic *frijon* "to love," Old English *freod* "affection, friendship, peace," *friga* "love," *fridu* "peace," Old Norse *Frigg*, name of the wife of Odin, literally "beloved" or "loving."

## **government** **government** (n.)

late 14c., "act of governing or ruling;" 1550s, "system by which a thing is governed" (especially a state), from Old French *government* "control, direction, administration" (Modern French *gouvernement*), from *gouverner* "to steer, be at the helm of; govern, rule, command, direct," from Latin *gubernare* "to direct, rule, guide, govern," originally "to steer, to pilot" (see **govern**). Meaning "governing power" in a given place is from 1702. Compare **governance**.

### **Entries linking to government**

#### **govern** (v.)

late 13c., "to rule with authority," from Old French *gouverner* "steer, be at the helm of; govern, rule, command, direct" (11c., Modern French *gouverner*), from Latin *gubernare* "to direct, rule, guide, govern" (source also of Spanish *gobernar*, Italian *governare*), originally "to steer, to pilot," a nautical borrowing from Greek *kybernan* "to steer or pilot a ship, direct as a pilot," figuratively "to guide, govern" (the root of **cybernetics**). The *-k-* to *-g-* sound shift is perhaps via the medium of Etruscan. Intransitive sense from 1590s. Related: *Governed*; *governing*.

#### **governance** (n.)

late 14c., "act or manner of governing," from Old French *governance* "government, rule, administration; (rule of) conduct" (Modern French *gouvernance*), from *gouverner* "to govern, rule, command" (see **govern**). Fowler writes that the word "has now the dignity of incipient archaism," but it might continue useful in its original sense as *government* comes to mean primarily "the governing power in a state."

**and the blessings** Old English *bletsian*, *bledsian*, Northumbrian *bloedsian* "to consecrate by a religious rite, make holy, give thanks," from Proto-Germanic \**blodison* "hallow with blood, mark with blood," from \**blotham* "blood" (see **blood** (n.)). Originally a blood sprinkling on pagan altars.

This word was chosen in Old English bibles to translate Latin *benedicere* and Greek *eulogein*, both of which have a ground sense of "to speak well of, to praise," but were used in Scripture to translate Hebrew *brk* "to bend (the knee), worship, praise, invoke blessings." L.R. Palmer ("The Latin Language") writes, "There is nothing surprising in the semantic development of a word denoting originally a special ritual act into the more generalized meanings to 'sacrifice,' 'worship,' 'bless,'" and he compares Latin *immolare* (see **immolate**).

The meaning shifted in late Old English toward "pronounce or make happy, prosperous, or fortunate" by resemblance to unrelated **bliss**. Meaning "invoke or pronounce God's blessing upon" is from early 14c. No cognates in other languages. Related: **Blessed**; **blessing**.

## **of liberty** **liberty** (n.)

late 14c., "free choice, freedom to do as one chooses," also "freedom from the bondage of sin," from Old French *liberte* "freedom, liberty, free will" (14c., Modern French *liberté*), from Latin *libertatem* (nominative *libertas*) "civil or political freedom, condition of a free man; absence of restraint; permission," from *liber* "free" (see **liberal** (adj.)). At first of persons; of communities, "state of being free from arbitrary, despotic, or autocratic rule or control" is from late 15c. The French notion of liberty is political equality; the English notion is personal independence. [William R. Greg, "France in January 1852" in "Miscellaneous Essays"]

Nautical sense of "leave of absence" is from 1758. Meaning "unrestrained action, conduct, or expression" (1550s) led to *take liberties* "go beyond the bounds of propriety" (1620s). Sense of "privileges by grant" (14c.) led to sense of "a person's private land" (mid-15c.), within which certain special privileges may be exercised, which yielded in 18c. in both England and America a sense of "a district within a county but having its own justice of the peace," and also "a district adjacent to a city and in some degree under its municipal jurisdiction" (as in *Northern Liberties* of Philadelphia). Also compare Old French *libertés* "local rights, laws, taxes."

