

Newsletter  
of the  
Fully Informed Jury  
Association  
and the  
American Jury  
Institute  
Volume 20, Issue 1  
Spring 2008

FROM THE EXECUTIVE  
DIRECTOR.....2

LETTERS .....3

A JURY RECEIVED .....6

PATTERN CRIMINAL JURY  
INSTRUCTIONS.....9

THE JURY BOX..... 10

OP ED: DO ONE THING FOR  
JUSTICE..... 12

DRAFT LETTER - JURY RIGHTS  
DAY INTERVIEWS ..... 14

NEW SIGN.....BACK PAGE

**Check the Expiration  
Date on your label!  
Is it time to renew?  
Don't miss an issue!  
Renew Today!**



FULLY INFORMED JURY ASSOCIATION

www.fija.org

# AMERICAN JUROR

## Maine Jurors Say It's Legal to Protest an Illegal War

By Penny Coleman, AlterNet

The stink leaking out of Ira Katz's office at the Veterans Affairs just doesn't stop. Every day some callous new email shows how little he cares that the stunning statistics about soldier and veteran suicides he is trying to suppress represent real lives that were his responsibility; some flat-footed attempt is made to convince Congress ~ again ~ that he didn't mean to "mislead." As the widow of a Vietnam vet who took his own life after coming home, all the skulduggery and frightening indifference that agents of this government have exhibited in its attempt to keep it all out of sight has been particularly hard to take. But even given my deep personal connection to these stories, I'm finding it increasingly difficult to sustain an appropriately high-decibel level of outrage. I am so very tired of it all. A little good news would go a long way.

This must be the dreaded scandal fatigue.

But just when I was feeling tempted to settle for the paltry encouragement in something as entirely meaningless as the demise of yet another administration enabler like Katz, who, for all his weasely ways, is finally only the dull instrument of his boss's heartlessness, a story came my way that gave me a moment of hope.

But first, the bad news. The bad news is that this hopeful story ~ one that illustrates a constructive and effective direct action for change ~ was reported only in the Bangor Daily News. Period.

The good news, which that paper reported on April 30, is that six peace activists were acquitted on charges of criminal trespass for failing to obey a police request that they abandon their sit-in outside U.S. Sen. Susan Collins' office in the Margaret Chase Smith Federal Building in Maine.

The defendants, Doug Rawlings, Henry Braun, Jimmy Freeman, Dud Hendrick, Rob Shetterly and Jonathan Kreps ~ dubbed the Bangor Six ~ were arrested in March 2007 for protesting Bush's proposed troop escalation and Collins' continued support of funding for the war. According to Rawlings, "Our case was pretty simple: We argued that we believed we had a right and an obligation to stay in that federal building until Collins heard us out and agreed that the war is not only immoral but illegal under international law." Specifically, they based their defense on the First Amendment's "right of the people ... to petition the Government for redress of grievances," and their belief that the war is being pursued in defiance of Article VI of the Constitution ("all treaties 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"), the Nuremberg Principles and the Geneva Conventions.

After a two-day trial in Penobscot County Superior Court, a jury of 12 citizens agreed and brought back a verdict of "not guilty."

Though Judge Michaela Murphy explicitly instructed the jury to set aside their feelings about the war and only deliberate on the evidence presented during the trial, she did allow jurors to consider whether or not the defendants believed that they had the "license and privilege" to consciously choose to break Maine law because they thought international law was being violated. The jurors decided unanimously that the protesters did, in fact, believe they had that right.

For Hendrick, a Naval Academy graduate and former Air Force officer who volunteered for two tours in Vietnam and who now teaches peace studies at the University of Maine at Orono, the "not guilty" verdict was especially sweet. Hendrick has been down this road before, having been arrested five years ago for protesting the war in front of Collins' office and again three years ago in front of the office of Maine's other senator, Olympia Snowe. In his defense, he told the jury, "My best friend's name is on the wall in Washington, as are the names of three other teammates and nine classmates." Those deaths and the deaths of another generation of soldiers and civilians were on his mind when he refused to leave the Federal Building: "Every  
(Protest continued on Back Page)

*“The most unresolved problem of the day is precisely the problem that concerned the founders of this nation: how to limit the scope and power of government. Tyranny, restrictions on human freedom, come primarily from governmental restrictions that we ourselves have set up.”*

*~ Milton Friedman*

*(1912-2006) Nobel Prize-winning economist, economic advisor to President Ronald Reagan, “ultimate guru of the free-market system”*

### Bulletin!

**Check that mailing label for your expiration date! If you are current, thank you, if not, send that contribution today!**

### The American Juror

Newsletter of the Fully Informed Jury Association/American Jury Institute  
Iloilo Marguerite Jones  
Executive Director/Editor  
The American Juror  
Published quarterly, \$30 annual subscription, by the  
Fully Informed Jury Association  
and

### American Jury Institute

The staff hereby grants permission to reprint any part or all of this publication provided that bylined articles, graphics and photos are credited to their author(s), and American Juror is referenced. Submit all materials for

publication to:

The American Juror  
Iloilo Jones, Editor  
Post Office Box 5570  
Helena, MT 59604-5570

Send e-mail to: [aji@fija.org](mailto:aji@fija.org)

Copy should be submitted in the body of the e-mail and not as an attachment.

Postmaster:

Please send all address corrections to  
FIJA/AJI P.O. Box 5570  
Helena, MT 59604-5570

Non-Profit postage paid at Helena, Montana, and at additional mailing offices.

## From the Executive Director

Helena, Montana

Dear Friends,

As we roll along into summer, this issue is finally going to the printer, a bit later than usual, due to a series of meetings we had here to begin the work to revamp the FIJA web site to make it more user-friendly and to hold more content, and to begin the work on the FreedomLaw.com web site, which recently came under FIJA ownership.

So, may I assume that everyone is well-versed in our new brochures on the Second Amendment and Body Ownership? You have probably noticed that in these two new brochures, there are less quotes of Founders and Supreme Court decisions.

You may also be aware of the evolution of FIJA from an organization relying strongly on Supreme Court decisions and Founders' quotes, towards an organization which places much more emphasis on individual initiative, conscience, and individual common sense. Not to negate the prior, but to affirm the latter, we must come to rely less and less on the role of government in rendering justice, and more on the individual.

As I am sure you can see around you every day, the legitimacy of every branch of the government diminishes daily right before our eyes.

Bureaucrats, politicians and their sycophants have become a society of scofflaws with respect to the intent, the words, the laws, and the covenant, that were so very cautiously, considerably, and conscientiously set forth in our Constitution so that this day would never arrive.

But it has arrived. We see decreasing legitimacy in our courts: jurors, those proper masters of the government, including the corrupt court officials, are treated with disrespect, lied to, threatened and sometimes even jailed or prosecuted for exercising their conscience.

Judges routinely lie to jurors about the legitimate authority of the juror. They no longer tell jurors that each individual human, while serving on a jury, has the absolute authority to determine the correctness of any law as well as the guilt or innocence of the defendant.

Therefore, we can no longer expect any reliance by the courts on those laws which were earlier enforced in this nation. We can no longer expect that those who stand before us as authorities on the law have even the least understanding of the law. How much less can we count on them for a sense of justice, fairness, equity, or protection?

As we watch the decline of the government, let us remember, that we, the people, are not the government any longer. The government is no longer a representative, nor yet a protector, of the people who formed it. It is debased and depraved.

Yet, for as long as these courts continue to exist and pretend at justice, some juries will still be formed. So we must educate these jurors. We must inform all these jurors - and potentially, that is most of us - of our individual authority, rights and opportunity when serving as a juror.

When the jurors know their power and their individual human rights, then all the laws, previous court decisions, even virtually all the words taught or preached to those jurors, will be a weak echo compared to the songs of reasoning, logic, common sense, compassion, and ethical consideration, which we call thinking. Informed jurors can consult their own minds, think about all the facts of the case, such as whether or not the person on trial has harmed any other actual human being. They can think about whether or not this law breaks a law of the common law, or the natural law, or their personal set of ethics, or the Constitution. They can forget all the recent statutes, many of those laws being simply signs of the increasing frenzy of a government which is quickly losing all control. Because people are beginning to think. When they think, they realize that there is no reason to punish or lock up anyone who has only ticked off some government fee-collector or slaver. But I repeat myself.

The verdicts of these informed jurors, throughout our country's history both in the past and as shall continue today - and forward for as long as there are juries - one juror being enough to hang a jury, both inform and correct the course of our nation's laws.

*(Director continued on Page 4)*

## Letters

[As published in Antelope Valley Press; written 3/18/08, published 3/23/08]

### Jury nullification: Last peaceful defense

I laughed out loud at last Sunday's banner headline: "Sheriff: Be part of fight against crime". How? I wondered.

By turning in home-schoolers?

By fingering kids who fling birthday cake on campus?

By dropping my wallet at the Palmdale Mall?

I read the whole article.

At the end you quoted a sheriff's captain's response to a resident's complaint about slow responses: Calls are "prioritized."

Why, of course they are, with all those potential wallet-finders at large in the Mall!

I was discussing the wallet sting the other day with a doctor and a lawyer.

