

JURY TAMPERING & STACKING

Memorandum of Law

The purpose of this memorandum is to reestablish the true authority of the People via the Jury. The grand and petit juries are one of the most powerful ways that We the People consent to government actions against the People. The People via the untainted Grand Jury are to decide whether government accusations are warranted. And, the People via the untainted Petit Jury are to decide fact and law, guilt or innocence, and a proper sentence that will fulfill remedy for the injured party.

It is the Peoples unalienable right to have access to the Grand Jury. The Grand Jury is the sureties' of the peace between the government and the People. The Grand Jury has the authority to settle matters without going to trial if they can find common agreement between the accused and the accuser, prosecutors do not. Sheriffs and coroners are to have unbridled access to the Grand Jury without going through a prosecutor who thinks they have the authority to veto the charges or deny said access. The People are to have unlimited access to the Grand Jury. The Grand Jury has the unbridled authority to investigate any matter brought before them.

The BAR judiciary has robbed the Peoples' sovereign right to consent, judge and investigate. They have written handbooks and questionnaires designed to control and stack the juries to get their political indictments and convictions. And, they have isolated the juries to a degree that not even the Sheriff can gain access without a BAR monitor.

After indictments are founded, prosecutors think that they have the authority to make a plea deal, they don't! Prosecutors think they have the authority to add or remove charges made by the Grand Jury, they don't! Likewise judges think they can order the Petit Jury to enforce codes as law, they don't! Judges think they can declare a mistrial if the jury is divided or even throw out the jury decision and retry, they don't!

FEDERAL TRIAL HANDBOOK TAMPERS WITH THE JURY AND ROBS THE PEOPLES' SOVEREIGN RIGHT TO JUDGE

The federal trial handbook, in an effort to taint and control the jury, repeats twelve (12) times that the judge is to decide the law and not the jury. Joseph Goebbels, Adolf Hitler's Propaganda Minister, said, *"If you repeat a lie often enough, people will believe*

it, and you will even come to believe it yourself.” Vladimir Lenin, the Russian communist revolutionary, said, “A lie told often enough becomes the truth”.

Twelve Lies, see “HB100 (Rev. 8/12)” Handbook for trial jurors serving in the United States District Courts. Administrative Office of the U.S. Courts Thurgood Marshall Federal Judiciary Building One, Columbus Circle, N.E., Washington, D.C. 20544 www.uscourts.gov

- On page 1 we read: The judge determines the law to be applied in the case, while the jury decides the facts.
- On page 3 we read: The judge in a criminal case tells the jury what the law is. The jury must determine what the true facts are. On that basis, the jury has only to determine whether the defendant is guilty or not guilty of each offense charged. The subsequent sentencing is the sole responsibility of the judge. In other words, in arriving at an impartial verdict as to guilt or innocence of a jury defendant, the jury is not to consider a sentence.
- On page 8 we read: The law is what the presiding judge declares the law to be, not what a juror believes it to be or what a juror may have heard it to be from any source other than the presiding judge.
- On page 9 we read: It is the jury’s duty to reach its own conclusion(s) based on the evidence. The verdict is reached without regard to what may be the opinion of the judge as to the facts may be, although as to the law, the judge’s charge controls.
- On page 9 we read: In both civil and criminal cases, it is the jury’s duty to decide the facts in accordance with the principles of law laid down in the judge’s charge to the jury. The decision is made on the evidence introduced, and the jury’s decision on the facts is usually final.
- On page 10 we read: we read: Jurors should give close attention to the testimony. They are sworn to disregard their prejudices and follow the court’s instructions. They must render a verdict according to their best judgment.
- On page 10 we read: A juror should also disregard any statement by a lawyer as to the law of the case if it is not in accord with the judge’s instructions.
- Finally on page 12 we read: 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 and law 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.”

What the author left out was that Justice Oliver Wendell Holmes also said: “*The jury has the power to bring a verdict in the teeth of both the law and the facts.*” In conclusion, the federal trial handbook wars against We the Peoples’ unalienable right as the source and author of the Law of the Land in an attempt to subvert We the Peoples’ unalienable right of government by consent. None of our founding fathers or supporters’ of the Law of the Land, a/k/a common law, deny the unalienable right of We the Peoples’ right of nullification.

