

The Profound Plan to Peacefully Restore Constitutional Governance in NY

Presenter: Bob Schulz

Founder, We The People of New York





Today's Agenda

Part 1: Introduction and Background

Part 2: Problem

Part 3: Solution

Part 4: The PLAN

Part 5: 1st Order of Business: Civic Education in our Schools



Today's Agenda

Part 1: Introduction and Background

Part 2: Problem

Part 3: Solution

Part 4: The PLAN

Part 5: 1st Order of Business: Civic Education in our Schools



Introduction/Background

The Law in the State of New York

Government is based on the will and consent of the People:

- The ultimate power rests with the People
- The Rule of Law is King



Introduction/Background

The Law in the State of New York

- Declaration of Independence - 1776
- N.Y. State Constitution and laws pursuant thereto - 1777
- U.S. Constitution and laws pursuant thereto- 1789
- City Charters and codes
- County, Town and Village codes



Introduction/Background

Declaration of Independence

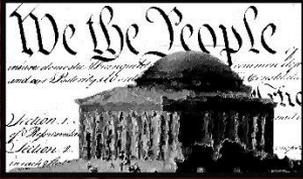
- 1,320 words
- Listed the causes that impelled the separation – 26 grievances
- We declared our independence because “Our repeated Petitions have been answered only with repeated injury”
- Included principles to underlie the form of government that was to follow



Introduction/Background

Declaration of Independence

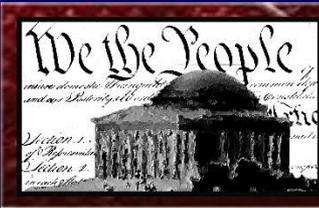
“We hold these truths to be self-evident, that all men are created equal, that they are endowed **by their Creator** with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.”



Introduction/Background

Declaration of Independence

“That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed.”



Introduction/Background

Declaration of Independence

“That whenever any Form of Government becomes destructive of these ends, **it is the Right of the People to alter or to abolish it**, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness.”



Introduction/Background

Declaration of Independence

“The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute Tyranny over these States. To prove this, **let Facts be submitted to a candid world.**”

(The Declaration then listed 26 Grievances)



Introduction/Background

Declaration of Independence

“In every stage of these Oppressions We have Petitioned for Redress in the most humble terms: **Our repeated Petitions have been answered only by repeated injury.** A Prince whose character is thus marked by every act which may define a Tyrant, is unfit to be the ruler of a free people.”

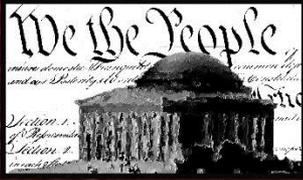
This failure by the Government to respond to the People’s Petitions for Redress is what our constitutional scholars refer to as the “capstone grievance.”



Introduction/Background

Declaration of Independence

“We, therefore, the Representatives of the United States of America, in General Congress ... do, in the Name, and by Authority of the good People of these Colonies, solemnly publish and declare, That these United Colonies are, and of Right ought to be Free and Independent States ... And for the support of this Declaration, with a firm reliance on the protection of divine Providence, we mutually pledge to each other our Lives, our Fortunes and our sacred Honor.”



Introduction/Background

New York State Constitution

Adopted April 20, 1777

The 1776 Declaration of Independence was included in its entirety as the Preamble to the original New York Constitution



Introduction/Background

New York State Constitution

By its terms, the People not only instituted the Government they structure and regulate the Government, they tell the Government what it can, cannot and must do.

It cannot be changed except by a vote of the People.

It governs all government employees in the State, far more so than does the U.S. Constitution, which hardly ever comes into play in the day-to-day administration of the State.



