
**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF OREGON**

Mark O. Hatfield US Courthouse, 1000 SW 3rd Avenue, Room 740, Portland, OR 97204-2802

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Tribunal: Unified United States Common Law Grand Jury¹
P.O. Box 59; Valhalla, New York 10595

We the People, UUSCLGJ,
Sureties of the Peace
Against
The Judiciary of All Ninety-Four
Federal District Courts and United
States Supreme Court
Defendants

Assigned: Magistrate Judge Patricia Sullivan

CASE NO. 1776-1789-2015, de jure

CORAM NOBIS²

Notified by Fax: Sheriffs, Marshals, FBI &
other Elected & Appointed Servants

Information & Writ Mandamus

- 10 The purpose of this mandamus is to remind our arrogant judiciary³ that We the People vested them with the judicial power⁴ thereby ordaining them to judge, interpret, construe and apply the law; but, only by our consent through Constitutions, Grand and Petit Juries!

¹ *"THE GRAND JURY is an institution separate from the courts over whose functioning the courts do not preside... 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 (3) Articles. It is a constitutional fixture in its own right. 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... 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. John H. Williams; 112 S. Ct. 1735; 504 U.S. 36; 118 L. Ed. 2d 352; 1992.

² **CORAM NOBIS:** Before us ourselves (the King's Bench). Applied to Writs of Error directed to another branch of the same court, e. g., from the full bench to the court at nisi prius. 1 Archb. Pr. K. B. 234.

³ **JUDICIARY:** That branch of government invested with the judicial power; the system of courts in a country; the body of judges; the bench. That branch of government which is intended to interpret, construe and apply the law.

⁴ **ARTICLE III SECTION 1 THE JUDICIAL POWER OF THE UNITED STATES** shall be vested in one Supreme Court and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behavior.

15 “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...**” Preamble to the Declaration of Independence

20 We the People ordained and established the Constitution, placing the People above the Constitution and our servants under the Constitution.

25 “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.”

We the People Consent or not to the law through Grand Juries and Petit Juries; Thomas Jefferson, in a letter to John Cartwright on June 5, 1824, wrote: “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). The New York State Constitution Article I §8 confirms this stating that: “...the jury shall have the right to determine the law and the fact...”

35 HISTORY OF THE GRAND JURY

THE FIRST GRAND JURY IMPANELED THEMSELVES; the power to impanel Grand Juries was also given to Sheriffs and Coroners who are elected by the People and answer directly to them. It was not until recent times that the prosecutor impanels the Grand Juries. Certainly, like anyone else, the prosecutor may call for the Grand Jury; but, not impanel them; that prerogative belongs to the People, Sheriffs and Coroners.

45 The need for the People themselves to empanel the Grand Jury is obvious: What if it were the prosecutor or the sheriff that is in consideration of indictment? If the People need the permission of these servants in order to call for a Grand Jury, obviously, those servants would block the People from calling the Grand Jury. Today we have an out-of-control, corrupt Judiciary acting in concert with the prosecutor; both Judiciary and prosecutor of the majority, if not all courts, will not permit the People to talk to the Grand Jury. This practice is taught and controlled

50 by the BAR (enemy of Liberty); and, if any judge or prosecutor crosses the status quo, they will find themselves targets; and, unable to practice in their courts.

55 The Magna Carta, paragraph 61 set the common law rule for calling the Grand Jury, wherein we read: *“Moreover, for God and the amendment of our kingdom; and, for the better calming of the quarrel that has arisen between us and our elected and appointed steward; we have ordained all these concessions; desiring that they should enjoy them in complete and firm endurance forever; we give and grant to them the underwritten security; namely, that the twenty-five who shall be bound by oath to observe and hold; and, cause to be observed, peace and liberties; we have granted and confirmed to them by this, our present Charter, so that if we, or our justices, or our sheriffs or any one of our officers, shall in anything be at*
60 *fault towards anyone, or shall have broken any one of the articles of this peace or of this security, and the offense be notified to four of the foresaid twenty-five, the said four shall repair to us; and, laying the transgression before us, petition to have that transgression redressed without delay.”* [emphasis added]

