

Unified New York Common Law Grand Jury  
P.O. Box 59; Valhalla, New York, 10595

May 14, 2014

**[copy of letter sent to all New York Supreme Court Judges that presently remains unanswered]**

**SENT BY US MAIL AND FAX**

**RE:** Knowledge of "Misprision of Treason", the People expect a response within 72 hours.

Dear Judge

When the original thirteen colonies became States, the other thirty-seven States following suit thereafter, it was the will of the People of each State to form a Union by signing on to the ratified US Constitution that became the contract binding the fifty States as one nation. The core of that contract, which cannot be altered, is expressed in Article IV Section 4. "*The United States shall guarantee to every state in this union a republican form of government, and shall protect each of them against invasion [of rights];*" and Article VI Clause 2 known as the Supremacy Clause states:

*"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."*

Therefore the following statute is law to every judge: **18 USC § 2382 - Misprision of treason** "*Whoever, owing allegiance to the United States and having knowledge of the commission of any treason against them, conceals and does not, as soon as may be, disclose and make known the same to the President or to some judge of the United States, or to the governor or to some judge or justice of a particular State, is guilty of misprision of treason and shall be fined under this title or imprisoned not more than seven years, or both*". This letter is now to serve as notice to disclose and make known to you the following facts of conspiracy and treason.

In the United States v. Williams; No. 90-1972; 112 S.Ct. 1735 504 U.S. 36 118 L.Ed.2d 352 Justice Antonin Scalia writing for the majority stated "*The common law of the Fifth Amendment demands a traditional functioning grand jury. ... [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: See attached "**Memorandum of Authorities**" for a more in-depth understanding.

Therefore the administration, impaneling and functioning of the jury are separate from the courts, over whom the courts do not preside and are an unalienable right of the People, protected under the 5<sup>th</sup> Amendment, for the sole purpose of self rule by the People. Regardless of what your BAR school taught you, the People are unfettered by statutes in their performance as consentors. For the servants to seize control of this power and

prevent the People from said unalienable right would be “high treason,” and this is precisely what has happened and the purpose of this letter. We therefore report the following facts concerning treason for your action.

On or about September 6, 2013 the People of New York started filing declarations of the reconstituting of the Common Law Grand Jury. And since that date all sixty-two counties have been constituted;

On or about September 25, 2013, FBI sent by the New York Supreme Court to investigate the people in Suffolk County as potential terrorists for exercising their unalienable right as jurist, FBI concluded no findings;

On September 26, 2013, The State of New York Unified Court System sent a statewide conspiratorial blockade in the form of a directive from Executive Administrative Judge A. Gail Prudenti acting under color of law, exceeded her jurisdiction violating 18 U.S. Code §1512 when she ordered/intimidated all court and county clerks to violate 18 USC §2076 and 18 USC §2071 by rejecting the filing of all common law grand jury documents. Claiming the New York Legislature supplanted whatever common law powers the grand jury may have possessed, thereby denying the peoples’ unalienable right, protected under the 5<sup>th</sup> Amendment<sup>1</sup> to perform as consentors<sup>2</sup> for their government;

On September 27<sup>th</sup> 2013 Schenectady Court Clerk wrote, Chief Administrative Judge A Gail Prudenti has instructed this office not to accept instruments attempting to establish common law juries;

On or about September 29, 2013, FBI sent by the New York Supreme Court again to investigate the people in the Bronx as potential terrorists for exercising their unalienable right as jurist, FBI concluded no findings;

On October 2<sup>nd</sup> 2013, Putnam County Clerk wrote, Chief Administrative Judge A Gail Prudenti has instructed this office not to accept instruments attempting to establish common law juries;

On or about October 7, 2013, FBI sent by the New York Supreme Court a third time to investigate the people in Orange County as potential terrorists for exercising their unalienable right as jurist, FBI concluded no findings;

On October 8<sup>th</sup> 2013, Putnam County Clerk wrote, Chief Administrative Judge A Gail Prudenti has instructed this office acting in their capacity as clerks to reject documents attempting to establish common law juries;