*Liberty-cap* is from 1803; the American Revolutionary *liberty-pole*, "tall flagstaff set up in honor of liberty and often surmounted by a liberty-cap" is from 1775. *Liberty-cabbage* was a World War I U.S. jingoistic euphemism for **sauerkraut**.

**can be preserved preserve (v.)** late 14c., *preserven*, "keep safe or free from harm," also "act so as to insure that something does not occur," from Anglo-French *preservare*, Old French *preserver*, Medieval Latin *preservare* "keep, preserve," all from Late Latin *praeservare* "guard beforehand," from Latin *prae* "before" (see **pre-**) + *servare* "to keep safe" (from PIE root **\*ser-** (1) "to protect").

From early 15c. as "maintain, keep in a certain quality, state or condition." Of fruit, etc., "prevent from spoiling by use of preservative substances," 1570s; of organic bodies, "keep in existence or alive," from 1610s. Related: *Preserved; preserver; preserving*.

## preserve (n.)

"fruit preserved with sugar," c. 1600, from **preserve** (v.). Earlier it meant "a preservative" (1550s). Sense of "protected place for animals or plants" (a sense more properly belonging to *conserve*) is from 1807. The verb *preserve* in the sense of "maintain and reserve for special use in hunting or fishing" is from 1610s.

### Entries linking to preserve

**pre-** word-forming element meaning "before," from Old French *pre-* and Medieval Latin *pre-*, both from Latin *prae* (adverb and preposition) "before in time or place," from PIE **\*peri-** (source also of Oscan *prai*, Umbrian *pre*, Sanskrit *pare* "thereupon," Greek *parai* "at," Gaulish *are-* "at, before," Lithuanian *prie* "at," Old Church Slavonic *pri* "at," Gothic *faura*, Old English *fore* "before"), extended form of root **\*per-** (1) "forward," hence "beyond, in front of, before."

The Latin word was active in forming verbs. Also see **prae-**. Sometimes in Middle English muddled with words in **pro-** or **per-**.

### \*ser- (1)

Proto-Indo-European root meaning "to protect." It forms all or part

of: **conservation**; **conservative**; **conserve**; **observance**; **observatory**; **observe**; **preserve**; **reservation**; **reserve**; **reservoir**.

It is the hypothetical source of/evidence for its existence is provided by: Avestan *haurvaiti* "to guard;"

Latin *servare* "to guard, keep, watch;" Old Church Slavonic *xraniti* "to guard, protect;" Old High German *gi-sarwi* "armor, equipment," Old English *searu* "art, skill; wile, deceit."

## to any people only by a firm firm (n.)

German *Firma* "a business, name of a business," originally "signature," from Italian *firma* "signature," from *firmare* "to sign," from Latin *firmare* "make firm, affirm," in Late Latin, "confirm (by signature)," from *firmus* "strong; stable," figuratively "constant, trusty" (see **firm** (adj.)).

## firm (v.)

c. 1300, *fermen* "make firm, establish," from Old French *fermer* "consolidate; fasten, secure; build, set up; fortify" (12c.) or directly from Latin *firmare* "make firm; affirm; strengthen, fortify, sustain; establish, prove, declare," from *firmus* "strong, steadfast, stable" (see **firm** (adj.)). Intransitive use, "become firm" is from 1879; with *up* (adv.) from 1956. Related: *Firmed; firming*.

### Entries linking to firm

#### \*dher-

Proto-Indo-European root meaning "to hold firmly, support."

It forms all or part

of: **affirm**; **confirm**; **Darius**; **dharma**; **farm**; **fermata**; **firm** (adj.); **firm** (n.); **firmanent**; **furl**; **infirm**; **infirmary**; **terra firma**; **throne**.

It is the hypothetical source of/evidence for its existence is provided by: Sanskrit *dharmah* "custom, statute, law," *dharayati* "holds;" Prakrit *धारणा* "a holding firm;" Iranian *dāra-* "holding;" Greek *thronos* "seat;" Latin *firmus* "strong, steadfast, enduring, stable;" Lithuanian *diržnas* "strong;" Welsh *dir* "hard," Breton *dir* "steel."

