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September 3, 2011

Bruce Haney, County Sheriff  
PO Box 1228, 101 Memorial Drive  
Weaverville, CA 96093-1228

Certified Mail 7010 2780 0000 5218 7574

**RE: Trinity County Narcotic Task Force (TCNTF)**

Dear Sheriff Haney:

With reference to the entity captioned above, this letter is my good-faith attempt to ascertain the source of the written authority which grants local law enforcement jurisdiction on territory other than land ceded to and owned by the federal government, i.e., the United States of America under the Articles of Confederation of November 15, 1777.

The Trinity Journal has reported that on August 5, 16, 17 and 19 of this year the TCNTF served search warrants, conducted raids, eradicated marijuana plants, seized personal property and arrested numerous individuals. Furthermore, the newspaper stated that, "... charges were also filed against the property owner(s)." - which indicates that all of the alleged law enforcement activity by the TCNTF was conducted on territory other than land owned by and subject to the exclusive legislative jurisdiction of the United States of America.

For the record, Sheriff Haney, I am not challenging your authority to regulate and enforce written laws, i.e., codes, statutes and ordinances but to present the fact that all government, which includes the County of Trinity, has limited jurisdiction with regard to law, the land and people.

Few would disagree that the rule of law is not an absolute necessity for any society in order to ensure order and to enjoy prosperity and the promise of personal liberty. But what is the source of this law that ought to rule? Written law as decreed by legislative assemblies, governmental authority, elective officials or bureaucratic agencies has come to dominate contemporary thought and social interaction. Forgotten is that this view of law has not predominated through most of Anglo-American history. In fact, our legal/political tradition is firmly marked by the predominance of common law, i.e., unwritten law not created by government. However, in recent generations the supremacy of common law has been eclipsed by a burgeoning and burdensome corpus of legislative codes and administrative regulations.

In Common Law and the Free Society David Van Drunen writes:

*"One of the key benefits of a vibrant common law is that it reinforces the idea of the rule of law. By the rule of law we understand that members of society are to act according to certain known rules, which bind government officials as well as ordinary citizens. Without the rule of law acting to constrain the arbitrary whims of those in power, members of society cannot enjoy freedom in a meaningful*

*way. In our own day, when we see legislatures and administrative agencies passing a plethora of statutes and regulations, it is obvious that the rule of law has become severely attenuated. Though we still like to think that our government officials are bound by the law, what does this really mean when these very government officials are decreeing nearly every law that exists? Here is where we can recognize part of the genius of a common-law system. Because the common law is not created by government officials but by the people as a whole as they freely interact with each other, it can serve as an external rule for constraining those in authority. When an independently generated common law governs the actions of government officials, their ability to exercise arbitrary power is curtailed."*

Traditionally, the sheriff facilitated the operation of the common law by assembling jurors for a common law trial, however, today sheriffs operate the county jails and perform enforcement of written law. Article III Section 1 of the Constitution of the State of California of 1879 means that the State of California is the territory within California, which belongs to the Confederacy, the United States of America, under the Articles of Confederation of November 15, 1777. The phrase, "and the United States Constitution is the supreme law of the land," confirms the State of California is territory subject to the Organic Laws of the United States of America.

The President of the United States and the local law enforcers, such as yourself, claim authority through the Constitution of the United States, however, as presented herein it is established fact that the Constitution is limited to the territory owned by and subject to the jurisdiction of the United States of America. Therefore, local law enforcement in the County of Trinity is limited to the territory owned by and subject to the jurisdiction of the United States of America, because the United States of America is the only landowner that has consented to be governed by a local authority, provided those local laws do not impact the federal government.

From the Sheriff's Department web site [Mission Statement](#):

"As members of the Law Enforcement Community a great deal more is expected of us than of those in other pursuits. Therefore, we hold that our actions shall be professional, reasonable, exemplary **and consistent with the spirit and word of this philosophy, Constitution of the United States, laws of the State of California and Ordinances of the County of Trinity**".  
(emphasis added)

With appreciation for your anticipated expedited reply to my request that you provide me with the source identifying the written authority which grants local law enforcement jurisdiction on land in the County of Trinity that has not been ceded to and owned by the federal government. I remain

Respectfully,

Edward J. Guenette

cc: Michael B. Harper, District Attorney/Public Administrator

Mark Potts, Narcotics Division

Wendy Tyler, Deputy CAO and Clerk for the Board