On February 24, 2014, Warren County Supreme Court wrote, Chief Administrative Judge A Gail Prudenti has instructed all court and county clerks acting in their capacity as clerks to reject the filing of documents that attempt to establish common law juries;

The Unified New York Common Law Grand Jury [tribunal] filed documents with the Greene County clerk and conspirators failed to file<sup>3</sup> and concealed documents in violation of 18 USC §2076 and 18 USC §2071<sup>4</sup>;

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<sup>1</sup> The Court of Appeals' rule would neither preserve nor enhance the traditional functioning of the grand jury that the "common law" of the Fifth Amendment demands ... we have insisted that the grand jury remain "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)]. 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)]. UNITED STATES v. WILLIAMS 112 S.Ct. 1735 504 U.S. 36 118 L.Ed.2d 352

<sup>2</sup> **DECLARATION OF INDEPENDENCE** 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,

<sup>3</sup> **18 USC § 2076 - CLERK IS TO FILE.** Whoever, being a clerk of a district court of the United States, willfully refuses or neglects to make or forward any report, certificate, statement, or document as required by law, shall be fined under this title or imprisoned not more than one year, or both.

<sup>4</sup> **18 USC § 2071 - Concealment, removal, or mutilation generally** (a) Whoever willfully and unlawfully conceals, removes, mutilates, obliterates, or destroys, or attempts to do so, or, with intent to do so takes and carries away any record, proceeding, map, book, paper, document, or other thing, filed or deposited with any clerk or officer of any court of the United States, or in any public office, or with any judicial or public officer of the United States,

On October 11<sup>th</sup> 2013 the tribunal filed a presentment against A. Gail Prudenti, Michael V. Coccoma, C. Randall Hinrichs, and Allan D. Scheinkman, conspirators failed to file and concealed documents;

On February 10<sup>th</sup> 2014 the tribunal filed a presentment against Charles M. Tailleux, conspirators failed to file and concealed documents;

On February 10<sup>th</sup> 2014 the tribunal filed a presentment against Michelle Carrol, conspirators failed to file and concealed documents;

On March 18<sup>th</sup> 2014 the tribunal filed a presentment against Terry Wilhelm, conspirators failed to file and concealed documents;

On March 24<sup>th</sup> 2014 the tribunal filed a Quo Warranto, prima fascia action at law, with the Columbia County Clerk under Index #7303-14, in an extraordinary special procedure which was returned through the postal service on March 28<sup>th</sup> 2014 by order of A. Gail Prudenti without cause, in violation of 18 USC § 2076<sup>5</sup> and 18 USC §1341<sup>6</sup>;

On or about the March 25<sup>th</sup> 2014 the tribunal received a phone call from the Columbia County Clerk Sharon Melino that A. Gail Prudenti ordered the return of our filed Action, Index # 7303-14.

On or about March 26<sup>th</sup> 2014 the tribunal hand carried the Action, Index # 7303-14 to deliver to the Columbia County Court Clerk Richard Mabee who informed us that A. Gail Prudenti ordered the rejection of our filed Action;

On or about March 26<sup>th</sup> 2014 the tribunal called to speak with a Columbia County Supreme Court Judge Mott to report the crime in progress, we spoke to law clerk David Michaels who refused us access to meet or speak on the phone with the Judge, therefore our report of a crime was reported to Judge Mott, who failed to act;

On or about March 27<sup>th</sup> the tribunal met with the Columbia County Sheriff's investigator [*Sheriff and Under Sheriff was too busy to see us*] who told us that without the assistance of the Columbia County DA he could not help us;

On or about April 1<sup>st</sup> 2014 the tribunal met with the Columbia County DA who refused to assist us claiming no NY statute was violated;

On or about April 10<sup>th</sup> 2014 the tribunal re-filed said Writ of Quo Warranto in Greene County with, three Memorandums; Law of the Case, Law & Jurisdiction and The Kings Bench. The tribunal also filed the following two writs; Writ of Prohibition and Writ of Mandamus:

On April 18, 2014 Judge Elliott under color of law exceeded his jurisdiction and made a decision and order dismissing the action for no cause of action, after being instructed not to do so by a Writ of Prohibition;

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shall be fined under this title or imprisoned not more than three years, or both. (b) Whoever, having the custody of any such record, proceeding, map, book, document, paper, or other thing, willfully and unlawfully conceals, removes, mutilates, obliterates, falsifies, or destroys the same, shall be fined under this title or imprisoned not more than three years, or both; and shall forfeit his office and be disqualified from holding any office under the United States. As used in this subsection, the term "office" does not include the office held by any person as a retired officer of the Armed Forces of the United States.

