COMMON LAW
PETIT JURY HANDBOOK

"Governments are instituted among Men,
deriving their Just powers from the consent of the governed"

COMMON LAW PETIT JURY HANDBOOK

JOHN DARASH

THE COMMON LAW PETIT JURY HANDBOOK
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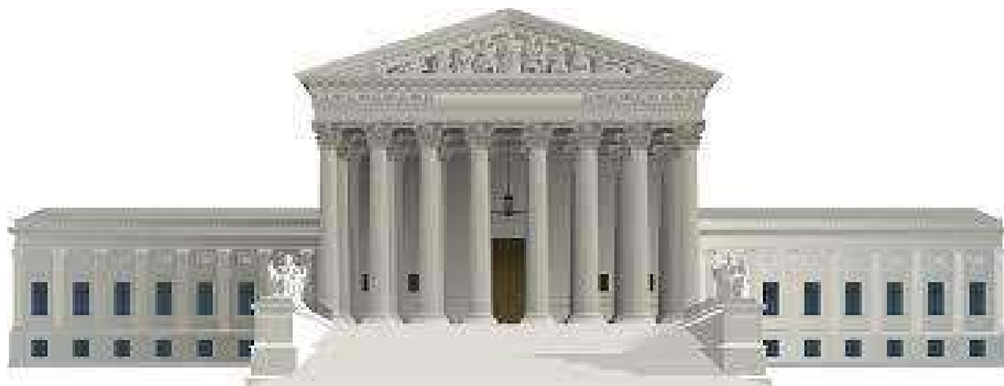
TAKE NOTE: *The content of this book are not the interpretation or the opinion of the author. But is documented history of the words of our Founders and decisions in Courts of Justice by the States and United States Supreme Courts.*



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PURPOSE OF THIS HANDBOOK:

This Handbook will acquaint persons who have been selected to serve as Common Law Petit Jurists with the general nature and importance of their roles as jurists. It explains some of the terms that jurors will encounter during their service and offers some suggestions helpful to them in performing this important public service. It is intended that this Handbook will, to a degree, provide a permanent record of much of the information presented in the Jury orientation. Jurors are encouraged to refer to this Handbook periodically throughout their service to reacquaint themselves with their duties and responsibilities.

Thomas Jefferson said, "*The purpose of government is to enable the People of a nation to live in safety and happiness. Government exists for the interests of the governed, not for the governors. The tax which will be paid for the purpose of education is not more than the thousandth part of what will be paid to kings, priests and nobles who will rise up among us if we leave the People in ignorance. Educate and inform the whole mass of the People… They are the only sure reliance for the preservation of our liberty. I know no safe depositary of the ultimate powers of the society but the People themselves; and if we think them not enlightened enough to exercise their control with a wholesome discretion, the remedy is not to take it from them, but to inform their discretion by education. This is the true corrective of abuses of constitutional power. An enlightened citizenry is indispensable for the proper functioning of a republic. Self-government is not possible unless the citizens are educated sufficiently to enable them to exercise oversight. It is therefore imperative that the nation see to it that a suitable education be provided for all its citizens.*"

INTRODUCTION

This handbook will remind People what they may have forgotten or what they have never learned and to teach and prepare them to exercise their unalienable rights as jurists. This is Government by Consent! This requires an understanding of how our "Natural Law Republic" was established by the providence of nature's God and how it works. This can only be accomplished by a proper education. Therefore this handbook will prepare the jurist with the essential principles and understanding necessary to exercise their jural duty. For an advance education and understanding of Common Law go to www.NationalLibertyAlliance.org.

GOVERNMENT BY CONSENT: "Under our system of government upon the individuality and intelligence of the citizen, the state does not claim to control him, except as his conduct to others, leaving him the sole judge as to all that affects himself."[1] "Every man is independent of all laws, except those prescribed by nature, a/k/a Common Law, and "is not bound by any institutions formed by his fellowman without his consent."[2] "The sovereignty of a state does not reside in the persons who fill the different departments of its government, but in the People, from whom the government emanated; and they may change it at their discretion. Sovereignty, then in this country, abides with the constituency, and not with the agent; and this remark is true, both in reference to the federal and state governments."[3]

"In the United States, sovereignty resides in people. Congress cannot invoke the sovereign power of the People to override their will."[4] Therefore, "sovereignty itself is, of course, not subject to law, for it is the author and source of law; but in our system, while sovereign powers are delegated to the agencies of government, sovereignty itself remains with the people, by whom and for whom all government exists and acts. And the law (Declaration of Independence, US Constitution and the Bill of Rights) is the definition and limitation of power."[5] In the preamble to our United States Constitution, the People stated, "We the people

of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America."

Thereby, "ordaining" the Constitution as the Law of the Land declared in Article VI, clause 2 where We the People stated, "This Constitution, and the Laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the Authority of the United States, shall be the Supreme Law of the Land; and the Judges in every State shall be bound thereby; anything in the Constitution or Laws of any State to the Contrary notwithstanding."

In Article III Section 2 clause 1, We the People said, "The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States." In Article I Section 1 We the Sovereign People herein, "vested all legislative powers in Congress," and we defined that legislative power in Article I section 8.

EQUITY: Congress wrote fifty-seven (57) US Codes that govern 'courts of equity,' presided over by appointed or elected judges. These codes are statutes and regulations that govern government agencies and commercial activities. For example, USC Title 2 governs Congress, USC Title 3 governs the President, USC Title 6 governs Homeland Security, USC Title 7 governs Agriculture, USC Title 10 governs the Armed Forces, USC Title 12 governs Banks and Banking, USC Title 14 governs the Coast Guard, USC Title 34 governs the Navy, USC Title 39 governs the Postal Service, etc. Therefore, "all codes, rules, and regulations are for government authorities only, not human/Creators in accordance with God's laws."[6]

LAW: We the People wrote the Common Law Declaration of Independence, the foundation of all American Law where we covenanted with God declaring, "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.--That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed."

Thereby, We the Sovereign People created a Republic and ordained in Article IV Section 4 that; "The United States shall guarantee to every state in this union a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature cannot be convened) against domestic violence."

"A Republican government is one in which the powers of sovereignty are vested in the people and are exercised by the people, either directly, or through representatives chosen by the people, to whom those powers are specially delegated."[7] "For, the very idea that man may be compelled to hold his life, or the means of living, or any material right essential to the enjoyment of life, at the mere will of another, seems to be intolerable in any country where freedom prevails, as being the essence of slavery itself."[8]

The United States is the second "Lawful Republic" in history. The first was Israel about 1400 BC. This is why our founding fathers referred to America as "New Israel." For, like Israel, We the People in 1789; placed ourselves under the same Law that Israel lived under, a/k/a "Common Law." It is in this "Court of Law" alone where People are judged by a jury of their peers, "the People" and not the government. "His majesty [natures God] in the eye of the law is always present in all his courts, though he cannot personally distribute justice.[9] His judges [Jury] are the mirror by which the King's image [Justice] is reflected."[10]

A lawful Republic receives its powers from "Natures God" who through our covenant with Him [The Declaration of Independence], in a desire to be ruled by God and not man, blessed

us with liberty and the unalienable right to have government by consent. Under that authority "We the People" wrote the Constitution and its capstone Bill of Rights to bind down government. And one of the ways we consent or not to government is in the courts via the Grand and Petit Juries. Two other ways are through the "Committees of Safety" and the militia.

CRIMINAL CASES

The person charged with a violation of the law is the defendant. The charge against the defendant is brought by means of an indictment. An indictment is a written accusation by a grand jury that charges the defendant with committing an offense against the law. Each offense charged will usually be set forth in a separate count of the indictment.

After the indictment is filed, the defendant appears in open court where the court advises the defendant of the charge and asks whether the defendant pleads "guilty" or "not guilty." This procedure is called the arraignment.

No trial is needed if the defendant pleads guilty and admits to committing the crime. Nevertheless a petit jury is to be called to hear the victim and the guilty pleading for consideration of the penalty designed to restore the injured party. But if the defendant pleads not guilty, he or she will then be placed on trial.

The magistrate in criminal cases is not to address the jury as to the Law the jury will decide both facts and the Law. The magistrate provides order, ensures due-process, and executes the final judgment of the jury. The magistrate is not to make judgments. And if the jury finds the defendant guilty they then decide the penalty with an eye on restitution, jail is not the answer to all criminal actions. The jury must determine what the true facts are and then make judgments.

The jury must consider separately each of the charges against the defendant, after which it may find the person: not guilty of any of the charges, guilty of all the charges, or guilty of some of the charges and not guilty of others.

An "*Affidavit Information*" is the name given to a written charge against the defendant filed by the United States Attorney, a county prosecutor, or one of the People with the Sheriff within its respective county. If the Sheriff fines sufficient proof then he will call a Grand Jury and ask for an indictment.

VOIR DIRE EXAMINATION

To begin a jury trial, a panel of prospective jurors is called into the courtroom. This panel will include a number of persons from whom a jury will be selected to try the case. In criminal trials, alternate jurors may be chosen to take the place of jurors who become ill during the trial.

The panel members are sworn to answer questions about their qualifications to sit as jurors in the case. This questioning process is called the voir dire. This is an examination conducted by the magistrate and sometimes includes participation by counsel. A deliberately untruthful answer to any fair question could result in serious punishment to the person making it.

The voir dire examination opens with a short statement about the case. The purpose is to inform the jurors what the case is about and to identify the parties and their lawyers.

Questions are then asked to find out whether any individuals on the panel have any personal interest in the case or know of any reason why they cannot render an impartial verdict. The court also wants to know whether any member of the panel is related to or

personally acquainted with the parties, their lawyers, or the witnesses who will appear during trial. Other questions will determine whether any panel members have a prejudice or a feeling that might influence them in rendering a verdict. Any juror having knowledge of the case should explain this to the magistrate.

Parties on either side may ask that a member of the panel be excused or exempted from service on a particular jury. These requests, or demands, are called challenges.

A person may be challenged for cause if the examination shows he or she might be prejudiced. The magistrate will excuse an individual from the panel if the cause raised in the challenge is sufficient. There is no limit to the number of challenges for cause, which either party may make.

