

The Grand Jury – the ultimate Judge of a Genuine Public Inquiry

History in the UK and the US

The Grand Jury is also known as the people's panel. Every citizen should know the history and purpose of the grand jury in order to properly protect their fellow man from prosecutorial abuse. The origin of the grand jury dates back to 12th century England. King John recognized it in the Magna Carta -- at the demand of the people.

Magna Carta - Article 52 [Excerpt]

If without the lawful judgement of his peers, a man has been dispossessed of his lands, castles, franchises or his rights, or had them removed by us, we will at once restore these to him. If a dispute arises over this, the dispute shall be decided by the judgement of the twenty-five barons referred to below in the clause for securing the peace. Moreover, in all cases where possessions have been disseised or removed from anyone *without the lawful judgement of his peers*, we shall immediately grant full justice.

Magna Carta - Article 61 [Excerpt]

And we shall procure nothing from any one, either personally or indirectly, whereby any part of these concessions and liberties might be revoked or diminished; and if any such thing has been procured, let it be void and null, and we shall never make use of it ourselves or through someone else.

The grand jury was originally a body of twelve, and later twenty-three men that served as accusers who presented *indictments* at the request of not only the prosecutor of the king, but also at the request of *individual citizens*. The grand jury was brought from England to the American colonies. Grand juries provided a means for citizens to protest abuses by the king's agents. The U.S. Constitution mentions the grand jury in Article Five of the Bill of Rights: *No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or an indictment of a grand jury...* The grand jury served the public in two ways:

1. it limited the power of government to prosecute citizens by permitting the grand jury to *vote for or against an indictment* and
2. it had the power to make a *presentment*. A presentment was a public report of the grand jury's activity. Through a presentment, the grand jury could make criminal activity known to the public, including criminal conduct committed by government officials, judges, or prosecutors.

It is significant that the grand jury is not part of any of the three branches of the U.S. government—it is a pre-constitutional institution. Every citizen has the opportunity and obligation to serve on a grand jury. Grand jurors are drawn at random from lists of registered voters. Although the power of the grand jury has been weakened, the grand jury remains the citizen's defense against government misconduct.

NOTE: The following rules only apply to a republic such as the USA. For a monarchy such as Great Britain substitute the word "baron" for "people", and substitute the word "subject" for "citizen". Also, in the USA, a peer is one of the [people](#) (not citizens). In Great Britain, a peer is one of the [nobility](#).

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

CONSTITUTION

Grand jury members must be elected by the [people](#) 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

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.

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: Strategy

BACKGROUND

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 supersede 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

Every dictator 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.

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.

STEP 2 - GAIN PUBLIC ACCEPTANCE

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.