

Common Law Grand Jury

Rules

APPLICABLE LAW

The government must accept the Magna Carta as common law if pleaded as such.

Source: Confirmatio Cartarum, Article 1

www.1215.org/lawnotes/lawnotes/cartarum.htm

Basic requirements and procedures for a common law grand jury:

Source: Magna Carta, Articles 52 & 61

www.1215.org/lawnotes/lawnotes/magna.htm#52

www.1215.org/lawnotes/lawnotes/magna.htm#61

HOW CONSTITUTED

Grand jury members must be elected by the people (not citizens) of the jurisdiction in which they are operating.

There are no rules defining a procedure for how they are elected. The people, without the influence of government, decide for themselves how the grand jury members are elected.

There must be 25 members.

QUALIFICATIONS

The members must be "people" of the jurisdiction and not "citizens" of the jurisdiction.

For example, they must be "People of the United States," or "People of California," or "People of the State of California"; not "citizen of the United States," nor "citizen of California," nor "citizen of the State of California."

www.1215.org/lawnotes/lawnotes/pvc.htm

<http://www.1215.org/lawnotes/lawnotes/sovrein.htm>

Each member must be sworn in and promise to observe all of these rules and, so far as within his power, cause all the rules to be observed.

QUORUM

When the grand jury meets, if any are absent after being summoned, then those present constitute a quorum.

All decisions of grand jury are decided by majority vote of members present.

If any member dies or leaves the country, or in any other way is prevented from carrying out the grand jury's decisions, the remaining grand jurors shall choose another to fill his place and he shall likewise be sworn in.

FINALITY OF DECISIONS

No decision of a grand jury is reviewable in any court of the government.

JURISDICTION

Any government transgression against anyone in any respect.

Any government breaking of articles of peace or security.

Any dispute regarding anyone who has been disseized or removed, by the government without a legal sentence of his peers, from his lands, castles, liberties or lawful right.

PROCEDURE I

Dispute Settlement

If the grand jury is informed of any dispute regarding anyone who has been disseized or removed (by the government without a legal sentence of his peers) from his lands, castles, liberties or lawful right, then the dispute shall be settled by the grand jury.

PROCEDURE II

Enforcement

Four of the members must be shown that because of the government,

A. A transgression has occurred against any one in any respect, or

B. Some one of the articles of peace or security has been broken

The four members must show to the government the

government's error.

The four members must ask the government to amend that error without delay.

If the government does not amend the error within 40 days after being shown the error, then the four members shall refer the matter to the remainder of the grand jury.

The grand jury may distrain and oppress the government in every way in their power, namely, by taking the homes, lands, possessions, and any way else they can until amends shall have been made according to the sole judgment of the grand jury.

LIMITATION OF POWERS

The grand jury may not imprison or execute any government personnel or their children.

PUBLIC SUPPORT

Anyone (people or citizen) who chooses to help enforce the grand jury decision must first swear that he will obey the mandates of the grand jury, and that with them to the extent of his power he will impose the grand jury's decisions upon the government.

The authority to support the grand jury is pre-authorized by the government.

If anyone refuses to support a grand jury decision, the government will force him to swear his support of the grand jury.

LIMITATIONS ON GOVERNMENT

The government is prohibited from doing anything to diminish the effect of the grand jury.

If the government does prohibit or diminish the effectiveness of the grand jury, it shall be vain and invalid and may not be used in any later proceeding by the government or anyone else.

TERMINATION OF ENFORCEMENT

When all issues are settled to the satisfaction of the grand jury,

things shall return to normal as they were before. No grudges.

Reactivating the Common Law Grand Jury

A Brief Strategy Suggestion

BACKGROUND

When the colonies separated from England, King John retaliated by revoking the charters. Technically, the colonies were without any legal authority to operate. However, civics (the branch of political philosophy concerned with individual rights) was generally taught and known by the people who asserted their rights and maintained order by applying the common law. The people united in the form of common law grand juries and continued the functioning of government.

As the legislatures matured they slowly increased governmental power while simultaneously reducing personal sovereign power. This was done through a combination of passing pro-government legislation and reducing or eliminating education about civics. Today, two and a quarter centuries later, hardly anyone even knows the meaning of the word, "civics."

Despite the fact that the state and federal constitutions still acknowledge the common law as the ultimate law system, people everywhere are conditioned to believe that the statutory law and codes are the only source of law. The only remaining common law term generally known among the public is "common law marriage."

The common law grand jury is now dormant only because of the public ignorance of its powers that supercede all other government entities, including the modern statutorily defined grand jury. Awakening the grand jury will not be graciously accepted by the government. A strategy is needed to reintroduce this fundamental protection against tyranny and injustice.

STEP 1 - ESTABLISH LEGITIMACY

The first step is to get public acceptance. Every dictator in history understood the power of the people and cultivated their support either through enticements or threats. Reactivating the grand jury concept will go through four traditional stages: denial, ridicule, violent opposition, then self-evident acceptance.

Theoretically, the grand jury can meet anywhere, anytime. But that is hardly good image. One way to get public acceptance and minimize denial, ridicule, and violent opposition, is to hold the grand jury sessions in the public court house. The foreman could apply to a court administrator for use of one of the rooms in the public courthouse. If it is refused, then the court administrator should, under common law procedures, be sued for his dereliction of duty.

The grand jury should follow normal protocol. In other words, if the grand jury begins a process on its own, the resulting accusation is called a *presentment*. If a prosecutor originates a process, then the jury returns to the prosecutor an *indictment* (also called a "true bill") on acceptance, or a "no bill" on denial. [Note: be careful with your words. wrong words may result in inaction! If you call the presentment an indictment, the prosecutor may feel no obligation because he did not initiate the process!]

STEP 2 - GAIN PUBLIC ACCEPTANCE

The second step is to start small. The grand jury could take on issues which anyone can easily see should be prosecuted. As public acceptance increases, the grand jury can enlarge its field of inquiry. The grand jury should have a strong public relations program for this step.

STEP 3 - TAKE ON LARGER PROJECTS

The third step is to take on grander objectives. If the first two steps are well executed, then this step will be the easiest. With both legitimacy and acceptance established the grand jury can make itself felt.

See [United States v. Williams](#), 112 S.Ct. 1735, 504 U.S. 36, 118 L.Ed.2d 352 (1992) for a discussion of separation of powers of government and grand jury.