### affirmation (n.)

early 15c., "assertion that something is true," from Old French *afirmacion* "confirmation" (14c.), from Latin *affirmationem* (nominative *affirmatio*) "an affirmation, solid assurance," noun of action from past-participle stem of *affirmare* "to make steady; strengthen; confirm," from *ad* "to" (see **ad-**) + *firmare* "strengthen, make firm," from *firmus* "strong" (see **firm** (adj.)). In law, as the word for the conscientious objector alternative to oath-taking (Quakers, Moravians, etc.), it is attested from 1690s; if false, it incurs the same penalty as perjury.

## Adherence adherence (n.)

mid-15c., "steady attachment of the mind or feelings to a person, cause, belief, etc.," from Old French *adhérence*, from Medieval Latin *adhaerentia*, abstract noun from Latin *adhaerent-*, stem of *adhaerens*, present participle of *adhaerere* "stick to," from *ad* "to" (see **ad-**) + *haerere* "to stick" (see **hesitation**). Rarely in a physical sense, **adhesion** being the usual word for that.

## Entries linking to *adherence*

### **ad-**

word-forming element expressing direction toward or in addition to, from Latin *ad* "to, toward" in space or time; "with regard to, in relation to," as a prefix, sometimes merely emphatic, from PIE root **\*ad-** "to, near, at."

Simplified to *a-* before *sc-*, *sp-* and *st-*; modified to *ac-* before many consonants and then re-spelled *af-*, *ag-*, *al-*, etc., in conformity with the following consonant (as in *affection*, *aggression*). Also compare **ap-** (1).

In Old French, reduced to *a-* in all cases (an evolution already underway in Merovingian Latin), but written forms in French were refashioned after Latin in 14c. and English did likewise 15c. in words it had picked up from Old French. In many cases pronunciation followed the shift. Over-correction at the end of the Middle Ages in French and then English "restored" the *-d-* or a doubled consonant to some words that never had it (**accursed**, **afford**). The process went further in England than in France, where the vernacular sometimes resisted the pedantic, resulting in English **adjourn**, **advance**, **address**, **advertisement** (Modern French *ajourner*, *avancer*, *adresser*, *avertissement*). In modern word-formation sometimes *ad-* and *ab-* are regarded as opposites, but this was not in classical Latin.

### **hesitation (n.)**

c. 1400, from Old French *hesitacion* or directly from Latin *haesitationem* (nominative *haesitatio*) "a hesitation, stammering," figuratively "irresolution, uncertainty," noun of action from past participle stem of *haesitare* "stick fast, remain fixed; stammer in speech," figuratively "hesitate, be irresolute, be at a loss, be undecided," frequentative of *haerere* (past participle *haesus*, first person perfect indicative *haesi*) "to adhere, stick, cling."

This is said by Watkins to be from PIE root *\*ǵhais-* "to adhere, hesitate" (source also of Lithuanian *gaišti* "to delay, tarry, be slow"), but some linguists reject the proposed connection; de Vaan offers no etymology.

### **adhesion (n.)**

1620s, "act or state of sticking or being stuck, a being united or attached," from French *adhésion* or directly from Latin *adhaesionem* (nominative *adhaesio*) "a sticking to," noun of action from past-participle stem of *adhaerere* "to stick to, cling to," from *ad* "to" (see **ad-**) + *haerere* "to stick" (see **hesitation**). The earliest English use is of persons ("faith is adhesion unto God"), but "*Adhesion* is generally used in the material, and **adherence** in the metaphysical sense." [Johnson]

## **to justice, justice (n.)**

mid-12c., "the exercise of authority in vindication of right by assigning reward or punishment;" also "quality of being fair and just; moral soundness and conformity to truth," from Old French *justice* "justice, legal rights, jurisdiction" (11c.), from Latin *iustitia* "righteousness, equity," from *iustus* "upright, just" (see **just** (adj.)).

Justice is the end of government. It is the end of civil society. It ever has been and ever will be pursued until it be obtained, or until liberty be lost in the pursuit. ["The Federalist," No. 51]

Meaning "right order, equity, the rewarding to everyone of that which is his due" in English is from late 14c. The Old French word had widespread senses including also "uprightness, equity, vindication of right, court of justice, judge." In English c. 1400-1700 sometimes also with a vindictive sense "infliction of punishment, legal vengeance." As a title for a judicial officer, c. 1200. **Justice of the peace** is attested from early 14c. To **do justice to** (someone or something) "deal with as is right or fitting" is from 1670s. In the Mercian hymns, Latin *iustitia* is glossed by Old English *rehtwisnisse*.

