

Chapter 9

GRAND JURIES

Now lets take a look at Grand Juries and how they are supposed to function compared to how they are manipulated today.

In the early days of this country and in the English jurisprudence as far back as 1681 in the remarks of the trial of a man called Stephen Coolidge by Sir John Hawles, Solicitor-General in the reign of King William the Third. **8 Howe 724 (1681)**;

“ I know not how long the practice in that matter of admitting counsel to a grand-jury hath been: I am sure it is a very unjustifiable and unsufferable one. **If the grand jury have doubt in point of law, they ought to have recourse to the court, and that publicly, and not privately, and not to rely on the private opinion of counsel, especially of the Kings counsel,** who are, or at least behave themselves as if they were parties.” (emphasis added)

Nothing has changed, today the Kings Counsel, the prosecutors, still influence the decisions of the Grand Juries by their presence.

“In the early days of American jurisprudence and up until 1853 there was nowhere general organized control of Federal prosecution.” **Id @ 20.**

Here in this country, as in England, every person had the same rights as the Attorney General to initiate a prosecution. Once a case was presented to a grand jury for an investigation it was entirely out of the hands of the prosecutor until the investigation was completed and an indictment was handed down to the prosecuting attorney to prosecute. Until an indictment is handed down there is no cause of

action to prosecute.

The U.S. Department of Justice did not exist until June 22, 1870. So up until that time the people instituted a prosecution not an attorney.

“In the early days of this country a "prosecutor" was anyone who voluntarily went before the grand jury with a valid affidavit of complaint and evidence or witness to support his claim." **United States v. Sanford, Fed case No. 16, 221(C. Ct. D.C. 1806)**

Until 1870 anyone, who could support that a crime was committed against them with positive evidence or 2 or more witnesses in his support, could approach the Grand Jury for an indictment, if he was willing to fill out a complaint and sign it under the pains and penalties of perjury in front of the Grand Jury or Judge and Bond his action.

"Close to a century later a private citizen could still have an arrest warrant issued". **In Re. Price, 83 f 830 © Ct. S.D.N.Y. 1897)**

As late as 1881 in **United States v. Farrington 5 F. 343,346 (D.C.N.Y. 1881)** it was ascertained that;

“grand jurors themselves were the only ones competent to ascertain who was the prosecutor.”

“The purpose of the requirement that a man be indicted by a grand jury is to limit his jeopardy to offenses charged by a group of his fellow citizens acting independently of either prosecuting attorneys or judge.” (emphasis added) **Stirune v. United States, 80 S.Ct. 270, 273 (1960)**

Supposedly the "grand jury is to act as a "shield" between the awesome power of the federal government and the criminally accused." **First national Bank of Tulsa v. U.S. Dept of Justice, 865 F. 2d 217,219 (10th Cir. 1989)**

Today we find that there is no shield between the awesome power of the government and the accused, no-one is indicted independently from a prosecuting attorney or judge, as it could be illegal for anyone to approach the grand jury directly; to even attempt to do so could be considered a felony.

Title 18 U.S.C. 503 states;

“Whoever corruptly, or by threats or force, or by any threatening letter or communication, endeavors to influence, intimidate, or impede any grand or petit juror, or officer in or of any court of the United States, or officer who may be serving at any examination or other proceeding before any United States commissioner [United States magistrate judge] or other committing magistrate, in the discharge of his duty, or injures any such grand or petit juror in his person or property on account of any verdict or indictment assented to by him, or on account of his being or having been such juror, or injures any such officer, commissioner [United States magistrate judge], or other committing magistrate in his person or property on account of the performance of his official duties, or corruptly or by threats or force, or by any threatening letter or communication, influences, obstructs, or impedes, or endeavors to influence, obstruct, or impede, the due administration of justice, shall be fined not more than \$5,000 or imprisoned not more than five years or both.”

If a prosecuting attorney, who has no personal involvement in a case, withholds evidence that is beneficial to the defense and the prosecutor continues to influence a jury to indict, for the benefit of his career, is that corruption ? Shouldn't the prosecutor be punished ?

It says "whoever corruptly.... endeavors to influence" it does not say it is all right for a prosecuting attorney to endeavor to influence, it says whoever, is subject to punishment. Is this so today in our present judicial system?

