

Outline for the discussion about the unconstitutional and unlawful Attorney General and District Attorneys in Pennsylvania

By William Taylor Reil – williamtaylorreil@gmail.com Also see: www.sheriffbrigadesofpenn.com

1) Despite what you have been told: a) the Governor is the Chief Executive Officer and still the “Chief Law Enforcement Officer” of the Commonwealth of Pennsylvania; b) the Attorney General still must be appointed by the Governor as the “Chief legal advisor and Prosecutor for the Executive Branch of the Commonwealth of Pennsylvania; c) the District Attorney, elected in each county of Pennsylvania, is the Chief Prosecutor for that county; and d) **the Sheriff is still the Chief Executive Officer and Chief Law Enforcement Officer (“CLEO”) of the county in which he or she is elected.**

2) The Governor’s primary responsibility/duty is to “take care that the laws are faithfully executed,” ... Article IV, Section 2 – Constitution of Pennsylvania.

3) On “ May 16, 1978”, the Constitution of Pennsylvania was once again unconstitutionally amended to allegedly create an independent “Department of Attorney General and an elected AG who “shall be the chief law officer of the Commonwealth” ... (“Article IV, Section 4.1 of the 1968 Constitution of Pennsylvania as amended”) This is an alleged amendment because, at a minimum, it was: a) placed on a primary election, not on a general election in an even-numbered year; b) it was not advertised for 3 months (13 weeks) prior to the “general election” after being passed by the General Assembly the second time; and c) the Constitution had been allegedly amended 5 of the previous 7 years (in 1977, 1975, 1973, 1972, and 1971) all in violation of Article XI, Section 1 of the Constitution of Pennsylvania.

4) The elected District Attorney in each of the 67 Pennsylvania Counties was allegedly made the “Chief Law Enforcement Officer” by the:

COMMONWEALTH ATTORNEYS ACT
Act of Oct. 15, 1980, P.L. 950, No. 164 Cl. 71

CHAPTER 2
OFFICE OF ATTORNEY GENERAL

Section 206. Law enforcement and criminal investigations; investigating grand juries. (a) Law enforcement; criminal investigations.--The Attorney General shall be the chief law enforcement officer of the Commonwealth; **the district attorney shall be the chief law enforcement officer for the county in which he is elected.**

Source: <https://www.legis.state.pa.us/WU01/LI/LI/US/HTM/1980/0/0164..HTM>

5) Prior to 1980 various Court decisions/opinions and statutes stated that the District Attorneys in Pennsylvania were the “Chief Law Enforcement Officer” in their respective County. For example:

In STACY PARKS MILLER DISTRICT ATTORNEY V. COUNTY OF CENTRE SEAN MCGRAW ANDREW SHUBIN ATTORNEY AT LAW THE LAW OFFICE OF ANDREW SHUBIN BERNARD CANTORNA ESQUIRE BRYANT CANTORNA AND JOHN DOES (<https://caselaw.findlaw.com/pa-supreme-court/1880774.html>) the Court stated:

... “First, an interpretation that district attorneys and their offices are “judicial agencies,” thereby limiting disclosure under the RTKL to financial records, would result in an absurd and unreasonable result plainly not intended by the General Assembly. Under Article IV of the Pennsylvania Constitution (“The Executive”), the Governor, as the head of the executive branch of government, is tasked with the duty to “take care that the laws be faithfully executed,” and the Attorney General is the “chief law officer of the Commonwealth.” Pa. Const. art. IV, §§ 2, 4.1. Within this constitutional

structure, this Court has stressed that district attorneys' basic function, like the Attorney General's, is the enforcement of the Commonwealth's penal laws:

Prior to 1850, investigation and prosecution of criminal offenses in Pennsylvania were exclusively the duty of the Attorney General of the Commonwealth, although in practice he delegated this duty by appointing deputy attorneys general for the several counties. See *Commonwealth ex rel. Specter v. Freed*, [228 A.2d 382, 383-84 (Pa. 1967)]. In 1850 the General Assembly enacted legislation which provided for the election of these deputy attorneys general. The successor to that statute presently provides, in relevant part, that '(t)he district attorney shall ... conduct in court all criminal and other prosecutions, in the name of the Commonwealth ... and perform all the duties which, prior to May 3, 1850, were performed by deputy attorneys general.' Act of July 5, 1957, P.L. 484, s 1, 16 P.S. s 1402(a)[4] (Supp. 1969). If this statute means anything at all, it means that district attorneys in this Commonwealth have the power-and the duty-to represent the Commonwealth's interests in the enforcement of its criminal laws

Com. ex rel. Specter v. Bauer, 261 A.2d 573, 575 (Pa. 1970) (footnote added); see also *Chalfin v. Specter*, 233 A.2d 562, 565 (Pa. 1967) (stating that prosecutorial "powers, functions, [and] duties" involve prosecution of crimes committed).