ARGUMENTS OF COUNSEL

After presentation of the evidence is completed, the lawyers have the opportunity to discuss the evidence in their closing arguments. This helps the jurors recall testimony that might have slipped their memory.

The chief purpose of the argument is to present the evidence in logical and comprehensible order. The lawyers fit the different parts of the testimony together and connect up the facts.

Each attorney presents the view of the case that is most favorable to his or her own client. Each lawyer's side appears to be right to that lawyer. Each lawyer's statement may be balanced by the statement of the lawyers on the other side.

TWO COURTS

There are two courts that operate within each courthouse; they are "*Courts of Law*" and "*Courts of Equity*." A very simple way to tell which court you are in is if a jury of 12 has been summoned to hear the case, then you are in a "*Court of Law*." If there is a judge and no jury, you are in a "*Court of Equity*."

Courts of Law do not have a "*servant judge*" the People are the judge, a/k/a the tribunal or the jury. Courts of Law have a magistrate. Since all judges are magistrates, judges may participate in the capacity of a magistrate, they can make no judicial rulings! Magistrates are similar to a traffic cop. They keep the trial moving along in an orderly and just manner. Magistrates certify the will of the jury by processing a court order representing the will of the jury. The Sheriff then executes its judgment. The magistrate, the bailiff and all other court officers are to guard the "*unalienable rights*" of all in the court room, without exception.

Magistrates[11] are inferior judicial officers, such as justices of the peace and police justices having power to issue a warrant for the arrest of a person charged with a public offense. Magistrates do not exercise any judicial functions but is an officer clothed with power of as a public civil officer entrusted with the authority to administrate and validate the will of a jury.

Equity courts do not have the power to fine or incarcerate. They apply statutes, codes, and regulations that provide lawful penalties. If the charges in an equity court are criminal then the court calls for a jury and the equity court becomes a court of Law governed to some degree by legislation that applies to the accused.

The petit jury must judge the case as a contract dispute applying the codes and regulations that the accused has agreed to abide by when they participated in the commercial or government agency activity. But, the petit jury, being the "*Sovereigns of the Court,*" has the power of "*Jury Nullification.*" This means that the jury can nullify a code, regulation or

statute that they think is not Constitutional or they think is too harsh, unjust under the circumstances, or is just out right wrong. The petit jury decides the facts, the law, and the judgment to be applied. The petit jury's findings are final and no court in the land can overturn that decision. The one exception being if evidence comes forward proving the innocence of the convicted.

Here is a simple example where "*maxims,*" a/k/a "*common sense,*" can assist the jury after careful consideration of the facts. Let's consider "*statutory rape*" in a state where 18 years of age is considered the age of consent. If an 18 or 19 year old boy is having a sexual relationship with a 17 year old consenting girl, this cannot be considered rape. In contrast if a 45 year old man has a sexual relationship with a 16 or 17 year old girl, consenting or not, that would be statutory rape. Furthermore, what if this 18 year old boy had a sexual relationship with this same girl when he was 16 or 17 and the girl then would have been 14 or 15? It's clearly not "rape" because they both were consenting and it cannot be statutory rape because they were both under age. And if we carry that logic forward 2 or 3 years, there could be a potential life long relationship, or it may have just been puppy love. There is no injured party. The parents may not be too happy about the situation but that is for them to work out. In a case like this, we need to remember what it was like when we were going through "*adolescence*" and dating. We are all human beings and we have different mentalities when we were adolescents. So we must be careful how we judge.

THE AUTHOR & SOURCE OF LAW

It is important for all Americans to understand and be convinced that the People, being the author and source of law, have the unalienable right as jurists to judge the law as well as the facts in controversy, to exercise their prerogative of nullification, sentencing, and to disregard instructions of the magistrate/judge. It is the Jury that is the final arbitrator of all things, not the magistrate/judge. If the Jury is not unshackled from a magistrate/judge, it's not a free and independent jury. This is government by consent that we established in our Common Law founding document the "*Declaration of Independence*" which is the foundation of American law.

Any magistrate/judge who forces his will upon the jury is guilty of jury tampering. It would be an 'absurdity' for jurors to be required to accept the magistrate/judge's view of the law against their own opinion, judgment, and conscience. Since natural law was thought to be accessible to the ordinary man, the theory invited each juror to inquire for himself whether a particular rule of law was consonant with principles of higher law.

We the People, in the writing of the "Preamble" to the US Constitution, a/k/a Law of the Land, clearly established that the People "Ordained the Law" and therefore are the "Authors of the Law" placing the People above the Constitution, while all our government servants are under the Constitution.

We the People ordained Article IV's "Full Faith and Credit Clause" that the laws and processes of the states are to be harmonious and if one state has a law that favors the People, it must be accepted as law in another state whether such a law exists or not.

US Constitution Article IV Section 1: "Full faith and credit shall be given in each state to the public acts, records, and judicial proceedings of every other state. And the Congress may by general laws prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof. Section 2: The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states."

We the People ordained the "Supremacy Clause" establishing that any law, including a state constitution that conflicts with the US Constitution, the US Constitution is to prevail.

US Constitution Article VI clause 2: "This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding."

We the People in Article I gave Legislative Powers to Congress. We did not empower them to write law to regulate our behavior. In Article II, we established Executive Power. Article III gave "Judicial Power" in Law and equity within equity courts and not courts of Law. Courts of Law are "Natural Law" courts where the tribunal is the People themselves. We did not give any judge the ability to judge the People in criminal cases. Article IV secures Full Faith and Credit between the states and guarantees to every state a Republican Form of Government. Article V established the Law of the Land being our founding documents common law and secures equal suffrage by every state in the Senate. Article VII proclaims the ratification of the Constitution. In conclusion, "We the People," being the author and source of law, are sovereign.

"Sovereignty itself is, of course, not subject to law, for it is the author and source of law; but in our system, while sovereign powers are delegated to the agencies of government, sovereignty itself remains with the people, by whom and for whom all government exists and acts, And the law is the definition and limitation of power..."[12] "'Sovereignty' means that the decree of sovereign makes law, and foreign courts cannot condemn influences persuading sovereign to make the decree."[13] "The people of this State, as the successors of its former sovereign, are entitled to all the rights which formerly belonged to the King by his prerogative."[14] And "the state cannot diminish the rights of the people."[15] "Supreme sovereignty is in the people and no authority can, on any pretense whatsoever, be exercised over the citizens of this state, but such as is or shall be derived from and granted by the people of this state."[16]

Thomas Jefferson said, "The constitutions of most of our states assert that all power is inherent in the people, that they may exercise it by themselves, in all cases to which they think themselves competent, as in electing their functionaries executive and legislative, and deciding by a jury of themselves, both fact and law, in all judiciary cases in which any fact is involved."[17]

Samuel Adams said, "The natural liberty of man is to be free from any superior power on Earth, and not to be under the will or legislative authority of man, but only to have the law of nature for his rule."

The United States Supreme Court said,[18] "The decisions of a superior court: may only be challenged in a court of appeal. The decisions of an inferior court are subject to collateral attack. In other words, in a superior court one may sue an inferior court directly, rather than resort to appeal to an appellate court. Decision of a court of record may not be appealed. It is binding on ALL other courts. However, no statutory or constitutional court (whether it be an appellate or Supreme Court) can second guess the judgment of a court of record. "The judgment of a court of record, whose jurisdiction is final, is as conclusive on all the world as the judgment of this court would be. It is as conclusive on this court as it is on other courts. It puts an end to inquiry concerning the fact, by deciding it."

James Madison the 4th President, hailed as the Father of the Constitution said; "We have staked the whole future of American civilization, not upon the power of government, far from it. We have staked the future of all of our political institutions upon the capacity of mankind for self-government; upon the capacity of each and all of us to govern ourselves, to control ourselves, to sustain ourselves according to the Ten Commandments of God."

In the case Bonnett v. Vallier in 1886,[19] the United States Supreme Court said, "In Common Law, the general rule is that an unconstitutional statute, though having the form and name of law, is in reality no law, but is wholly void and ineffective for any purpose, since its unconstitutionality dates from the time of its enactment… In legal contemplation, it is as inoperative as if it had never been passed… Since an unconstitutional law is void, the general principles follow that it imposes no duties, confers no right, creates no office, bestows no power or authority on anyone, affords no protection and justifies no acts performed under it… A void act cannot be legally consistent with a valid one. An unconstitutional law cannot operate to supersede any existing law. Indeed insofar as a statute runs counter to the fundamental law of the land, (the Constitution) it is superseded thereby. No one is bound to obey an unconstitutional law and no courts are bound to enforce it."

In a stunning 6 to 3 decision Justice Antonin Scalia in the case "United States -v- Williams," writing for the majority, confirmed that "the American grand jury is neither part of the judicial, executive nor legislative branches of government, but instead belongs to the people. It is in effect a fourth branch of government "governed" and administered to directly by and on behalf of the American people, and its authority emanates from the Bill of Rights."

Thomas Jefferson, the founder of our "Natural Law Republic" said; "If a nation expects to be ignorant and free in a state of civilization, it expects what never was and never will be. … I know no safe depositary of the ultimate powers of the society but the people themselves; and if we think them not enlightened enough to exercise their control with a wholesome discretion, the remedy is not to take it from them, but to inform their discretion by education. This is the true corrective of abuses of constitutional power. … Educate and inform the whole mass of the people; they are the only sure reliance for the preservation of our liberty. … An enlightened citizenry is indispensable for the proper functioning of a republic. Self-government is not possible unless the citizens are educated sufficiently to enable them to exercise oversight. It is therefore imperative that the nation see to it that a suitable education be provided for all its citizens."

In Article I Section 1 of the United States Constitution We the People "vested Congress with legislative powers" to write law, in equity only, which is a body of jurisprudence, or field of jurisdiction, differing in its origin, theory, and methods from the common law.[20] Equity is governed by American Jurisprudence, which is the science of the principles of equity and legal relations under the "Rules of Common Law." Nowhere in our founding documents can you find any authority for Congress to write "positive law," a/k/a "equity" to control the behavior of the People and therefore they have no such "powers!"