<sup>5</sup> 18 USC § 2076 - Whoever, being a clerk of a district court of the United States, willfully refuses or neglects to make or forward any report, certificate, statement, or document as required by law, shall be fined under this title or imprisoned not more than one year, or both.

<sup>6</sup> 18 USC §1341 - Frauds through postal service:

On April 18<sup>th</sup> 2014 the UNYCLGJ filed a presentment against A. Gail Prudenti, Holly Tanner, and Richard Mabee, documents returned through the United States Postal Service;

On April 23, 2014 the tribunal served Judge Elliott with a Writ of Error and rescinded his decision and order, documents returned through the United States Postal Service;

On April 23, 2014 the tribunal filed and served document Fraud on the Court; documents returned through the United States Postal Service;

On April 29<sup>th</sup> 2014 the tribunal filed a presentment against Raymond J. Elliott, see exhibit F, Greene County Sheriff refused to serve on county clerk, then Green County Clerks refused to file by order of Carol Stevens County Attorney;

On April 29<sup>th</sup> 2014 the tribunal filed a presentment against Terence L Kindlon, see exhibit G, Greene County Sheriff refused to serve county clerk, then Green County Clerks refused to file by order of Carol Stevens County Attorney;

On April 29<sup>th</sup> the tribunal filed a presentment against Jonathan Lippman, Fern A. Fisher, Lawrence K. Marks, Barry Kamins and Ronald Younkins, see exhibit H, Greene County Sheriff refused to serve on county clerk, then Green County Clerks refused to file by order of Carol Stevens County Attorney, see Information Fraud on the Court;

On April 29<sup>th</sup> the tribunal filed a presentment against Carol Stevens, see exhibit I, Greene County Sheriff refused to serve on county clerk, then Green County Clerks refused to file by order of Carol Stevens County Attorney;

On April 29, 2014 the tribunal filed document Information Abuse of Power, Greene County Sheriff refused to serve on county clerk, then Green County Clerks refused to file by order of Carol Stevens County Attorney;

On April 29, 2014 the tribunal filed document Information Failure to File, Greene County Sheriff refused to serve on county clerk, then Green County Clerks refused to file by order of Carol Stevens County Attorney;

On May 9<sup>th</sup> 2014 the tribunal filed a notice of removal to United States District Court for cause. You can find a copy of the filing under the case number 1:14-CV-552 GTS/CFH;

All the defendants hold elected or appointed offices, have taken an oath and in that capacity have a duty to speak directly, unfiltered and forthwith. In said elected or appointed capacity servants have no right to remain silent<sup>7</sup>.

The following are some of the charges against the treasonous conspirators: RICO<sup>8</sup>; Mail fraud 18 U.S. Code section §1341<sup>9</sup> conspirators did use the Postal Service to remove files from the court record; Obstruction of Justice 18 U.S. Code §1503<sup>10</sup> conspirators did communicate by memorandums and phone calls in an endeavor to

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<sup>7</sup> "Silence can only be equated with fraud where there is a legal or moral duty to speak, or where an inquiry left unanswered would be intentionally misleading. . ." U.S. v. Tweel, 550 F.2d 297, 299. See also U.S. v. Prudden, 424 F.2d 1021, 1032; Carmine v. Bowen, 64 A. 932.

<sup>8</sup> **18 U.S. Code Chapter 96 - RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS**; § 1961 – Definitions "racketeering activity" means any act which is indictable under 18 U.S. Code section §1341, §1503, §1510, §1512

<sup>9</sup> **18 U.S. Code §1341** Whoever, having devised or intending to devise any scheme by means of false or fraudulent pretenses, representations, anything represented to be or intimated or held out to be such counterfeit or spurious article, for the purpose of executing such scheme or artifice places in any post office or authorized depository for mail matter, any matter or thing whatever to be sent or delivered by the Postal Service.

