

# Treason

**“by” failure to act.**

**United States history provides, place not evil before the people.**

Current acts as seen by the people, actually the lack of action would suggest that a failure to act by appropriate officials would rise to the level of a treasonable offense.

United States of America’s Constitution carries these words, **“giving them aid and comfort.”** In referencing the 14<sup>th</sup> Amendment to the Constitution we note the wording has changed to **“given aid or comfort.”** Facts note the Constitution amended the wording found in the Constitution by removing the conjunctive<sup>1</sup> meaning of “and” to a disjunctive<sup>2</sup> meaning “or.” A prudent man could only see the original wording of “giving” was written in anticipation of events to come whereas “or” found in the 14<sup>th</sup> Amendment could only be viewed by a prudent man as identifying events already occurred with anticipation such would occur again. For you history buffs the Constitution was adopted on September 17, 1787. The 14<sup>th</sup> Amendment to the United States Constitution was ratified<sup>3</sup> on July 9, 1868. 8<sup>th</sup> edition of Black’s Law lacked definition(s) for conjunctive, disjunctive and ratify, therefore the writer resorted to Merriam Webster’s online for definition.

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<sup>1</sup> <http://www.merriam-webster.com/dictionary/conjunctive> [connective]

<sup>2</sup> <http://www.thefreedictionary.com/disjunctive> [Serving to separate or divide.]

<sup>3</sup> <http://www.merriam-webster.com/dictionary/ratify> [to approve and sanction formally : [confirm](#)]

Black's Law 8<sup>th</sup> does provide for the definition of "Ratification" as being "Adoption or enactment." [Page 3957]

In the mind of a prudent person, lack of action by the United States Attorney General, Department of Justice, Congress etc. to bring appropriate legal actions could only be seen as aiding and abetting. Such inaction by individuals in accordance to the Constitution within the eyes and the mind of a prudent person voting person could view the events (lack of) as being a treasonable act.

In accordance to the amended United States Constitution, such individuals would not and should not be eligible to hold any elected office.

The question this writer has, do those individuals that elect not to act favor the Monger or the "people." Forget not, it is the prudent that elects and under the current scenario of inaction by leaders such leaders should stand down from office.

Definitions and excerpts follow for ease of comprehending the above writing.

## **The Constitution of the United States of America Article III Section 3**

Treason against the United States, shall consist only in levying war against them, or in adhering to their enemies, **giving them aid and comfort** [**Emphasis added**]. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture except during the life of the person attainted.

## **14th Amendment to The Constitution of the United States of America**

Section 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, **or given aid or comfort [Emphasis added]** to the enemies thereof. But Congress may, by a vote of two-thirds of each House, remove such disability.

### **Black's Law Dictionary (8th ed. 2004)**

#### **ABET**

To aid, encourage, or assist (someone), esp. in the commission of a crime <abet a known felon>.

2. To support (a crime) by active assistance <abet a burglary>. See AID AND ABET. Cf. INCITE. [Cases: Criminal Law 59(5). C.J.S. Criminal Law §§ 133, 135, 998–999.] — abetment,n. [Page 11]

### **18 USC § 241 - Conspiracy against rights**

If two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State, Territory, Commonwealth, Possession, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or

If two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured—

They shall be fined under this title or imprisoned not more than ten years, or both; **and if death results from the acts committed in violation of this section [Emphasis added to address suicide by victim(s)]** or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, they shall be fined under this title or imprisoned for any term of years or for life, or both, or may be sentenced to death.

**Black's Law Dictionary (8th ed. 2004)**

### **OPPRESSOR**

A public official who unlawfully or wrongfully exercises power under color of authority in a way that causes a person harm; one who commits oppression. [Cases: Officers and Public Employees 121. C.J.S. Officers and Public Employees §§ 329–334.] [Page 3470]

### **INCHOATE OFFENSE**

A step toward the commission of another crime, the step in itself being serious enough to merit punishment.