All three of us would have taken the wallet off-site, checked it for ID and returned it ourselves to the owner, via mail or phone call. All of us would therefore have been busted.

You can bet that we'll all ignore anything we see laying around at the Mall, if indeed we ever go there again.

At least your readers' response to this episode belies the notion that the Antelope Valley has become a community of sheep, like the rest of America seemingly has.

The multiple outpourings of righteous indignation were a joy to behold, marred by only a few bleatings in favor of unfettered authority.

However, only one reader actually identified the solution to such abuses of governmental power.

She wrote, on March 8: "If I were a juror, I would find these four women not guilty."

She's right.

Jurors have had the common-law right to judge the law as well as the facts ever since jurors acquitted William Penn for preaching Quakerism in England, centuries ago. No government official-neither judge nor prosecutor nor enforcer-has the power to force any American to act contrary to his or her own conscience.

Jury nullification, as it's called, is a defense against tyranny. The wallet sting may not be everyone's idea of tyranny, but it's part of the mean spirit of the times in which we live, which includes the Real ID act, government wiretapping, and the egregiously misnamed Patriot Act.

Certainly there are other defenses against tyranny, as the Second Amendment supporters well know, but jury nullification is the last peaceful defense.

Let's see, how does that one go? "First they came for the iodine-sellers, but I was not a horse doctor. Then they came for the cake-flingers, but I was not a juvenile. Then they came for the home-schoolers, and after that the mall shoppers, and then...." (apologies to Rev. Martin Niemoeller of Germany).

Richard P. Huemer, Palmdale

April 11, 2008 My recent jury duty  
Hello FIJA:

You probably have heard about this from other members/interested parties who have been summoned for jury duty in New York State recently, but I found my experience of this Tuesday so interesting, I thought I'd email you about it. We were shown a movie in the jurors' assembly room, intended to make us aware of the importance of jury service, and they came very close to talking about jury nullification. They mentioned the trials of William Penn and John Zenger and how the juries that acquitted them were not punished, which, as we know, was not exactly the case with Penn's jury. The building was at 71 Thomas Street, and the film was narrated by the late Ed Bradley. In Manhattan, NYC

I thought I'd let you know.

Yours truly, Anon.

Iloilo,

When jurors did not give the right verdict under Elizabeth I, they were subject to the Star Chamber! I did not know this!

The jurors who freed William Penn could have been sent to the Star Chamber, had the Chamber not been disbanded in 1641.

Wow! Might be good to put in the American Juror to see how far we have come.

"It is popularly supposed that the star chamber, after an existence of about fifty years, disappeared towards the end of the reign of Henry VIII, the powers obtained by the act of 1487 being not lost, but reverting to the council as a whole. ... The act of 1540,

(Letters continued to page 5)

*"A prohibition law strikes a blow at the very principles upon which our government was founded."*

- Abraham Lincoln  
(1809-1865) 16th US President

*"One of the problems that the marijuana reform movement consistently faces is that everyone wants to talk about what marijuana does, but no one ever wants to look at what marijuana prohibition does. Marijuana never kicks down your door in the middle of the night. Marijuana never locks up sick and dying people, does not suppress medical research, does not peek in bedroom windows. Even if one takes every reefer madness allegation of the prohibitionists at face value, marijuana prohibition has done far more harm to far more people than marijuana ever could."*

- Richard Cowan  
(1940- ) National Director of  
NORML (1992-95)

*"If the words 'life, liberty, and the pursuit of happiness' don't include the right to experiment with your own consciousness, then the Declaration of Independence isn't worth the hemp it was written on."*

- Terence McKenna  
(1946-2000) Writer,  
philosopher, and ethnobotanist

"Should we believe self-serving, ever-growing drug enforcement/ drug treatment bureaucrats, whose pay and advancement depends on finding more and more people to arrest and 'treat'? More Americans die in just one day in prisons, penitentiaries, jails and stockades than have ever died from marijuana throughout history. Who are they protecting? From what?"

- Dr. Fred Oerther

Source: Portland, Oregon, September 1986

"What we have to remember is that not everything is under our control. If people are free in any meaningful sense of the word, that means they are at liberty to foul up their lives as much as make something grand of them.

That's a gamble we all take.

That's the risk of liberty. Nobody wants others to screw up their lives, but each must be free to do so for themselves." - Joel Miller

Source: his book, *Bad Trip: How the War against Drugs Is Destroying America*, 2005

"All forms of tampering with human beings, getting at them, shaping them against their will to your own pattern, all thought control and conditioning is, therefore, a denial of that in men which makes them men and their values ultimate."

- Isaiah Berlin (1909-1997)

Source: *Two Concepts of Liberty*, 1958

"The Constitution is a written instrument.

As such it's meaning does not alter.

That which it meant when adopted, it means now."

- United States Supreme Court  
Source: *South Carolina vs. United States* (1905)

(Director continued from Page 2)

This is a significant shift for FIJA, in its message, that we now work harder to inspire, challenge, and motivate individuals who are serving as jurors to do more independent thinking and reasoning, to have more courage to quietly follow their own sense of justice and to rely less and less on anything any government representative may tell them. While FIJA has long stood with the concept of individual human initiative, as well as with civil disobedience of a peaceful nature, these last few years have convinced me that we must do more to ignore the pretended authority that government officials think they have over our lives, our bodies, our minds and our creativity. So, our two newest brochures are less kind to government.

Strategies have changed a bit in the last few years as well, as reflected in the two new brochures, which I hope you will use and enjoy.

As we approach Jury Rights Day, I hope each of you reading this has planned, at the very least, to share literature at a nearby court location, and if possible, that you are writing letters to your local or national newspapers, being interviewed, or arranging for interviews, putting up a few posters at local coffee shops or restaurants - with permission, of course - and generally spreading the word far and wide. If you need literature, you can order it from our web site supply shop, or you can get in touch with us here at the office.

A couple of weeks ago, a meeting was held here at the National Offices to begin the work on the FreedomLaw.com web site, recently donated to FIJA by R. J. Tavel (Thank you again, R. J. !)

Jury Rights Day! Get out and make something happen for justice and freedom in your neighborhood!

On Page 14 of this issue, there is an excellent example of a letter you can copy and use, this one written by Frank S., to encourage local radio stations to interview someone about the historical and traditional role of our jurors. Use this letter to persuade your local radio and television stations to carry segments on Jury Rights Day! We also have boilerplate proclamations if you need one.

For Liberty and Justice for All ~  
Iloilo Marguerite Jones

"The more corrupt the state, the more numerous the laws." - Tacitus, Roman senator and historian (A.D. c.56-c.115)

"The more prohibitions there are, the poorer the people will be. The more laws are promulgated, the more thieves and bandits there will be."  
- Lao-tzu, *The Tao Te Ching*

"Overload the police with victimless crimes and other minutiae and eventually only creeps and bullies remain cops." - Rick Gaber

"The State is the coldest of all cold monsters, and coldly it tells lies, and this lie drones on from its mouth: 'I, the State, am the people'." - Friedrich Nietzsche, *Thus spoke Zarathustra*, 1883

"Government, when it is examined, turns out to be nothing more nor less than a group of fallible men with the political force to act as though they were infallible."

- Robert LeFevre, in his essay, *Aggression is Wrong*

"It is an ancient truth that freedom cannot be legislated into existence, so it is no less obvious that freedom cannot be censored into existence.

And any who act as if freedom's defenses are found in suppression and suspicion and fear confess a doctrine that is alien to America." -

Dwight D. Eisenhower  
(1890-1969), 34th US President, WWII General  
Source: Letter, 24 June 1953

"Freedom had been hunted round the globe; reason was considered as rebellion; and the slavery of fear had made men afraid to think. But such is the irresistible nature of truth, that all it asks, and all it wants, is the liberty of appearing."  
- Thomas Paine (1737-1809)

"This business of burning human beings with napalm, of filling our nation's homes with orphans and widows, of injecting poisonous drugs of hate into veins of peoples normally humane, of sending men home from dark and bloody battlefields physically handicapped and psychologically deranged, cannot be reconciled with wisdom, justice and love. Rev. Martin Luther King, Jr.

*(Letters continued from page 3)*

which gave the king's proclamation the force of law, enacted that offenders against them were to be punished by the usual officers of the council, together with some bishops and judges "in the star chamber or elsewhere." ... During the reign of Elizabeth [,] Sir Thomas Smith remarks that juries misbehaving "were many times commanded to appear in the star chamber, or before the privy council for the matter." The uncertain composition of the court is well shown by Sir Edward Coke, who says that the star chamber is or may be compounded of three several councils: (1) the lords and others of the privy council; (2) the judges of either bench and the barons of the exchequer; (3) the lords of parliament, who are not, however, standing judges of the court. ..."

For the history of the star chamber see Sir Thomas Smith, Commonwealth of England (1633); Lord Bacon, History of Henry VII., edited by J. R. Lumby (Cambridge, 1881); William Hudson, "Treatise of the Court of the Star Chamber," in vol. ii. of Collectanea Juridica; H. Hallam, Constitutional History of England (1876); W. S. Holdsworth, History of English Law (fol. 1902); G. W. Prothero, Statutes and Constitutional Documents 1559-1625 (1894); W. Busch, England under the Tudors (1895); S. R. Gardiner, History of England 1603-1642 (1883-84); D. J. Medley, English Constitutional History (1907); and A. V. Dicey, The Privy Council.