65 In 1215, the barons rose up in rebellion against the king’s abuse of feudal⁵ law and custom. John, faced with a superior force, had no choice but to give in to their demands. Earlier kings of England had granted concessions to their feudal barons;⁶ but, these charters were vaguely worded and issued voluntarily. The document drawn up for John in June 1215, however, forced the king to make specific guarantees of the rights and privileges of his barons and the freedom of the church.
70 On June 15, 1215, John met the barons at Runnymede on the Thames and set his seal to the Articles of the Barons, which after minor revision were formally issued as the Magna Carta.

75 The Charter consisted of a preamble and 63 clauses; and, dealt mainly with feudal concerns that had little impact outside 13th century England. However, the document was remarkable in that it implied there were laws the king was bound to observe, thus, precluding any future claim to absolutism by the English monarch. Of greatest interest to later generations was clause 39, which stated that:

80 *“No free man shall be arrested or imprisoned or disseised [dispossessed] or outlawed or exiled or in any way victimized... except by the lawful judgment of his peers; or, by the law of the land.”*

⁵ FEUDALISM: The social system that developed in Europe in the 8th century; vassals were protected by lords who they had to serve in war.

⁶ BARON: In old law, a man, whether slave or free; the lowest title in Great Britain. 3 Bl. Comm. 44; Cowell. A freeman. Co. Litt. 58a.

This clause has been celebrated as an early guarantee of **trial by jury and of Habeas Corpus** and inspired England's Petition of Right (1628) and the Habeas Corpus Act (1679).

85 In May 1215, a group of discontented “barons” (Freemen) renounced their fealty (loyalty) to King John; and, rebelled. Led by Robert Fitz Walter (1162-1235), who called himself ‘Marshal of the Army of God and Holy Church’, the rebel barons captured London on May 17, 1215; and, the following month [June 15] finally forced King John to grant Magna Carta. The barons then made peace with the King
90 and renewed their allegiance to him. Magna Carta also contained a clause which provided that 25 barons should oversee the enforcement of its provisions.

THE FREEMEN: Freemen formed a small proportion of the population of 13th-century England, but the most famous clause of Magna Carta, stating: “*No free man shall be seized or imprisoned...*” directly
95 applied to them. Although Magna Carta focused on the interests of the barons, a significant proportion of its clauses dealt with all free men, which included the barons, knights and the free peasantry.

OPPRESSED BY THE JUDICIARY: Just as the oppression by the king caused the Declaration of Independence, ~~We~~ the People today are oppressed by the judiciary,
100 servants that have seized control of our house, who at every stage of many Oppressions We have Petitioned for Redress in the most humble terms; our repeated Petitions have been answered only by repeated injury. A Prince (judge in bad behavior) whose character is thus marked by every act which may define a Tyrant is unfit to be the judge of a free people.

105 **PRESENTMENT OR INDICTMENT:** No person shall be held to answer for a capital or otherwise infamous crime [*a crime for which that one can be incarcerated; or, his life be taken*], unless on a presentment or indictment of a Grand Jury. -- Bill of Rights Amendment V

110 **IMPARTIAL JURY:** In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial by an impartial jury. -- Bill of Rights Amendment VI

RULES OF THE COMMON LAW: “*In suits at common law, where the value in controversy shall exceed twenty dollars (\$20.00), 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.*” -- Bill of
115 Rights Amendment VII

120 **USURPED BY THE GOVERNMENT:** *“If the government can select the jurors [like you do now], it will, of-course, select those whom it supposes will be favorable to its enactments [like you do now]. And an exclusion of any of the freemen from eligibility is a selection of those not excluded [like you do now]. It will be seen, from the statutes cited, that the most absolute authority over the jury box, that is, over the right of the people to sit in juries, has been usurped by the government.”* [like it is now] -- Lysander Spooner, Trial by Jury, page 92, 1852