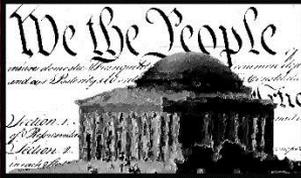
Introduction/Background

New York State Constitution

The current Constitution is New York's fifth:

1. 1777
2. 1821
3. 1846
4. 1894
5. 1938

The 1938 Constitution has been amended hundreds of times

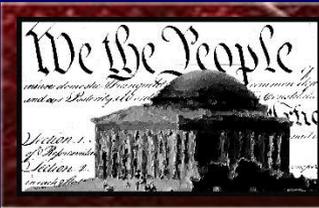


Introduction/Background

New York State Constitution

Two ways to amend:

1. Legislature puts proposed amendments on statewide ballot after passage by 2 consecutive legislative sessions
2. Revisions proposed by a Constitutional Convention are placed on a statewide ballot

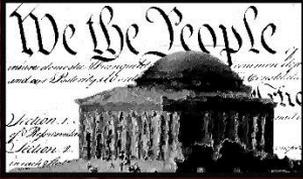


Introduction/Background

New York State Constitution

Two pathways to a Constitutional Convention:

1. Art. XIX mandates this question be on the ballot every 20 years: “Shall there be a convention to revise the Constitution and amend the same?”
2. If and when the State Legislature decides to place the question on the Ballot.



Introduction/Background

New York State Constitution

Now contains the following preamble and 20 Articles:

“We The People of the State of New York, grateful to Almighty God for our Freedom, in order to secure its blessings, DO ESTABLISH THIS CONSTITUTION.”



Introduction/Background

New York State Constitution

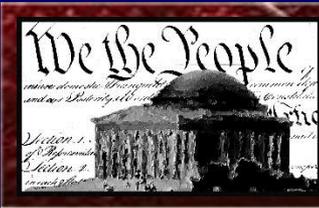
Article I	Bill of Rights – 18 Sections
Article II	Suffrage (voting rights) – 9 Sections
Article III	Legislature – 25 Sections
Article IV	Executive – 8 Sections
Article V	Officers and Civil Departments – 7 Sections
Article VI	Judiciary – 37 Sections
Article VII	State Finances – 19 Sections
Article VIII	Local Finances – 12 Sections
Article IX	Local Governments – 3 Sections
Article X	Corporations (public and private) – 8 Sections



Introduction/Background

New York State Constitution

Article XI	Education – 3 Sections
Article XII	Defense – 1 Section
Article XIII	Public Officers – 14 Sections
Article XIV	Conservation – 6 Sections
Article XV	Canals – 4 Sections
Article XVI	Taxation – 6 Sections
Article XVII	Social Welfare – 7 Sections
Article XVIII	Housing – 10 Sections
Article XIX	Amendments (how to amend) – 3 Sections
Article XX	When To Take Effect – 1 Section



Introduction/Background

New York State Constitution

No provision of the State Constitution or laws pursuant thereto can conflict with any provision of the Constitution for the United States of America or laws pursuant thereto.



Introduction/Background

United States Constitution

Adopted September 17, 1789

The Bill of Rights (first ten amendments) was added
December 15, 1791



Introduction/Background

United States Constitution

Contains the following preamble, 7 Articles and 27 Amendments:

“We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.”



Introduction/Background

United States Constitution

Article I	Congress - 10 Sections
Article II	Executive - 4 Sections
Article III	Judiciary - 3 Sections
Article IV	States - 4 Sections including guarantee clause
Article V	Amendment Process – 1 Section
Article VI	Debts, Supremacy Clause, Oaths – 1 Section
Article VII	Ratification – 1 Section



Introduction/Background

United States Constitution

Amendment 1 - Worship, Speech, Press, Assembly, Petition

Amendment 2 - Militia, Arms

Amendment 3 – Quartering of soldiers

Amendment 4 – Privacy, warrants

Amendment 5 – Indictments, double jeopardy, self incrimination, due process, eminent domain

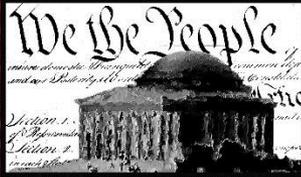
Amendment 6 - Trials, self-incrimination, right to counsel

Amendment 7 – Trial by jury

Amendment 8 – No cruel and unusual punishment, bail or fines

Amendment 9 – May be other Rights retained by the People

Amendment 10 – Undelegated powers reserved to States and People



Introduction/Background

United States Constitution

Amendment 11 - Limitations on judicial power of the U.S.

Amendment 12 - Election of President and Vice President

Amendment 13 – Slavery prohibited, power of Congress to enforce

Amendment 14 – Citizenship, Privileges and immunities, due process, representation, disqualification, debts of the U.S.