Don Schwarz Stoughton

Hello FIJA!

Did you all know this? Telling the truth about the Falklands War.

A British writer and academic, Ponting is the author of a number of revisionist books on British and world history. Formerly a senior civil servant at the Ministry of Defence, he achieved notoriety in July 1984, when he sent two documents to Labour MP, Tam Dalyell, about the sinking of an Argentine naval warship General Belgrano, a key incident in the Falklands War of 1982. The documents revealed that the General Belgrano had been sighted a day earlier than officially reported, and was steaming away from the Royal Navy taskforce, and was outside the exclusion zone,

when the cruiser was attacked and sunk. Ponting admitted revealing the information and was charged with a criminal offence under Section 2 of the 1911 Official Secrets Act.

Although Ponting fully expected to be imprisoned - and had brought his toothbrush and shaving kit along to the court on February 11, 1985 - he was acquitted by the jury.

Thanks for all you do. A friend of FIJA

Iloilo,

Thought you might get a kick out of this.

Darell Hott

### **Radio Hosts Gleefully Try to Taint Jurors Calif. Defense Lawyers Decry 'Toxic Publicity'**

LOS ANGELES ~ There is such a thing as tainting a jury, and then there is what two Southern California talk show hosts say they are engaging in - "blatant tainting" of a jury.

Indeed, the actions of the two "shock jocks," John Kobylt and Ken Chiampou of KFI-AM in Los Angeles, have prompted defense attorneys for a former Orange County sheriff facing federal corruption charges to ask the judge to move the trial.

In a segment of their morning show that they dubbed "Taint the Carona Jury Pool," Kobylt and Chiampou regularly dish about the upcoming trial of Michael S. Carona, the 52-year-old former sheriff charged with conspiracy, obstruction of justice and public corruption.

Last year's 10-count indictment accuses Carona, his wife and a "longtime mistress" of conspiring to elect him and use the office for their own benefit. In exchange for cash, loans and gifts - a boat, use of private planes and yachts - totaling hundreds of thousands of dollars, Carona and his alleged conspirators purportedly offered, among other things, public office appointments and "Get Out of Jail Free" cards, according to the indictment.

Carona, who retired in January after nearly 10 years in office and is out on bail, has pleaded not guilty to the charges.

But that means nothing to Kobylt and Chiampou, who argue on their program, "The John and Ken Show," that secretly recorded conversations between Carona and a former assistant sheriff incriminate him.

Convinced that jury consultants will weed out "intelligent people," they also have instructed their listeners to trick lawyers during voir dire,

*(Letters continued on page 15)*

*"The war against illegal plunder has been fought since the beginning of the world. But how is... legal plunder to be identified? Quite simply. See if the law takes from some persons what belongs to them, and gives it to other persons to whom it does not belong. See if the law benefits one citizen at the expense of another by doing what the citizen himself cannot do without committing a crime. Then abolish this law without delay ... If such a law is not abolished immediately it will spread, multiply and develop into a system."*

*- Frederic Bastiat (1801-1850) French economist, statesman, and author. He did most of his writing during the years just before - and immediately following - the French Revolution of February 1848 Source: "The Law" (1848)*

*"Marihuana influences Negroes to look at white people in the eye, step on white men's shadows and look at a white woman twice."*

*- Hearst newspapers nationwide 1935*

*"We Americans have no commission from God to police the world."*

*- Benjamin Harrison (1833-1901) 23rd US President*

*“The new puritans have been highly successful. All of the preconditions for new prohibitions on alcohol and tobacco are in place. ... Indeed, the future agenda of the federal government has already been established to outlaw alcohol and tobacco in the near future.*

*... If current trends persist, America will be moving toward stricter prohibitions, greater restrictions, and more centralized control over consumption. This represents an erosion of liberty at its most fundamental level.”*

*– Mark Thornton*

*Source: “The Fall and Rise of Puritanical Policy in America”, Journal of Libertarian Studies, Vol. 12, No. 1 (Spring 1996), p. 159*

*“No more fatuous chimera has ever infested the brain than that you can control opinions by law or direct belief by statute, and no more pernicious sentiment ever tormented the heart than the barbarous desire to do so.*

*The field of inquiry should remain open, and the right of debate must be regarded as a sacred right.”*

*– William E. Borah*

*(1865-1940) U. S. Senator  
Source: 1917*

*“What gives the new despotism its peculiar effectiveness is indeed its liaison with humanitarianism, but beyond this fact its capacity for entering into the smallest details of human life.”*

*– Robert Nisbet*

*(1913-1996) Communitarian  
Traditionalist  
Source: Twilight of Authority,  
1981*

## A JURY DECEIVED, AN INNOCENT MAN SENT TO PRISON FOR SIX YEARS

Roger Roots, J.D., Ph.D., Attorney at Law<sup>1</sup>

On Monday, April 14, 2008 the Supreme Court of the United States denied certiorari in the case of Rudolph Stanko v. United States, leaving the Eighth Circuit’s ruling upholding Stanko’s conviction standing. Rudy Stanko, my client, had been convicted in the U.S. District of Nebraska in 2006 of possessing firearms and ammunition 22 years after he was convicted of various meatpacking violations. The jury in Stanko’s case had convicted him without knowledge of legal definitions that would have clearly exonerated him.

The U.S. Justice Department has prosecuted thousands of Americans for mere possession of guns or ammunition after they had been previously convicted of a “crime[s] punishable by imprisonment for a term exceeding one year” in violation of 18 U.S.C. § 922(g). Such prosecutions are favored by federal prosecutors because the law as written by Congress does not allow defendants to defend themselves by telling juries they didn’t know about the law, didn’t know about their “disabled” status, thought they were cleared by the law over time, or believed they had a constitutional right to keep and bear arms. Federal judges—who, as a group, are more anti-gun than almost any other segment of the population—have generated case precedent that overwhelmingly favors the government in gun cases.

At issue in the Stanko case was the very definition of the phrase “crime punishable by imprisonment for a term exceeding one year.” The U.S. Code expressly defines the phrase so as not to include: “any Federal or State offenses pertaining to antitrust violations, unfair trade practices, restraints of trade, or other similar offenses relating to the regulation of business practices.”

See 18 U.S.C. § 921(a)(20)(A). Mr. Stanko’s only prior felony convictions were his 1984 convictions for conspiracy to violate the Federal Meat Inspection Act and various violations of the Meat Inspection Act. The convictions arose from Stanko’s ownership of a thriving meatpacking business in Denver which was accused of mislabeling meat boxes, reshipping rejected meat shipments, and circumventing the USDA inspection process during the early 1980s.<sup>2</sup>

According to any plain-language interpretation, Stanko’s 1984 convictions fell squarely within the business-regulatory exception described above, meaning that Stanko could freely possess firearms. But the U.S. District Judge who presided over Stanko’s trial construed the business-regulatory provision to be a very narrow exception and ruled that Stanko’s 1984 violations were not exempted. “While the conviction . . . could relate to a business practice, it is not ‘similar’ to any of the three categories of crimes listed in the § 921(a)(20)(A) exception.” The District Court then denied Stanko the opportunity to argue his innocence by informing the jury of the definition. Trial in the case was consequently limited to “fact” questions of possession and constructive possession. A proposed jury instruction informing the jury of the existence of the 921(a)(20)(A) exception was rejected by the judge.

I showed in my brief to the Supreme Court that the judge’s interpretation of the business-regulatory provision is refuted by dicta in a prior Supreme Court decision describing the provision as “an exception that allows gun possession despite a prior conviction for an antitrust or business regulatory crime.” *Small v. United States*, 544 U.S. 385, 391 (2005) (Breyer, J., writing for the majority) (emphasis added); see also *id.* at 403 (Thomas, J., dissenting) (“A domestic antitrust or business regulatory offender could possess a gun, while a similar foreign offender could not”) (emphasis added). The district court’s interpretation was also refuted by the legislative history of the provision.<sup>3</sup>

But even under the district court’s narrow interpretation of the provision, Stanko was innocent. The phrase “unfair trade practice” clearly covers violations of meatpacking laws. Although federal law does not define the phrase, many state cases and statutes (as well as standard dictionaries) define an unfair trade practice as any inequitable or illegal business practice. It is clear that Stanko’s 22-year-old convictions fell squarely within the business exception.

The jury—uninformed about the complexities of the law—convicted Stanko of two counts of

prohibited firearm and ammunition possession (Counts I and II) and acquitted him of unlawful transportation of a handgun (a charge that was added two weeks before trial when the government feared that Stanko might be found innocent of the gun possession charges).

By a 2 to 1 vote, an Eighth Circuit panel upheld Stanko's conviction on June 20, 2007. See *United States v. Stanko*, 491 F.3d 408 (8th Cir. 2007). The panel majority construed Section 921(a)(20)(A) as a very narrow exception that does not encompass business-regulatory offenses in general (again, a proposition refuted by legislative history and prior caselaw), and also held that a trial court may lawfully conceal the 921(a)(20)(A) exception from a jury and prohibit a felon-in-possession defendant<sup>4</sup> from arguing his innocence by invoking the exception at trial. The dissenting senior justice, Myron Bright, found that the scope of the "similar offenses" clause was sufficiently broad to include Stanko's meatpacking offenses, or was otherwise too ambiguous to justify criminal punishment under rules of lenity and void-for-vagueness principles.