The Criminal Pattern Jury Instructions developed by the U.S. Court of Appeals for the 10th Circuit for use by U.S. District Courts state:

“You, as jurors, are the judges of the facts. But in determining what actually happened that is, in reaching your decision as to the facts—it is your sworn duty to follow all of the rules of law as I explain them to you. You have no right to disregard or give special attention to any one instruction, or to question the wisdom or correctness of any rule I may state to you. You must not substitute or follow your own notion or opinion as to what the law is or ought to be. It is your duty to apply the law as I explain it to you, regardless of the consequences. However, you should not read into these instructions or anything else I may have said or done, any suggestion as to what your verdict should be. That is entirely up to you. It is also your duty to base your verdict solely upon the evidence, without prejudice or sympathy. That was the promise you made and the oath you took.”

HAND BOOK FOR FEDERAL GRAND JURORS SUBVERTS THE AUTHOR & SOURCE OF LAW

The Federal Grand Jury Handbook, which was written by BAR judges, makes the following (eleven) foundational false claims thereby creating a statutory grand jury under government control and not the control of the People thus rendering use of these indictments a nullity.

- 1) The jury derives its authority from the Constitution, legislated statutes and the courts rules. [*false*]
- 2) The first grand jury consisted of 12 men who were summoned. [*false*]

- 3) Grand jurors originally functioned as accusers or witnesses, rather than as judges. [false]
- 4) The Grand Jury hears only that evidence presented by United States Attorney. [false]
- 5) A grand jury is not necessary for prison sentencing less than one year. [false]
- 6) A person may waive grand jury proceedings and agree to be prosecuted. [false]
- 7) The grand jury is not free to compel a trial of anyone it chooses. [false]
- 8) The government attorney must sign the indictment before a party may be prosecuted. [false]
- 9) The grand jury is to consult the government before undertaking a formal investigation. [false]
- 10) The grand jury cannot investigate without government approval. [false]
- 11) The grand jury is composed of 23 government qualified persons. [false]

REBUTTAL TO THE FALSE CLAIMS OF THE HAND BOOK FOR FEDERAL GRAND JURORS AND PROOF POSITIVE OF ITS DECEPTIVENESS

- (1) Handbook falsely claims: “The federal grand jury derives its authority from the rules of the federal courts.” See page 1 Handbook for Federal Grand Jurors.

REBUTTAL - The Jury is an unalienable right derived from God and the process by which we have government by consent of the People. Quoting US v Williams¹ *“Because the grand jury is an institution separate from the courts, over whose functioning the courts do not preside, we think it clear that, as a general matter at least, no such ‘supervisory’ judicial authority exists, and that the disclosure rule applied here exceeded the Tenth Circuit’s authority. “[R]ooted in long centuries of Anglo-American history,” Hannah v. Larche, 363 U.S. 420, 490, 80 S.Ct. 1502, 1544, 4 L.Ed.2d 1307 (1960) (Frankfurter, J., concurring in result), the grand jury is mentioned in the Bill of Rights, but not in the body of the Constitution. It has not been textually assigned, therefore, to any of the branches described in the first three Articles. It “is a constitutional fixture in its own right.” United States v. Chanen, 549 F.2d 1306, 1312 (CA9 1977) (quoting Nixon v. Sirica, 159 U.S.App.D.C. 58, 70, n. 54, 487 F.2d 700, 712, n. 54 (1973)), cert. denied, 434 U.S. 825, 98 S.Ct. 72, 54 L.Ed.2d 83 (1977). In fact the whole theory of its function is that it belongs to no branch of the institutional government, serving as a kind of buffer or referee between the Government and the*

¹ US v Williams 112 S. Ct. 1735 504 U.S. 36 118 L.Ed.2d 352.

people.” *Stirone v. United States*, 361 U.S. 212, 218, 80 S.Ct. 270, 273, 4 L.Ed.2d 252 (1960); *Hale v. Henkel*, 201 U.S. 43, 61, 26 S.Ct. 370, 373, 50 L.Ed. 652 (1906); *G. Edwards, The Grand Jury* 28-32 (1906).”

"Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them" - *Miranda v. Arizona*, 384 U.S. 436, 491

- (2) Handbook falsely claims: “The first English grand jury consisted of 12 men selected from the knights or other freemen, who were summoned to inquire into crimes alleged to have been committed in their local community.” See page 1 Handbook for Federal Grand Jurors.

REBUTTAL - Magna Carta Paragraph 52 says that the first known grand jury organized themselves and acted under the authority of the Sovereign People and is made up of *“five and twenty jurors of whom mention is made below in the clause for securing the peace.”*

- (3) Handbook falsely claims: “Grand jurors originally functioned as accusers or witnesses, rather than as judges.” See page 2 Handbook for Federal Grand Jurors.