Amendment 15 – voting rights

Amendment 16 - direct, un-apportioned tax on income

Amendment 17 – Election of U.S. Senators

Amendment 18 – Prohibition

Amendment 19 – Voting Rights for women



Introduction/Background

United States Constitution

Amendment 20 – Terms of office, succession

Amendment 21 - Prohibition amendment repealed, State laws control

Amendment 22 – Limits President to two terms

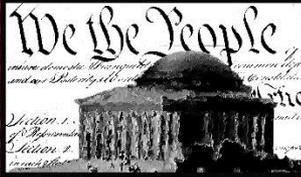
Amendment 23 – Voting rights in District of Columbia

Amendment 24 – right to vote shall not be denied for failure to pay a tax

Amendment 25- succession in the event of death of incapacitation

Amendment 26 – Right to vote if 18 years of age or older

Amendment 27 – Change in Congressional Compensation only after an election of representatives has intervened



Today's Agenda

Part 1: Introduction and Background

Part 2: Problem

Part 3: Solution

Part 4: The PLAN

Part 5: First Order of Business: Civic Education in our Schools



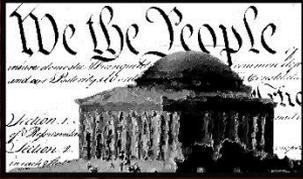
Problem: Liberty Yielding

Absent An Educated, Organized Citizenry
Holding It Accountable, Government Has
Been Seizing Power At Liberty's Expense

Thomas Jefferson:

“[N]o government can continue good except under the control of the People”

“It is in the natural progress of things for liberty to yield and government to gain ground”



Problem: Liberty Yielding

VIOLATIONS BY THE GOV'T IN NY STATE

Students in the Public School Districts are not taught the “history, meaning, significance and effect” of the provisions of the State and U.S. Constitutions and Declaration of Independence as mandated by Section 801 of the New York State Education Law



Problem: Liberty Yielding

VIOLATIONS - continued

- Budgets are adopted in violation of Art. III, IV, VII
- Debt is incurred in violation of Art. VII, VIII
- Corporate welfare violates Articles VII, VIII, X
- Legislative due process is replaced by “three-men-in-a-room” and “message of necessity”: violates Art. III, IV
- Laws are passed in violation of Home Rule Article IX
- The Court of Appeals refuses to hear constitutional challenges and “judicially repeals”: violates Article VI



Problem: Liberty Yielding

VIOLATIONS – continued

- Legislature transfers its law-making power to Commissions in violation of Article III
- State Supreme Court Justices are being appointed, not elected, in violation of Article VI
- State and Local Money and Credit are used in aid of private undertakings in violation of Article VII



Problem: Liberty Yielding

VIOLATIONS – continued

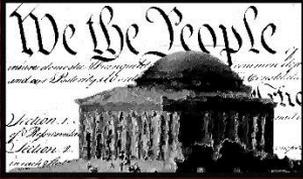
- Bills are not on desks of each legislator for 3 days before passage in violation of Art. III, Sect. 14.
- Public officials are increasing their compensation without an intervening election – i.e., for the term they were just elected to, in violation of Art. XIII, Sect. 7.



Problem: Liberty Yielding

VIOLATIONS – continued

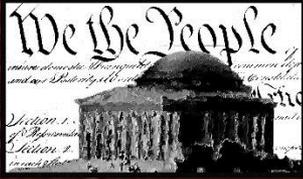
- Votes are counted in secret in violation of the constitutional principle of the “public nature of elections”
- 17-45 year olds know nothing of their role in the State Militias and their obligation to defend and protect the State and the United States; the Legislature has not adequately provided for the discharge of that obligation, in violation of Article XII



Problem: Liberty Yielding

VIOLATIONS - continued

- Lack of transparency and accountability
- Legislature and Executive violate constitution and refuse to respond to Petitions for Redress of the violations: when challenged in court, the Judiciary does not apply the law to the facts and finds “lack of jurisdiction”
- The servants are taking over the house
- The State Constitution is hanging by a thread



Problem: Liberty Yielding

NEW YORK STATE

As Government is gaining ground
Liberty is losing ground



Today's Agenda

Part 1: Introduction and Background

Part 2: Problem

Part 3: Solution

Part 4: The PLAN

Part 5: First Order of Business: Civic Education in our Schools

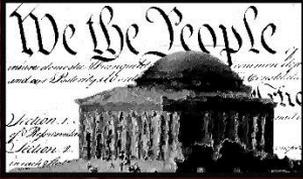


Solution: People Power

The ultimate power in the U.S. rests with the People

“We hold these truths to be self-evident, 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 to secure these Rights Governments are instituted among Men, deriving their just Powers from the consent of the governed....”