125 **GOVERNMENT CANNOT CHOOSE JURIES:** We the People cannot continue to permit government to choose the juries. The only solution is found in the spirit of Magna Carter. THEREFORE, We the People will provide for four qualified People within each county, educated in the constitution, civics, common law and process and procedure, who shall take on the duty and authority of the four freemen so that if we, or our justices, or our sheriffs or any one of our officers, shall in anything be at fault towards anyone, or shall have broken any one of the articles of the peace or
130 of this security, and the offense be notified to the four, the said four shall repair to us and, laying the transgression before us, petition to have that transgression redressed without delay. And, the four will provide for anyone civil or servant to bring a case before the Grand Jury.

135 *“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.”* -- Thomas Jefferson

140 **GOVERNMENT HELD TO THE CONSTITUTION:** *“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.”* -- Thomas Jefferson (1789)

145 **OPPOSITION TO THE COURT:** *“It’s not only(the juror’s) right, but his duty, in that case, to find the verdict according to his own best understanding, judgment and conscience, though in direct opposition to the direction of the court.”* -- John Adams (1771)

AGAINST THE JUDGE’S INSTRUCTION:⁷ Jurors should acquit even against the judge’s instruction... *“...if exercising their judgement with discretion and honesty*

⁷ **D.C. CIRCUIT COURT OF APPEALS:** *“The jury has... unreviewable and irreversible power... to acquit in disregard of the instructions on the law given by the trial judge.”* U.S. v. Dougherty (1972).

150 *they have a clear conviction that the charge of the court is wrong.” -- Alexander Hamilton (1804)*

155 **FIDUCIARY POWER ONLY:** *“Yet the legislative, being only a fiduciary power to act for certain ends, there remains still in the people a supreme power to remove or alter the legislative, when they find the legislative act contrary to the trust reposed in them... And thus the community perpetually retains a supreme power of saving themselves from the attempts and designs of any body, even of their legislators, whenever they shall be so foolish or so wicked as to lay and carry on designs against the liberties and properties of the subject.” -- John Locke Second Treatise of Government*

160 **DESPOTISM OF AN OLIGARCHY:** *“To consider the judges as the ultimate arbiters of all constitutional questions is a very dangerous doctrine indeed; and, one which would place us under the despotism of an oligarchy.” -- Thomas Jefferson*

165 **JUDGE OF THE LAW:** *“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.” -- Lysander Spooner An Essay on the Trial by Jury, 1852, p 11*

170 **FAIR TRIAL:** *“[One] great right is that of trial by jury. This provides that neither life, liberty nor property can be taken from the possessor until twelve (12) of his unexceptionable countrymen and peers of his vicinage, who from that neighborhood may reasonably be supposed to be acquainted with his character and the characters of the witnesses, upon a fair trial and full enquiry, face to face, in open Court, before as many of the people as choose to attend, shall pass their sentence upon oath against him...” -- Journals of the Continental Congress, 1774-1789⁸*

180 **INDEPENDENCE FROM THE JUDICIAL BRANCH:** Justice Antonin Scalia in United States v. Williams in 1992 writing for the majority wrote: *“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*

⁸ pp. 101, 105 (1904) (Journals) as quoted in *Richmond Newspapers, Inc. v. Virginia*, 448 US 555 (1980).

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.”

185 “The grand jury is an English institution, brought to this country by the early colonists and incorporated in the Constitution by the Founders... to provide a fair method for instituting criminal proceedings against persons believed to have committed crimes.”

GRAND JURY SEPARATE FROM THE COURTS: [Quoting] “*Branzburg v. Hayes*, 408
190 *U.S. 665, 686-687 (1972)* 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.”
“Rooted in long centuries of Anglo-American history...” *Hannah v. Larche*, 363
195 *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.”