"Equity" only lawfully governs commercial and government agencies. When criminal charges are levied against government agents or individuals participating in commercial activities or any person unlawfully trafficking in commercial activities they "MUST" be first indicted by a "Common Law Grand Jury" and then judged by a "Common Law Petit Jury." An "Information" by a prosecutor and a ruling by a Judge is not lawful.

In conclusion, "We the People" ordained and established the Constitution for the United States of America.[21] We the People vested Congress with statute making powers.[22] We the People defined and limited that power of statute making.[23] We the People limited law making powers to ourselves alone.[24] We the People did not vest the Judiciary with law making powers. We the People are the "Judicial Tribunal" (Jury) having attributes and exercising functions independently of the person of the magistrate designated generally to hold it, and proceeding according to the course of Natural Law."[25]

ESSAY ON THE TRIAL BY JURY

By Lysander Spooner

Section I: "It is the unalienable right of the People, and their primary and paramount duty, to judge the justice of the law, and to hold all laws invalid, that are, in their opinion, unjust or oppressive, and all persons guiltless in violating, or resisting the execution of, such laws. Unless such be the right and duty of jurors, it is plain that, instead of juries being a 'palladium of liberty' --- a barrier against the tyranny and oppression of the government --- they are really mere tools in its hands, for carrying into execution any injustice and oppression it may desire to have executed.

But for their right to judge of the law, and the justice of the law, juries would be no protection to an accused person, even as to matters of fact; for, if the government can dictate to a jury any law whatever, in a criminal case, it can certainly dictate to them the laws of evidence. That is, it can dictate what evidence is admissible, and what inadmissible, and also what force or weight is to be given to the evidence admitted, [as they do in the 'Federal Rules of Civil Procedure']. And if the government can thus dictate to a jury the laws of evidence, it can not only make it necessary for them to convict on a partial exhibition of the evidence rightfully pertaining to the case, but it can even require them to convict on any evidence whatever that it pleases to offer them.

That the rights and duties of jurors must necessarily be such as are here claimed for them, will be evident when it is considered what the trial by jury is, and what is its object. The trial by jury, then, is a trial by the country --- that is by the people as distinguished from a trial the government.

It was anciently called trial per pais that is, trial by the country. And now, in every criminal trial, the jury are told that the accused has, for trial, put himself upon the country; which country you (the jury) are. The object of this trial by the country, or by the people, in preference to a trial by the government, is to guard against every species of oppression by the government. In order to effect this end, it is indispensable that the people, or "the country," judge of and determine their own liberties against the government; instead of the government's judging of and determining its own powers over the people. How is it possible that juries can do anything to protect the liberties of the people against the government; if they are not allowed to determine what those liberties are?

Any government, that is its own judge of, and determines authoritatively for the people, what are its own powers over the people, is an absolute government of course. It has all the powers that it chooses to exercise. There is no other --- or at least no more accurate --- definition of despotism than this.

On the other hand, any people, that judge of, and determine authoritatively for the government, what are their own liberties against the government, of course retain all the liberties they wish to enjoy. And this is freedom. At least, it is freedom to them; because, although it may be theoretically imperfect, it, nevertheless, corresponds to their highest notions of freedom.

To secure this right of the people to judge of their own liberties against the government, the jurors are taken, (or must be, to make them lawful jurors,) from the body of the people, by lot, or by some process that precludes any previous knowledge, choice, or selection of them, on the part of the government. This is done to prevent the government's constituting a jury of its own partisans or friends; in other words, to prevent the government's packing a jury, with a view to maintain its own laws, and accomplish its own purposes.

It is supposed that, if twelve men be taken, by lot, from the mass of the people, without the possibility of any previous knowledge, choice, or selection of them, on the part of the

government, the jury will be a fair epitome of “the country” at large, and not merely of the party or faction that sustain the measures of the government; that substantially all classes, of opinions, prevailing among the people, will be represented in the jury; and especially that the opponents of the government, (if the government have any opponents,) will be represented there, as well as its friends; that the classes, who are oppressed by the laws of the government, (if any are thus oppressed,) will have their representatives in the jury, as well as those classes, who take sides with the oppressor --- that is, with the government.

It is fairly presumable that such a tribunal will agree to no conviction except such as substantially the whole country would agree to, if they were present, taking part in the trial. A trial by such a tribunal is, therefore, in effect, “a trial by the country.” In its results it probably comes as near to a trial by the whole country, as any trial that it is practicable to have, without too great inconvenience and expense. And, as unanimity is require for a conviction, it follows that no one can be convicted, except for the violation of such laws as substantially the whole country wish to have maintained. The government can enforce none of its laws, (by punishing offenders, through the verdicts of juries,) except such as substantially the whole people wish to have enforced. The government, therefore, consistently with the trial by jury, can exercise no powers over the people, (or, what is the same thing, over the accused person, who represents the rights of the people,) except such as substantially the whole people of the country consent that it may exercise. In such a trial, therefore, “the country,” or the people, judge of and determine their own liberties against the government, instead of the government’s judging of and determining its own powers over the people.

But all this trial by the country” would be no trial at all “by the country,” but only a trial by the government, if the government could either declare who may, and who may not, be jurors, or could dictate to the jury anything whatever, either of law or evidence, that is of the essence of the trial.

If the government may decide who may, and who may not, be jurors, it will of course select only its partisans, and those friendly to its measures. It may not only prescribe who may, and who may not, be eligible to be drawn as jurors; but it may also question each person drawn as a juror, as to his sentiments in regard to the particular law involved in each trial, before suffering him to be sworn on the panel; and exclude him if he be found unfavorable to the maintenance of such a law.

So, also, if the government may dictate to the jury what laws they are to enforce, it is no longer a trial by the country,” but a trial by the government; because the jury then try the accused, not by any standard of their own --- by their own judgments of their rightful liberties --- but by a standard dictated to them by the government. And the standard, thus dictated by the government, becomes the measure of the people’s liberties. If the government dictates the standard of trial, it of course dictates the results of the trial. And such a trial is no trial by the country, but only a trial by the government; and in it the government determines what are its own powers over the people, instead of the people’s determining what are their own liberties against the government. In short, if the jury have no right to judge of the justice of a law of the government, they plainly can do nothing to protect the people, against the oppressions of the government; for there are no oppressions which the government may not authorize by law.

The jury is also to judge whether the laws are rightly expounded to them by the court. Unless they judge on this point, they do nothing to protect their liberties against the oppressions that are cable of being practiced under cover of a corrupt exposition of the laws. If the judiciary can authoritatively dictate to a jury any exposition of the law, they can dictate to them the law itself, and such laws as they please; because laws are, in practice, one thing or another, according as they are expounded. The jury must also judge whether there really be

any such law, (be it good or bad,) as the accused is charged with having transgressed. Unless they judge on this point, the people are liable to have their liberties taken from them by brute force, without any law at all.

The jury must also judge of the laws of evidence. If the government can dictate to a jury the laws of evidence, it can not only shut out any evidence it pleases, tending to vindicate the accused, but it can require that any evidence whatever, that it pleases to offer, be held as conclusive proof of any offence whatever which the government chooses to allege.

It is manifest, therefore, that the jury must judge of and try the whole case, and every part and parcel of the case, free of any dictation or authority on the part of the government. They must judge of the existence of the law; of the true exposition of the law; of the justice of the law; and of the admissibility and weight of all the evidence offered; otherwise the government will have everything its own way; the jury will be mere puppets in the hands of the government; and the trial will be, in reality, a trial by the government, and not a "trial by the country." By such trials the government will determine its own powers over the people, instead of the people's determining their own liberties against the government; and it will be an entire delusion to talk, as for centuries we have done, of the trial by jury, as a "palladium of liberty," or as any protection to the people against the oppression and tyranny of the government.

The question, then, between trial by jury, as thus described, and trial by the government, is simply a question between liberty and despotism. The authority to judge what are the powers of the government, and what the liberties of the people, must necessarily be vested in one or the other of the parties themselves the government, or the people; because there is no third party to whom it can be entrusted. If the authority be vested in the government, the government is absolute, and the people have no liberties except such as the government sees fit to indulge them with. If, on the other hand, that authority be vested in the people, then the people have all liberties, (as against the government,) except such as substantially the whole people (through a jury) choose to disclaim; and the government can exercise no power except such as substantially the whole people (through a jury) consent that it may exercise."

Section II: "It is plain that if the people have invested the government with power to make laws that absolutely bind the people, and to punish the people for transgressing those laws, the people have surrendered their liberties unreservedly into the hands of the government. Neither is it of any avail to say, that, if the government abuse its power, and enact unjust and oppressive laws, the government may be changed by the influence of discussion, and the exercise of the right of suffrage. Discussion can do nothing to prevent the enactment, or procure the repeal, of unjust laws, unless it be understood that the discussion is to be followed by resistance.

Any government, that can, for a day, enforce its own laws, without appealing to the people, (or to a tribunal fairly representing the people,) for their consent, is, in theory, an absolute government, irresponsible to the people, and can perpetuate its power at pleasure. The trial by jury is based upon a recognition of this principle, and therefore forbids the government to execute any of its laws, by punishing violators, in any case whatever, without first getting the consent of "the country," or the people, through a jury. In this way, the people, at all times, hold their liberties in their own hands, and never surrender them, even for a moment, into the hands of the government. The trial by jury authorizes all this, or it is a sham and a hoax, utterly worthless for protecting the people against oppression. If it does not authorize an individual to resist the first and least act of injustice or tyranny, on the part of the government, it does not authorize him to resist the last and the greatest. If it does not authorize individuals to nip tyranny in the bud, it does not authorize them to cut it down when its branches are filled with the ripe fruits of plunder and oppression.

Resistance to the injustice of the government is the only possible means of preserving liberty; it is indispensable to all legal liberty that this resistance should be legalized. It is perfectly self-evident that where there is no legal right to resist the oppression of the government, there can be no legal liberty. And here it is all-important to notice, that, practically speaking, there can be no legal right to resist the oppressions of the government, unless there be some legal tribunal, other than the government, and wholly independent of, and above, the government, to judge between the government and those who resist its oppressions; in other words, to judge what laws of the government are to be obeyed, and what may be resisted and held for naught. The only tribunal known to our laws, for this purpose, is a jury. If a jury has not the right to judge between the government and those who disobey its laws, and resist its oppressions, the government is absolute, and the people, legally speaking, are slaves. Like many other slaves they may have sufficient courage and strength to keep their masters somewhat in check; but they are nevertheless known to the law only as slaves. That this right of resistance was recognized as a common law right, when the ancient and genuine trial by jury was in force, is not only proved by the nature of the trial itself, but is acknowledged by history.