In addition to section 1402(a) of the County Code specifically referenced by this Court in *Bauer*, the General Assembly has subsequently enacted the Commonwealth Attorneys Act, 71 P.S. §§ 732-101-732-506. Section 206(a) provides, in relevant part, that the "Attorney General shall be the chief law enforcement officer of the Commonwealth; the district attorney shall be the chief law enforcement officer for the county in which he is elected." 71 P.S. § 732-206(a); see also *Pennsylvania Gamefowl Breeders Ass'n v. Com.*, 551 A.2d 361, 363 (Pa. Commw. 1988) ("District attorneys are charged with conducting criminal prosecutions in the name of the Commonwealth, but only in the county in which the district attorney is elected.") (emphasis omitted). Moreover, Article IX, Section 4 of the Constitution identifies district attorneys as "county officials." Pa. Const. art. IX, § 4. As such, both as a matter of constitutional and statutory law, the Attorney General and district attorneys serve the same governmental function (law enforcement) as geographical counterparts: the Attorney General is the chief law enforcement officer at the state level while district attorneys are the chief law enforcement officers at the local (county) level." ...

- 6) The statements in "5)" above are proven to be intentionally fraudulent by the first elected Attorney General, Leroy S. Zimmerman in his COMMONWEALTH OF PENNSYLVANIA OPINIONS OF THE ATTORNEY GENERAL OF PENNSYLVANIA 1984-1988 (https://www.attorneygeneral.gov/wp-content/uploads/2018/01/1984_1988_Zimmerman_opinions1.pdf)

... "The "proprietary" Attorney General existed until 1776 when the Attorney General first became a constitutional officer of the democratic Commonwealth. The first Attorney General appointed under that Constitution was John Morris.

The new constitutional office continued to grow in importance into the nineteenth century until 1840 when it suffered a period of regression. Various Attorneys General and Governors during this period defined the duties of the Office in different and contradictory ways. By the year 1850, through misdrafted legislation, the Office was stripped of authority at the county level, and was rendered almost powerless in state government.

With the turn of the century and the industrialization of Pennsylvania, the General Assembly established new powers and duties in the Office. In 1915, the legislature approved the appointment of more deputies. Beginning in 1923, the Administrative Code, as enacted and modified by the legislature, made the Attorney General the administrator of the Department of Justice. It also reestablished the

Attorney General's right to appoint deputies for any city or county and gave the Office power to supersede any District Attorney.

At the primary election in May of 1978, the voters of Pennsylvania approved a constitutional amendment providing for the election of an Attorney General, effective with the general election of 1980. ...”

7) The first amendment to the 1838 Constitution of Pennsylvania was in 1850 because the judiciary had become so corrupt. All of the Judges were no longer appointed, but rather elected and all “Deputy Attorneys General” in the counties were eliminated and replaced with elected District Attorneys as constitutional county officers. As confirmed by AG Leroy S. Zimmerman, presented herein above in paragraph “6)”, “By the year 1850, through misdrafted legislation, the Office was stripped of authority at the county level, and was rendered almost powerless in state government.” The Sheriff continued to be first in the list of county officers until allegedly changed (without authority) in the 1968 Constitution of Pennsylvania.

8) The documented evidence presented herein proves the clear truth stated in paragraph “1)” of this “Outline ...”. A great deal more factual and lawful evidence is available to support the statements made herein and in the other documents and articles presented on the CSBP website.

9) You can read some of the relevant supporting documents on www.sheriffbrigadesofpenn.com by selecting “RESOURCES” on the top bar of the “Home Page”; scroll down to and click on “ADDITIONAL DOCUMENTS BY WILLIAM TAYLOR REIL”; then select the desired document title presented below:

[Outline for the discussion about the unlawful Amendment Process used in Pennsylvania-4](#)
... Currently there are 10 additional documents provided under this “Outline”