18 U.S.C. section 1504. states;

"Whoever attempts to influence the action or decision of any grand or petit juror of any court of the United States upon any issue or matter pending before such juror, or before the jury of which he is a member, or pertaining to his duties, by writing or sending to him any written communication, in relation to such issue or matter, shall be fined not more than \$1,000 or imprisoned not more than six months, or both. Nothing in this section shall be construed to prohibit the communication of a request to appear before the grand jury."

Both sections say "whoever" or "whoever attempts" it does not exonerate a Bar member "Esquire" from penalty for influencing or trying to corrupt the influence of a jury or Grand Jury to indict a person for a crime if there was no injury to any individual and there was no complaint signed under penalty of perjury and the only witness is an officer of the court bringing forth the charges and the charges are against the STATE. It happens every day in America, in the Department of Justice (just-us) "Courts" monopolized by Bar Association Esquires working for the Executive Branch, under the direction of the President.

What happened to no monopolies, and the separation of powers and checks and balances ? I thought the Sherman Act outlawed monopolies? But I guess monopolies are OK for Esquires, as they monopolize all the courts of this country

Constitutional Common Law reserved power to the people to rule over themselves in all cases, except those of a question of commerce, and the Esquires don't want the people to have any of that, do they ?

Grand jury investigations nowadays are manipulated by the Federal and Federal (compact party) State prosecutors to reach a predetermined result. The prosecutors draw up the indictments and the grand juries today are nothing more than rubber stamps for the prosecutors. The Grand Juries do not do investigations any longer. Today the Grand Juries even operate in secret !

Law enforcement compiles, or manufactures evidence, or what ever, and then the prosecutor writes the indictment and presents the indictment and the supposed evidence to the Grand Jury for their rubber stamp.

In many cases, defensive argument and evidence that would exonerate the accused is withheld from the grand jury to obtain the indictment. In all cases , the accused is seldom , if ever, allowed to appear to present a defense against indictment.

If evidence is withheld from the grand jury to influence it's decision, is that not a corrupt attempt to influence the grand juries decision ? Should not the person that withheld the evidence be subject to the punishment afforded by law ? Should an Esquire that withholds evidence to obtain an indictment be exempt from the law ?

The prosecutors know that if they get the case into the court room he has better than a 90% chance that the Judge will either prosecute the case from the bench or uphold the prosecutors motions, so they can both help uphold the bankruptcy.

It has been said by some prosecuting attorneys that they could indict a bologna sandwich. Basically this is because of the ignorance of the law and ignorance of the Rights and Duties that the Jury and Grand Jury members have in their power as jurors.

Campbell, Delays In Criminal Cases 55 F.R.D. 229, 253 (1972) says that;
“any experienced prosecutor will admit that he can indict anybody at any time for almost anything before any grand jury.”
(Emphasis added)

Notice it says that the prosecutor says HE can indict. What happened to the Grand Jury doing the indictment ?
So what happened to the shield for the people?

The Beer's cold, football's on the tube, people are fat, dumb and happy watching TV, lost in the fantasies and can't be bothered. The people are in ultimate denial that there is anything wrong with our government, that would cause them to have to get out of their comfort zone and do something about the wrongs that they so blatantly ignore to fool themselves that every thing is just the way it is supposed to be.

Ohio Jurisprudence, Book 26 2d, subsection 39 states; “
...Certainly while the grand jury is in session, it is not the province of the court to direct the grand jury that certain witnesses shall be called or that any certain action ought to be taken in any particular case that comes before them. As to matters within their personal knowledge the grand jurors act according to their own discretion and **the court should not attempt to control their findings.**” (emphasis added)

Is this true in 2004 ?

Absolutely not, the prosecutor is in the presence of the grand jury from start to finish and in many cases they will withhold favorable evidence for the defense from the grand jury to get an indictment. He knows if he can get the case to trial the Judges will help their brother Esquires prosecute the case from the bench and direct the verdict of the Jurors, for the benefit of the State, as most juries are told that they are duty bound to find in favor of the State.

These juries, not having knowledge of their duties, not to mention that they are sorely lacking in knowledge of the Law, do what they are told to do by the Judges, contrary to decisions of former Supreme Court decisions and in most cases rule in favor of the State and against the liberties and freedoms of the people.