REFEREE BETWEEN GOVERNMENT AND PEOPLE: “In fact, the whole theory of its function is that it belongs to no branch of the institutional government, serving as a
200 kind of buffer or referee between the Government and the people.”

GRAND JURY CAN OVERRULE THE JUDGE: Justice Antonin Scalia continuing -
[Quoting] “*Costello v. United States* *Magna Carta (1215) Clause 61* - This section established a committee of twenty-five (25) barons (free men or people) who made
205 up the first grand jury; and, could at any time meet and overrule the will of the King if he defied the provisions of the Charter, seizing his castles and possessions if it was considered necessary. This was based on a medieval legal practice known as distraint; but, it was the first time it had been applied to a monarch... The grand jury’s historic functions survive to this day. Its responsibilities continue to include both the determination whether there is probable cause to believe a crime has been
210 committed and the protection of citizens against unfounded criminal prosecutions.”

PROTECTOR AGAINST OPPRESSIVE GOVERNMENTAL ACTION: [Quoting] “Justice Powell, in *United States v. Calandra*, (1974), the institution of the grand jury is deeply rooted in Anglo-American history. In England, the grand jury served for centuries both as a body of accusers sworn to discover and present for trial
215 persons suspected of criminal wrongdoing and as a protector of citizens against arbitrary and oppressive governmental action. In this country, the Founders thought the grand jury so essential to basic liberties that they provided in the Fifth Amendment that federal prosecution for serious crimes could only be instituted by ‘a presentment or indictment of a Grand Jury.’”

220 **DUE PROCESS:** In the case Kerry v. Din decided June 15, 2015 – “*The Due*
Process Clause has its origin in Magna Carta. As originally drafted, the Great
Charter provided that ‘[n]o freeman shall be taken, or imprisoned, or be disseised
of his freehold, or liberties, or free customs, or be outlawed, or exiled, or any
225 *otherwise destroyed; nor, will we not pass upon him, nor condemn him, but by*
lawful judgment of his peers, or by the law of the land.’ Magna Carta, ch. 29, in 1
E. Coke, The Second Part of the Institutes of the Laws of England 45 (1797).”

WHEREFORE: We the People “**COMMAND**” the Judiciary to “**OBEY THE**
CONSTITUTION FOR THE UNITED STATES OF AMERICA”. Stop oppressing the
People. Shut down the unconstitutional chancery courts found in every federal
230 district and reopen the People’s Article III Common Law Courts of Justice.
Release from prison all the victims of vindictive prosecution. Release from prison
all political prisoners. Release from prison all the victims incarcerated without an
indictment from an unbiased jury of their peers. Release from prison all the victims
incarcerated without due process. Summary Judgments⁹ are not due process. Stop
235 extorting a fee for justice. Stop enforcing licenses that do not exist to practice law.
Stop resisting We the People’s endeavor to return our courts to Courts of Honor,
Justice and Mercy. You are appointed servants and took an oath to serve and
protect the Constitution; and, the time has come for those whose consciences are
unsettled, to rise and speak-up; remaining silent is not an option. Silence equals
240 fraud; and, in this case, it equals fraud, felony-rescue, high treason and conspiracy.
This is our final offer of mercy; still the olive branch remains stretched out as time
slips into the future and a fast-moving ground swell of People from all 3,143
American counties nears critical mass at which time the olive branch will turn into
indictments and arrests; We the People promise.

245 (seal)

January 19, 2016



Grand Jury Foreman

⁹ **SUMMARY PROCEEDING:** Any proceeding by which a controversy is settled, case disposed of, or trial conducted, in a prompt and simple manner, without the aid of a jury, without presentment or indictment, or in other respects out of the regular course of the common law. In procedure, proceedings are said to be summary ‘when they are short and simple in comparison with regular proceedings’; e.g., in comparison with the proceedings which alone would have been applicable, either in the same or analogous cases, if summary proceedings had not been available. Sweet. Black’s 4th; see Phillips v. Phillips, 8 N.J.L. 122.