### **Entries linking to justice**

#### **just (adj.)**

late 14c., "morally upright, righteous in the eyes of God" ("Now chiefly as a Biblical archaism" - OED); also "equitable, fair, impartial in one's dealings;" also "fitting, proper, conforming to standards or rules;" also "justifiable, reasonable;" from Old French *juste* "just, righteous; sincere" (12c.) and directly from Latin *iustus* "upright, righteous, equitable; in accordance with law, lawful; true, proper; perfect, complete" (source also of Spanish and Portuguese *justo*, Italian *giusto*), from *ius* "a right," especially "legal right, law" (see **jurist**; from Latin *ius* also come English **jury** (n.), **injury**, etc.).

From c. 1400 as "right-minded, good in intention;" from early 15c. as "legal, lawful, right in law." Also "exact, precise; marked or characterized by precision; having correct dimensions" (late 14c.); of narrations, calculations, etc., "accurate, correct" (early 15c.). The sense in music, "harmonically pure, correct, and exact" is by 1850.

The more mundane Latin law-word *lex* covered specific laws as opposed to the body of laws. The noun meaning "righteous person or persons; Christ" is from late 14c. (The neuter adjective in Latin was used as a noun, *iustum*, "what is right or just").

#### **justiciable (adj.)**

"amenable to law, subject to judicial trial," mid-15c., from Anglo-French and Old French *justiciable* "pertaining to justice or law," hence "proper to be brought before a court of justice," from *justicier*, from Latin *iustitia* "righteousness; equity" (see **justice**).

#### **justiciary (n.)**

"administrator of justice," 1540s; later as an adjective, "pertaining to the law" (1580s), from Medieval Latin *justiciarius*, from Latin *iustitia* (see **justice** (n.)).

**moderation**, **moderation (n.)** early 15c., *moderacioun*, "quality of being moderate or temperate; a lessening of rigor or severity," from Old French *moderacion* (14c.) "alteration, modification; mitigation, alleviation" and directly from Latin *moderationem* (nominative *moderatio*) "a controlling, guidance, government, regulation; moderation, temperateness, self-control," noun of action from past-participle stem of *moderari*; "to regulate, mitigate, restrain, temper, set a measure, keep (something) within measure," from PIE root **\*med-** "take appropriate measures." Meaning "act of moderating or restraining" is from 1520s.

### Entries linking to *moderation*

#### **\*med-**

Proto-Indo-European root meaning "take appropriate measures."

It forms all or part

of: **accommodate**; **accommodation**; **commode**; **commodious**; **commodity**; **empty**; **immoderate**; **immodest**; **Medea**; **medicate**; **medicament**; **medicaster**; **medicate**; **medication**; **medicine**; **medico**; **medico-**; **meditate**; **meditation**; **Medusa**; **meet** (adj.) "proper, fitting; **mete** (v.) "to allot; **modal**; **mode**; **moderate**; **modern**; **modest**; **modicum**; **modify**; **modular**; **modulate**; **module**; **modulation**; **mold** (n.1) "hollow shape; **mood** (n.2) "grammatical form indicating the function of a verb; **must** (v.); **premeditate**; **premeditation**; **remedial**; **remediation**; **remedy**.

It is the hypothetical source of/evidence for its existence is provided by: Sanskrit *mīdītūr* "I judge, estimate; "Avestan *vi-mad-* "physician; "Greek *mēdomai* "be mindful of," *medesthai* "think about," *medein* "to rule," *medon* "ruler; "Latin *meditari* "think or reflect on, consider," *modus* "measure, manner," *modestus* "moderate," *moderrnus* "modern," *mederi* "to heal, give medical attention to, cure; "Irish *mīdītūr* "judge; "Welsh *meddwl* "mind, thinking; "Gothic *miton*, Old English *metan* "to measure out."