This right of resistance is recognized by the constitution of the United States, as a strictly legal and constitutional right. It is so recognized, first by the provision that "the trial of all crimes, except in cases of impeachment, shall be by jury" --- that is, by the country --- and not by the government; secondly, by the provision that "the right of the people to keep and bear arms shall not be infringed." This constitutional security for "the right to keep and bear arms, implies the right to use themes much as a constitutional security for the right to buy and keep food would have implied the right to eat it. The constitution, therefore, takes it for granted that the people will judge of the conduct of the government, and that, as they have the right, they will also have the sense, to use arms, whenever necessity justifies it. And it is a sufficient and legal defense for a person accused of using arms against the government, if he can show, to the satisfaction of a jury, or even any one of a jury, that the law he resisted was an unjust one.

In the American State constitutions also, this right of resistance to the oppressions of the government is recognized, in various ways, as a natural, legal, and constitutional right. In the first place, it is so recognized by provisions establishing the trial by jury; thus requiring that accused persons shall be tried by "the country," instead of the government. In the second place, it is recognized by many of them, as, for example, those of Massachusetts, Maine, Vermont, Connecticut, Pennsylvania, Ohio, Indiana, Michigan, Kentucky, Tennessee, Arkansas, Mississippi, Alabama, and Florida, by provisions expressly declaring that, the people shall have the right to bear arms. In many of them also, as, for example, those of Maine, New Hampshire, Vermont, Massachusetts, New Jersey, Pennsylvania, Delaware, Ohio, Indiana, Illinois, Florida, Iowa, and Arkansas, by provisions, in their bills of rights, declaring that men have a natural, inherent, and inalienable right of "defending their lives and liberties." This, of course, means that they have a right to defend them against any injustice on the part of the government, and not merely on the part of private individuals; because the object of all bills of rights is to assert the rights of individuals and the people, as against the government, and not as against private persons. It would be a matter of ridiculous supererogation to assert, in a constitution of government, the natural right of men to defend their lives and liberties against private trespassers.

Many of these bills of rights also assert the natural right of all men to protect their property --- that is, to protect it against the government. It would be unnecessary and silly indeed to assert, in a constitution of government, the natural right of individuals to protect

their property against thieves and robbers. The constitutions of New Hampshire and Tennessee also declare that “The doctrine of non-resistance against arbitrary power and oppression is absurd, slavish, and destructive of the good and happiness of mankind.” The legal effect of these constitutional recognitions of the right of individuals to defend their property, liberties, and lives, against the government, is to legalize resistance to all injustice and oppression, of every name and nature whatsoever, on the part of the government.

But for this right of resistance, on the part of the people, all governments would become tyrannical to a degree of which few people are aware. Constitutions are utterly worthless to restrain the tyranny of governments, unless it be understood that the people will, by force, compel the government to keep within the constitutional limits. Practically speaking, no government knows any limits to its power, except the endurance of the people. But that the people are stronger than the government, and will resist in extreme cases, our governments would be little or nothing else than organized systems of plunder and oppression. All, or nearly all, the advantage there is in fixing any constitutional limits to the power of a government, is simply to give notice to the government of the point at which it will meet with resistance. If the people are then as good as their word, they may keep the government within the bounds they have set for it; otherwise it will disregard them --- as is proved by the example of all our American governments, in which the constitutions have all become obsolete, at the moment of their adoption, for nearly or quite all purposes except the appointment of officers, who at once become practically absolute, except so far as they are restrained by the fear of popular resistance.

The bounds set to the power of the government, by the trial by jury are these --- that the government shall never touch the property, person, or natural or civil rights of an individual, against his consent, (except for the purpose of bringing them before a jury for trial,) unless in pursuance and execution of a judgment, or decree, rendered by a jury in each individual case, upon such evidence, and such law, as are satisfactory to their own understandings and consciences, irrespective of all legislation of the government.”

Chapter VI: “It may probably be safely asserted that there are, at this day, no legal juries, either in England or America. And if there are no legal juries, there is, of course, no legal trial, nor “judgment,” by jury. In saying that there are probably no legal juries, I mean that there are probably no juries appointed in conformity with the principles of the common law.

The term jury is a technical one, derived from the common law; and when the American constitutions provide for the trial by jury, they provide for the common law trial by jury; and not merely for any trial by jury that the government itself may chance to invent, and call by that name. It is the thing, and not merely the name, that is guaranteed. Any legislation, therefore, that infringes any essential principle of the common law, in the selection of jurors, is unconstitutional; and the juries selected in accordance with such legislation are, of course, illegal, and their judgments void.

Since Magna Carta, the legislative power in England (whether king or parliament) has never had any constitutional authority to infringe, by legislation, any essential principle of the common law in the selection of jurors. All such legislation is as much unconstitutional and void, as though it abolished the trial by jury altogether. In reality it does abolish it.

What, then, are the essential principles of the common law, controlling the selection of jurors? They are two.

1) That all the freemen shall be eligible as jurors.

2) Any legislation which requires the selection of jurors to be made from a less number of freemen than the whole, makes the jury selected an illegal one. If a part only of the freemen, or members of the state, are eligible as jurors, the jury no longer represent “the country,” but only a part of “the country.” If the selection of jurors can be restricted to any less number of

freemen than the whole, it can be restricted to a very small proportion of the whole; and thus the government be taken out of the hands of " the country," or the whole people, and be thrown into the hands of a few. That, at common law, the whole body of freemen were eligible as jurors, is sufficiently proved, not only by the reason of the thing, but by the following evidence:

a. Everybody must be presumed eligible, until the contrary be shown. We have no evidence of a prior date to Magna Carta, to disprove that all freemen were eligible as jurors, unless it be the law of Ethelred, which requires that they be elderly men. Since no specific age is given, it is probable that this statute meant nothing more than that they be more than twenty-one years old. If it meant anything more, it was probably contrary to the common law, and therefore void.

b. Since Magna Carta, we have evidence showing quite conclusively that all freemen, above the age of twenty-one years, were eligible as jurors.

In order that the juries in the United States may be legal that is, in accordance with the principles of the common law it is necessary that every eligible person of the state should have his name in the jury box, or be eligible as a juror."

FEDERAL RULES OF CIVIL PROCEDURE

An Act of Treason

The Rules Enabling Act of 1934 passed by Congress gave the Supreme Court the power to make rules of procedure and evidence for federal courts as long as they did not "abridge, enlarge, or modify any substantive right." According to the Federal Judicial Center,[26] a government agency, on September 16, 1938, pursuant to its fictional authority under the repugnant Rules Enabling Act of 1934, "the Supreme Court enacted uniform rules of procedure for the federal courts. Under the new rules, suits in equity and suits at common law were grouped together under the term "civil action," claiming that "rigid application of common-law rules brought about injustice." This was an Act of Treason whereas the Supreme Court and Congress under the teachings and guidance of the treacherous subversive American Bar Association, in an Act of Treason, a silent coup, claiming the abrogation of Common Law, a/k/a "Natural Law," with its unalienable rights that were endowed by our Creator covertly substituted them with civil rights legislated by lawless men. Thereafter all fifty states, their counties, cities, towns, and villages having incorporated thereby becoming municipalities which wrote "municipal law" a/k/a "civil law."

"Civil Law,"[27] "Roman Law," and "Roman Civil Law" are exchangeable phrases more properly called "municipal law" to distinguish it from the "law of nature." Because the People have been kept ignorant of the law and are not taught civics or constitutional studies in school, they have no idea what their heritage is, "being Liberty under Common Law." Nor do they know what "civil law" is which is used to control the behavior of the masses and fleece them of their property.

Neither Congress nor the Judiciary had the authority to abrogate "Common Law" and it's "Common Law Rules." That was an act of treason. Only We the People can overturn the treasonous act via "education" and "nullification" and it starts right here with a fully informed jury. Furthermore Congress does not have the authority to pass their powers of legislation to another agency. Only Congress can legislate and they can only legislate within the criteria we ordained. Common Law and its rules are the Law of the Land and neither Congress nor the Supreme Court can abrogate the Law any attempt to do so is treason.

Rules Of Common Law

We did not give Congress or the Judiciary power to legislate or enforce civil and criminal statutes which are disguised as law and written by tyrants to conceal the Common Law and control the behavior of the people. They have been deluded into believing we are their subjects. All judges are bound by their oath to the Supreme Law of the Land, a/k/a the US Constitution, under Article VI Clause 2.

"This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding." "Any judge who does not comply with his oath to the Constitution of the United States wars against that Constitution and engages in acts in violation of the supreme law of the land. The judge is engaged in acts of treason."[28]

Rules are an established standard, guide, or regulation; a principle or regulation set up by authority, prescribing or directing action or restraint. Under Common Law "Common Sense" set up by "Nature's God" are the rules of Common Law.

"Common law as distinguished from equity law is a body of rules and principles, written or unwritten, which are of fixed and immutable authority, and which must be applied to controversies rigorously and in their entirety, and cannot be modified to suit the peculiarities of a specific case, or colored by any judicial discretion, and which rests confessedly upon custom or statute, as distinguished from any claim to ethical superiority."[29]

"Common Law" eludes definition because it is NOT a list of laws; it is NOT built upon precedents or a collection of equity court rulings. Common Law is written into our hearts and minds being naturally common onto all men.[30] For even the godless having not the law, do by nature the things contained in the law, showing the work of the law written in their hearts, their conscience also bearing witness.[31]

Common Law is the Laws of Nature and of Nature's God that proceed upon two self-evident truths, called maxims: (1) for every injury there must be a remedy and (2) in order for there to be a crime there must be an injured party, without which no court may proceed. Maxims are brief statements of self-evident truth that control our Common Law courts. They provided discernment in the writing of our founding documents. It is an adviser to our legislatures, and every consideration of mankind that seeks what's fair and best for all.