<sup>10</sup> **18 U.S. Code §1503** (relating to obstruction of justice), Influencing or injuring officer or juror generally (a) Whoever corruptly, or by threats or force, or by any threatening letter or communication, endeavors to influence, intimidate, or impede any grand or petit juror Whoever, having devised or intending to devise any scheme by means of false or fraudulent pretenses, representations, anything represented to be or intimated or held out to be such counterfeit or spurious article, for the purpose of executing such scheme or artifice places in any post office or authorized depository for mail matter, any matter or thing whatever to be sent or delivered by the Postal Service.

impede the Common Law Grand Jury; Obstruction of criminal investigations, 18 U.S. Code §1510<sup>11</sup> conspirators did knowingly and with intent to obstruct the Common Law Grand Jury investigation and judicial proceeding by refusing to answer questions and file judicial documents; Obstructing official proceeding 18 U.S. Code §1512<sup>12</sup> conspirators did corruptly persuaded all NY county and court clerks to withhold and conceal documents from official proceedings.

XIV Amendment Section 3 says: “No person shall ... hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, ... as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same...” therefore all the aforementioned perpetrators are impostors and it is your duty to communicate with the Grand Jury in writing immediately for the purpose of filing the true bills with enforcement. This action would permit for Justice to be served by the constitutional powers of New York State and prevent the indictment upon the entire judiciary body of New York for your failure to comply with 18 USC §2382. This is a final opportunity for New York Judges to save the New York Republic without the United States Government’s intervention.

Please note that we filed for enforcement in the United States District Court for the Northern District of New York Case #1:14-CV-552 GTS/CFH and this letter is a last ditch effort to offer an olive branch to the Judges of New York State to end the tyranny in the Peoples’ courts and secure the Republic on behalf of the People.

Signed and sealed on behalf of the UNIFIED NEW YORK COMMON LAW GRAND JURY.

  
Unified New York Common Law Grand Jury Foreman

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<sup>11</sup> **18 U.S. Code §1510** (relating to obstruction of criminal investigations), Whoever knowingly and with the intent to obstruct an investigation or judicial proceeding violates such prohibitions or requirements applicable by law to such person shall be imprisoned for not more than five years, fined under this title, or both.

<sup>12</sup> **18 U.S. Code § 1512** (relating to tampering with a witness, victim, or an informant), Whoever knowingly uses intimidation or corruptly persuades another person to withhold a record, document, or other object, from an official proceeding; or alter, destroy, mutilate, or conceal an object with intent to impair the object’s integrity or availability for use in an official proceeding; evade legal process summoning that person to appear as a witness, or to produce a record, document, or other object, in an official proceeding; or be absent from an official proceeding to which such person has been summoned by legal process; hinder, delay, or prevent the communication to a law enforcement officer or judge; Whoever corruptly alters, destroys, mutilates, or conceals a record, document, with the intent to impair the object’s integrity or availability for use in an official proceeding; obstructs, influences, or impedes any official proceeding shall be fined under this title or imprisoned not more than 20 years, or both.

# MEMORANDUM OF AUTHORITIES

THE PURPOSE of this memorandum is to clarify the authority by which we the People act upon. the process we executed and the process we intend to proceed upon.

The United States Supreme Court case Boyd v. United States in 1922 proclaims the remedy of today's problems, when they said; "*It is the duty of the courts to be watchful for encroachments against Constitutional rights*"; in Olmstead v. United States<sup>13</sup> the court stated further: "*Decency, security and liberty alike demand that government officials shall be subjected to the same rules of conduct that are commands to the citizen. In a government of laws, existence of the government will be imperiled if it fails to observe the law scrupulously. Our Government is the potent, the omnipresent teacher. For good or for ill, it teaches the whole people by its example. Crime is contagious. If the Government becomes a lawbreaker, it breeds contempt for law; it invites every man to become a law unto himself; it invites anarchy. To declare that, in the administration of the criminal law, the end justifies the means, to declare that the Government may commit crimes would bring terrible retribution. Against that pernicious doctrine this Court should resolutely set its face,*" and so should every New York Court do, but they will not, so the People will.