### **Temperance** **temperance (n.)**

mid-14c., "self-restraint, moderation," from Anglo-French *temperance* (mid-13c.), from Latin *temperantia* "moderation, sobriety, discretion, self-control," from *temperans*, present participle of *temperare* "to moderate" (see **temper** (v.)). Latin *temperantia* was used by Cicero to translate Greek *sophrosyne* "moderation." In English, *temperance* was used to render Latin *continentia* or *abstinentia*, specifically in reference to drinking alcohol and eating; hence by early 1800s it had come to mean "abstinence from alcoholic drink."

### Entries linking to *temperance*

#### **temper** (v.)

late Old English *temprian* "to moderate, bring to a proper or suitable state, to modify some excessive quality, to restrain within due limits," from Latin *temperare* "observe proper measure, be moderate, restrain oneself," also transitive, "mix correctly, mix in due proportion; regulate, rule, govern, manage." This is often described as from Latin *tempus* "time, season" (see **temporal**), with a sense of "proper time or season." But as the root sense of *tempus* seems to be "stretch," the words in the "restrain, modify" sense might be from a semantic shift from "stretching" to "measuring" (compare **temple** (n.1)). Meaning "to make (steel) hard and elastic" is from late 14c. Sense of "tune the pitch of a musical instrument" is recorded from c. 1300. Related: **Tempered**; **tempering**.

### **Frugality** **frugality (n.)**

1530s, "economy, thriftiness," from French *frugalité* (14c.), from Latin *frugalitatem* (nominative *frugalitas*) "thriftiness, temperance, frugality," from *frugalis* (see **frugal**).

FRUGALITY. The disposition to save or spare what we have got, without any desire to gain more. It is constantly, of course, associated with avarice; but quite as frequently with generosity, and is often merely an extreme degree of housewifely habit. [Ruskin, "Fors Clavigera"]

### Entries linking to *frugality*

#### **frugal** (adj.)

"economical in use," 1590s, from French *frugal*, from Latin *frugalis*, from undeclined adjective *frugi* "useful, proper, worthy, honest; temperate, economical," originally dative of *frux* (plural *fruges*) "fruit, produce," figuratively "value, result, success," from PIE root **\*bhrug-** "to enjoy," with derivatives referring to agricultural products. Sense evolved in Latin from "useful" to "profitable" to "economical." Related: *Frugally*.

### **and virtue** **virtue (n.)**

c. 1200, *vertu*, "moral life and conduct, a particular moral excellence," from Anglo-French and Old French *vertu* "force, strength, vigor; moral strength; qualities, abilities" (10c. in Old French), from Latin *virtutem* (nominative *virtus*) "moral strength, high character, goodness; manliness; valor, bravery, courage (in war); excellence, worth," from *vir* "man" (from PIE root **\*wi-ro-** "man").

For my part I honour with the name of virtue the habit of acting in a way troublesome to oneself and useful to others. [Stendhal "*de l'Amour*," 1822]

Especially (in women) "chastity, sexual purity" from 1590s. Phrase *by virtue of* (early 13c.) preserves alternative Middle English sense of "efficacy." Wyclif Bible has *virtue* where KJV uses *power*. The *seven cardinal virtues* (early 14c.) were divided into the natural (justice, prudence, temperance, fortitude) and the

theological (hope, faith, charity). To *make a virtue of a necessity* (late 14c.) translates Latin *facere de necessitate virtutem* [Jerome].

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## and by a frequent frequent (adj.)

mid-15c., "ample, profuse," from Old French *frequent*, or directly from Latin *frequentem* (nominative *frequens*) "often, regular, repeated; in great numbers, crowded, numerous, filled, full, populous," which is of uncertain origin. Watkins says probably from PIE *\*bhrekw-* "to cram together," and compares Greek *phrassein* "to fence in," Latin *farciare* "to cram." But Beekes regards the connection to the Greek word as "quite uncertain." Meaning "common, usual" is from 1530s; that of "happening at short intervals, often recurring" is from c. 1600.

