



# FIJA-Iowa News

Published by the Fully Informed Jury Association of Iowa, POB 16223, Des Moines, IA 50316

Phone 319-854-7430, email [delllawrence@netins.net](mailto:delllawrence@netins.net)

Winter 2012

**Merry Christmas & Happy New Year** to you from the Fully Informed Jury Association of Iowa.

FIJA-Iowa annual meeting is:

**Saturday, January 7<sup>th</sup> 2012**

at the **East Side Public Library,**

2559 Hubbell Ave.

Des Moines, Iowa.

**Time: 12:00 PM to 4:30 PM. Meeting Starts a 1:00 pm.**

The agenda will include election of officers and information on Lobby Day at the Capitol. We are working on a guest speaker.

There is no cost to attend this meeting, but please pay your **membership dues** if you have not already mailed them.

Election of officers: Each year we elect officers. FIJA-Iowa is a good organization to do very powerful community service. Whether you are employed or retired this organization will help you grow as you learn to run a small but powerful organization.

**Plan to attend Lobby Day at the State Capitol**

Tuesday, January 17<sup>th</sup> 2012.

We will be located at the North Hallway on the first floor.

We will lobby from 9:00 a.m. to 1:00 p.m.

Theme will be: **“No one can speak credibly of his love for liberty and justice if he does not grant an accused person the right to present his case in court.” Bob Newland**

***“You can waste your whole life lobbying politicians and get nowhere. But one powerful jury verdict can bring justice to the world.” Pat Michl***

**Caucus January 3<sup>rd</sup> 2012**

By Dell Lawrence

I invite you to go your precinct prepared to submit a copy of the Jury Rights plank. I will be using the following wording: ***Law & Justice: We support the concept that juries be informed of their Common Law right and duty to consider both the facts and law in reaching just verdicts.***

I will be going to the county, district, and state conventions where I will have my debate written out ahead of time because I want to say as much as I can in the one minute allowed. Here is what I will say:

***“This is a Jury Rights Plank. Jurors have the right to judge the law. It is a nationwide effort to preserve through legislation this knowledge for future generations.***

***In the words of the First Chief Justice, U.S. Supreme Court, John Jay “The jury has the right to determine both the law and the facts”.***

***Thomas Jefferson said “I consider trial by jury as the only anchor yet devised by man, by which a government can be held to the principles of its constitution.” Continue on page 2.***

**Officers of the Fully Informed Jury Association of Iowa**

Dell Lawrence: State Coordinator\* Franklin D. Brown: State Chair\* Ruth Kabitzke: Secretary \* Timothy Hird: treasure\* John Tenikat: Lobbyist\* John Harvey and Don Burgmaier: Public Relations\* Dell Lawrence: Newsletter editor\* : ISSN news\* ADVISORY BOARD Hank Bechtel, Don Burgmaier, Ruth Kabitzke.

Governor Terry Branstan signed a Jury Rights Day Proclamation. Ron Paul is an avid supporter of Jury Rights.

*When a jury says “no” there is nothing the president/supreme court/or congress can do about it. There is nothing on this planet, manmade, more powerful than a jury’s “no” vote.*

*Juries that judge the law as well as the facts provide valuable feedback to our legislators on the law, whether it is a bad law or improper use of a law. The 21<sup>st</sup> amendment is an example of juries saying “no” repeatedly to prohibition.*

*“No one can speak credibly of his love for liberty and justice if he does not grant an accused person the right to present his case in court.”*

*“You can waste your whole life lobbying politicians and get nowhere. But, one powerful verdict can bring justice to the world. Past Jury no votes got us freedom of speech, freedom of assembly, freedom of religion, and freedom of the press.”*

### **Last year’s Lobby Day – More Surprises**

By Dell Lawrence



Jason Shultz, Republican House Representative from the District 55 conversing with Frank Brown, FIJA-Iowa Chairman.



From left to right: John Harvey, with VOCAL; Frank Brown, FIJA-Iowa Chairman; Nick Wagner, Republican Representative from Dell’s district; Don Burgmaier, with VOCAL; Dell Lawrence, FIJA-Iowa State Coordinator.