Maxims

Courts that do not honor or consider these maxims are not "just." Indeed, whether and to what extent these common law maxims are honored by public leaders is how we test the way they administer the law to govern. Our courts were established to enforce these principles of common law, the word Justice is synonymous with virtue, and virtue is a biblical principle that emanates from Jesus Christ alone.[32] Maxims are the laws that never change. These statements set essential limits on truth and are essential to the fair and efficient administration of justice according to the common law of mankind. No right-thinking person can disagree with a maxim. Every court is bound by the common law rules of equity established by the never-changing maxims. Maxims test those who judge and put an absolute limit on those who rule.

Maxims are self-evident indisputable truths that are the result of human reason and experience used to adjudicate common law cases. Maxims are our common law heritage and bind us together as a people. If everyone knew the maxims of common law, our world would

be a far better place. The following is a short list of Maxims, a/k/a self-evident truths or just common sense:

MAXIMS ON PRINCIPLES OF COMMON LAW

- All men are created equal.
- Men are endowed by their Creator with certain unalienable Rights.
- Liberty to all but preference to none.
- The safety of the people is the supreme law.
- The safety of the people cannot be judged but by the safety of every individual.
- To lie is to go against the mind.
- The only one who has any capacity or right or responsibility or knowledge to rebut your Affidavit of Truth is the one who is adversely affected by it. It's his job, his right, his responsibility to speak for himself.
- No one else can know what your truth is or has the free-will responsibility to state it. This is YOUR job.
- Each of us is entitled to equal treatment under law.
- Workman is worthy of his hire.
- Nothing ventured, nothing gained.

MAXIMS ON THE LEGITIMACY OF GOVERNMENT

- Just Governments derive their just powers from the consent of the governed.
- Unjust is State power where the law is either uncertain or unknown.
- The State should be subject to the law, for the law creates the State.
- The judge who decides a case without hearing both parties, though his decision be just, is himself unjust.
- Courts of justice are for the common people to command the power of the State.

MAXIMS ON TESTIMONY AND EVIDENCE

- Words should be considered only as commonly understood and not with a meaning others construe to their own purpose.
- No one should be believed in court except upon his oath.
- Courts should not believe water runs upward of its own accord nor that impossibilities exist.
- The certainty of a thing in court arises only from making the thing certain in court.

MAXIMS ON CIVIC DUTY OF CITIZENS

- Whenever any Form of Government becomes destructive, it is the Right of the People to alter or to abolish it, and to institute a new Government.
- Each should use his own powers and property so as NOT to unjustly injure others.

MAXIMS ON PRIVATE PROPERTY

- There is nothing more sacred, more inviolate, than the house of every citizen.
- Every home is a castle; though the winds of heaven blow through it, officers of the State cannot enter.
- Title is the right to enjoy possession of that which is our own.

MAXIMS ON UNALIENABLE RIGHTS

- The Bill of Rights is a list of self-evident truths.
- None has a greater claim to live free.
- No one should be required to betray himself, i.e., no one should be made to testify against himself.
- The right of the People to keep and bear arms is necessary for the security of a free state.
- Everyone should be presumed innocent until his guilt is established beyond a reasonable doubt.
- Liberty to all but preference to none.
- None is entitled to any privilege denied to others … absolutely none!
- It is against justness for freemen not to have the free disposal of their own property.
- No king, no priest, no celebrity, no judge, not any person has any greater right to walk free than any lowly carpenter, plumber, or law-abiding street minstrel.

MAXIMS ON CRIME AND PUNISHMENT
- He who acts in pure defense of his own life or limb is justified.
- Crimes are more effectually prevented by the certainty than by the severity of punishment.
- Perjured witnesses should be punished for perjury and for the crimes they falsely accuse against others.
- For a crime to exist, there must be an injured party, Corpus Delicti (*body of the crime*)
- There can be no sanction or penalty imposed on one because of this Constitutional right.
- With no injured party, a complaint is invalid on its face.
- For every injury there must be a remedy.

MAXIMS ON JUDICIAL REASONING
- The burden of proof lies on him who asserts the fact, not on him who denies it, because from the very nature of things a negative cannot be proof.
- No one should be twice harassed for the same offense.
- We are all equals in the sight of our law.
- Maxims test those who judge.
- Maxims put an absolute limit on those who rule.
- He who slices the pie should be last to take a piece.
- Servant judges cannot judge sovereigns.
- A thing similar is not exactly the same thing.
- Innocent until proven guilty.
- No one is above the law.
- Words should be considered only as commonly understood and not with a meaning others construe to their own purpose.
- All are equal under the law.
- Truth is expressed in the form of an affidavit.
- An unrebutted affidavit stands as truth.
- He who leaves the battlefield first loses by default.
- Sacrifice is the measure of credibility.
- A lien or claim can be satisfied only through rebuttal by affidavit point by point, resolution by jury, or payment.
- He who bears the burden ought also to derive the benefit.
- If the plaintiff does not prove his case, the defendant is absolved.

- No court and no judge can overturn or disregard or abrogate somebody's Affidavit of Truth.
- Words should be interpreted most strongly against him who uses them.

You can find Maxims of Law from Bouvier's 1856 Law Dictionary – The Lawful Path and Sir Edward Coke Maxims at www.nationallibertyalliance.org/

In conclusion, there are 1000's of Maxims and many yet to be discovered. They are simply pure logic and justness clearly seen by any reasonable person, also known as "*Common Sense.*" Maxims are only denied by the lawless and tyrants!

THE EIGHT STAGES OF TRIAL

The trial proceeds when the jury has been orientated in Natural Law and sworn in. There are usually eight stages of trial in civil cases. They are:

1) Both sides present opening statements.
2) The plaintiff calls witnesses and produces evidence to prove its case.
3) The defendant may call witnesses and produce evidence to disprove the plaintiffs' case and to prove the defendant's claims.
4) The plaintiff may call rebuttal witnesses to disprove what was said by the defendant's witnesses.
5) The defendant may call rebuttal witnesses to disprove what was said by the plaintiff's witnesses.
6) Closing arguments are made by each side.
7) The jury retires to deliberate.
8) The jury reaches its verdict and decides the penalty with an eye for restitution.

During the trial, witnesses called by either side may be cross-examined by the other side. After presentation of the evidence is completed, both sides have the opportunity to discuss the evidence in their closing arguments. This helps the jurors recall testimony that might have slipped their memory. The chief purpose of the argument is to present the evidence in logical and comprehensible order fitting the different parts of the testimony together and connect up the facts. It is the jury's duty to reach its own conclusion based on the evidence. The verdict is reached without regard to what may be the opinion of the magistrate as to the facts or the law. The magistrate is not to give their opinion to the jury that would be jury-tampering!

CONDUCT DURING THE TRIAL

Common courtesy and politeness are safe guides as to the way jurors should act. Of course, no juror will be permitted to read a newspaper or magazine in the courtroom. Nor should a juror carry on a conversation with another juror in the courtroom during the trial.

Jurors will be treated with consideration for their comfort and convenience. They should bring to the attention of the Jury Administrators any matter affecting their service and should notify the court of any emergencies. In the event of a personal emergency, a juror may send word to the magistrate through any court personnel, or may ask to see the magistrate privately.

Jurors should give close attention to the testimony and disregard their prejudices and render a verdict according to their best judgment. Each juror should keep an open mind. Human experience shows that once persons come to a preliminary conclusion as to a set of facts, they hesitate to change their views. Therefore, it is wise for jurors not to even attempt to make up their mind on the facts of a case until all the evidence has been presented to them. Similarly, jurors should not discuss the case even among themselves until it is concluded.

The mere fact that a lawsuit was begun is not evidence in a case. The opening and closing statements of the lawyers are not evidence. A juror should disregard any statements made by a lawyer in argument that have not been proved by the evidence.

Jurors are expected to use all the experience, common sense, and common knowledge they possess. But they are not to rely on any private source of information. Thus, they should be careful during the trial not to discuss the case at home or elsewhere. Information that a juror gets from a private source may be only half true, or biased or inaccurate. It may be irrelevant to the case at hand. At any rate, it is only fair that the parties have a chance to know and comment on all the facts that matter in the case.

If during the trial a juror learns elsewhere of some fact about the case, he or she should inform the court. The juror should not mention any such matter in the jury room. Individual jurors should never inspect (either in person or via Internet websites) the scene of an accident or of any event in the case. If an inspection is necessary, the magistrate will have the jurors go as a group to the scene.

Jurors must not talk about the case with others not on the jury, even their spouses or families, including via electronic communications and social networking on computers, netbooks, tablets, and smart phones. Jurors must not read about the case in the newspapers or on the Internet. They should avoid radio, television, and Internet broadcasts that might mention the case. Jurors should not conduct any outside research, including but not limited to, consulting dictionaries or reference materials, whether in paper form or on the Internet. Jurors may not use any of the following to obtain information about the case, about case processes or legal terms, or to conduct any research about the case: any electronic device or media, such as a telephone, cell phone, smart phone, or computer; the Internet, any Internet service, or any text or instant messaging service, RSS feed, or other automatic alert that may transmit information regarding the case to the juror; or any Internet chat room, blog, or website, to communicate to anyone information about the case. The Sixth Amendment's guarantee of a trial by an impartial jury requires that a jury's verdict must be based on nothing else but the evidence presented to them in court. The words of Supreme Court Justice Oliver Wendell Holmes from over a century ago apply with equal force to jurors serving in this advanced technological age: "The theory of our system is that the conclusions to be reached in a case will be induced only by evidence and argument in open court, and not by any outside influence, whether of private talk or public print." Breaking these rules is likely to confuse a juror. It may be hard to separate in one's mind the court testimony and reports coming from other sources.

Jurors should not loiter in the corridors or vestibules of the courthouse. Embarrassing and/or improper contacts may occur there with persons interested in the case. Juror identification badges are provided; they should be worn in the courthouse at all times.

If any outsider attempts to talk with a juror about a case in which he or she is sitting, the juror should do the following:

1) Tell the person it is improper for a juror to discuss the case or receive any information except in the courtroom.
2) Refuse to listen if the outsider persists.
3) Report the incident at once to the court.