“ The Jury has the right to judge both the law as well as the fact in controversy.”- John Jay, 1st Chief Justice, U.S. supreme Court, 1789

“The Jury has the right to determine both the Law and the facts.”- Samual Chase, U.S. supreme Court justice, 1796, signer of Declaration of Independence

As a result we are spending Billions of Dollars (FRN's) to build needless prisons and house Millions of people that would have been found innocent under the Common Law, this perverted system has dubbed as "criminals" through the ignorance of the people they hand pick for Grand Jury and jury duty and then the De Facto government fails to properly inform the jury of it rights and duties as jurors. Many of these people would still be in the work force and not in prison under the common law because there was no one injured in person or property and there was only circumstantial evidence submitted in the so-called trial that put them in jail.

I personally was a witness in a trial where a fellow witness for the defense was arrested right out of the witness room and not allowed to testify before the jury, primarily because of his influence over the jury, you see he had been a former teacher to many of the jurors.

Never mind the fact that the arrest was unlawful, as a person is exempt from arrest while a witness for a trial and never mind that the arrest constituted tampering with a witness.

The Jury in a lot of cases is stacked with current law enforcement members or family members or former law enforcement members that the Esquire prosecutors know will cast a vote in favor of the state, regardless of the evidence. I have been a spectator in many trials that this has taken place.

The jury is supposed to be made up of a cross section of the community in which the alleged crime took place. This rarely , if ever , happens today. All juries are made up of U.S. citizens that have socialists security numbers and they must have voted in the last election or they are not even put on the jury roster. This is not a cross section of the community, as each community has numerous people that do not vote anymore, or that do not have a socialist security number (slave surveillance number).

Is it the opinion of the court system that just because a person does not vote that he is incapable of understanding the facts and law of a case presented before him ?

In England, as in the early days of this country, allowing a prosecutor in the grand jury room before an indictment was handed down was considered a violation of the grand jurors oath.

"The prosecutors were not allowed in the grand jury room, either for investigations or deliberation." Cobbs v. Robinson, 528 F. 2d 1331,1338 (2nd Cir. 1975)

This is still true today.

So under **Article 4, section 1** of the U.S. Constitution which states; " Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State;..." so too, prosecutors are not to be allowed in the grand jurors room for investigations or deliberations in any of the other States.

That is if Grand Juries exist at all in 2004, most indictments today are secret indictments, that is, the grand jury hearings are held in secret. The identity of the jurors is a secret. Most indictments do not hold a signature of a Grand Jury Foreman or other member of the Grand Jury, nor do they hold the proper bonafide signature of a Judge or the Seal of the Court. As the law requires.

Today we see prosecutors and law enforcement tampering and bribing witnesses to testify against someone with the use of plea bargaining IE. "testify against so and so and we will reduce the charges on you," violating **18 U.S.C. section 201**.

They are also guilty of obstruction of justice under **18 U.S.C. section 1621**. Go read them for yourself.

If a grand jury is influenced in its decision to indict, by a person that has an interest in the cause of action before the grand jury has concluded its investigation and handed down an indictment, is it a valid indictment?

The prosecutor has an interest in the cause, he gets paid to prosecute and gets bonuses when he wins cases. The Fifth Amendment says "No person shall be held to answer for capital, or otherwise infamous crime, unless upon a presentment or indictment of a grand jury..."

If a prosecutor was there to influence their decision, was it an indictment by the grand jury under the Fifth Amendment to the Constitution, or an indictment by the prosecutor?

“It is the duty of the courts to be watchful for the Constitutional rights of the citizen against stealthy encroachments thereon.”- **Boyd v. U.S. 116, 635.**

"The constitution is a written instrument. As such its meaning does not alter. That which was meant when adopted, it means now." **South Carolina v. U.S., 26 S. Ct. 110,111 (1905)**

Under the Federal Rules of Civil Procedure, **Title 28, sections 1861** states;

“...It is further the policy of the United States that all citizens shall have the opportunity to be considered for service on a grand and petit juries in the district courts of the United States, and shall have an obligation to serve as jurors when summoned for that purpose.”(emphasis added)

As you can plainly see it states that " all citizens shall have the opportunity" it does not discriminate against any segment or class of citizens, thus disallowing a certain class from participating in the jury process. However when you read further in **section 1865 of Title 28 U.S.C.** you will find that they indeed do discriminate against certain citizens .