## frequent (v.)

late 15c., "visit or associate with," from Old French *frequentier* "attend frequently; assemble, gather together," from Latin *frequentare* "visit regularly; do frequently, repeat; assemble in throngs," from *frequentem* (see **frequent** (adj.)). Meaning "visit often" is from 1550s.

Related: *Frequented*; *frequentier*; *frequenting*.

## frequency (n.)

1530s, "an assembling in large numbers," from French *fréquence*, from Latin *frequentia* "an assembling in great numbers" (see **frequent**). From c. 1600 as "frequent occurrence."

## frequency (n.)

1550s, "state of being crowded" (now obsolete); 1640s, "fact of occurring often;" from Latin *frequentia* "an assembling in great numbers, a crowding; crowd, multitude, throng," from *frequentem* (see **frequent**). Sense in physics, "rate of recurrence," especially of a vibration, is from 1831. In radio electronics, *frequency modulation* (1922, abbreviated *F.M.*) as a system of broadcasting is distinguished from *amplitude modulation* (or **A.M.**).

## recurrence recurrence (n.)

"a return; the act of recurring," 1640s; see **recurrent** + **-ence**. Related: *Recurrency* (1610s).

### Entries linking to recurrence

## recurrent (adj.)

"returning from time to time, reappearing, repeated," 1660s, from French *recurrent* (16c.) and directly from Latin *recurrentem* (nominative *recurrens*), present participle of *recurrere* "run back, hasten back, return" (see **recur**). From 1590s as a noun ("recurrent artery or nerve," one turned back on itself).

## -ence

see **-ance**.

## reoccurrence (n.)

also *re-occurrence*, "a further occurrence," 1804; see **re-** "again" + **occurrence**. Also compare **recurrence**.

## to fundamental fundamental (adj.)

mid-15c., "primary, original, pertaining to a foundation," modeled on Late Latin *fundamentalis* "of the foundation," from Latin *fundamentum* "foundation" (see **fundament**). In music (1732) it refers to the lowest note of a chord. *Fundamentals* (n.) "primary principles or rules" of anything is from 1630s.

### Entries linking to fundamental

## fundament (n.)

late 13c., "foundation, base; buttocks, anus," from Old French *fondement* "foundation, bottom; land, estate; anus" (12c.), from Latin *fundamentum* "a foundation, ground-work; support; beginning," from *fundare* "to found" (see **bottom** (n.)). So called because it is where one sits.

## fundamentalist (adj.)

1920 in the religious sense, from **fundamental** + **-ist**. Coined in American English to name a movement among Protestants c. 1920-25 based on scriptural inerrancy, etc., and associated with William Jennings Bryan, among others. The original notion might have been of "fundamental truths."

Fundamentalism is a protest against that rationalistic interpretation of Christianity which seeks to discredit supernaturalism. This rationalism, when full grown, scorns the miracles of the Old Testament, sets aside the virgin

birth of our Lord as a thing unbelievable, laughs at the credulity of those who accept many of the New Testament miracles, reduces the resurrection of our Lord to the fact that death did not end his existence, and sweeps away the promises of his second coming as an idle dream. It matters not by what name these modernists are known. The simple fact is that, in robbing Christianity of its supernatural content, they are undermining the very foundations of our

holy religion. They boast that they are strengthening the foundations and making Christianity more rational and more acceptable to thoughtful people. Christianity is rooted and grounded in supernaturalism, and when robbed of supernaturalism it ceases to be a religion and becomes an exalted system of ethics. [Curtis Lee Laws, Herald & Presbyter, July 19, 1922]

*Fundamentalist* is said (by George McCready Price) to have been first used in print by Curtis Lee Laws (1868-1946), editor of "The Watchman Examiner," a Baptist newspaper. The movement may have roots in the Presbyterian General Assembly of 1910, which drew up a list of five defining qualities of "true believers" which other evangelicals published in a mass-circulation series of books called "The Fundamentals." A World's Christian Fundamentals Association was founded in 1918. The words reached widespread use in the wake of the contentious Northern Baptist Convention of 1922 in Indianapolis. In denominational use, *fundamentalist* was opposed to *modernist*. Applied to other religions since 1956 (earliest extension is to the Muslim Brotherhood).