I petitioned the Eighth Circuit for a rehearing en banc (by all the judges in the Circuit), which was denied on September 5, 2007. Chief Judge Loken, Judge Bye, Judge Smith and Judge Shepherd wrote that they would have granted the petition for rehearing en banc.

This was an obvious case of an innocent man wrongly convicted of a crime he did not commit. When Stanko initially contacted me about the case, I told him that if the business exception did not exonerate him, there is no rule of law in the United States of America. Now, more than two years later, I am forced to reflect on the implications of the case.

There was only one way the government could convict Stanko, and that was to deny him his fundamental right to trial by a fully informed jury. If the jury had known of the business-regulatory exception, Stanko would have been acquitted. It is that simple. No jury—even one stacked with the prosecutor's peers (as most contemporary juries are)—would have voted that the business-regulatory provision did not apply to Stanko's meatpacking convictions beyond a reasonable doubt.

Of course, America's founding fathers intended for juries to be an actual check on the power of government. They had no reason to insist on a mere "citizen fact-finder" provision in the Constitution. The most fundamental of all rights, the right to have a jury of one's peers square its own sense of community conscience with the government's legal and factual assertions, has been lost to modern Americans.

Those of us who have studied America's criminal justice system extensively know that there are many sources of illogic and injustice in contemporary criminal procedure. Most of these problems would be remedied by the restoration of trial by fully-informed juries. Indeed, the denial of the right to fully informed jury trial is the primary evil in our criminal justice system today. Untold thousands of innocent Americans have been sent to prison after judges instructed juries that they had no right to consider (or even look up) the law or the Constitution and "must find the defendant guilty" if certain facts are proven beyond a reasonable doubt. Anyone who has been in a courtroom when such instructions are given will attest that judges tend to emphasize two words: must and guilty.

The pervasive fetish of contemporary judges for controlling and containing juries by means of extremely narrow jury instructions is resulting in palpably fake trials. In 1997, a federal judge in California ruled that medical-marijuana patient Peter McWilliams could not even tell the jury at his trial for conspiring to grow and sell marijuana about his chronic AIDS-related illness. Nor was McWilliams allowed to let the jury know that California's voters had overwhelmingly voted to allow medical marijuana use in Proposition 215 in 1996. The jury was to be spoon-fed an utterly false and government-approved version of McWilliams' defenses. McWilliams—who had never sold a drug in his life—was forced to plead guilty to conspiracy to grow and sell marijuana to avoid a mandatory minimum ten-year prison sentence. He died at age 50 while awaiting sentencing, choking on his own vomit in a bathroom after the judge in his case ordered him not to use medical marijuana while out on bail.

Remember that Timothy McVeigh's attorneys were prohibited from showing that "John Doe 2" and others (possibly government informants who may have been instigators) had participated

*(Jury Deceived continued on page 8)*

*"Marihuana is a more dangerous drug than heroin or cocaine. I am surprised to learn that certain police officers have been inclined to minimize the effects of the use of marihuana.*

*They would, I am sure, be convinced that the drug is adhering to its Old World traditions of murder, assault, rape, physical demoralization, and mental breakdown.*

*A study of the effects of marihuana shows clearly that it is a dangerous drug, and Bureau records prove that its use is associated with insanity and crime."*

*- Bulletin of the FBI  
May 1938*

*"Marijuana leads to homosexuality ... and therefore to AIDS."*

*- Carlton Turner  
White House Drug Czar  
1986*

*"There are 100,000 total marijuana smokers in the US, and most are Negroes, Hispanics, Filipinos and entertainers. Their Satanic music, jazz and swing, result from marijuana usage.*

*This marijuana causes white women to seek sexual relations with Negroes, entertainers and any others."*

*- Harry J. Anslinger  
(1892-1975) Assistant Prohibition Commissioner in the Bureau of Prohibition, first Commissioner of the Treasury Department's Federal Bureau of Narcotics (FBN) (1930-1962, 32 years), US Representative to the United Nations Narcotics Commission*

*Source: testimony to US Congress supporting Marihuana Tax Act, 1937*

*“But I know now that there is not a chance in hell of America becoming humane and reasonable. Because power corrupts us, and absolute power corrupts us absolutely. Human beings are chimpanzees who get crazy drunk on power. By saying that our leaders are power-drunk chimpanzees, am I in danger of wrecking the morale of our soldiers fighting and dying in the Middle East? Their morale, like so many lifeless bodies, is already shot to pieces. They are being treated, as I never was, like toys a rich kid got for Christmas.”*

*- Kurt Vonnegut, Jr.  
(1922- ) Author*

*“At the end of a century that has seen the evils of communism, Nazism and other modern tyrannies, the impulse to centralize power remains amazingly persistent.”*

*- Joseph Sobran (1946- )  
Columnist*

*“To announce that there must be no criticism of the President, or that we are to stand by the President, right or wrong, is not only unpatriotic and servile, but is morally treasonable to the American public.”*

*- Theodore Roosevelt  
(1858-1919) 26th US President*

*“Institutions purely democratic must, sooner, or later, destroy liberty or civilization or both.”*

*- Thomas Babington Macaulay  
(1800-1859) [Lord Macaulay]  
1st Baron Macaulay, British historian Source: Letter to H.S. Randall, May 23, 1857*

*(Jury Deceived continued from page 7)*

in the bombing of the Oklahoma City Federal Building along with McVeigh. The result was a fundamentally fake trial.<sup>5</sup>

Rudy Stanko, a 60-year-old cattleman and feedlot manager from Nebraska/Wyoming range country, is serving his six-year prison sentence at the Waseca Federal Correctional Institution in Minnesota. Stanko is grateful to the Fully Informed Jury Association, the Advocates for Justice, the Gun Owners Foundation, the Second Amendment Foundation, and all of the caring lawyers and advocates who have lent their time and energy to his case. Stanko knows that his struggle is the struggle of millions throughout the world who came before and will come after him.

The right to a fair jury trial is an eternal human right that is supposed to provide a formidable obstacle to governmental despotism and totalitarianism. The right has been invoked in reverence for centuries but has rarely been honored in full application. The Framers of the Constitution knew how zealously government agents would seek to evade, weaken and marginalize juries. For this reason, the Founders insisted that the right to jury trial be protected by no fewer than three provisions of the Constitution. (In fact, trial by jury is the only right that the Framers repeated in the Constitution that many times.)

We must make the plight of Rudy Stanko and all other wrongly-convicted defendants our own. So long as trial by jury is artificially limited to government-approved questions of fact, Americans will be subject to the whims of judges, prosecutors, legislatures, presidents, governors and cops instead of being protected by the consciences of their neighbors and fellow citizens. Our highest mission in the twenty-first century is to restore the people’s fundamental right to have fully-informed juries stand between the citizen and the power of the state.

<sup>1</sup>Acknowledgment is due to Duane Horton of Middletown, Rhode Island, the state FIJA contact and a long-time FIJA activist, who assisted with proofreading and editing this essay.

<sup>2</sup>Note that Stanko was probably innocent of the meat-packing charges 22 years earlier. Stanko was basically convicted of owning a packing plant more than a hundred miles from where he lived where meat boxes were being stamped with incorrect dates. On a single day in 1983, the government seized forty semi-truck loads of beef from Stanko’s company in an attempt to find adulterated meat. Although 500 samples were tested and analyzed, every ounce proved to meet USDA standards. Stanko’s company was never repaid for more than a half million dollars of seized meat, and the U.S. Justice Department went on to charge Stanko with various offenses despite the negative tests. The case began in 1982 with a wide-ranging attempt by the Justice Department to prove that Stanko’s Cattle King Packing Company produced tainted meat, and ended with a mere finding that the company’s internal coding system, which was arguably independent of USDA labeling rules, printed shipping dates instead of processing dates on meat boxes.

<sup>3</sup>David T. Hardy, a Senate aide who assisted in drafting the legislation that amended the Gun Control Act in 1986, recounted the legislation’s history in a 1986 law review article. “The Firearm Owners’ Protection Act: A Historical and Legal Perspective,” 17 *Cumb. L. Rev.* 585 (1986). Initial drafts of the legislation enumerated specific disabling offenses, allowing those convicted of all other offenses to freely possess firearms. *Id.* at 608. As the debates progressed, the “attempt to define specific ‘disabling’ offenses was dropped, and the Gun Control Act’s broad inclusion of non-business felonies was retained” (emphasis added).

<sup>4</sup>A footnote is necessary here because the word “felon” appears nowhere in the relevant statutes. At trial, however, the District Court instructed the jury that the alleged crime was “being a felon” “in possession of a firearms . . . and ammunition.” In place of Congress’s definition of terms in 18 U.S.C. § 922(g), the District Court substituted its own definition so as to conceal the business exception from the jury: “that is, a crime punishable by imprisonment for a term exceeding one year” *Id.*

<sup>5</sup>For more information, read *Others Unknown* (2001), an insider account of the McVeigh proceedings by McVeigh’s attorney Stephen Jones.