The present jury system has been seized by our servants that created a deceptive façade used to empower themselves and not the People. Bar schools teach judges and attorneys that statutes of men, far removed from the People, overrule the law of the land. While both prosecutor(s) and judge(s) impose their will upon judicially ignorant people as they require juries to interpret statutes as law without opportunity to nullify. Whereas common law requires that the jury should judge both law and facts. Bar attorneys are true believers that the People are incompetent in law when in fact it is they! We the People know the law while BAR attorneys know statutes as law.

Jefferson said: "*I know no safe depository 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.*" He also said: "*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.*"

But our servants in government have deceitfully removed the education of "Self-government", who's motive can only be more power. Therefore we the People, 1000's of us across the nation, are Self-educating in order to perform our duty. We reject any servant who arrogantly claims the People incompetent and that only they know what's best for us. We need to remind you we have government by the consent of the People and not by the consent of our servants and/or your BAR.

The People through the US Constitution gave no legislative authority to codify the administration of the jury. Common law requires that juries be chosen from an unfiltered pool from among the People by the People. The people when debating the body of the constitution, after discussions concerning the jury in the [anti]/federalist papers, deliberately left said authority out of the body, and then by design included unfettered authority by the People in the Bill of Rights as expressed in the 5<sup>th</sup>, 6<sup>th</sup>, and 7<sup>th</sup> Amendments. Making it clear that it is the right of the people to administer to the jury for the trying of people and not government servants.

Bar lawyers will then say that, "*the bill of rights is for the federal courts only*", but this is where bar schools, for treasonous reasons I can only conclude, failed again by not teaching the law of the land, a/k/a supremacy clause, which is as follows:

**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**. -- US Constitution Article VI

<sup>13</sup> Olmstead v. United States, 277 U.S. 438, 1928

Therefore common law is expressed in the supreme law of the land, whereas statutes that control the behavior and powers of the People are expressed in repugnant statutes that are “*null and void*”. Marbury v. Madison, 5th US (2 Cranch) 137, 180:

It is the actions of our servants that are without lawful support, and that which you claim is legal, is unlawful. The assumptions that anyone, but our servants forming grand juries would lead to chaos and anarchy is both unfounded, self serving and treasonous. The idea that the legislature has established the method and process for forming grand juries and that the remedy of the People is the corrupt ballot box is also absurd and fraudulent.

Lysander Spooner, author of Trial by Jury, clearly a favorite read by past and present United States Supreme court Justices, in Chapter 5 said; “*The powers of juries are not granted to them, by the people themselves, on the supposition that they know the law better than the justices; but on the ground that the justices are untrustworthy, that they are exposed to bribes, are themselves fond of power and authority, and are also the dependent and subservient creatures of the legislature; and that to allow them to dictate the law, would not only expose the rights of parties to be sold for money, but would be equivalent to surrendering all the property, liberty, and rights of the people, unreservedly into the hands of arbitrary power, (the legislature,) to be disposed of at its pleasure.*”

In Chapter 6 he said; “*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, therefore the juries of the present day illegal*”

“*The powers of juries, therefore, not only place a curb upon the powers of legislators and judges, but imply also an imputation upon their integrity and trustworthiness; and these are the reasons why legislators and judges have formerly entertained the intense hatred of juries, and, so fast as they could do it without alarming the people for their liberties, have, by indirection, denied, undermined, and practically destroyed their power. And it is only since all the real power of juries has been destroyed, and they have become mere tools in the hands of legislators and judges, that they have become favorites with them. A Common Law jury, therefore, insures to us what no other court does --- that first and indispensable requisite in a judicial tribunal, integrity*”.

And in Chapter 7 Lysander Spooner said; “*The principle of chapter 28 of Magna Carta, as applicable to the governments of the United States of America, forbids that any officer appointed either by the executive or legislative power, or dependent upon them for their salaries, or responsible to them by impeachment, should preside over a jury in criminal trials. To have the trial a legal (that is by common law) and true trial by jury, the presiding officers must be chosen by the people, and be entirely free from all dependence upon, and all accountability to, the executive and legislative branches of the government. Therefore the foreman of the jury is properly the "Presiding Officer," so far as there is such an officer at all*”.