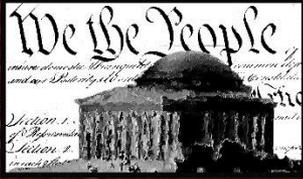
Declaration of Independence



Solution: Checks & Balances

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

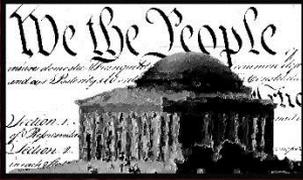
U.S. Constitution, *First Amendment*



Solution: Checks & Balances

“The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people”

U.S. Constitution, 9th Amendment



Solution: Checks & Balances

With every Right there is a remedy, and any Right that is not enforceable is not a Right.

- *Blackstone's Commentaries*
- *Marbury v. Madison (SCOTUS, 1803)*



Solution: Checks & Balances

The Right of Enforcement includes the right to “redress before taxes” when:

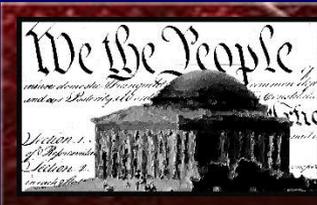
- 1) government becomes destructive of unalienable rights or the will of the people as expressed in our State and Federal Constitutions; and
- 2) government refuses to provide a meaningful response to a 1st Amendment Petition for Redress of the grievance.



Solution: Petition Clause

What can We The People do if confronted with violations of our Constitutions by public officials?

- 1. Rely on Elections**
- 2. Rely on Judges**
- 3. Rely on the 1st and 9th Amendments**



Solution: People Power

“If we, our chief justice, our officials, or any of our servants offend in any respect against any man, or transgress any of the articles of the peace or of this security ... they shall come to us - or in our absence from the kingdom to the chief justice - to declare it and claim immediate redress.

If we ... make no redress within forty days ... the [people] ... may distrain upon and assail us in every way possible, with the support of the whole community of the land, by seizing our castles, lands, possessions, or anything else saving only our own person and those of the queen and our children, until they have secured such redress as they have determined upon.

Having secured the redress, they may then resume their normal obedience to us.”

Section 61, Magna Carta, 1215



Solution: People Power

“[I]t is the Right of the subjects to petition the King, and all commitments and prosecutions for such petitioning is illegal.”

1689 Declaration of Rights



Solution: People Power

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

*“Continental Congress To The Inhabitants Of The Province Of Quebec.”
Journals of the Continental Congress 1774, Journals 1: 105-13.*



Solution: People Power

“The privilege of giving or withholding our moneys is an important barrier against the undue exertion of prerogative which if left altogether without control may be exercised to our great oppression; and all history shows how efficacious its intercession for redress of grievances and reestablishment of rights, and how improvident would be the surrender of so powerful a mediator.”

Thomas Jefferson: Reply to Lord North, 1775. Papers 1:225



Solution: People Power

“In every stage of these Oppressions We have Petitioned for Redress in the most humble terms. Our repeated Petitions have been answered only by with repeated injury. A Prince, whose character is thus marked by every act which may define a Tyrant, is thus unfit to be the ruler of a free people...”

We, therefore...declare, that these United Colonies...are absolved from all allegiance to the British Crown....”

Declaration of Independence, 1776



Solution: People Power

“Government being instituted for the common benefit, protection, and security, of the whole community, and not for the private interest or emolument of any one man, family, or class of men; therefore, 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 nonresistance against arbitrary power, and oppression, is absurd, slavish, and destructive of the good and happiness of mankind.” [\[1\]](#)

New Hampshire Constitution: Art. 10. [Right of Revolution.

[\[1\]](#) Added June 2, 1784 and has remained unchanged.