Section 1865 (b) states;

“In making such determination the chief judge of the district court, or such other district court judge as the plan may provide, shall deem any person qualified to serve on grand and petit juries in the district court unless he- (1) is not a citizen of the United States eighteen years old who resides for a period of one year within the judicial district;" (emphasis added)

Read that very carefully the lawyers words of art are very tricky.

It says the chief judge shall deem any person is qualified , unless he is not a citizen of the United States. So if you are an American National under the Original Jurisdiction and not a United States 14th Amendment citizen you will not be deemed qualified to sit on the Jury and you won't.

So as you can see they do discriminate against people whom are state Citizens, or Nationals or "Freemen" under the organic Republic, or those that do not have a Socialist Security Number and are not citizens of the United States. They further discriminate against any person whom did not vote in the last election and exclude those whom did not vote in the last election from the jury selection process all together.

Thus the question arises as to whether the jury's are in fact made up of a cross section of the inhabitants of the community that the crime took place in. I think not, as an unbiased cross section would include those people whom are not (Federal Corporate) U.S. Citizens and do not have a Socialist Security Number or those that chose not to vote in the last election, or don't have a drivers license or send in a 1040 U.S. Individual Tax form to the IRS.

If this is the case, which indeed it is, how many people have been tried by an invalid jury and now sit in jail, placed there by a biased and prejudiced Judge, Prosecutor, and jury?

Would you want to be tried for an alleged crime under those circumstances? I don't think so !

When you are called for jury duty, as an informed juror, you are required under the laws of fairness to ascertain how the grand jury indicted the person on trial, and not allow the other jurors to be hoodwinked by the illegal actions of the prosecutor or Judge.

If the prosecutor is found to have addressed the Grand Jury before the indictment was handed down, it could constitute Jury tampering. In all rights when this happens an indictment should be handed down on the prosecutor for tampering with the jury, obstruction of justice, violation of due process of law, perjury of oath of office, malfeasance of office, misfeasance of office, violation of the 5th amendment to the constitution and a "no bill" should be handed down on the person that the prosecutor has tried to fraudulently have the grand jury indict.

If the people that sit on the juries were allowed to be informed of their rights and duties as jurors the "System" would collapse tomorrow morning when the courts open. The attorneys and Judges would go broke and we could all get back to tending to the business of keeping our country as the last remaining stronghold of Freedom under God on the Globe.

IT'S YOUR TURN !

You as a Juror are now armed with the knowledge of what a COMMON LAW jury and Grand Jury really are and what the common law rights, powers and duties are and what you as a juror can do to re-establish "liberty and justice" back to the state where you reside as well as into the rest of the country. You as a juror armed with this information can do more to restore this great nation than all of the Congressmen and Senators combined.

Even without the concurrence of your fellow jurors in a case before you, your single vote of “not guilty” can nullify every bad rule of law handed down that is not in accordance with the principles of the natural, God given Common or Constitutional Laws passed down by our founders.

It is this power of nullification that the Judges and prosecuting attorneys do not want you to know that you have as a juror. This is precisely the power that the Trial By Jury has as one of our most important Rights, the power to nullify bad laws passed by act of the Legislature. It is the Right that we as a people have that protects all of the other Rights, Benefits, and Immunities that are afforded to the people. Exercise it wisely.

Exercise your new found knowledge to educate other people to restore our constitutional court system under the common law and the Supreme Law of the land. Inform them of their powers as jurors so they may help nullify bad law.

“The law itself is on trial quite as much as the cause which is to be decided.” Harlan F. Stone, 12th Chief Justice, U.S. supreme Court 1941

“The pages of history shine on instances of the jury’s exercise of its prerogative to disregard instructions of the judge...” U.S. v. Dougherty, 473 F. 2nd 1113, 1139 (1972)

The only power the Judge has over the Jury, is the Jury’s ignorance of their duties and responsibilities as the guardians of our rights and liberties against encroachment by the judiciary.