Are Pocket Constitutions True Palladiums of Liberty? A Review of the Citizens' Rule Book

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"The republic was doomed from the second the Constitution was written, absolutely doomed. It was an authoritarian ruling class, theoretically limited, it was doomed to be here. If you read what the Anti-Federalists wrote, they knew it. They predicted perfectly – actually underestimated how drastically it would collapse into tyranny, but they knew it – the republic was doomed from the moment it began."

– Larken Rose

There are different kinds of pocket Constitutions available for American patriots. The Boy Scouts of America have their published edition, as does the National Center for Constitutional Studies, the former Ron Paul 2012 Presidential Campaign Committee, Inc., the Cato Institute, and the Annenberg Foundation's annotated version. If shelling out a few dollars for a pocket Constitution irks you, then you could always just print out a free one from ConstitutionBooklet.com, but just realize that it'll probably wear out much quicker than if you had simply bought a copy.

The most unique amongst them all was one that was published by Whitten Printers. This "citizens' rule book" is the only pocket Constitution, to my knowledge, that featured original material about jury nullification; unfortunately, only 1/3rd of the total page count featured such content, for the remaining 2/3^{rds} are a reprinting of the *Declaration of Independence* and the *United States Constitution*, which, in some ways, eerily reminds me of Dr. Tom Woods' lackluster book on "state nullification." On the other hand, just like every other pocket Constitution, there is no mention of the fact that the Constitution itself was promoted by the Federalists primarily as a legal instrument in order to socialize the war debt incurred from the Revolutionary War for Independence.

One recurring theme is the use of religiosity as a justification for jury nullification, at times sounding very similar in tone to Christian Reconstructionism. Take, for instance, this quote that attempts to rationalize the preferability of the Ten Commandants over that of the Ten Planks of the Communist Manifesto:

> *"The **TEN COMMANDMENTS** represent **GOD'S GOVERNMENT OVER MAN! GOD** commands us for our own good to give up wrongs and not rights! **HIS** system always results in **LIBERTY** and **FREEDOM!** The Constitution and the Bill of Rights are built on this foundation, which provides for punitive justice…the Marxist system leads to bondage and **GOD'S** system leads to **LIBERTY!**"*

It's almost as if someone from the John Birch Society wrote this rhetoric; apparently, it turned out to be some WWII Marine veteran. Perhaps worse was the following:

> *"As a **JUROR** in a trial setting, when it comes to your individual vote of innocent or guilty, you truly are answerable only to **GOD ALMIGHTY**. The First Amendment to the Constitution was born out of this great concept."*

What do the Free Exercise and Establishment Clauses within the First Amendment have anything at all to do with the Criminal Trials Clause (Art. III § 2 cl. 3), the Grand Jury Clause within the Fifth Amendment, the Jury Trial Clause within the Sixth Amendment, or even the Right to a Jury in Civil Cases Clause within the Seventh Amendment? Let's examine the introductory paragraph for a possible answer:

> *"The purpose of this booklet is to revive, as Jefferson put it, 'The Ancient Principles.' It is not designed to promote lawlessness or a return to the jungle. The 'Ancient Principles' refer to the Ten Commandments and the Common Law. The Common Law is, in simple terms, just plain common sense and has its roots in the Ten Commandments."*

Wait a moment, wasn't it none other than Thomas Jefferson himself who interpreted the First Amendment's religious liberty clauses as meaning that the American people built a wall of separation between church and state? Does this introductory paragraph mean that non-Christians are just screwed because they don't believe in following the Ten Commandments, personally? If so, then I guess Thomas Paine was either a heretic or an apostate to the Great Experiment, for he was a fervent opponent of revealed religion. Just as Paine demolished the failed political concept that was the "divine right of kings," the equally failed political concept that is the Divine Right of Politicians ought to be demolished as well; never forget, too, that Thomas Paine criticized reconciliation with England ("reformism"), advocating instead for secession and independence ("direct action"). If Thomas Paine does not embody the essence of a patriot, then patriots are no advocates for liberty.

Aside from the prolific use of biblical verses, Charles Olsen's "rulebook" promotes jury nullification as a tactic, and by implication, reformism as a strategy for restoring and securing American liberty. He wrote:

> *"A democracy is dangerous because it is a one-vote system as opposed to a Republic, which is a three-vote system: Three votes to check tyranny, not just one. American citizens have not been informed of their other two votes. Our first vote is at the polls on election day when we pick those who are to represent us in the seats of government…the second vote comes when you serve on a Grand Jury…the third is the most powerful vote: this is when*

> *you are acting as a jury member during a courtroom trial."*

Essentially, both the ballot box and the jury box are being promoted here as peaceful solutions, despite their historical impracticality. Splitting hairs within the jury box between grand and petit juries as being two different "votes" is nothing more than rhetorical inflation, which in many ways is seldom different from the Federal Reserve's monetary inflation, since they are both generated out of thin air. Olsen's **illustrious** "rulebook" goes on to say:

> *"Any **JUROR** can, with impunity, choose to disregard the instructions of any judge or attorney in rendering his vote. If only one **JUROR** should vote 'Not Guilty' for any reason, there is no conviction and no punishment at the end of the trial. Thus, those acting in the name of government must come before the common man to get permission to enforce a law."*

This is nothing other than a gross denial of the reality that is *compulsory* jury duty. It is as if Olson neglected to consult Murray Rothbard, or even the monopoly government statutory laws themselves; never mind the undeniable truth of the prisoner's dilemma that jurors find themselves in, which is a large part of the reason why the supermajority of defendants plead out, to say nothing of the "jury tax" a defendant might incur if he chose to take his case to court but then lost because the jury refused to nullify, as was the case with Rich Paul, Larken Rose, Kate Ager, William Wolf, the Hammonds, and the Trespassive Three.

I think it is more than fine to teach people about jury nullification, but much like writing pseudonymous letters to newspaper editors, it has become a lost American tradition that I believe is unrecoverable. Constitutionalists seem to make this assumption that if they teach people about jury nullification and the Constitution, then these people would automatically begin to favor limited government without critically examining its reasoning in good faith. Jury nullification hasn't even slowed down the growth of the domestic prison population from 500,000 in 1980 to ~ 2.4 million prisoners in 2014, much less reversed it, as evidenced by the fact that the overcrowded prisons are not being emptied out gradually because of juries nullifying unjust laws.

Irritating as it is at times, constitutionalists appear to presume that the "rule of law" inexplicably protects their liberties, simply because Frédéric Bastiat told them so. First, most constitutionalists are ignorant of state citizenship and its relationship to jury nullification, and secondly, they are assuming that judicial review supports the use of jury nullification in "nullifying" unjust laws, all the while completely ignoring the reality of constitutional avoidance. It seems to me that both constitutional avoidance and judicial review have been habitually used to either preserve or increase the power of the federal government, but seldom to limit or reduce it, thereby running roughshod over the original intent of the Framers, as well as validating the concerns of the Anti-Federalists. If anything, this would suggest that Bastiat was incorrect about the law protecting liberty whereas Fred Rodell was accurate in saying that the law is a racket, which is also due in no small part to the very notion that is the "color of law" itself.

Might it be slightly possible that the Great American Experiment in democratic republican governance has become a notoriously abject failure? It is any wonder why Lysander Spooner concluded that the

Constitution has either been powerless to prevent the reemergence of Leviathan, or worse, directly authorized its tyranny? Why else would Henry Thoreau openly advocate for civil disobedience unless the federal government was illegitimate? For all the disorderly violent chaos regularly performed by the government (whether it be constitutional monopolies or unconstitutional tyranny), is it really any wonder why some libertarians are discarding American republicanism in favor of embracing anarchy?

Truth be told, this pocket Constitution unusually irritated me for various reasons. Lysander Spooner's primary arguments and conclusions about the historicity and viability of jury nullification were conveniently ignored by Olsen. Patrick Henry is referenced as being in favor in jury nullification, but no mention is made of his steadfast opposition to the ratification of the Constitution, despite the fact that Olsen directly quoted Mr. Henry from Jonathan Elliot's *The Debates in the Several State Conventions on the Adoption of the Federal Constitution*. Occasional quotes by that ruthless tyrant, Abraham Lincoln, are littered throughout; I guess that Southern revisionism isn't exactly considered *apropos* since Olson was a member of the "greatest generation."

Charles Olsen's *Citizens' Rule Book* presumes that the answer to communism is the Ten Commandments, despite the fact that private security is the answer to both communism and the government monopoly police. Not only can't the federal government keep track of the ratification of its own constitutional amendments, but the soft despotism Alexis de Tocqueville warned about, as a **direct** result of democratic republicanism, has now come true. I fail to see how captive juries are incentivized to nullify unjust laws, especially if they are placed in circumstances akin to Shane Radliff's experience as a juror last year on the "felony scratching" case. Constitutions are not "guarantees" of *anything*, and juries, much like the electorate, are just another faceless collective. Pocket constitutions are just theatrical props, so might it be time now to use them as such by engaging in libertarian pyrotechnics, as Chris Cantwell did back in 2012? Ponder carefully what Josie Wales said back in 2014 about what she thought were the lessons learned from the Great Experiment:

> *"If there was anything to be learned from the American Experiment, it's that limited government is a myth, that political authority cannot be kept in check by any document, any political process, any election, or any supposed system of checks and balances. If the American Experiment **proved** anything, it's that once the seed of authoritarian power has been planted, however small and limited it may seem at first, it will find a way to grow, and it **will** become a threat to peace, justice, and freedom."*