REBUTTAL - Magna Carta, being the forerunner to our Declaration of Independence in the People being the consentors and the putting down of tyrants, and are first and foremost settlers of the wrongdoing, paragraph 52 says that the grand jury is the Sureties of the Peace whereas we read: *“If anyone has been dispossessed without the legal judgment of his peers, from his lands, castles, franchises, or from his right, we will immediately restore them to him; and if a dispute arise over this, then let it be decided by the five and twenty jurors of whom mention is made below in the clause for securing the peace. Moreover, for all those possessions, from which anyone has, without the lawful judgment of his peers, been disseized or removed by our government we will immediately grant full justice therein.”*

- (4) Handbook falsely claims: “The grand jury normally hears only that evidence presented by a United States Attorney” See, page 3 Handbook for Federal Grand Jurors.

REBUTTAL - Again, the aforesaid would deny government by consent and place We the People in subjection to our servant prosecutor. Quoting US v Williams² “*The grand jury's functional independence from the judicial branch is evident both in the scope of its power to investigate criminal wrongdoing, and in the manner in which that power is exercised. Unlike [a] [c]ourt, whose jurisdiction is predicated upon a specific case or controversy, the grand jury can investigate merely on suspicion that the law is being violated, or even because it wants assurance that it is not. - United States v. R. Enterprises, 498 U.S. ----, ----, 111 S.Ct. 722, 726, 112 L.Ed.2d 795 (1991) (quoting United States v. Morton Salt Co., 338 U.S. 632, 642-643, 70 S.Ct. 357, 364, 94 L.Ed. 401 (1950)). It need not identify the offender it suspects, or even ‘the precise nature of the offense’ it is investigating. Blair v. United States, 250 U.S. 273, 282, 39 S.Ct. 468, 471, 63 L.Ed. 979 (1919).*”

- (5) Handbook falsely claims: “an infamous crime is one which may be punished by imprisonment for more than one year.” This infers that an indictment is not necessary for legislated sentencing of crimes calling for less than a year imprisonment. See page 3 Handbook for Federal Grand Jurors.

REBUTTAL - The unalienable right of a grand jury is a part of due process of law and cannot be denied if the unalienable right of liberty hangs in the balance. 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... nor be deprived of life, liberty, or property, without due process of law.* (An infamous crime is one that might require a prison sentence)

- (6) Handbook falsely claims: “The person being investigated by the government may, however, waive grand jury proceedings and agree to be prosecuted by a written charge of crime called an information.” See page 4 Handbook for Federal Grand Jurors

REBUTTAL - The 5th Amendment denied the aforesaid conclusion when We the People said “*No person shall be held to answer.*”³ Therefore an information from a prosecutor in place of a grand jury indictment is repugnant and void for it too easily opens the door of abuse under color of law for extortion and vindictive prosecution.

² US v Williams 112 S. Ct. 1735 504 U.S. 36 118 L.Ed.2d 352

³ **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...*

- (7) Handbook falsely claims: “The grand jury is not completely free to compel a trial of anyone it chooses.” And,
- (8) Handbook falsely claims: “The government attorney must sign the indictment before a party may be prosecuted. Thus, the government and the grand jury act as checks on each other. This assures that neither may arbitrarily wield the awesome power to indict a person of a crime.” See page 4 Handbook for Federal Grand Jurors.

Rebuttal for 7 & 8: The aforesaid would deny government by consent and place We the People in subjection to our servant prosecutor. Quoting US v Williams⁴ “*The grand jury requires no authorization from its constituting court to initiate an investigation, see Hale, supra, 201 U.S., at 59-60, 65, 26 S.Ct., at 373, 375, nor does the prosecutor require leave of court to seek a grand jury indictment. And in its day-to-day functioning, the grand jury generally operates without the interference of a presiding judge. See Calandra, supra, 414 U.S., at 343, 94 S.Ct., at 617. It swears in its own witnesses, Fed.Rule Crim.Proc. 6(c), and deliberates in total secrecy, see United States v. Sells Engineering, Inc., 463 U.S., at 424-425, 103 S.Ct., at 3138. ... The grand jury remains “free to pursue its investigations unhindered by external influence or supervision so long as it does not trench upon the legitimate rights of any witness called before it.” United States v. Dionisio, 410 U.S. 1, 17-18, 93 S.Ct. 764, 773, 35 L.Ed.2d 67 (1973).*”