Our intention is to bring justice back into the Peoples’ out of control courts, that is destructive to the America envisioned by our founding fathers. Therefore the authority by which we act is in fact our inalienable right, is in fact founded, in that We the People are the posterity of our founding fathers, the inheritors of the documents that created the government that you serve in, and we resent the attitude that the People are not capable of self-government.

Whereas we read, Declaration of Independence: “*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 effect their Safety and Happiness ...” therein it is the Peoples’*

right, and it is our duty to alter that which is destructive to our Safety and Happiness by returning to common law juries and common law courts as it is written in the Constitution for the fifty united States of America.

This is further realized in the preamble of our constitution that it is "**The People that ordained and established the law**" where we read: "*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.*" And with these absolutes we further submit the following authorities by which the judges in every state "**shall**" be bound:

The authority of the People to form and administer to grand and petit juries is an unalienable right protected and secured by the 5<sup>th</sup> 6<sup>th</sup> and 7<sup>th</sup> Amendments. Whereas we read: "*Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them*". Miranda v. Arizona<sup>14</sup>. "*The state cannot diminish rights of the people.*" Hurtado v. The People of the State of California<sup>15</sup>. "*All laws, rules and practices which are repugnant to the Constitution are null and void*" Marbury v. Madison, 1803<sup>16</sup>.

In most State Constitutions an impartial jury is guaranteed, obviously when the government administers to the jury it can no longer be considered impartial, but tainted. How can it be when the government seeking a conviction by government paid lawmakers, government paid judges, government paid prosecutors, and government controlled juries that they call the jury impartial?

In the case UNITED STATES v. WILLIAMS, 1992<sup>17</sup>; Justice Antonin Scalia, writing for the majority said: "*This Court's cases relying upon that power deal strictly with the courts' control over their own procedures, whereas the grand jury is an institution separate from the courts, over whose functioning the courts do not preside, rooted in long centuries of Anglo-American history, citing Hannah v. Larche<sup>18</sup>*". Justice Antonin Scalia continued, "*courts neither preserve nor enhance the traditional functioning of the grand jury that the "common law" of the Fifth Amendment demands. 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, citing United States v. Chanen, 1977 quoting Nixon v. Sirica, 1973<sup>19</sup>. 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 people, citing Stirone v. United States, 1960; Hale v. Henkel, 1906; G. Edwards, The Grand Jury pgs 28-32 1906<sup>20</sup>*".

Justice Antonin Scalia continued "*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. 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 court, 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, citing United States v. R. Enterprises, 1991 quoting United States v. Morton Salt Co., 1950<sup>21</sup>. The Grand Jury need not identify the offender it suspects, or even the precise nature of the offense it is investigating, citing Blair v. United States, 1919<sup>22</sup>. The grand jury requires no authorization from its constituting court to initiate an investigation nor does the prosecutor require leave of court to seek a grand jury indictment, see Hale, supra<sup>23</sup>. The grand jury in its day-to-day functioning generally operates without the interference of a presiding judge, see Calandra*

<sup>14</sup> Miranda v. Arizona, 384 US 436, 491

<sup>15</sup> Hurtado v. People of the State of California, 110 U.S. 516.

<sup>16</sup> Marbury v. Madison, 5th US (2 Cranch) 137, 174, 176,(1803)

<sup>17</sup> UNITED STATES v. WILLIAMS; 112 S.Ct. 1735 504 U.S. 36 118 L.Ed.2d 352 (1992)

<sup>18</sup> Hannah v. Larche, 363 U.S. 420, 490, 80 S.Ct. 1502, 1544, 4 L.Ed.2d 1307 (1960)

<sup>19</sup> 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)

<sup>20</sup> 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)

<sup>21</sup> 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))

<sup>22</sup> Blair v. United States, 250 U.S. 273, 282, 39 S.Ct. 468, 471, 63 L.Ed. 979 (1919)