UPDATE: June 15, 2008 I just learned that I successfully overturned Stanko’s conviction for providing a wrong social security number in 2006. Check out the order of the 8th Circuit today. Of course, they virtually ignored the various constitutional arguments on appeal and opted to overturn the conviction on statutory (Rule 18) grounds. Nonetheless, this decision represents the only time in 8th Circuit history where the 8th Circuit Court of Appeals ordered a new trial on venue grounds. (Believe me, I’ve read every 8th circuit case on the issue). If only we had won the gun appeal. -Roger

# PATTERN CRIMINAL JURY INSTRUCTIONS

*and commentary by Rose Lear*

## Chapter 1.00 GENERAL PRINCIPLES Table of Instructions

### 1.02 JURORS' DUTIES

(1) You have two main duties as jurors. The first one is to decide what the facts are from the evidence that you saw and heard here in court. Deciding what the facts are is your job, not mine, and nothing that I have said or done during this trial was meant to influence your decision about the facts in any way.

(2) Your second duty is to take the law that I give you, apply it to the facts, and decide if the government has proved the defendant guilty beyond a reasonable doubt. It is my job to instruct you about the law, and you are bound by the oath that you took at the beginning of the trial to follow the instructions that I give you, even if you personally disagree with them. This includes the instructions that I gave you before and during the trial, and these instructions. All the instructions are important, and you should consider them together as a whole.

[(3) The lawyers have talked about the law during their arguments. But if what they said is different from what I say, you must follow what I say. What I say about the law controls.]

(4) Perform these duties fairly. Do not let any bias, sympathy or prejudice that you may feel toward one side or the other influence your decision in any way.

Use Note Bracketed paragraph (3) should be included only when the lawyers have talked about the law during their arguments. If the instructions are given before closing arguments, the language of this paragraph should be modified accordingly.

Commentary from Rose Lear: If the people were still educated in civics like I was as a child in grade school, you would see more acquitted and the DOJ would stop prosecuting. "All Power of Government is inherent in the People" I use the 6th Circuit Pattern Criminal Jury Instructions as my educational tool.

The jurors have two main duties. First, they must determine from the evidence what the facts are. Second, they must take the law stated in the court's instructions, apply it to the facts and decide whether the facts prove the charge beyond a reasonable doubt. See *Sparf v. United States*, 156 U.S. 51, 102-107, 15 S.Ct. 273, 39 L.Ed. 343 (1895); *Starr v. United States*, 153 U.S. 614, 625, 14 S.Ct. 919, 923, 38 L.Ed. 841 (1894).

The jurors have the power to ignore the court's instructions and bring in a not guilty verdict contrary to the law and the facts. *Horning v. District of Columbia*, 254 U.S. 135, 138, 41 S.Ct. 53, 54, 65 L.Ed. 185 (1920).

But they should not be told by the court that they have this power. *United States v. Krzyske*, 836 F.2d 1013, 1021 (6th Cir.), cert. denied, 488 U.S. 832, 109 S.Ct. 89, 102 L.Ed.2d 65 (1988); *United States v. Avery*, 717 F.2d 1020, 1027 (6th Cir.1983), cert. denied, 466 U.S. 905, 104 S.Ct. 1683, 80 L.Ed.2d 157 (1984); *United States v. Burkhart*, 501 F.2d 993, 996-997 (6th Cir.1974), cert. denied, 420 U.S. 946, 95 S.Ct. 1326, 43 L.Ed.2d 424 (1975).

They should instead be told that it is their duty to accept and apply the law as given to them by the court. *United States v. Avery*, supra at 1027. (*You can see why we must do what we do - ed.*)

*"The urge to save humanity is almost always a false-face for the urge to rule it."*  
- H. L. Mencken (1880-1956) American Journalist, Editor, Essayist, Linguist, Lexicographer, and Critic

*"If Tyranny and Oppression come to this land, it will be in the guise of fighting a foreign enemy."* - James Madison (1751-1836), Father of the Constitution for the USA, 4th US President

*"When the tyrant has disposed of foreign enemies by conquest or treaty, and there is nothing more to fear from them, then he is always stirring up some war or other, in order that the people may require a leader."*  
- Plato (429-347 BC)  
Source: *The Republic*

*"If our fathers, in 1776, had acknowledged the principle that a majority had the right to rule the minority, we should never have become a nation; for they were in a small minority, as compared with those who claimed the right to rule over them."* - Lysander Spooner (1808-1887) Political theorist, activist, abolitionist Source: *No Treason*, 1867

*"The tyranny of a multitude is a multiplied tyranny."*  
- Edmund Burke (1729-1797) Irish-born British statesman, parliamentary orator, and political thinker

*"The tendency of democracies is, in all things, to mediocrity."*  
- James Fenimore Cooper (1789-1851) American Novelist  
Source: *The American Democrat*, XIV, 1838

## THE JURY BOX

### Jurors Understand Legal Tender, Refuse to Convict on all 161 Counts

by Derry Brownfield

I began a recent presentation before a large group of cattle producers (R-CALFUSA) by showing a paper dollar bill and a silver coin. The words “one dollar” is inscribed on both the coin and the paper, yet the paper dollar will only pay for about one quart of gasoline at today’s prices, while the silver dollar will pay for well over five gallons. I explained to my audience that consumer prices are not high – the paper dollar has lost most of its value. It makes no difference how high the price of gasoline goes, a silver dollar will continue to buy gas for 20 cents a gallon, exactly the price gas was during the Great Depression. Based on 1940 prices, a paper dollar is worth about two pennies.

Today in America, we are being systematically robbed of our property because we have allowed the Federal Reserve to flood our banks with fiat, worthless paper money. There is actually a law against paper money but nobody seems to know about it. The Supreme law of the land is the US Constitution, which stated in Article I Section 10: Individual states are “not allowed to make any Thing but gold and silver coin a tender in payment of debts.” The Constitution also states that “Congress has the power to COIN money and regulate the value thereof.” Our Founding Fathers knew how a central bank printing paper money would collapse our economy. Had we followed the US Constitution to the full letter of the law, gasoline would still be 20 cents a gallon. As the dollar continues to lose value we say our currency has lost its purchasing power. It should be more properly referred to as embezzlement by the banking industry.

Robert Kahre owns a family business and instead of using paper money he paid his workers with gold and silver coins minted by the United States government. He paid them based on the “face value” of the coins. If he paid a worker a dollar an hour he paid with a silver dollar, which states on the coin that it is “one dollar” regardless of today’s value.

His wages were so low that he didn’t have to file W-2 income tax forms or withhold taxes or pay workman’s comp. This upset the IRS, which charged him and his family with 161 federal tax crimes.

The case which was tried before a Las Vegas jury in a Federal Court, heard testimony for almost four months. Defendants believed they had no legal obligation to withhold, pay income taxes or report anything to the government because the “face value” of the gold and silver coins is so small as to fall beneath the reporting thresholds set by the Internal Revenue Code. The government argued that the payments in gold and silver US coins must be considered at their bullion, full-market value when considering the worth of the wages for purposes of the IRS code. The essence of the argument is that Congress is obligated by law to mint and circulate such coins as demand requires, and must establish the value of coins as they are used as legal tender, but a coin’s market value is a distinct, separate attribute of such coins and is of no legal consequence if the coins are used as legal tender. If a worker is paid with such coins, his taxable income can only be the face value indicated on the coin. “A coin dollar is worth no more for the purposes of tender in payment of an ordinary debt than a note dollar. The law has not made the note a standard of value anymore than coin. It is true that in the market, as an article of merchandise, one is of greater value than the other; but as money, as a medium of exchange, the law knows no difference between them.”

On September 17, the jury returned its verdict refusing to convict all nine defendants of any of the 161 federal tax crimes they had been charged with. One would think, “we the tax payers would want to hear that the IRS was defeated by the use of the true money.” To my knowledge, the results of this trial were never printed or broadcast by any of the major news media. Three days after the trial’s conclusion, the Las Vegas Review Journal ran its first and last story about the outcome and then only because of public pressure from interested parties who attended the trial.

The Department of Justice prosecutors know that justice was done and that if this information was made available to the general public their house of cards would come tumbling down. All federal agencies have a

“It’s about food. It’s about your home. It’s about your life. The government is worried about all of the above.

All I’m saying is you should be worried they’re worried. Here’s why:

They’re telling you that you can’t take care of yourself. You can’t be trusted with what you put in your mouth or what you sign on the mortgage dotted line.

So they’ll tell you what to put in your mouth and they’ll save you from what you signed on that dotted line. Does anyone see a trend here? Personal responsibility has now become government responsibility.”

– Neil Cavuto

“Our federal tax system is, in short, utterly impossible, utterly unjust and completely counterproductive, [it] reeks with injustice and is fundamentally un-American... it has earned a rebellion and it’s time we rebelled.”

– Ronald Reagan

(1911-2004) 40th US

President Source: May 1983, Williamsburg, VA

“To lay with one hand the power of government on the property of the citizen, and with the other to bestow it on favored individuals... is none the less robbery because it is... called taxation.”