There is yet another respect in which respondent's proposal not only fails to comport with, but positively contradicts, the ‘common law’ of the Fifth Amendment grand jury. Motions to quash indictments based upon the sufficiency of the evidence relied upon by the grand jury were unheard of at common law in England, see, e.g., People v. Restenblatt, 1 Abb.Prac. 268, 269 (Ct.Gen.Sess.N.Y.1855). And the traditional American practice was described by Justice Nelson, riding circuit in 1852, as follows:

“No case has been cited, nor have we been able to find any, furnishing an authority for looking into and revising the judgment of the grand jury upon the evidence, for the purpose of determining whether or not the finding was founded upon sufficient proof, or whether there was a deficiency in respect to any part of the complaint....” United States v. Reed, 27 Fed.Cas. 727, 738 (No. 16,134) (CCNDNY 1852).

⁴ US v Williams 112 S. Ct. 1735 504 U.S. 36 118 L.Ed.2d 352

We accepted Justice Nelson's description Costello v. United States, 350 U.S. 359, 76 S.Ct. 406, 100 L.Ed. 397 (1956), where we held that 'it would run counter to the whole history of the grand jury institution' to permit an indictment to be challenged 'on the ground that there was incompetent or inadequate evidence before the grand jury.' Id., at 363-364, 76 S.Ct., at 409. And we reaffirmed this principle recently in Bank of Nova Scotia, where we held that "the mere fact that evidence itself is unreliable is not sufficient to require a dismissal of the indictment," and that "a challenge to the reliability or competence of the evidence presented to the grand jury" will not be heard. 487 U.S., at 261, 108 S.Ct., at 2377. It would make little sense, we think, to abstain from reviewing the evidentiary support for the grand jury's judgment while scrutinizing the sufficiency of the prosecutor's presentation. A complaint about the quality or adequacy of the evidence can always be recast as a complaint that the prosecutor's presentation was 'incomplete' or 'misleading.' Our words in Costello bear repeating: Review of facially valid indictments on such grounds "would run counter to the whole history of the grand jury institution[,] [and] [n]either justice nor the concept of a fair trial requires [it]." 350 U.S., at 364, 76 S.Ct., at 409.

- (9) Handbook falsely claims: "The grand jury may consider additional matters otherwise brought to its attention, but should consult with the government attorney or the court before undertaking a formal investigation of such matters. This is necessary because the grand jury has no investigative staff, and legal assistance will be necessary in the event an indictment is voted." See page 5 Handbook for Federal Grand Jurors.

REBUTTAL - Again, the aforesaid would deny government by consent and place We the People in subjection to our servant prosecutor. Quoting US v Williams⁵ "Recognizing this tradition of independence, we have said that the Fifth Amendment's constitutional guarantee presupposes an investigative body 'acting independently of either prosecuting attorney or judge'...." Id., at 16, 93 S.Ct., at 773 (quoting Stirone, supra, 361 U.S., at 218, 80 S.Ct., at 273).

- (10) Handbook falsely claims: "A federal grand jury is not authorized to investigate situations involving the conduct of individuals, public officials, agencies, or institutions." See page 5 HFGJ Handbook for Federal Grand Jurors.

⁵ US v Williams 112 S. Ct. 1735 504 U.S. 36 118 L.Ed.2d 352

REBUTTAL - The aforesaid would place the government above reproach whereby they could prevent indictments against their own and again, would deny government by consent and place We the People in subjection to our servant prosecutor. Quoting US v Williams⁶ *“Given the grand jury's operational separateness from its constituting court, it should come as no surprise that we have been reluctant to invoke the judicial supervisory power as a basis for prescribing modes of grand jury procedure. Over the years, we have received many requests to exercise supervision over the grand jury's evidence-taking process, but we have refused them all, including some more appealing than the one presented today. In Calandra v. United States, supra, a grand jury witness faced questions that were allegedly based upon physical evidence the Government had obtained through a violation of the Fourth Amendment; we rejected the proposal that the exclusionary rule be extended to grand jury proceedings, because of ‘the potential injury to the historic role and functions of the grand jury.’ 414 U.S., at 349, 94 S.Ct., at 620. Costello v. United States, 350 U.S. 359, 76 S.Ct. 406, 100 L.Ed. 397 (1956), we declined to enforce the hearsay rule in grand jury proceedings, since that ‘would run counter to the whole history of the grand jury institution, in which laymen conduct their inquiries unfettered by technical rules.’ Id., at 364, 76 S.Ct., at 409.”* Furthermore this is precisely why non-political and non-governmental employed People educated in real American History, the Constitution, Natural Law, and court processes, need to without bias, interference and control in the administering to both Grand and Petit Juries, as opposed to the politically and BAR controlled judges and prosecutors who have seized control of the jury process in order to maintain the status quo and prevent their crimes from being investigated.

