

THE CONSTITUTION FOR THE UNITED STATES OF AMERICA AND COMMON LAW

Today there has come to be much discussion of common law and common law courts. With this discussion comes a question of how they apply in light of the Constitution for the United States of America.

What exactly is meant by common law? The most widely held definition is that common law is the law that is common to the local people of an area or country. With this particular definition in mind, there arises a variety of potential dilemmas for the American people, who should have a constitutional, republican form of government.

What one country considers common knowledge, or common law may not be applicable in another. Could any American justify cutting off a woman's nose because she has insulted her husband's family? What about a [grand jury] counsel of clerics approving gang rape in the public square as the punishment for dressing immodestly? As repugnant as it may sound to the American people, this is common law today in some countries.

America is home to many diverse peoples, cultures, and customs. For example, I once had difficulty convincing a Chicago police officer that I actually had an Illinois driver's license. He apparently was so confused by my southern Illinois accent that he was positive I lived in Johnson City, Tennessee, instead of Johnston City, Illinois. I had to produce my hometown zip code to prove that my town actually existed in Illinois. This is just one example of how much variation exists in only one state of our union from end to end. When we consider the entire country, the number of regional and local beliefs that are common to the people of that particular area are countless. Therefore, one must conclude that the definition for common law in the whole country could not be the law that is common to the people in a particular area.

That being said, we return to our original question: what exactly is the Constitution talking about in Amendment 7 when it states "In suits at common law . . . no fact tried by a jury, shall be otherwise re-examined in any court of the United States, than according to the rules of THE common law . . ." (emphasis added)? It cannot be describing common law that a local area deems to be justifiable, but rather THE common law. A definition of the word "THE" might be:

One and only, unique only unto itself, having no likeness or similarity to any other, having no equal, not readily comparable to anything else; easily recognized and distinguished from all others; being known by and identified to all strictly by its own originality. Examples: THE God of Abraham, THE Constitution for the United States of America, or THE common law.

What exactly did the constitution mean by THE common law? What is THE law common to all of the American states in our union? Article VI states:

". . . This Constitution and the laws of the United States which shall be made in pursuance thereof; . . . shall be the supreme law of the land . . .".

The one thing common to all our individual sovereign states is the Constitution for the United States of America. It is our/THE common law for all people in our union. It is literally the one unifying document that makes one arising out of many, *e pluribus unum*. It is THE common law, commonly known to all the citizens in every state, and includes the scriptural commandments of basic right and wrong upon which the Constitution was built.

With this understanding of the meaning of common law, what then is a common law court? A common law court is not a group of local malcontents forming a grand jury of like-minded individuals and deciding, for example, that it is their right to own human slaves, or to live in a world free of Jews or any other race or ethnicity. A common law court, rather, is an Article III court of constitutional law, whose jurisdiction is commonly recognized and accepted by every state in our union, regardless of local or isolated customs and beliefs.

In summary, THE common law is the only law commonly practiced in every state in our union and known by every citizen of our nation. It is the only law available to all Americans in every state for study, discussion, examination, and remedy; and it is the only law that each and every state has in common with other states. THE common law and THE Constitution for the United States of America are inseparable because they are one and THE same.