Solution: People Power

Under Article I, Section 5 of the Constitution, "Each House may determine the Rules of its Proceedings." 294 The First Amendment, however, provides that, "Congress shall make no law ... abridging ... the right of the people ... to petition the Government for a redress of grievances." 295

Those two sections of the Constitution came into direct conflict in the years 1836 to 1844, as the House of Representatives attempted to quell the rising number of abolition petitions its members had been receiving. The attempts to stifle the petitions became known as the gag rule or gag law. For eight years, the existence of the rule was a source of tremendous controversy in the House and the nation. 296

Abolitionism was the reason for the gag rule. The rule was the reaction of southern congressmen who felt that the South could no longer bear the insults contained in the language and content of abolition petitions. Designed to staunch the flow of such petitions to the House, it was sweeping in its breadth



Solution: People Power

(Continued...)

As first adopted on May 26, 1836, the rule and its preamble were to signal abolitionists that the House of Representatives was not going to consider the subject of the abolition of slavery and therefore it was superfluous to continue the attempts to agitate the matter.

Resolved, That all petitions, memorials, resolutions, propositions, or papers, relating in any way, or to any extent whatever, to the subject of slavery, or the abolition of slavery, shall, without being either printed or referred, be laid upon the table, and that no further action whatever shall be had thereon. 299

This seminal resolution was to be re-adopted in nearly identical forms during the beginning of each session of Congress until finally made a standing rule in 1840. 300 The standing rule was not repealed until the opening of the second session of the Twenty-eighth Congress, on the resolution offered by John Quincy Adams. 301

[1] Fordham Law Review May, 1998, 66 Fordham L. Rev. 2153 . ARTICLE:
**THE VESTIGIAL CONSTITUTION: THE HISTORY AND SIGNIFICANCE
OF THE RIGHT TO PETITION.** Gregory A. Mark



Solution: People Power

History: 1791 - 1836

Petitions for Redress were honored. Examples:

- More laws were adopted by Colonial Legislatures as a result of Petitions than for any other reason.
- After the adoption of the Bill of Rights, Petitions directed to Congress went to Committee and every Monday Congress dealt with Petitions for Redress.



Solution: People Power

HISTORY: 1836-1844 Gag Rule

U.S. House of Representatives, 1836:

“Resolved, That all petitions, memorials, resolutions, propositions, or papers, relating in any way, or to any extent whatever, to the subject of slavery, or the abolition of slavery, shall, without being either printed or referred, be laid upon the table, and that no further action whatever shall be had thereon.”

It took John Quincy Adams 8 years to get the rule repealed but by then the Right had become the “Forgotten Right.”



Today's Agenda

Part 1: Introduction and Background

Part 2: Problem

Part 3: Solution

Part 4: The PLAN

Part 5: First Order of Business: Civic Education in our Schools



The PLAN

A Permanent Constitution Lobby

**CITIZEN VIGILANCE
CENTER**

Board of Directors
and Committees

State, Regional and
County Coordinators

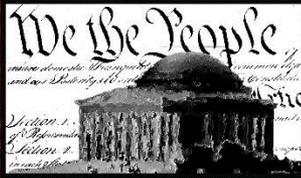
Constitution Monitors: Towns,
School Districts, Counties, State

Supporting Members



Citizen Vigilance Center

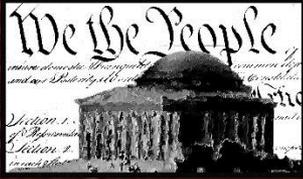




The PLAN

WHO

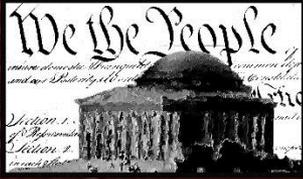
- New York State Residents
- Local and State Taxpayers
- 18 years of age and older



The PLAN

WHAT

- New Institution to watch & hold government accountable
- Established as a common and accepted part of society
- Engaged in civic education and civic action
- Non-political
- Supporting Members = Critical mass



The PLAN

WHERE

- Wherever government policy is made
- The Capital and Every Town, City, County and School District



The PLAN

HOW

- Board of Directors
- Citizen Vigilance Center
- Regional and county coordinators
- Constitution Monitors
- Supporting members



The PLAN

WHEN

Begin training constitution monitors, hiring staff and building Citizen Vigilance Center when Budget permits.