Jurors have the duty to report to the court any improper behavior by any juror. They also have the duty to inform the court of any outside communication or improper conduct directed at the jury by any person. Jurors on a case should refrain from talking on any subject—even if it is not related to the matter being tried—with any lawyer, witness, or party in the case. Such contact may make a new trial necessary, at significant additional expense to the parties, the

court, and ultimately, taxpayers. Some cases may arouse much public discussion. In that event, the jury may be kept together until the verdict is reached. This procedure is used to protect the jurors against outside influences.

THE JURY DECIDES LAW AND FACTS

The trial of all crimes ...shall be by jury.[33] "A trial is the judicial examination, in accordance with the law of the land, of a cause, either civil or criminal, of the issues between the parties, whether of law or fact, before a court that has jurisdiction over it."[34] "For the purpose of determining such issue"[35] "it includes all proceedings from time when issue is joined, or, more usually, when parties are called to try their case in court, to time of its final determination."[36] "And in its strict definition, the word "trial" in criminal procedure means the proceedings in open court after the pleadings are finished and the prosecution is otherwise ready, down to and including the rendition of the verdict."[37]

- Kentucky Resolutions – A series of resolutions drawn up by Jefferson, and adopted by the legislature of Kentucky in 1799, protesting against the "alien and sedition laws..." declaring their illegality, announcing the strict constructionist theory of the federal government, and declaring "nullification" to be "the rightful remedy."

- NY Constitution Article I §8 – "the jury shall have the right to determine the law and the fact."
- Marbury v. Madison – "All laws, rules and practices which are repugnant to the Constitution are null and void."
- Miranda v. Arizona – "Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them."

FINAL ARBITRATOR OF ALL THINGS

"The decisions of a superior court may only be challenged in a court of appeal. The decisions of an inferior court are subject to collateral attack. In other words, in a superior court one may sue an inferior court directly, rather than resort to appeal to an appellate court. Decision of a court of record [trial by jury] may not be appealed. It is binding on ALL other courts. However, no statutory or constitutional court (whether it be an appellate or Supreme Court) can second guess the judgment of a court of record. The judgment of a court of record [trial by jury], whose jurisdiction is final, is as conclusive on all the world as the judgment of this court would be. It is as conclusive on this court as it is on other courts. It puts an end to inquiry concerning the fact, by deciding it."[38]

We the People are the most qualified to make and decide law because we are the author of the Law and we vested Congress with statute making powers[39] that We the People in our courts of Justice reserve the right to consent or deny by nullification according to the facts of the case as we see fit. Furthermore, as a Nation, we called upon our Creator in our founding document to be the King of our courts of Justice and not man whereas we read: When in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation. We hold these truths to be self-evident, that all men are created

equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.--That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed… – Declaration of Independence

And by His Grace and Holy Will, We the People in 1789, were gifted with His Liberty[40] to "be what man was meant to be, Free and Independent." "A consequence of this prerogative is the legal ubiquity of the king. His majesty in the eye of the law is always present in all his courts, though he cannot personally distribute justice."[41] "His judges [We the People as Jury both grand and petit] are the mirror by which the king's image is reflected."[42]

Since then (1789), we have been engaged in a battle against the rulers of darkness over the control of our courts as the final day of leviathan draws nigh.[43] We the People [44] sit on the Kings bench and are able to reflect His holy will as we read in His Word: "This shall be the covenant that I will make with the house of Israel; After those days, saith the LORD, I will put my law in their inward parts, and write it in their hearts; and will be their God, and they shall be my people."[45] "This is the covenant that I will make with them after those days, saith the Lord, I will put my laws into their hearts, and in their minds will I write them."[46]

Therefore, to permit the servant to rule the master is absurd, and as recent years have proven the control of our courts by BAR members throughout the last half of the twentieth century has brought the People under the rule of despotism of an oligarchy as Jefferson had warned.

We the People of the Kings bench (jury), being the source and arbiter of the law, have a duty and an unalienable right to judge and decide in all things, which includes sentencing with an eye on restitution, as the tribunal of all lawful courts. To deny our unalienable right of consent in these things is to war against We the People; thereby, our word is final.

THE JURY'S DECISION IS FINAL

This Is The Exercise Of Government By Consent

The jury's decision is final and no court in the land can overturn the decision. It is solely the jury's duty to decide both the facts and the law in harmony with their conscience and their sense of justice. In common law, the law is written in the hearts of men. We can all discern when an injury has taken place and how the injured party can best be restored and compensated for their injuries. Common Law requires that for every injury there must be a remedy, a prison sentence should only be considered in violent cases, and at the end of the day, mercy should always be considered.

IN THE JURY ROOM

The Administrator will assist the jurors in the election of their foreperson. The foreperson presides over the jury's deliberations and must give every juror a fair opportunity to express his or her views. Jurors must enter the discussion with open minds. They should freely exchange views. They should not hesitate to change their opinions if the deliberations have convinced them they were wrong initially. In all criminal and civil cases, all jurors must agree on the verdict. Jurists are to proceed with a sense of Honor, Justice, and Mercy and if necessary, remind each other from time to time.

The jurors have a duty to give full consideration to the opinion of their fellow jurors. They have an obligation to reach a verdict. However, no juror is required to give up any opinion which he or she is convinced is correct. The members of the jury are sworn to pass judgment on the facts in a particular case. They have no concern beyond that case. They violate their

oath if they render their decision on the basis of the effect their verdict may have on other situations.

Petit jurists are obligated to bring in a verdict and are not to be released from their duty until they meet that obligation. A unanimous decision must be met to render a "guilty" verdict. If the petit jury believes that they are deadlocked and agree that they cannot come to an agreement on a verdict, they must return a verdict of not guilty.

JURY'S RESPONSIBILITY IS TO DELIVER JUSTICE NOT UPHOLD THE LAW

"It would be an 'absurdity' for jurors to be required to accept the judge's view of the law, against their own opinion, judgment, and conscience." – John Adams

RIGHT OF THE JURY IN SENTENCING

"There is no statutory proscription against making the jury aware of possible punishment. Instead, courts that have disallowed juror awareness of sentencing contingencies have peremptorily resorted to the fact finding - sentencing dichotomy to justify this denial. For example, the Eighth Circuit, in United States v. Goodface, merely stated that 'the penalty to be imposed upon a defendant is not a matter for the jury' and so it was proper not to inform the jury of a mandatory minimum term.[47] No further justification is given. In making this facile distinction, the courts have created an artificial, and poorly constructed, fence around the jury's role." "The Supreme Court has not mandated that juries be in the dark on the issue of sentence. Those courts so ruling has done so on unconvincing grounds. The power of jury nullification historically has extended to sentencing decisions, and it rightfully should extend to such decisions. This court finds no precedential rationale for rejecting the defendant's motion."[48]

The Jury is to consider sentencing with an eye on restitution. There is a common law maxim that states "for every injury there must be a remedy. Additionally jail is not necessarily the answer to all crimes. The jury can also sentence an individual to house arrest this will allow the guilty party to work and pay restitution. Today we have the technology monitor people's comings and goings. There is also the consideration of work release from prison where the individual can leave only for work again allowing for restitution.

AFTER THE TRIAL AND SENTENCING

After the jurors return their verdict and sentence they are dismissed by the magistrate, they are free to go about their normal affairs. They are under no obligation to speak to any person about the case and may refuse all requests for interviews or comments. Nevertheless, the court may enter an order in a specific case that during any such interview, jurors may not give any information with respect to the vote of any other juror.

THE JUROR'S OATH

A JUROR'S OATH, given by the magistrate usually states something to the effect of, "Do you and each of you solemnly swear that you will well and truly try and a true deliverance make between the People and ______, the defendant and a true verdict render according to the evidence, so help you God."

If the magistrate/judge instructs the jurist beyond the oath, the jurist has a duty to ignore the magistrate/judge, follow their conscience as they see it and not the opinion of a magistrate. If a Magistrate instructs the jurist claiming that "you must not substitute or follow your own notion or opinion as to what the law is or ought to be and that it is your duty to apply the law as I explain it to you, regardless of the consequences," that would be "jury tampering" and you should report it to the Jury Administrators immediately.

THE JUROR'S VOW

JUROR'S VOW, given by the Jury Administrators, I vow to the Governor of the Universe, in my capacity as Jurist, to insure that all public servants uphold the Declaration of Independence, US Constitution and Bill of Rights; and to carry out all of my deliberating under Natural Law; principled under Justice, Honor, and Mercy; And to strictly adhere to the following two legal maxims: (1) Every right when with-held must have a remedy, and every injury it's proper redress, and (2) In the absence of a victim there can be no crime "corpus delecti"; the State cannot be the victim.

Numbers 30:2 "If a man vow a vow unto the LORD, or swear an oath to bind his soul with a bond; he shall not break his word, he shall do according to all that proceedeth out of his mouth"

JURY TAMPERING & PROPER INSTRUCTIONS TO THE JURY

"To consider the judges as the ultimate arbiters of all constitutional questions is a very dangerous doctrine indeed one which would place us under the despotism of an oligarchy." – Thomas Jefferson

- Theophilus Parsons[49] – "If a juror accepts as the law that which the judge states then that juror has accepted the exercise of absolute authority of a government employee and has surrendered a power and right that once was the citizen's safeguard of liberty, -- For the saddest epitaph which can be carved in memory of a vanished liberty is that it was lost because its possessors failed to stretch forth a saving hand while yet there was time."
- C.J. O'Connel v. R.[50] – "Every jury in the land is tampered with and falsely instructed by the judge when it is told it must take (or accept) as the law that which has been given to them, or that they must bring in a certain verdict, or that they can decide only the facts of the case."
- Taylor v. Louisiana[51] – "The purpose of a jury is to guard against the exercise of arbitrary power -- to make available the commonsense judgment of the community as a hedge against the overzealous or mistaken prosecutor and in preference to the professional or perhaps over conditioned or biased response of a judge."
- U.S. v. DATCHER[52] – "A defendant's right to inform the jury of that information essential to prevent oppression by the Government is clearly of constitutional magnitude."

Instruction to Jurors in criminal cases in Maryland,[53] "Members of the Jury, this is a criminal case and under the Constitution and the laws of the State of Maryland in a criminal case the jury are the judges of the law as well as of the facts in the case. So that whatever I tell you about the law while it is intended to be helpful to you in reaching a just and proper verdict in the case, it is not binding upon you as members of the jury and you may accept or reject it. And you may apply the law as you apprehend it to be in the case."