The three inchoate offenses are attempt, conspiracy, and solicitation. The term is sometimes criticized (see quot. below). — Also termed anticipatory offense; inchoate crime; preliminary crime. [Cases: Conspiracy 23.1; Criminal Law 44. C.J.S. Conspiracy §§ 98, 100–103, 110; Criminal Law §§ 114–123.][Page 3426]

### **FORCE**

**Power, violence, or pressure [Emphasis added]** directed against a person or thing. [Page 1911]

### **INTERVENING FORCE**

Force that actively produces harm to another after the actor's negligent act **or omission [Emphasis added]** has been committed. {Page 1912}

### **JUSTIFICATION**

1. A lawful or sufficient reason for one's acts or omissions; any fact that prevents an act from being wrongful.
2. A showing, in court, of a sufficient reason why a defendant did what the prosecution charges the defendant to answer for.
  - Under the Model Penal Code, the defendant must believe that the action was necessary to avoid a harm or evil and that the harm or evil to be avoided was greater than the harm that would have resulted if the crime had been committed. Model Penal Code § 3.02. Page 2532]

### **LAW OF THE PLACE**

Under the Federal Tort Claims Act, the state law applicable to the place where the injury occurred. • Under the Act, the federal government waives its sovereign immunity for specified injuries, including certain wrongful acts or omissions of a government employee causing injury that the United States, if it were a private person, would be liable for under the law of the state where the incident occurred. 28 USCA § 1346(b). [Cases: United States 78(14). C.J.S. United States §§ 149, 151.][Page 2592]

### **MISSING-EVIDENCE RULE**

The doctrine that, when a party fails at trial to present evidence that the party controls and that would have been proper to present, the jury is entitled to infer that the evidence would have been unfavorable to that party. [Cases: Evidence 74. C.J.S. Evidence §§ 165, 168.][Page 3171]

### **MISSING-WITNESS RULE**

The doctrine that, when a party fails at trial to present a witness who is available only to that party and whose testimony would have been admissible, the jury is entitled to infer that the witness's testimony would have been unfavorable to that party. [Cases: Criminal Law 317; Evidence 77; Trial 211. C.J.S. Criminal Law §§ 705–706; Evidence §§ 169–173; Trial §§ 501–504, 568.][Page 3171]

*275 F.2d 655: James A. Richards, Appellant, v. United States of America, Appellee, United States Court of Appeals District of Columbia Circuit. - 275 F.2d 655 Argued November 17, 1959 Decided February 16, 1960*

*The failure to bring before the tribunal some circumstance, document, or witness, when either the party himself or his opponent claims that the facts would thereby be elucidated,*

*serves to indicate, as the most natural inference, that the party fears to do so; and this fear is some evidence that the circumstance or document or witness, if brought, would have exposed facts unfavorable to the party.*<sup>6</sup>

[6 Wigmore on Evidence Sec. 285 at 192 (Chadbourn ed. 1970); see *Burgess v. United States*, [440 F.2d 226](#), 236 (D.C.Cir.1970) (Robinson, J., concurring)]

### **MIXED QUESTION OF LAW AND FACT**

An issue that is neither a pure question of fact nor a pure question of law. • Mixed questions of law and fact are typically resolved by juries. — Often shortened to mixed question. — Also termed mixed question of fact and law. [Cases: Administrative Law and Procedure 781; Appeal and Error 842(9); Criminal Law 735; Federal Courts 754; Trial 137. C.J.S. Appeal and Error § 778; Criminal Law §§ 998, 1273, 1275; Public Administrative Law and Procedure § 227; Trial § 336.] “Many issues in a lawsuit involve elements of both law and fact. Whether these be referred to as mixed questions of law and fact, or legal inferences from the facts, or the application of law to the facts, there is substantial authority that they are not protected by the ‘clearly erroneous’ rule and are freely reviewable. This principle has been applied to antitrust violations, bankruptcy, contracts, copyright, taxation, and to other areas of the law.” 9A Charles Alan Wright & Arthur R. Miller, Federal Practice and Procedure § 2589, at 608–11 (2d ed. 1995).[Page 3175]

### **MONGER**

A seller of goods; a dealer < moneymonger>.[Page 3187]