– United States Supreme Court

Source: *Loan Association v.*

*Topeka* (18\_\_)

great fear of the truth and only by controlling the news media can they keep the world from caving in on their heads.

(After typing this article, Beth (my secretary) has now surrendered the raise that she has yet to receive, contingent on me agreeing to pay her in gold & silver coins; see the truth does hurt.)

### Jury Nullification to be Key to Defense in Boston Case

Last September at the Boston Freedom Rally to support marijuana law reform, sixty-plus people were arrested for simple possession of marijuana. Two men arrested have turned their arrests into a platform to launch a legal challenge to the statute criminalizing possession of marijuana, in what could go down as a turning point in the history of American jurisprudence.

Rick Cusick, Associate Publisher of High Times magazine, and Keith Stroup, president and founder of the National Organization for the Reformation of Marijuana Laws (NORML), will shortly go to trial for possession. Their legal defense, led by Harvard Law School professor Charles Nesson and attorney Matthew Fineberg, agrees to the charge. Instead, the defense is using a unique two-pronged strategy to question whether the laws that Cusick and Stroup are accused of breaking is a crime.

It started when Cusick and Stroup were setting up a booth. Finishing early, the two decided to step behind their booth to smoke a joint before crowds began pouring in. Although they thought they were unobserved, two undercover police officers put them in handcuffs, and escorted them to a tent where other offenders were detained. The rally continued uneventfully and the two men were allowed to speak and later return home with the understanding that they would be back in a month for their arraignment.

Associate Harvard Medical School professor Lester Grinspoon heard about the arrests and decided to contact his colleague and friend, Professor Nesson, hoping that he would take the case pro bono. Nesson immediately saw the potential in this case and stepped right in to represent Stroup.

The defense team came up with is a two-part strategy. The first part involves making an argument that to prevent adults from smoking marijuana recreationally is a violation of their

constitutional rights, and therefore the case should be dismissed outright.

The second part of the defense's case revolves around jury nullification. In jury nullification, the jury is basically informed that even if they believe that the defendants are guilty of violating the letter of the law, they have the right to decide that it would be unjust to take their liberty away. In this sense, while it is the judge's duty to determine what the statute says and how it should be interpreted, the ability to decide the application of that statute to a defendant lies with the jury, a fact not known by most jurors.

This was originally understood to be a function of juries, but government judges have interpreted this power away and hold in contempt of court any lawyer who tries to inform their jury of it. The Stroup/Cusick defense team will ask that the jury be given a special instruction informing them that they may find the defendants not guilty even if the jury believes that the defendants are in fact in violation of the letter of the law.

According to Nesson, his ideal outcome in the trial is for the case to reach the Supreme Judicial Court of Massachusetts, making a ruling that lawyers can make a direct argument to the jury concerning the application of a legal statute to a defendant and whether or not that application is just. From there, Nesson hopes to make such an argument to the jury in this criminal case and to win it, setting a precedent for future such trials in the state. He believes that this mechanism for challenging the drug statutes in the state would be the least disruptive way to do so, the least dangerous for the judicial branch avoiding direct conflict with the legislature, most directly expressive of the will of the people, and truest to the Massachusetts Declaration of Rights, and would not result in the cataclysmic effect that a judgment in direct conflict with the legislature would have.

In the first round of proceedings, the motion to dismiss on constitutional grounds was denied, but the team will be back in the courts in early May to make their argument for the special jury instruction. If successful, and things proceed as the defense team hopes they will, this case could go on to set precedent not only in the Commonwealth, but could ripple across the national legal scene, and ultimately lead to a change at the legislative level. For now, only time and the courts will tell.

*"In Europe, when tobacco was first introduced, it was immediately banned. In Turkey, if you got caught with tobacco, you had your nose slit. China and Russia imposed the death penalty for possession of tobacco." - Andrew Weil, MD (1942- ) American author and physician*

*"Whenever the offence inspires less horror than the punishment, the rigour of penal law is obliged to give way to the common feelings of mankind." - Edward Gibbon (1737-1794) English historian and Member of Parliament*

*"Government should allow persons to engage in whatever conduct they want to, no matter how deviant or abnormal it may be, so long as (a) they know what they are doing, (b) they consent to it, and (c) no one - at least no one other than the participants - is harmed by it." - Hugo Adam Bedau Professor of Philosophy, Tufts University (Emeritus)*

*"If there be any among us who would wish to dissolve this Union or to change its republican form, let them stand undisturbed as monuments of the safety with which error of opinion may be tolerated where reason is left free to combat it." - Thomas Jefferson (1743-1826), US Founding Father, drafted the Declaration of Independence, 3rd US President*

*“Where is the justice of political power if it executes the murderer and jails the plunderer, and then itself marches upon neighboring lands, killing thousands and pillaging the very hills?” Kahlil Gibran*

*“Conquered states that have been accustomed to liberty and the government of their own laws can be held by the conqueror in three different ways. The first is to ruin them; the second, for the conqueror to go and reside there in person; and the third is to allow them to continue to live under their own laws, subject to a regular tribute, and to create in them a government of a few, who will keep the country friendly to the conqueror”*

*Niccolo Machiavelli, The Prince*

*“An error does not become truth by reason of multiplied propagation, nor does truth become error because nobody sees it”*

*Mohandas Gandhi*

*“Liberty has never lasted long in a democracy, nor has it ever ended in anything better than despotism.”*

*~ Fisher Ames*

*(1758-1808), American statesman, orator and political writer*

## Bulletin!

**Check that mailing label for your expiration date!**

**If you are current, thank you, if not, send that contribution today!**

## Do One Thing For Justice: Be A Juror

Iloilo M. Jones

*(Condensed from an article for Republic Magazine’s Blueprint to Restore America)*

If you are reading this, you are already searching for solutions to problems caused by government. Each day, government politicians and bureaucrats impose more restrictions on our freedoms. Government’s tyrannical gun controls, privacy violations, taking of property, claiming ownership of the fruits of our labor ~ and even of our bodies - are worsening daily. You already know this.

We see government taking our property, the product of our labors, thus depriving us of the days of our lives we have invested to acquire our property. Our paychecks are plundered before they reach our hands. Our property is subject to seizure any time we fail to allocate much of our labors to pay taxes. Our tools are subject to seizure if they are not tools approved by government. More and more harmless people are tasered, locked away in prisons, or killed by government employees who then go free. We are subject to being stopped and searched at any time. We can no longer travel freely. Our private correspondence is invaded worse than any Revolutionary War plot to capture the letters of the Revolutionaries.

Short of armed revolution, how do we defend our lives, our property, our rights and our freedom?

### What Can You Do?

What can you do, as one free individual, to make a difference? How can you protect your human rights, and the rights of others? How can you regain the birthright of liberty, left to you by those who fought and died that we might enjoy individual human rights and the blessings of liberty, life, property, and prosperity? How can you peacefully regain these rights? How do you, one individual, become a revolutionary force of justice and freedom?

Become a juror. To learn more, visit [www.fija.org](http://www.fija.org), or call 1-800-TEL-JURY for a free information packet. One of the best and least-known methods you can use to protect your rights and the rights of everyone is to serve on a jury every chance you get. Yes, you read that correctly: every chance you get, serve on a jury.

YOU, as one individual, cannot do much to effect legislation. But YOU can effectively defend the Constitution when a gun owner, a tax resister, or someone who knows he owns his individual body, is on trial for not following government-made laws that are both unconstitutional and violate human rights. The primary responsibility of any juror is to protect innocent humans from government tyranny. That means any violation of basic human rights should be nullified by you, the juror. This is your individual executive veto power, built into our justice system by our founders.

### How Can You Do This?

One person can “hang” a Jury by refusing to convict. You cannot be punished for doing so. If you are called to serve on a jury, do so! In turn, if your rational exercise of a right is ever described as a gun crime, a property crime, or a body management crime, by a typical government prosecutor, wouldn’t you want a member of your Jury to be an informed gun owner, tax resister or supplement user? You would want them to understand that they can hang a jury by simply stating that the government prosecutor failed to prove the government case. This is important: You can also state no reason for your verdict, as is your right.

The defense of our liberties comes first at the ballot box, then the soap box, then the jury box, and finally, failing all else, the cartridge box. The writers of the US Constitution understood that power always corrupts, and that the people must retain and understand all the ways to defend themselves from the greatest threat to liberty: one’s own government. The founders wrote the Constitution with many checks and balances for the People to use - peacefully - to keep government under control. Some of us never heard about these checks and balances, because the government-run schools do not teach about juror veto rights, nor will government judges or government-licensed attorneys tell you about this right when you are called for jury duty.

Because the judges and lawyers are ignorant of the Constitution and the Common Law, it is only a matter of time before you or one of your friends are stupidly accused of some victimless crime. Enough of us must become informed jurors and use our juror veto, or nullification, to refuse to convict those who have been wrongfully accused of some government-invented crime. An actual crime is when another individual human is injured, not when a reasonable peaceful person fails to obey some tyrannical government mandate or pronouncement. (Government has

no rights, and therefore, cannot be injured by a person. If no other human is injured in any way, by force or fraud, then there is no crime. Period.)