United States v. Moylan,[54] – "If the jury feels the law is unjust, we recognize the undisputed power of the jury to acquit, even if its verdict is contrary to the law as given by a

judge, and contrary to the evidence...If the jury feels that the law under which the defendant is accused is unjust, or that exigent circumstances justified the actions of the accused, or for any reason which appeals to their logic or passion, the jury has the power to acquit, and the courts must abide by that decision."

Alan Scheflin and Jon Van Dyke ("Jury Nullification: the Contours of a Controversy," Law and Contemporary Problems, 43, No.4, 1980) – "The arguments for opposing the nullification instruction are, in our view, deficient because they fail to weigh the political advantages gained by not lying to the jury...What impact will this deception have on jurors who felt coerced into their verdict by the judge's instructions and who learn, after trail, that they could have voted their consciences and acquitted? Such a juror is less apt to respect the legal system."

"The Jury is the Achilles heel of tyrants." - H.G. Wells

Justice Kent[55] – "The true criterion of a legal power is its capacity to produce a definitive effect, liable neither to censure nor review. And the verdict of not guilty in a criminal case, is, in every respect, absolutely final. The jury is not liable to punishment, or the verdict to control. Neither attaint lies, nor can a new trial be awarded. The exercise of this power in the jury has been sanctioned, and upheld in constant activity, from the earliest ages."

JURY NULLIFICATION

By Dr. Julian Heicklen

Jury nullification was introduced into America in 1735 in the trial of John Peter Zenger, Printer of The New York Weekly Journal. Zenger repeatedly attacked Governor William Cosby of New York in his journal. This was a violation of the seditious libel law, which prohibited criticism of the King or his appointed officers. The attacks became sufficient to bring Zenger to trial. He clearly was guilty of breaking the law, which held that true statements could be libelous. However Zenger's lawyer, Andrew Hamilton, addressed himself to the jury, arguing that the court's law was outmoded. Hamilton contended that falsehood was the principal thing that makes a libel. It took the jury only a few minutes to nullify the law and declare Zenger not guilty. Ever since, the truth has been a defense in libel cases.

Several state constitutions, including the Georgia Constitution of 1777 and the Pennsylvania Constitution of 1790 specifically provided that "the jury shall be judges of law, as well as fact." In Pennsylvania, Supreme Court Justice James Wilson noted, in his Philadelphia law lectures of 1790, that when "a difference in sentiment takes place between the judges and jury, with regard to a point of law, the jury must do their duty, and their whole duty; they must decide the law as well as the fact." In 1879, the Pennsylvania Supreme Court noted that "the power of the jury to be judge of the law in criminal cases is one of the most valuable securities guaranteed by the Bill of Rights."

John Jay, the first Chief Justice of the U. S. Supreme Court stated in 1789, "The jury has the right to judge both the law as well as the fact in controversy." Samuel Chase, US Supreme Court Justice and signer of the Declaration of Independence, said in 1796, "The jury has the right to determine both the law and the facts." U.S. Supreme Court Justice Oliver Wendell Holmes said in 1902, "The jury has the power to bring a verdict in the teeth of both law and fact." Harlan F. Stone, the 12th Chief Justice of the U.S. Supreme Court, stated in 1941, "The law itself is on trial quite as much as the cause which is to be decided."

In a 1972 decision (U.S. v Dougherty, 473 F 2nd 1113, 1139), the Court said, "The pages of history shine on instances of the jury's exercise of its prerogative to disregard instructions of the judge." Likewise, the U.S. Supreme Court in Duncan v Louisiana implicitly endorsed the policies behind nullification when it stated, "If the defendant preferred the common-sense

judgment of the jury to the more tutored but less sympathetic reaction of the single judge, he was to have it."

In recent times, the courts have tried to erode the nullification powers of juries. Particular impetus for this was given by the fact that all-white juries in the southern states refused to convict whites of crimes against blacks. As a result, there is a practice of magistrate/judges to incorrectly instruct the jury that the magistrate/judge determines the law, and that the jury is limited to determining the facts. Such an instruction defeats the purpose of the jury, which is to protect the defendant from the tyranny of the state and the tyranny of the law.

The problem with the all-white juries that refuse to convict whites that committed crimes against blacks is not in jury nullification, but in jury selection. The jury was not representative of the community and would not provide a fair and impartial trial.

In recent years, jury nullification has played a role in the trials of Mayor Marion Barry of Washington, DC for drug use, Oliver North for his role in the Iran-Contra Affair, and Bernhard Goetz for his assault in a New York City subway.

In Les Miserables, Victor Hugo highlighted the difference between justice and law. The jury's responsibility is to deliver justice, not to uphold the law. Judges in Maryland and Indiana are required by law to inform the jury of its right to nullification. Article 23 of the Maryland Bill of Rights states; "In the trial of all criminal cases, the Jury shall be the judge of Law, as well as of fact, except that the Court may pass upon the sufficiency of the evidence to sustain a conviction."

Nullification applies just as much in other states, including Pennsylvania. Article I of the Constitution of the Commonwealth of Pennsylvania states in Section 6, "Trial by jury shall be as heretofore (emphasis mine), and the right thereof remain inviolate." Section 25 states: "To guard against transgressions of the high powers which we have delegated, we declare that everything in this article is accepted out of the general powers of government and shall forever remain inviolate." Taken together, these two sections mean that juries shall have the powers that they had "heretofore," i. e. when the Constitution was adopted to the present.

Judges usually do not inform the jury of this right. Even worse, some judges instruct the jury that it does not have the right to interpret or nullify the law, but only to determine the facts. Near the end of alcohol prohibition, juries refused to convict for alcohol violations. Has the time arrived for juries to do the same for marijuana violations?

"It is useful to distinguish between the jury's right to decide questions of law and its power to do so. The jury's power to decide the law in returning a general verdict is indisputable. The debate of the nineteenth century revolved around the question of whether the jury had a legal and moral right to decide questions of law."[56]

"Underlying the conception of the jury as a bulwark against the unjust use of governmental power was the distrust of 'legal experts' and a faith in the ability of the common people. Upon this faith rested the prevailing political philosophy of the constitution framing era: that popular control over, and participation in, government should be maximized. Thus John Adams stated that, "the common people...should have as complete a control, as decisive a negative, in every judgment of a court of judicature' as they have, through the legislature, in other decisions of government."[57]

"Since natural law was thought to be accessible to the ordinary man, the theory invited each juror to inquire for himself whether a particular rule of law was consonant with principles of higher law. This view is reflected in John Adams' statement that it would be an 'absurdity' for jurors to be required to accept the judge's view of the law, 'against their own opinion, judgment, and conscience.'"[58]

"During the first third of the nineteenth century, magistrate/judges frequently charged juries that they were the judges of law as well as the fact and were not bound by the

magistrate/judge's instructions. A charge that the jury had the right to consider the law had a corollary at the level of trial procedure: counsel had the right to argue the law, its interpretation and its validity to the jury."[59] "The pages of history shine on instances of the jury's exercise of its prerogative to disregard instructions of the judge."[60] "It is presumed, that the juries are the best judges of facts; it is, on the other hand, presumed that the courts are the best judges of law. But still, both objects are within your power of decision. You have a right to take upon yourselves to judge of both, and to determine the law as well as the fact in controversy."[61]

- Thomas Jefferson[62] – "I consider trial by jury as the only anchor ever yet imagined by man, by which a government can be held to the principles of its constitution."
- John Adams[63] – "It's not only ....(the juror's) right, but his duty, in that case, to find the verdict according to his own best understanding, judgement, and conscience, though in direct opposition to the direction of the court."
- Alexander Hamilton[64] – Jurors should acquit even against the judge's instruction, "if exercising their judgement with discretion and honesty they have a clear conviction that the charge of the court is wrong."
- Justice Thurgood Marshall[65] – "Illegal and unconstitutional jury selection procedures cast doubt on the integrity of the whole judicial process. They create the appearance of bias in the decision of individual cases, and they increase the risk of actual bias as well."
- Chief Justice Mathew[66] – ."..it was impossible any matter of law could come in question till the matter of fact were settled and stated and agreed by the jury, and of such matter of fact they [the jury] were the only competent judges."
- Sir John Vaughan[67] – ."..without a fact agreed, it is impossible for a judge or any other to know the law relating to the fact nor to direct [a verdict] concerning it. Hence it follows that the judge can never direct what the law is in any matter controverted."
- Lysander Spooner[68] – "The bounds set to the power of the government, by the trial by jury, as will hereafter be shown, are these -- that the government shall never touch the property, person, or natural or civil rights of an individual, against his consent, except for the purpose of bringing them before a jury for trial, unless in pursuance and execution of a judgment, or decree, rendered by a jury in each individual case, upon such evidence, and such law, as are satisfactory to their own understandings and consciences, irrespective of all legislation of the government."
- John Adams[69] – "It is not only his right, but his duty...to find the verdict according to his own best understanding, judgment, and conscience, though in direct opposition to the direction of the court."
- William Kunstler[70] – "Unless the jury can exercise its community conscience role, our judicial system will have become so inflexible that the effect may well be a progressive radicalization of protest into channels that will threaten the very continuance of the system itself. To put it another way, the jury is...the safety valve that must exist if this society is to be able to accommodate its own internal stresses and strains...[I]f the community is to sit in the jury box, its decision cannot be legally limited to a conscience-less application of fact to law."
- Lysander Spooner[71] – "For more than six hundred years--that is, since Magna Carta, in 1215, there has been no clearer principle of English or American constitutional law, than that, in criminal cases, it is not only the right and duty of juries to judge what are the facts, what is the law, and what was the moral intent of the accused; but that it is also their right, and their primary and paramount duty, to judge of the justice of the law, and to hold all laws

invalid, that are, in their opinion, unjust or oppressive, and all persons guiltless in violating, or resisting the execution of, such laws."