### **FIJA-Iowa Membership Meeting**

East Side Public Library - Des Moines, IA  
Saturday, January 8, 2011

Attendance: 10

Meeting started at 1:00 p.m.

Dell Lawrence, State Coordinator, welcomed everyone and opened the meeting. He explained the progression of finally producing a suitable electronic format of the newsletter for distribution through email. He encouraged those that have an email address to email it to him at delllawrence@netins.net, so that he could save on both printing and postage costs.

Michael Angelos and John Riley with a group called Super Liberty in Davenport, were in attendance. They handout FIJA literature at their local courthouse once a week.

Frank Brown led the group in the Pledge of Allegiance and a prayer.

He then conducted the election of officers for this next year. John Tenikat made a motion to reelect the same slate of officers. Don Burgmaier second the motion. The slate of officers passed unanimously.

State Coordinator – Dell Lawrence

State Chair – Frank Brown

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Secretary – Ruth Kabitzke  
Treasurer – Tim Hird

Next, Dell reviewed the newsletter.

- He recapped last year’s Lobby Day and announced that this year’s FIJA Lobby Day at the State Capitol would be January 18<sup>th</sup> from 9:00 a.m. to 1:00 p.m. The theme will be “No one can speak credibly of his love for liberty and justice if he does not grant an accused person the right to present his case in court.”
- He told of his experiences of taking a Jury Rights Plank to his local caucus and seeing it all the way through the State Convention. At each level, the Platform Committee kept dropping the plank from the platform, but unhindered, Dell kept collecting signatures and speaking in favor of it, and it kept passing! He considered it a great victory if for no other reason than to educate others about jury rights.
- Next, Dell spoke of how activist judges are eroding the right of jurors to judge the law as well as the facts in a case.
- He pointed out Harold Den Besten’s memorial article written by Frank Brown.
- He then drew our attention to the proposed Jury Rights Bill to be introduced in the Iowa Legislature.
- Finally, he reviewed some of the letters to the editor that related to jury rights.

Dell gave the Treasurer’s Report for the Treasurer, Tim Hird, who could not be in attendance.

Then Dell told the group that he would be the Coordinator/Webmaster for the Iowa web page that is connected to the National FIJA website.

Don Burgmaier spoke next about his group called the Freedom Library which conducts monthly educational meetings. He told of his many years of horrors when he lost his children to the DHS and his continued fight against that agency and the rest of the government bureaucracy which surrounds it. The Attorney General prosecutes these cases.

Don is also involved in the group VOCAL (Victims of Child Abuse Laws). He believes the best way to obtain information regarding these cases is to sign and submit an ‘Open Records Request’. Don does his advocacy Pro Se (on his own behalf) and has learned a lot and has become quite proficient at it.

Mike Angelos briefly spoke about his Super Liberty group which then led to a general discussion and Q & A amongst those present.

Meeting adjourned at 4:30 p.m.

Respectfully submitted,

Ruth Kabitzke, Secretary

## Senate District 18

By Dell Lawrence

I live in Senate District 18. It was with great interest that I followed the resignation of Senator Swati Dandekar as she accepted a new government position. The election of a new senator had significant implications, because the Senate is divided 26/24 in the Democrat’s favor. If the election would go to the Republicans, it would mean the Senate would be split 25/25. This seemed that it would be good for moving the jury rights bill forward through the legislature. In the end, the Democrats prevailed in winning the election. But, all may not be lost, because the Republican leaders and the Democratic leaders agreed not to push legislation they are deadlocked on. This hopefully will open the door for the Jury Rights Bill to move forward through the legislature.

## **Things to Think About**

By Dell Lawrence

- 1: In the news is that the Iowa prisons are over populated, and there is large increase expected in a few years. This will require building more prisons and the associated expenses housing prisoners.
2. A college student was caught on video camera breaking into the Cedar Fall’s McDonald’s at 2:00 am. He prepared a hamburger and fries. This was on you tube. Apparently, he was drunk and hungry. Also, he was willing to pay for the damages. Of course the county attorney wants to go for the max. punishment and destroy this college student’s continue on the next page.

career. A fully informed jury would likely see it differently.