The duty and function of the juror is to apply honest common-sense reasoning that is without craving for power of office. Lawyers and judges literally cannot understand that concept even if they read these words, which is why wise people instituted the peer jury system with its authority over lawyers and judges. The jury is the highest authority in the courtroom. Jurors are not officers of the court: jurors own the courts! This veto authority is how we, the People, keep our government under our control

### Why Should You Do This?

The promotions of government prosecutors and judges are based on their record of protecting and increasing the corrupt power of government. Court officers and prosecutors profile jurors based on their psychological and professional likelihood of not questioning what some government authority-figure says, so the jurors will do exactly what a judge tells them in the jury instructions. That is the same type person every dictator selects for his minions. Gullible people who do not question authority are the foundation of every tyranny. Always question all authority. Always.

### What Are the Results If Jurors Veto Bad Laws?

In 1789 Thomas Jefferson accurately stated: "I consider trial by jury as the only anchor yet imagined by man by which a government can be held to the principles of its constitution."

The only anchor - the juror - holding government to the US Constitution was thus rendered useless by this process, unless the juror knew prior to entering the courtroom about the authority of the juror. You know from reading the Constitution that nothing in the Constitution remains in effect in the United States of America, except at the personal whim of court judges who may grant their friends and colleagues the privilege of exercising human rights, while sending others to prison for the exact same offense.

A very important point is that in recent jury decisions, where the defendant may have been found not guilty of the felony counts, but perhaps guilty of some minor misdemeanor counts, the judges will use these verdicts of guilt on lesser offenses to "throw the book" at the defendant, often sentencing the person on trial to the maximum allowed under the law, such as happened in the Waco, Snipes and other trials. Jurors need to remember that government employees can be vindictive, and therefore, jurors should refuse to convict a defendant on any counts when it is apparent that the government wants to "get" the defendant and when there is no harm to another person.

The reason that the jurors can ignore the traditionally corrupted judge's instructions, and apply their conscience alone for their decision as a duty created by the jury system, is that no law requires, or can successfully require, a juror to reveal the reason she or he made their decision. There is no way to look inside a human mind to verify anything. To any government question of the juror's decision, the juror can lawfully respond with silence, or respond that the question seems intimidating, and thus unlawfully tampering with the jury duties. Or the juror can simply state that the evidence was not credible or sufficient. Jurors need never reveal their conscience or their decision-making process.

For every person accused of a crime by the government, each juror would wisely ask their own conscience these questions:

1. Did the action of the accused result in a real person being damaged against their will, whether by force or by fraud? 2. Was the damage real and verifiable? If the answer is "No" to these questions, why would you, as a juror, agree to punish this person, either with a fine, or jail or prison time? And you might ask, "Why is government wasting my tax dollars on this case?" Refuse to convict. It is your right and your authority!

### How Can You Spread the Word?

Visit FIJA at [www.fija.org](http://www.fija.org) for more information you can use to become a juror for justice. At our web supply shop, you will find literature, brochures to share, essays, various educational tapes, and DVDs. Want more information right away? Act now! Call 1-800-TEL-JURY for a free information kit! Learn all you can about FIJA and Jury Veto Authority. Hand out FIJA Literature, give local Radio and TV interviews, get in touch with your state FIJA contact, or contact our national office. Speak about FIJA to Local Groups. Write Letters to the Editor, put up FIJA Posters. Encourage people to demand jury trials, and help educate the jury pool in your area. Leave FIJA brochures at neighborhood meetings, PTA meetings, in your Church, at the office or your place of work.

*"The 'nations,' as they are called, with whom our pretended ambassadors, secretaries, presidents, and senators profess to make treaties, are as much myths as our own.*

*On general principles of law and reason, there are no such 'nations.'...*

*Our pretended treaties, then, being made with no legitimate or bona fide nations, or representatives of nations, and being made, on our part, by persons who have no legitimate authority to act for us, have intrinsically no more validity than a pretended treaty made by the Man in the Moon with the king of the Pleiades."*

*- Lysander Spooner  
(1808-1887) Political theorist,  
activist, abolitionist  
Source: The Constitution of No  
Authority (Boston: 1870)*

*They have always taught and trained you to believe it to be your patriotic duty to go to war and to have yourselves slaughtered at their command. But in all the history of the world you, the people, have never had a voice in declaring war, and strange as it certainly appears, no war by any nation in any age has ever been declared by the people"*  
Eugene Debs

*"One of the saddest lessons of history is this: If we've been bamboozled long enough, we tend to reject any evidence of the bamboozle. We're no longer interested in finding out the truth. The bamboozle has captured us. It is simply too painful to acknowledge - even to ourselves - that we've been so credulous"* Carl Sagan

*“... the monster, fanaticism, still exists, and whoever seeks after truth will run the risk of being persecuted.”*

*- Voltaire [François Marie Arouet] (1694-1778)*

*“All propaganda must be so popular and on such an intellectual level, that even the most stupid of those toward whom it is directed will understand it... Through clever and constant application of propaganda, people can be made to see paradise as hell, and also the other way around, to consider the most wretched sort of life as paradise.”*

*- Adolf Hitler (1889-1945)*

*German Nazi Dictator  
1935 Source: Mein Kampf, p.  
197. 14th Edition.*

*“[A]ll power is originally vested in, and consequently derived from, the people.*

*That government is instituted and ought to be exercised for the benefit of the people; which consists in the enjoyment of life and liberty and the right of acquiring property, and generally of pursuing and obtaining happiness and safety.*

*That the people have an indubitable, unalienable, and indefeasible right to reform or change their government whenever it be found adverse or inadequate to the purpose of its institution.”*

*- James Madison (1751-1836),  
Father of the Constitution for  
the USA, 4th US President*

*“The United States shall guarantee to every state in this Union a republican form of government.” - Constitution for the United States Source: Constitution for the United States, Art. IV, 1789*

## **Here is a superb sample draft letter to use for persuading local radio shows to do a show or segment on Jury Rights.**

**All you need to do is copy it and send it to your local stations! If you do not feel qualified to be interviewed, contact the national office and we will find a speaker for you.**

Dear Sir:

The purpose of this letter is to interest you in doing a show or show segment on Jury Rights in your “Up Front With Robert Mack” King 5 TV series. September 5th is recognized as “Jury Rights Day”, and this coming September 5th marks the 338th anniversary of the trial of William Penn – a trial that laid the foundation of our First Amendment Constitutional Rights of Freedom of Religion, Freedom of Speech, and Freedom of Peaceable Public Assembly. As a volunteer and advocate for the non-profit American jury Institute (also known as the Fully Informed Jury Association, FIJA), I am trying to promote publicity for Jury Rights Day, and believe that an explanation and discussion of Jury Rights would be of great interest to your viewers – particularly if focused in late August or early September to coincide with other planned publicity. Governors of many states have provided Proclamations in support of Jury Rights Day, and our web site at [www.fija.org](http://www.fija.org) provides additional information. Individuals may also obtain information packets by calling the FIJA Office at 1-800-TEL-JURY.

The trial I mentioned was that of Quaker preacher William Penn in London, England, in 1670, who was arrested and pled guilty of violating England’s Conventicle Acts which forbade the promotion of religions other than that of the Church of England. The Judge instructed the Jury that Penn had admitted his guilt of preaching his faith to a public assembly, and informed the jury to quickly find him guilty and dispatch the case. The Jury’s refusal to accept what they perceived as bad law, despite the Judge’s instruction to find a verdict of guilty, led to the Court’s withholding food and eventual incarceration of the Jurors for several weeks. Appeals finally confirmed the right of the Jury to base their verdict on their best judgement and conscience, despite existing law and court instruction, and cemented the seldom used but very important concept and right of “Jury Nullification of Bad Law” in Democratic legal systems—the ultimate right of the people to control their government. These underlying Democratic concepts were transferred by our forefathers into the First Amendment of our young United States Constitution, and are as valid today as they were over three hundred years ago.

To quote Thomas Jefferson, third President of the United States and author of the Declaration of Independence, “I consider trial by Jury as the only anchor yet imagined by man by which a government can be held to the principles of its constitution.”

And John Adams, our Second President, speaking of Jurors, “It is not only his right, but his duty . . . to find the verdict according to his own best understanding, judgement, and conscience, though in direct opposition to the direction of the court”.

In recent times, many judges have been incensed at the very concept that a Jury might have the right or ability to disregard what their panel considers to be Bad Law, or want to take into account full knowledge of the total facts, and consider such things as Sentencing Guidelines in rendering their decision. Yet the fundamental rights of Jurors to render their decision based on their understanding of the full scope of facts and their conscience are basic to the preservation of Justice, and to our Democratic Society.

If you think that this subject would be suitable for one of your late summer productions, I would be pleased to discuss the concept in greater detail. I believe it could be both entertaining and informative to your many viewers.

With kindest regards,

Frank. S. (Mostly Retired Engineer, Washington)

*(Letters continued from page 5)*

the process during which potential jurors are questioned.

“You know your marching orders out there,” Kobylt says in one segment. “If you’re in Orange County and you end up on the Mike Carona jury, remember you have to lie to the attorneys.