<sup>23</sup> Hale, supra, 201 U.S., at 59-60, 65, 26 S.Ct., at 373, 375



supra<sup>24</sup>. *The grand jury swears in its own witnesses and deliberates in total secrecy*, see United States v. Sells Engineering, Inc.,<sup>25</sup>. *We have insisted that the grand jury remain 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*, citing United States v. Dionisio, 1973<sup>26</sup>. *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*, citing Stirone, supra<sup>27</sup>. *We have said that certain constitutional protections afforded defendants in criminal proceedings have no application before the Grand Jury*, citing Ex parte United States, 1932; United States v. Thompson, 1920<sup>28</sup>. *We have twice suggested, though not held, that the Sixth Amendment right to counsel does not attach when an individual is summoned to appear before a grand jury, even if he is the subject of the investigation*". United States v. Mandujano, 1976; In re Groban, 1957; Fed.Rule Crim.Proc. 6(d).<sup>29</sup>

In conclusion Justice Antonin Scalia said "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, 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"<sup>30</sup>.

Hume calls the Trial by Jury "An institution admirable in itself, and the best calculated for the preservation of liberty and the administration of justice, that ever was devised by the wit of man."

Therefore "We the People", affirm and proclaim the unalienable right to consent or deny the actions of our elected servants through the Common Law Jury as our founding fathers provided for in the 5<sup>th</sup>, 6<sup>th</sup>, and 7<sup>th</sup> Amendments. As Justice Antonin Scalia put it; "*The Grand Jury 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 it is a constitutional fixture in its own right*<sup>31</sup>, *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 people*". We the People demand that tyrant servants step aside.

On February 27<sup>th</sup> 2014 New York was the first state to constitute the reinstatement of the Common Law Juries in all sixty-two counties. By placing news releases in local papers in each county and inviting people by phone for a presentation and then a showing of hands to reinstate the Peoples unalienable right of the Common Law Jury. In all but one county, where two people declined it was unanimous.

Since then nine other states have joined New York in constituting the process in every county within their state, they are Florida, Connecticut, Rhode Island, New Jersey, New Hampshire, Arizona, Massachusetts, Maryland and Maine; And we anticipate at least four other states; Washington, Oregon, Pennsylvania and Delaware before the end of May 2014 to be completely constituted. We the People are actively working in every state of the union to save the Republic by reinstating the Common Law Jury in every county and anticipate all the states to be constituted before the Fall 2014. The following is the Declaration of each American County.

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<sup>24</sup> Calandra, *supra*, 414 U.S., at 343, 94 S.Ct., at 617.

<sup>25</sup> United States v. Sells Engineering, Inc., 463 U.S., at 424-425, 103 S.Ct., at 3138

<sup>26</sup> United States v. Dionisio, 410 U.S. 1, 17-18, 93 S.Ct. 764, 773, 35 L.Ed.2d 67 (1973).

<sup>27</sup> . . ." *Id.*, at 16, 93 S.Ct., at 773 quoting Stirone, supra, 361 U.S., at 218, 80 S.Ct., at 273

<sup>28</sup> See Ex parte United States, 287 U.S. 241, 250-251, 53 S.Ct. 129, 132, 77 L.Ed. 283 (1932); United States v. Thompson, 251 U.S. 407, 413-415, 40 S.Ct. 289, 292, 64 L.Ed. 333 (1920).

<sup>29</sup> United States v. Mandujano, 425 U.S. 564, 581, 96 S.Ct. 1768, 1778, 48 L.Ed.2d 212 (1976) (plurality opinion); In re Groban, 352 U.S. 330, 333, 77 S.Ct. 510, 513, 1 L.Ed.2d 376 (1957); see also Fed.Rule Crim.Proc. 6(d).

<sup>30</sup> *Id.*, at 364, 76 S.Ct., at 409.

<sup>31</sup> 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)

## **Declaration**

We the people of [each American] County by the mercy and Grace of God having blessed us with the unalienable right of the people as Grand Jurors, secured by the V Amendment of the Bill of Rights for the United States of America, in order to establish justice, insure domestic tranquility, secure the blessings of liberty to ourselves and our posterity by the securing of Natural Law do ordain and establish this Grand Jury principled upon Justice, Honor and Grace for a perpetual administration of trust on behalf of the people.