3. An employee at University of Iowa Hospitals was found to have stolen a sum of money. Through her lawyer, she agreed to repay the money taken. The University Hospital claimed they were satisfied with the repayment. Then they filed charges with the county attorney. Again, a fully informed jury may have different view on the case.

4. Courts' interfering with citizens learning about their rights as jurors'.

a. I have been intimidated more than once at the Federal Court House in Cedar Rapids for passing out literature.

b. Frank Brown and I were threaten by a Dallas County Judge with a contempt: \$500 fine and 6 months in jail for passing out Jury Rights literature.

c. At the Kevin Kelly Deer Trial at Tipton, the county attorney ordered all the Fully Informed Jury literature confiscated from the people entering the Cedar County Court Room.

d. The Super Liberty group in the Q-Cities have also had run-ins with the courts while passing out Fully Informed Jury literature.

## First in the Nation

By Dell Lawrence

Iowa is the first in the nation in a lot of ways: Corn, Soybeans, Eggs, Political Straw Polls and Caucus, etc. We have a Jury Rights bill in both House and Senate. Thanks to Phil and Julie Roe, who used a lot of energy to encourage legislators' House Representative Kim Pearson and Senator Kent Sorenson to file Jury Rights bill HF542 and SF 318 (See Page 5). The Legislators' sponsoring each of these bills have their heart into pushing the bill. We have a Governor who has signed a Jury Rights Day Proclamation.

I hope the following will motivate the passing of this bill. The article was sent to me by Secretary Ruth Kabitzke from LewRockwell.com.

Wednesday, November 30, 2011

## Yes, the feds have created a tyrannical prosecutorial state

When I was in journalism school about 40 years ago, I learned about the early [American journalist John Peter Zenger](#), who was acquitted of criminal libel in 1735 by a jury in Philadelphia. It was clear that Zenger had broken the law -- although a law that would be considered tyrannical -- but jurors decided to acquit him anyway to show their displeasure with the law and with the authorities that brought the charges.

The principle was jury nullification, and it has served Americans well for centuries. Juries in the North refused to convict people under the awful Fugitive Slave Law, and juries have nullified when they believed prosecutors were hounding someone for no good reason.

(Unfortunately, juries also have nullified for bad reasons such as the not guilty verdicts in the South during the Civil Rights Era when whites were accused of murdering blacks. Likewise, juries in Herrin, Illinois, refused to convict union workers who executed 22 non-union workers during a coal strike in 1922.)

Jury nullification, while controversial, IS legal [but federal prosecutors in New York City now are going after a man](#) who publicly endorses the practice by charging him with crimes and trying to imprison him. Like always, the feds demonstrate beyond a doubt that they are bullies that despise the Constitution and our rights.

The feds have charged Julian P. Heicklen, a 79-year-old retired chemistry professor from Penn State University, claiming he is violating laws against jury tampering. I must admit that this is a "creative" interpretation of the law that was written to keep people with vested interests in the outcome of a verdict from bribing or threatening jurors to vote in a certain way.

Heicklen has done nothing of the sort, but that does not stop federal prosecutors from trying to stretch  
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## A BILL FOR

An Act relating to jurors judging the law as well as finding the facts in a trial.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. NEW SECTION. **624.39 Jury right to judge law.**

1. In all cases where the state or a political subdivision of the state is the plaintiff, the rights of the defendant include the right to inform the jury of the jury's right to judge the law as well as be finders of fact, and to render a verdict based upon conscience.

2.

*a.* The right of the jury to judge the law and to render a verdict based upon conscience in subsection 1 is absolute and shall not be limited by the rules of civil or criminal procedure, the juror's oath, a court order, or a procedure or practice of the court.

*b.* A method or procedure shall not be used to exclude or limit the empanelment of a juror willing to exercise the right of a juror to judge the law and to render a verdict based upon conscience.

3. After a jury has been informed of the right to judge the law and to render a verdict based upon conscience, a party shall not be prohibited from presenting arguments to the jury which relate to issues of the law and conscience, including but not limited to the following:

*a.* The merit, intent, constitutionality, or applicability of the law in the case.