The PLAN

BUDGET

Expenses:

CVC Design & Build	800,000
Legal Staff	450,000
Mgr. Finance & Membership	100,000
Mgr. Communications	100,000
Mgr. Public/College Relations	100,000
Mgr. Projects & Programs	100,000
Office Staff	250,000
Fixed & Variable Costs	50,000
The Liberty Hour Project	250,000
Freedom Keeper Events	30,000
We The People Foundation	<u>100,000</u>
	2,330,000*

* 93,200 members at \$25 each -- .7% of population over 18 years of age



Today's Agenda

Part 1: Introduction and Background

Part 2: Problem

Part 3: Solution

Part 4: The PLAN

**Part 5: First Order of Business: Civic
Education in our Schools**



First Up: Civics Education

THE PEOPLE ABSOLUTELY NEED IN THIS TIME OF CREEPING USURPATION OF THEIR POWER:

A successful demonstration of the ability of the People to hold public officials accountable to our Constitutions and the law, without having to rely on the judicial branch, the electoral process or violence... relying instead on the power of the 1st and 9th Amendments' guarantee of our Right to Petition the Government for Redress of Grievances and the Right of enforcement.

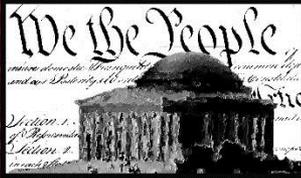


First Up: Civic Education

Section 801.2 of the State Education Law

Requires all teachers in New York State to teach all children in public and private schools, from grade 8 on:

“the history, meaning, significance and effect of the provisions of the constitution of the United States, the amendments thereto, the declaration of independence, the constitution of the state of New York and the amendments thereto”



First Up: Civic Education

Section 801.2 of the State Education Law

Adopted in 1947

Ignored, never followed



First Up: Civic Education

The result of the violation of Section 801 by the Executive Branch

Rising generation after generation are not anchored to the principles of Liberty and Freedom, their Charters of Freedom or their divine Rights as free men.

Most do not know there is a State Constitution, much less that it governs the actions of their local and State Government far more than the Federal Constitution which hardly comes into play in the day-to-day administration of the State. **Thus, they don't know when their local and State Government has stepped outside the boundaries drawn around their power.**



First Up: Civic Education

THE GOAL:

An amendment to New York State's Social Studies Learning Standard for *Civics, Citizenship and Government*, bringing it into compliance with the requirements of Sections 801 of the NY State Education Law.



First Up: Civic Education

PROCESS

Serve an enforceable (“redress before taxes”) petition signed by 100,000 citizens representing the 688 public school districts on:

- **The Board of Regents**
- **Boards of Education of public school districts**
- **The Governor**



First Up: Civic Education

Petition for Redress Supported By WTP-NY's Statewide Communication Chain

- 9 Regional Links**
- 62 County Links**
- 932 City, Town, Village Links**
- 535 NYC Neighborhood Links**
- 688 School District Links**



Call to Action

- Let's **look and return** to our Charters of Freedom.
- Let's **rely on the original meaning** of the words



Call to Action

A CONSTITUTION WATCH:

- Of, By and For the People
- Standing on the Charters of Freedom
- Relying on Right to petition and remedy
- Civic Education *and* Action
- Critical mass
- Monitoring wherever government policy is made
- State, regional, county coordinators
- Trained Constitution Monitors
- Citizen Vigilance Center in every State capitol
- “Interdisciplinary” Board of Directors



Call to Action

BRINGING TOGETHER THE ENERGY OF THOSE CURRENTLY STRUGGLING FOR:

Judicial Accountability and Legal Reform

Transparency

Legislative Due Process

Civics Education

The Right to Keep and Bear Arms

Clean Elections: Paper Ballots, hand-marked, hand-counted

Privacy and Property Rights

Free Speech and Petition Rights

Jury Rights

Home Rule

Sound Currency

Etc.



Call to Action

BRINGING TOGETHER THE ENERGY OF THOSE CURRENTLY STRUGGLING AGAINST:

Corporate Welfare

Public Debt

Laws that favor Public over Private Education

Unfunded Mandates

Undeclared Wars

Open Borders

Defunding the Police

Militarization of Local and State Police Forces

Direct Un-apportioned Taxes

Loss of individual, State and National Sovereignty



We, the People, shall either rally around the Divine Rights of Free Men, the Constitution and the Rule of Law, putting America back on Her Course as only we can, or continue to rely on the promises and assurances of men, experiencing more debt, dependency and decay as America unravels.

We The People of New York, Inc.

Thank You
Freedom Keepers