(11) Handbook falsely claims: “The judge will then direct the selection of 23 qualified persons to become the members of the grand jury.” See page 6 HFGJ Handbook for Federal Grand Jurors.

REBUTTAL - Magna Carta Paragraph 52 makes it clear that a grand jury is made up of 25 People not 23. *...if a dispute arise over this, then let it be decided by the five and twenty jurors of whom mention is made below in the clause for securing the peace.* Furthermore, a qualified person is any peer that cannot be shown as bias; the court does not have the authority to perform a psych-evaluation on the jurist via “questionnaire”.

⁶ US v Williams 112 S. Ct. 1735 504 U.S. 36 118 L.Ed.2d 352

FEDERAL JURIST QUESTIONNAIRE PROFILES AND PROVIDES FOR JURY STACKING

The federal questionnaire for Jurists, which asks many inappropriate questions, becomes a tool of trial judges and prosecutors to profile and stack the jury for favorable results to maintain the status quo for political favors. Some of the questions we have found on these questionnaires are as follows:

Dates of birth, work and marital status of the potential juror and all members of the juror's household; sex, age and employment of children who do not reside with the juror; education, knowledge of law, principal leisure time activities, civic, social, political or professional organizations to which the juror belong, lists of television and/or radio news programs, newspapers, magazines that the juror receives their propaganda from. In addition, did the juror's, or member of their family, ever own a gun or belong to any kind of anti-gun or pro-gun club or organization or military service? Have juror's family members or friends ever been audited by or had a dispute with any agency or department of the United States Government including the IRS, Social Security Administration, Veterans Administration, etc. or any city or state government agency? Finally, the most revolting question which is couched in such a way that it leads the potential juror to conclude that the question is directly from the judge. "Do you have any ideas or prejudices that would hinder you from following the instructions that I [judge] will give as to the law?"

As Lysander Spooner, author of Trial by Jury 1852, so clearly pointed out: "*governments cannot decide the law or exercise authority over jurors (the People) for such would be absolute government, absolute despotism*". Such is our condition today and we the People are determined to end it, here, today, at this cross road!

RIGHT OF GRAND & PETIT JURY

LYSANDER SPOONER (An Essay on the Trial by Jury, 1852): "*...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.... The authority to judge what are the powers of the government, and what are 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.”

[The] “Grand jury is [an] investigative body acting independently of either prosecutor or judge whose mission is to bring to trial those who may be guilty and clear the innocent.” *Marston's, Inc. v. Strand*, 560 P.2d 778, 114 Ariz. 260):

“Although the grand jury normally operates, of course, in the courthouse and under judicial auspices, its institutional relationship with the judicial branch has traditionally been, so to speak, at arm's length.” *United States v. Calandra*, 414 U.S. 338, 343, 94 S.Ct. 613, 617, 38 L.Ed.2d 561 (1974); *Fed.Rule Crim.Proc. 6(a)*.

CONCLUSION: We the People have the unalienable right to consent, or not to consent, as to the government’s accusations against the People. The “Handbook for Federal Grand Jurors” and Trial Jurors are subversive and is 100% proof of jury tampering and thereby shows the need for free and independent Grand and Petit Jury Administrators.

All officers of the court (judge, prosecutor, appointed counsel, attorneys, Sheriffs/Marshalls and clerk), law enforcement agencies, US Marshalls and Legislators’ of statutes are employed by the government and/or are members of the BAR which teaches their members to be anti-constitutional and anti-common law, and thereby subversive by simply maintaining their ignorance in the Constitution and the Common Law as they are trained to place the letter of the law above the essence of common law, that being justice and mercy.

Allowing our servants to control the jury has bred “absolute” government corruption and control which this paper and the Memorandum of Jury Nullification and present judiciary conditions conclusively proves. Therefore, it is the unalienable right of We the People to provide for the administration of the grand and petit juries. The first recorded grand jury was established by the People through the Magna Carta, whereas the grand jury assembled itself and brought into subjection the tyrant king back under the will of the People; and today, now, herein, so do We the People.