- Alexander Hamilton[72] – "That in criminal cases, nevertheless, the court are the constitutional advisors of the jury in matter of law; who may compromise their conscience by lightly or rashly disregarding that advice, but may still more compromise their consciences by following it, if exercising their judgments with discretion and honesty they have a clear conviction that the charge of the court is wrong."
- Alan Scheflin and Jon Van Dyke[73] – "When a jury acquits a defendant even though he or she clearly appears to be guilty, the acquittal conveys significant information about community attitudes and provides a guideline for future prosecutorial discretion in the enforcement of the laws. Because of the high acquittal rate in prohibition cases during the 1920s and early 1930s, prohibition laws could not be enforced. The repeal of these laws is traceable to the refusal of juries to convict those accused of alcohol traffic."
- Clarence Darrow[74] – "Why not reenact the code of Blackstone's day? Why, the judges were all for it -- every one of them -- and the only way we got rid of those laws was because juries were too humane to obey the courts. "That is the only way we got rid of punishing old women, of hanging old women in New England -- because, in spite of all the courts, the juries would no longer convict them for a crime that never existed."
- Oregon Constitution[75] – ."..the jury shall have the right to determine the law, and the facts..."
- Indiana Constitution[76] – "In all criminal cases whatsoever, the jury shall have the right to determine the law and the facts."
- New York Constitution[77] – ."..the jury shall have the right to determine the law and the fact."
- Constitution of Maryland[78] – "In the trial of all criminal cases, the Jury shall be the Judges of Law, as well as of fact..."
- Hansen v. U.S.[79] – "Within six years after the Constitution was established, the right of the jury, upon the general issue, to determine the law as well as the fact in controversy, was unhesitatingly and unqualifiedly affirmed by this court, in the first of the very few trials by jury ever had at its bar, under the original jurisdiction conferred upon it by the Constitution."
- Morisette v. United States[80] – "But juries are not bound by what seems inescapable logic to judges."
- U.S. v. DATCHER[81] – "Judicial and prosecutorial misconduct still occur, and Congress is not yet an infallible body incapable of making tyrannical laws."
- U.S. v. WILSON[82] – "In criminal cases, a jury is entitled to acquit the defendant because it has no sympathy for the government's position."

THERE'S NO CRIME ABSENT INTENT

In the essay on the "Trial by Jury" Lysander Spooner, in Chapter IX; The Criminal Intent wrote: "It is a maxim of the common law that there can be no crime without a criminal intent. And it is a perfectly clear principle, although one which judges have in a great measure overthrown in practice, that jurors are to judge of the moral intent of an accused person, and hold him guiltless, whatever his act, unless they find him to have acted with a criminal intent; that is, with a design to do what he knew to be criminal.

This principle is clear, because the question for a jury to determine is, whether the accused be guilty, or not guilty. Guilt is a personal quality of the actor, not necessarily involved in the act, but depending also upon the intent or motive with which the act was done. Consequently,

the jury must find that he acted from a criminal motive, before they can declare him guilty. There is no moral justice in, nor any political necessity for, punishing a man for any act whatever that he may have committed, if he have done it without any criminal intent. There can be no moral justice in punishing for such an act, because, there having been no criminal motive, there can have been no other motive which justice can take cognizance of, as demanding or justifying punishment. There can be no political necessity for punishing, to warn against similar acts in future, because, if one man has injured another, however unintentionally, he is liable, and justly liable, to a civil suit for damages; and in this suit he will be compelled to make compensation for the injury, notwithstanding his innocence of any intention to injure. He must bear the consequences of his own act, instead of throwing them upon another, however innocent he may have been of any intention to do wrong. And the damages he will have to pay will be a sufficient warning to him not to do the like act again.

A case in point, recently a prosecutor convinced an uninformed Grand Jury to indict a woman who had forgotten that she left her young child in her vehicle and the child died. Clearly there was no criminal intent and one would think that the loss of her child is more than enough penance for her indiscretion.

This necessity for a criminal intent, to justify conviction, is proved by the issue which the jury is to try, and the verdict they are to pronounce. The "issue" they are to try is, guilty, or not guilty. And those are the terms they are required to use in rendering their verdicts. But it is a plain falsehood to say that a man is "guilty," unless he has done an act which he knew to be criminal. This necessity for a criminal intent -- in other words, for guilt -- as a preliminary to conviction, makes it impossible that a man can be rightfully convicted for an act that is intrinsically innocent, though forbidden by the government; because guilt is an intrinsic quality of actions and motives, and not one that can be imparted to them by arbitrary legislation. All the efforts of the government, therefore, to "make offences by statute," out of acts that are not criminal by nature, must necessarily be ineffectual, unless a jury will declare a man "guilty" for an act that is really innocent.

The corruption of judges, in their attempts to uphold the arbitrary authority of the government, by procuring the conviction of individuals for acts innocent in themselves, and forbidden only by some tyrannical statute, and the commission of which therefore indicates no criminal intent, is very apparent.

To accomplish this object, they have in modern times held it to be unnecessary that indictments should charge, as by the common law they were required to do, that an act was done "wickedly," "feloniously," "with malice aforethought," or in any other manner that implied a criminal intent, without which there can be no criminality; but that it is sufficient to charge simply that it was done "contrary to the form of the statute in such case made and provided." This form of indictment proceeds plainly upon the assumption that the government is absolute, and that it has authority to prohibit any act it pleases, however innocent in its nature the act may be. Judges have been driven to the alternative of either sanctioning this new form of indictment, (which they never had any constitutional right to sanction,) or of seeing the authority of many of the statutes of the government fall to the ground; because the acts forbidden by the statutes were so plainly innocent in their nature, that even the government itself had not the face to allege that the commission of them implied or indicated any criminal intent.

To get rid of the necessity of showing a criminal intent, and thereby further to enslave the people, by reducing them to the necessity of a blind, unreasoning submission to the arbitrary will of the government, and of a surrender of all right, on their own part, to judge what are their constitutional and natural rights and liberties, courts have invented another idea, which they have incorporated among the pretended maxims, upon which they act in criminal trials,

viz., that “ignorance of the law excuses no one.” As if it were in the nature of things possible that there could be an excuse more absolute and complete. What else than ignorance of the law is it that excuses persons under the years of discretion, and men of imbecile minds? What else than ignorance of the law is it that excuses judges themselves for all their erroneous decisions? Nothing. They are every day committing errors, which would be crimes, but for their ignorance of the law. And yet these same judges, who claim to be learned in the law, and who yet could not hold their offices for a day, but for the allowance which the law makes for their ignorance, are continually asserting it to be a “maxim” that “ignorance of the law excuses no one;” (by which, of course, they really mean that it excuses no one but themselves; and especially that it excuses no unlearned man, who comes before them charged with crime.)

This preposterous doctrine that “ignorance of the law excuses no one,” is asserted by courts because it is an indispensable one to the maintenance of absolute power in the government. It is indispensable for this purpose, because, if it be once admitted that the people have any rights and liberties which the government cannot lawfully take from them, then the question arises in regard to every statute of the government, whether it be law, or not; that is, whether it infringe, or not, the rights and liberties of the people. Of this question every man must of course judge according to the light in his own mind. And no man can be convicted unless the jury find, not only that the statute is law, -- that it does not infringe the rights and liberties of the people, -- but also that it was so clearly law, so clearly consistent with the rights and liberties of the people, as that the individual himself, who transgressed it, knew it to be so, and therefore had no moral excuse for transgressing it. Governments see that if ignorance of the law were allowed to excuse a man for any act whatever, it must excuse him for transgressing all statutes whatsoever, which he himself thinks inconsistent with his rights and liberties. But such a doctrine would of course be inconsistent with the maintenance of arbitrary power by the government; and hence governments will not allow the plea, although they will not confess their true reasons for disallowing it.

A CASE IN POINT

Recently a woman left her child in a car and while going about her business forgot that the baby was in the car and the baby died. The woman was charged with man slaughter found guilty and was given a jail sentence. This was a miscarriage of justice because there was no criminal intent. Furthermore the loss of her child caused by her bad judgment and forgetfulness is something she will have to live with for the rest of her life. There can be no punishment greater then that.

CONCLUSION: To decide cases correctly, grand and petit jurors must be honest and open minded. They must have both integrity and good judgment. The continued vitality of the jury system depends on these attributes. To meet their responsibility, jurors must decide the facts and apply the law impartially. They must not favor the rich or the poor. They must treat alike all individuals. Justice should be rendered to all persons without regard to race, color, religion, sex, or the legislated law.

The performance of jury service is the fulfillment of a high civic obligation. Conscientious service brings its own reward in the satisfaction of an important task well done. There is no more valuable work that the average citizen can perform in support of Justice than the full and honest discharge of jury duty. The effectiveness of our Natural Law system itself is largely measured by the integrity and justness of the jurors who serve in the Peoples courts.

BILL OF RIGHTS

AMENDMENT I: Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

AMENDMENT II: A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

AMENDMENT III: No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

AMENDMENT IV: The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

AMENDMENT V: No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

AMENDMENT VI: In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense.

AMENDMENT VII: In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any Court of the United States, than according to the rules of the common law.

AMENDMENT VIII: Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

AMENDMENT IX: The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

AMENDMENT X: The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, ARE RESERVED TO THE STATES RESPECTIVELY, OR TO THE PEOPLE.

THE DECLARATION OF INDEPENDENCE
IN CONGRESS, JULY 4, 1776

The unanimous Declaration of the thirteen united States of America, When in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. -- That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, -- That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to affect their Safety and Happiness. Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly all experience hath shewn, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security.--Such has been the patient sufferance of these Colonies; and such is now the necessity which constrains them to alter their former Systems of Government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute Tyranny over these States. To prove this, let Facts be submitted to a candid world.

He has refused his Assent to Laws, the most wholesome and necessary for the public good.

He has forbidden his Governors to pass Laws of immediate and pressing importance, unless suspended in their operation till his Assent should be obtained; and when so suspended, he has utterly neglected to attend to them.

He has refused to pass other Laws for the accommodation of large districts of people, unless those people would relinquish the right of Representation in the Legislature, a right inestimable to them and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public Records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved Representative Houses repeatedly, for opposing with manly firmness his invasions on the rights of the people.
He has refused for a long time, after such dissolutions, to cause others to be elected; whereby the Legislative powers, incapable of Annihilation, have returned to the People at large for their exercise; the