On [date] the people of [each American] County of [each State] Constituted a Grand Jury by electing to reestablish the Peoples Jury to be filed with the county clerk and the court clerk.

This declaration by the consent of the people shall be sufficient for the establishment of this Grand Jury presented to the people and to be recorded with the County Clerk and the Supreme Court Clerk on this \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord Two Thousand and Fourteen and in the two hundred and thirty eight year of our independence of the united States of America. In witness hereof by three:

S        Witness #1 \_\_\_\_\_

E

A        Witness #2 \_\_\_\_\_

L

          Witness #3 \_\_\_\_\_

**CONSTITUTION OF A COMMON LAW GRAND JURY** - Inasmuch as for the sake of God, for the bettering of our sovereignty, and for the more ready healing of the discord which has arisen between us and our civil servants, wishing to establish justice, insure domestic tranquility, and secure the blessings of liberty to enjoy forever in its entirety. The people may select at their pleasure twenty five people from the sovereignty, who ought, with all their strength, to observe, maintain; and cause to be observed, the peace and unalienable rights. If any of our civil servants shall have transgressed against any of the people in any respect and they shall ask us to cause that error to be amended without delay, or shall have broken some one of the articles of peace or security, and their transgression shall have been shown to four Jurors of the aforesaid twenty five and if those four Jurors are unable to settle the transgression they shall come to the twenty-five, showing to the Grand Jury the error which shall be enforced by the law of the land. [**MAGNA CARTA, JUNE 15, A.D. 1215, 61.**]

**DUTY OF THE GRAND JURY** - If anyone's unalienable rights have been violated, or removed, without a legal sentence of their peers, from their lands, home, liberties or lawful right, we [the twenty-five] shall straightway restore them. And if a dispute shall arise concerning this matter it shall be settled according to the judgment of the twenty-five Grand Jurors, the sureties of the peace. [**MAGNA CARTA, JUNE 15, A.D. 1215, 52.**]

**AUTHORITY OF A COMMON LAW GRAND JURY** - 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 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. [**BILL OF RIGHTS AMENDMENT V**]

This right of Declaration of self rule was rejected by our arrogant servants who think they are the Masters. This is the Peoples peaceful Revolution to take back our Republic. America stands at the precipice, and if our hired servants who have taken hold of our house of justice continues to resist, thereby preventing the only institution capable of solving her problems. The People will not give up their Liberty and are willing to give their lives for Justice and their posterity. The People come with an olive branch, and to the alternative will meet force with equal force<sup>32</sup>.

President Kennedy said; *“A revolution is coming – a revolution which will be peaceful if we are wise enough; compassionate if we care enough; successful if we are fortunate enough – but a revolution which is coming whether we will it or not. We can affect its character; we cannot alter its inevitability”*. This great fallen hero and martyr before giving his life went on to say; *“Those who make peaceful revolution impossible will make violent revolution inevitable”*. It is at this precipice we stand today, it is for this purpose we are here today and we resolutely set our face, and by the grace of our God we will succeed today:

It has taken the people fifty years to realize and react to President Kennedy’s warning of the Revolution that unfolds before us, as we stand at that precipice, that will decide the fate of America. This court action is our peaceful and compassionate response in an endeavor to positively affect its character.

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<sup>32</sup> Plummer v. State, 136 Ind. 306.; John Bad Elk v. U.S., 177 U.S. 529.; Housh v. People, 75 111. 491; State v. Leach, 7 Conn. 452; State v. Gleason, 32 Kan. 245; Ballard v. State, 43 Ohio 349; State v Rousseau, 241 P. 2d 447; State v. Spaulding, 34 Minn. 3621.; Jones v. State, 26 Tex. App. I; Beaverts v. State, 4 Tex. App. 1 75; Skidmore v. State, 43 Tex. 93, 903.; State v. Robinson, 145 ME. 77, 72 ATL. 260.; State v. Mobley, 240 N.C. 476, 83 S.E. 2d 100.; Adams v. State, 121 Ga. 16, 48 S.E. 910; Runyan v. State, 57 Ind. 80; Miller v. State, 74 Ind. 1.