[Outline for the discussion about the unconstitutional and unlawful AG and DAs in Pennsylvania-6](#)
[Are the AG & DA Chief Law Enforcement Officers?-2](#)
[Statements by AG Leroy S. Zimmerman](#)
[Office of Sheriffs defined in the five Pennsylvania Constitutions](#)
[Pennsylvania Question 1, Election of the Attorney General Amendment \(May 1978\)](#)
[Statewide ballot measures for the 7 years prior to 1978](#)
[The Sheriff Is Chief Law Enforcement Officer In The County! – 3](#)
[No such thing as Case Law-4](#)
[Certain Lawyers and Judges Played an Essential Role in the Destruction of Our Lawful Government-2](#)
[Super Shadow Legislature-2](#)

10) Everyone in the Government is directly or indirectly accountable to the constitutional “oath of office” found in Article VI, Section 3 of the lawful Constitution of the Commonwealth of Pennsylvania and each State Senator and Representative in the House of Representatives is also personally bound by the provisions stated in Article II, Section 15 of this Constitution respectively:

Article VI, Section 3. Oath of office.

Senators, Representatives and all judicial, State and county officers shall, **before entering on the duties of their respective offices**, take and subscribe the following oath or affirmation before a person authorized to administer oaths.

"I do solemnly swear (or affirm) that I will support, obey and defend the Constitution of the United States and the Constitution of this Commonwealth and that I will discharge the duties of my office with fidelity."

The oath or affirmation shall be administered to a member of the Senate or to a member of the House of Representatives in the hall of the House to which he shall have been elected.

Any person refusing to take the oath or affirmation shall forfeit his office.

(May 17, 1966, 1965 P.L.1928, J.R.10)

1966 Amendment. Joint Resolution No.10 renumbered former section 3 to present section 6 and added present section 3.”

and

Article II, Section 15. Privileges of members.

“The members of the General Assembly shall in all cases, **except treason, felony, violation of their oath of office, and breach or surety of the peace,** be privileged from arrest during their attendance at the sessions of their respective Houses and in going to and returning from the same; and for any speech or debate in either House they shall not be questioned in any other place.”

- 11) “In a single republic, all the power surrendered by the people is submitted to the administration of a single government; and the usurpations are guarded against by a division of the government into distinct and separate departments. **In the compound republic of America,** the power surrendered by the people is first divided between two distinct governments, and then the portion allotted to each subdivided among distinct and separate departments. **Hence a double security arises to the rights of the people. The different governments will control each other, at the same time that each will be controlled by itself.**”
(Bold print added for emphasis) James Madison – Federalist 51

(Also read [Are Our Governments To Be Democracies or Republics?](#) as instructed in “9)” above.)

- 12) “A written constitution is not only the direct and basic expression of the sovereign will, it is also the absolute rule of action and decision for all departments and officers of government with respect to all matters covered by it, and must control as it is written until it is changed by the authority which established it. No function of government can be discharged in disregard of or in opposition to the fundamental law. The state constitution is the mandate of the sovereign people to its servants and representatives. No one of them has a right to ignore or disregard its mandates, and the legislature, the executive officers, and the judiciary cannot lawfully act beyond its limitations. Disobedience or evasion of a constitutional mandate may not be tolerated even though such disobedience may, at least temporarily, promote to some respects the best interest of the public. Neither emergency nor economic necessity justifies a disregard of cardinal constitutional guaranties. The constitution of each state, so far as it is consistent with the provisions of the Federal Constitution, is the fundamental law of the state and a part of its supreme law, and acts passed by the legislature inconsistent therewith are invalid. There is no law enforceable by the courts above or beyond a constitution.” [16 Am. Jur. 2d, 81 without citations referenced or stated]

- 13) “When the mandatory provisions of [a] Constitution are violated, the Constitution itself strikes with nullity the Act that did violence to its provisions.” Judge Leander H. Perez, of Louisiana (1967)

Also read:

- a) CSBP Handout: 7. [The So-called 14th Amendment Was Not Lawfully Adopted or Ratified!](#) – 04/26/2011
b) 14th-Amendment-Unconstitutional-Congress-Record.pdf at:
<http://thematrixhasyou.org/PDF/14th-Amendment-Unconstitutional-Congress-Record.pdf>

- 14) “All that is necessary for the triumph of evil, is that good men do nothing.” Edmund Burke

The Sheriff is, and always has been, the Chief Executive Officer and Chief Law Enforcement Officer (“CLEO”) of the county in which he or she is elected!

We the People must constantly demand that All those in government strictly follow their constitutional “oath of office” according to the original intent and meaning of the founding documents’ words.

(Note: **Yellow Highlighting** is added to call attention to the specific statement. The entire Article should be examined.)