*b.* The motive, moral perspective, or circumstances of the defendant.

*c.* The degree and direction of guilt or actual harm done in the case.

*d.* The punishment, penalty, or other sanction that may be applied to the losing party.

4. It shall be grounds for a mistrial if the court prohibits a party from informing the jury about the right of the jury to judge the law and to render a verdict based upon conscience, to prohibit arguments appealing to conscience as provided in subsection 3, or to instruct a jury to not act as judges of the law.

### EXPLANATION

This bill relates to jurors judging the law as well as acting as finders of fact in a trial.

The bill provides that in cases where the state or a political subdivision of the state is the plaintiff, the rights of the defendant include the right to inform the jury to judge the law as well as be finders of fact, and to render a verdict based upon the law and conscience.

The bill establishes the right of the jury to be absolute and not to be limited by the rules of civil or criminal procedure, the juror's oath, a court order, or a procedure or practice of the court.

The bill prohibits the use of a method or procedure to exclude or limit the empanelment of a juror willing to exercise the right to judge the law.

Under the bill, a party may present evidence relating to the merit, intent, constitutionality, or applicability of the law in a case; the motive, moral perspective, or circumstances of the defendant; the degree and direction of guilt or actual harm done in the case; and the punishment or sanction which may be applied to the losing party in the case.

Under the bill, it is grounds for a mistrial if the court prohibits a party from informing the jury about the right of the jury to judge the law, to prohibit arguments appealing to conscience as provided in subsection 3, or to instruct a jury to not act as judges of the law.

**I Challenge you to write a response letter to the editor to the following letter**

Herman Lenz told me about. Send Dell a copy.

December 13, 2011

Waterloo Courier

P.O. Box 540

100 E. 4<sup>th</sup> St.

Waterloo, IA 50704

**\*All letters must be accompanied by your name, address and phone number (for verification purposes).\***

**There is a 3 week waiting period between published letters.**

Tish Flattery- Letters to the Editor

[tish.flattery@wctcourier.com](mailto:tish.flattery@wctcourier.com)

(319) 291-1460

Please be sure to keep the letter to 200 words or less.

## Use judges, not juries

Norris Annis III

HUDSON - I recently was selected to report for jury duty. I was not selected, but it dawned on me that our current system is flawed. Why do we have regular citizens who don't really have much knowledge of the law determining criminal cases? Let me ask you this: Would you want a regular citizen giving you medical advice or a professional? My guess is you would want a professional. We have perfectly capable judges who already preside over many cases and make binding legal decisions without a jury. Wouldn't it make sense to let a fair and unbiased judge determine criminal cases as well? I believe that they are much better suited to determine guilt or innocence based on the law than the average citizen who has little experience in these areas. In addition to having a more experienced person determine the outcome of a criminal trial, it would cut down on costs and time. Our courts are already backed up and eliminating juries would save time and money. If we don't trust our judges to issue honest and truthful decisions, then who do we trust?

## From "American Juror"

### *JURY RIGHTS DAY 2011*

### **Q-Cities Iowa**

Thank you for the banners and Jury Rights Day cards! We stamped each card "Illinois Liberty Alliance. Find us at: SuperLiberty.com". We distributed cards at the East Moline Illinois Labor Day Parade. A man said, "I better look at this—I've got jury duty coming up." I told him to go to the FIJA website. Before parade, from left: Jordan Elliot, Jessica Perkins, Mike Angelos, and Michael D. Elliot. Event organized by Nancy Brandt, Illinois Liberty Alliance.



When half of the people get the idea that they do not have to work because the other half is going to take care of them, and when the other half gets the idea that it does no good to work because some-body else is going to get what they worked for, that is the beginning of the end of any nation!

the law into oblivion. One would hope that Judge Kimba Wood, who is hearing the case, will dismiss it, but Wood demonstrated without a doubt 20 years ago when sentencing Michael Milken for a series of non-crimes that she did not understand the law. Thus, I must admit I have no confidence in Wood doing anything but bow down to the will of federal prosecutors.