“Tell them you have an absolute open mind, you pay very little attention to the coverage, Mike Carona looks like a good, upstanding Christian man, you never listen to KFI, you never listen to ‘The John and Ken Show’ ~ and then you vote guilty at the end of it all.”

“You’re tainting!” Chiampou admonishes, unconvincingly.

“That’s right!” Kobylt says. “There’s some blatant tainting going on!”

Brian A. Sun, one of Carona’s attorneys, declined to comment on the radio program. The change-of-venue motion, filed last month, argues that the “unrelentingly hostile,” “toxic publicity” of the show and “prejudicial newspaper articles” have compromised the court’s ability to ensure a fair trial.

A ruling is expected this month. Typically, judges hesitate to change trial venues because of media coverage, said Laurie Levenson, a professor at Loyola Law School in Los Angeles. Still, she said, this request has more merit than most.

“What’s novel about this is that [John and Ken] are training potential jurors on how to lie,” said Levenson, who called the segment “particularly troubling.” “It just reminds the court how terribly important it is to take the voir dire seriously,” she said.

Kobylt said the show serves a different purpose, aside from assembling a pro-guilty jury. It reminds listeners how unfair the legal system can be, he said, citing the high-profile trials of O.J. Simpson, Robert Blake and Phil Spector.

Said Kobylt: “We don’t spend five seconds pretending this system works.”

Hence the fervor with which the duo has descended on transcripts of secretly recorded conversations between Carona and Donald Haidl, a wealthy businessman appointed assistant sheriff who later cooperated with federal investigators as part of a plea deal.

The transcripts show the two apparently plotting their stories to conceal from federal prosecutors a trail of cash and gifts. At one point, according to the transcript, Carona says,

“Unless there was a pinhole in your ceiling that evening, it never [expletive] happened, because it never [expletive] happened, Don. It never [expletive] happened.”

The profanity-peppered dialogue has been transformed into theater on the radio show. Guests have recited it on air in foreign tongues ~ German, Hebrew and Arabic ~ and performed it with vocal theatrics, in the wiseguy style of “The Sopranos” or “Sesame Street’s” gravel-throated Grover.

Should the trial indeed move, the co-hosts say they will take their show on the road and reach new audiences by Internet.

Will their listeners heed their instructions? “That’s unknowable,” Kobylt said. “If somebody does take it seriously enough, they’ll never tell.”

But, he added: “I think we’ve made our point.”

Iloilo Jones, Editor -

Many people have written to FIJA who are confused about their privileges as a juror.

Jurors have rights.

The only people inside a courtroom who have rights are the litigants, jurors and spectators.

All others merely have a privilege to be in court.

Further, laws secure rights.

So, when a judge exercises a privilege to inform jurors what laws are in play in the trial, the jurors do not surrender their rights to obey a privilege being exercised by a judge.

There is no infallibility attached to a mere judge. They make mistakes just like everyone else. Jurors make mistakes too, but they live with them.

There is no perfect law, so no judge can deign to say what the law should be to any juror.

Jurors today have the very same rights as the Patriots of 1775 had when it came to their “verdict” about the KING.

Juries exist today to act as sovereigns to overlook the actions of our mere public servants.

No mere judge has the power to oversee the rights of jurors.

Don Schwarz Stoughton, Mass.

*“If our fathers, in 1776, had acknowledged the principle that a majority had the right to rule the minority, we should never have become a nation; for they were in a small minority, as compared with those who claimed the right to rule over them.” ~ Lysander Spooner (1808-1887) Political theorist, activist, abolitionist  
Source: No Treason, 1867*

*“If there be any among us who would wish to dissolve this Union or to change its republican form, let them stand undisturbed as monuments of the safety with which error of opinion may be tolerated where reason is left free to combat it.”*

⌘

*“I consider the foundation of the Constitution as laid on this ground that ‘all powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are preserved to the states or to the people.’ ... To take a single step beyond the boundaries thus specially drawn around the powers of Congress is to take possession of a boundless field of power, no longer susceptible of any definition. The incorporation of a bank, and the powers assumed by this bill (chartering the first Bank of the United States), have not, been delegated to the United States by the Constitution.”*

*~ Thomas Jefferson (1743-1826), US Founding Father, drafted the Declaration of Independence, 3rd US President*

*Source: in opposition to the chartering of the first Bank of the United States (1791).*



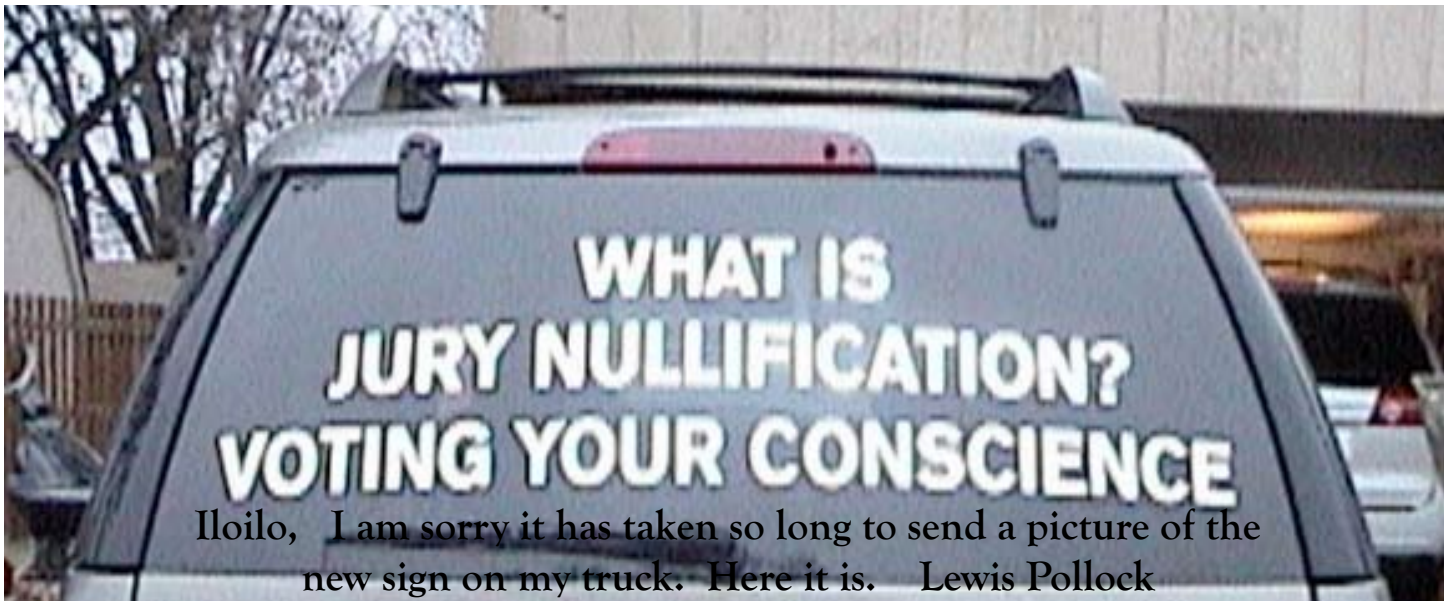
## FULLY INFORMED JURY ASSOCIATION

American Jury Institute

PO Box 5570 • Helena, MT  
59604-5570

Address Service Requested

NON-PROFIT ORG.  
US POSTAGE  
PAID  
BUTTE, MT  
PERMIT #33



*(Protest continued from Page 1)*

life lost is a heinous crime, and we are all complicit. We should all be working to stop a foreign policy run amok without conscience,” Hendrick told me.

Penobscot County District Attorney Christopher Almy told the Bangor Daily News that he believes the verdict could be read as an indication of Mainers’ disgust toward what he referred to as the “debacle” in Iraq and their impatience with both Maine senators, Collins and Snowe, who have continued to support it. He said he would have to reconsider how to handle such cases in the future.

One option, he suggested, would be to refer such cases to federal prosecutors, but Maine’s chief federal prosecutor, U.S. Attorney Paula Silsby, has said she does not think she has jurisdiction.

Why the feds were not asked to handle this particular case to begin with is unclear - other than the fact that it would have drawn greater attention to Collins’ steadfast refusal, over the past six years, to allow her constituents to express their opinions in town hall-style meetings.

After the verdict was announced, the defendants headed to a local watering hole for drinks and champagne. “We called Collins’ office from the bar,” Rawlings told me, “to tell her aide about the verdict. We got a terse note back from the office announcing Collins’s firm stand on funding the war to ‘protect the troops.’”

Collins is up for re-election in November.

Jurors, advised by the judge not to “surrender an honest conviction,” appeared pleased with the decision. “A good thing was done here today,” said trial juror Emily Herrold, who left the courthouse smiling.

A little good news goes a long way.

Penny Coleman is the widow of a Vietnam veteran who took his own life after coming home. Her latest book, *Flashback: Posttraumatic Stress Disorder, Suicide, and the Lessons of War*, was released on Memorial Day, 2006. Her website is [Flashback.org](http://Flashback.org).

© 2008 Independent Media Institute. All rights reserved. Posted on May 31, 2008, Printed on June 3, 2008

View this story online at: <http://www.alternet.org/story/86568/>