A new word has been coined into our vocabulary — two new words — 'Fundamentalist' and 'Fundamentalism.' They are not in the dictionaries as yet — unless in the very latest editions. But they are on everyone's tongue. [Address Delivered at the Opening of the Seminary, Sept. 20, 1922, by Professor Harry Lathrop Reed, printed in Auburn Seminary Record]

## **fundamentally (adv.)**

c. 1600, from **fundamental** + **-ly** (2).

## **principles, principle (n.)**

late 14c., "origin, source, beginning" (a sense now obsolete), also "rule of conduct; axiom, basic assumption; elemental aspect of a craft or discipline," from Anglo-French *principe*, Old French *principe* "origin, cause, principle," from Latin *principium* (plural *principia*) "a beginning, commencement, origin, first part," in plural "foundation, elements," from *princeps* (genitive *principis*) "first man, chief leader; ruler, sovereign," noun use of adjective meaning "that takes first," from *primus* "first" (see **prime** (adj.)) + root of *capere* "to take" (from PIE root **\*kap-** "to grasp").

The English *-l-* apparently is by analogy of *participle*, *manciple*, etc., also **principal**. From the notion of "one of the fundamental tenets or doctrines of a system, a law or truth on which others are founded" comes the sense of "a right rule of conduct" (1530s). It is often easier to fight for principles than to live up to them. [Adlai Stevenson, speech, New York City, Aug. 27, 1952]

Scientific sense of "general law of nature," by virtue of which a machine or instrument operates, is recorded from 1802.

### **Entries linking to principle**

#### **prime (adj.)**

late 14c., "first, original, first in order of time," from Old French *prime* and directly from Latin *primus* "first, the first, first part," figuratively "chief, principal; excellent, distinguished, noble" (source also of Italian and Spanish *primo*), from Proto-Italic *\*prismos*, superlative of PIE *\*preis-* "before," from root **\*per-** (1) "forward," hence "in front of, before, first, chief."

The meaning "of fine quality, of the first excellence" is from c. 1400. The meaning "first in rank, degree, or importance" is from 1610s in English. Arithmetical sense (as in **prime number**, one indivisible without a remainder except by 1) is from 1560s; **prime meridian** "the meridian of the earth from which longitude is measured, that of Greenwich, England," is from 1878. **Prime time** originally (c. 1500) meant "spring time;" the broadcasting sense of "peak tuning-in period" is attested by 1961.

#### **\*kap-**

Proto-Indo-European root meaning "to grasp."

It forms all or part

of: **accept**; **anticipate**; **anticipation**; **behave**; **behoof**; **behoove**; **behoove**; **behoove**; **cable**; **cacciatore**; **cattiff**; **capable**; **capaci** **ous**; **capacity**; **capias**; **capiche**; **capstan**; **caption**; **captious**; **captivate**; **captivate**; **captivity**; **captor**; **capture**; **case** (n.2) ) "receptacle;" **catch**; **catchpoll**; **cater**; **chase** (n.1) "a hunt;" **chase** (v.) "to run after, hunt;" **chasse**; **chasseur**; **conceive**; **cop** (v.) "to seize, catch;" **copper** (n.2) "policeman;" **deceive**; **emancipate**; **except**; **forceps**; **gaffe**; **haft**; **have**; **hawk** (n.); **heave**; **heavy**; **heft**; **inca** **pacify**; **inception**; **incipient**; **intercept**; **intussusception**; **manciple**; **municipal**; **occupy**; **participation**; **per** **erceive**; **precept**; **prince**; **purchase**; **receive**; **recipe**; **recover**; **recuperate**; **sashay**; **susceptible**.

It is the hypothetical source of/evidence for its existence is provided by: Sanskrit *kapati* "two handfuls;" Greek *kaptein* "to swallow, gulp down," *kope* "oar, handle;" Latin *capax* "able to hold much, broad," *capistrum* "halter," *capere* "to grasp, lay hold; be large enough for; comprehend;" Lettish *kampiu* "seize;" Old Irish *cacht* "servant-girl," literally "captive;" Welsh *caeth* "captive, slave;" Gothic *haban* "have, hold;" Old English *hæft* "handle," *habban* "to have, hold."