According to the New York Times, the activity in which Hecklen was involved consisted of standing

...on a plaza outside the United States Courthouse in Manhattan, holding a "Jury Info" sign and handing out brochures that advocate jury nullification, the controversial view that if jurors disagree with a law, they may ignore their oaths to follow it and may acquit a defendant who violated it.

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He has not dealt with jurors individually nor has he tried to influence them in any particular case, which is exactly what the jury tampering laws were supposed to prohibit. By charging Hecklen, however, the feds are moving into new legal territory, yet another "creative legal theory" that federal prosecutors have loosed upon this country as they seek to criminalize legal behavior.

The federal prosecutors clearly are making things up as they go along. The NYT writes:

But now prosecutors are offering their first detailed explanation for why they charged Mr. Hecklen, arguing in a brief that his "advocacy of jury nullification, directed as it is to jurors, would be both criminal and without Constitutional protections no matter where it occurred

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-----MEMBERSHIP FORM -----

**Fully Informed Jury Association**

IOWA CHAPTER POB 16223 DES MOINES, IOWA 50316

I (We) agree, that is the jury's right to be "fully informed" about its historical and traditional function, to the effect that each juror independently must weigh the merits of the law, the application as charged, and all of the evidence discovered from the case before them, in order to enable that jury to deliver a just verdict, upon a careful and conscientious deliberation, even though it might be against the direction of the court.

Therefore, I (we) wish to join the "Fully Informed Jury Association" in support of its goals, which include the raising of public, legislative, and judicial awareness about this ancient concept of guarding the people against government abuses of power, and tyrannical methods of oppression.

NAME: \_\_\_\_\_ ADDRESS \_\_\_\_\_  
CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_ PHONE: \_\_\_\_\_

I WILL HELP WITH:  phone calling;  letter writing;  mailings;  fund raising;  lobbying;  
 Being a county or area coordinator;  Co-editor for the newsletter:  in other ways.

- Iowa Executive Membership = \$25
- FIJA-Iowa Associate Membership = \$15
- "FIJActivist", the national quarterly = \$25
- Special Projects Donations = \$\_\_\_\_
- Membership fee for inmates = \$1

Date: \_\_\_\_\_

Total enclosed = \$ \_\_\_\_\_ Signature: \_\_\_\_\_

“His speech is not protected by the First Amendment,” prosecutors wrote.

“No legal system could long survive,” they added, “if it gave every individual the option of disregarding with impunity any law which by his personal standard was judged morally untenable.”

Not only do federal prosecutors want to deny this man his right of free speech, but they also are seeking to deny him a jury trial:

Mr. Heicklen, who could face a six-month sentence if convicted, has asked for a jury trial. Ms. (Rebecca) Mermelstein (the lead federal prosecutor), opposing that demand, cited as one reason Mr. Heicklen’s ardent stance that juries should nullify. He would probably “urge a jury to do so in a case against him,” she wrote.

In other words, Heicklen should be denied his right to trial by jury because (horrors) a jury might acquit him. If the feds cannot have the results they want, then the Constitution and the very Rule of Law should be abandoned so that prosecutors can win.

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The problem in this country is NOT jury nullification. No, the real problem is that juries too often are willing to defer to prosecutors because they believe that is what they are supposed to be doing, or they reach verdicts out of convenience.

When juries use their right of nullification to deal with what they believe to be a wrongful or malicious prosecution, they do so out of a sense of principle and belief in a Higher Law. That federal prosecutors are trying to destroy that right tells us that nothing scares the feds more than decent Americans acting out of the sense of right and wrong that government employees in the "justice" system abandoned long ago.

In American "justice," principle and right and wrong is seen as a foreign object in the bloodstream, something that government demands be eradicated at all costs. In the Heicklen case, we get a sense that prosecutors today are so emboldened and so protected that they will openly advocate people have their rights taken away -- in the name of "doing justice," of course.

POSTED BY WILLIAM L. ANDERSON



**FULLY INFORMED JURY ASSOCIATION**  
Iowa Chapter – P.O. Box 16223  
Des Moines, IA 50316

Place  
stamp  
here



*Lady Justice,  
in wielding her  
two-edged sword,  
in protecting the just  
application of the law,  
as well as in the defense  
of the constitutional  
rights of the defendant!*