

JURY NULLIFICATION: YOUR AWESOME POWER

by Alan Stang
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[**Announcement:** Did you know Alan Stang has a new radio show? [Click here for details.](#)]

Recently, we talked about the powers of the grand jury that the government has hidden from you, powers that newly informed Americans are beginning to reassert. That process, however sound and constitutional, will take some time, precisely because those powers, under remorseless judicial usurpation, have long lain dormant. Most Americans are unaware of them.

This week let's look at a power you have that is equally devastating, a power that could bring our communist nightmare to its knees, that you can begin using right now with absolutely no risk. It is another awesome power the totalitarian, legal bozos have labored long to conceal. It is called "jury nullification."

And let's begin with something you probably already know. You certainly know it if you have ever served on a trial jury. As soon as you sit down, the judge "instructs" you. He says he will make all decisions on the law; you are there only to decide on the facts. Did So-and-so spit on the sidewalk or not? Did he or didn't he fill out the right form? If he did or he didn't, he is guilty or innocent.

What's wrong with this? What's wrong is that the judge is lying. In fact, every trial judge in this country is routinely lying in every trial. What? Every judge? How? As a juror, you have the power to rule on the law as well as the facts. The lying judge is concealing that power from you, in the same way he is concealing the true powers of the grand jury, through usurpation. So, if the juror has the power to rule on everything, what is a truthful judge there to do? He is there to explain the law, to advise, and to be an umpire. That's all!

What's the difference? Remember that an honest grand jury reduces the power of the government. An honest trial jury reduces the power of the judge. But the judge and the government want all the power they can grab. An honest trial jury has the power to repudiate bad law.

Consider that if the law says you have no right to own property, no right to freedom of speech or religion, no right to keep and bear arms, and so on, then your right to a jury trial would not be worth much, were the jurors restricted just to deciding whether you illegally owned or spoke or prayed or bore arms or not.

Okay, but all the trial judges in the country liars? That requires considerable suspension of disbelief. This should help. Thomas Jefferson wrote as follows about federal judges to Samuel Kercheval in 1816: "But we have made them independent of the nation itself. They are irremovable but by their own body for any depravities of conduct, and even by their own body for the imbecilities of dotage."

To Spencer Roane he wrote this in 1821: "The great object of my fear is the Federal Judiciary. That body, like gravity, ever acting with noiseless foot and unalarming advance, gaining

ground step by step and holding what it gains, is engulfing insidiously the special governments into the jaws of that which feeds them.”

He wrote this in his autobiography: “As for the safety of society, we commit honest maniacs to Bedlam; so judges should be withdrawn from their bench whose erroneous biases are leading us to dissolution. It may, indeed, injure them in fame or in fortune; but it saves the republic, which is the first and supreme law.”

Finally, he says this: “If, indeed, a judge goes against the law so grossly, so palpably, as no imputable degree of folly can account for, and nothing but corruption, malice or wilful wrong can explain, and especially if circumstances prove such motives, he may be punished for the corruption, the malice, the wilful wrong; but not for the error: nor is he liable to action by the party grieved. . . .” (Batture at New Orleans, 1812)

These are a few scant excerpts. Again and again, President Tom warns us about the judges. And remember, he is writing at the best of times in our country, when the Founding Fathers still strode the earth. Today’s judiciary makes the one he feared look like the wisdom of Minerva. Today’s judges have been caught playing with themselves on the bench, hitting on women and worse, extorting funds, playing power games, etc. They are politicians in black costumes designed to intimidate, whose consuming passion is to look important.

Recently, two judges in Pennsylvania were convicted of jailing some 2000 children in exchange for \$2.6 million in bribes from private prison companies that belong to Mid Atlantic Youth Services. Mark Ciavarella and Michael Conahan sent children to jail for offenses so trivial that some of them weren’t even crimes. Fifteen-year-old Hillary Transue got three months for creating a spoof web page ridiculing her school’s assistant principal. Ciavarella sent Shane Bly, then 13, to boot camp for trespassing in a vacant building. He gave a 14 year-old, Jamie Quinn, 11 months in prison for slapping a friend during an argument, after the friend slapped her.

Now that you are in the proper mood, let’s look at the history: In 1735, in New York, the English tried newspaper publisher John Peter Zenger for seditious libel. Under the law at the time, the facts showed him to be clearly guilty. But lawyer Andrew Hamilton urged the jurors “to see with their own eyes, to hear with their own ears, and to make use of their consciences and understanding in judging of the lives, liberties, or estates of their fellow subjects.”

The jury did so, acquitted Zenger in the face of the judge’s charge, thereby nullifying the law and expanding freedom of the press. The jury ruled on both the law and the facts. Since the law was unjust, the jurors struck it down. Today’s journalists still celebrate the Zenger ruling.

In 1794, in *Georgia v. Brailsford* (3 Dallas 4), Chief Justice John Jay, a Founding Father, told the jury they had the power “to determine the law as well as the fact in controversy,” and that “both objects are lawfully, within your power of decision.”

Gilbert’s History of the Common Pleas says “the jury are judges as well of the matter of law as of the fact . . .” If they have a question about the law, they may ask the judge about it, “which when he hath done, and they are thus become well informed, they, and they only, become competent judges of the matter of law.” The implicit assumption is not that jurors know the law better than the judge but that the judge is untrustworthy.

In 1856, the U.S. Supreme Court ruled in the famous Dred Scott decision, *19 Howard 393*, that a runaway slave had to be returned to his “owner.” That was the so-called “law of the land,” but northern juries didn’t buy it. They refused to convict – they overruled the Supreme Court – and the law collapsed.

Remember Prohibition? Most people believe Congress and the States killed it with Repeal, but that was only the last act in the story. The people killed it first by serving on juries and refusing to convict. The people repealed the law. Congress and the States just wrote *finis* to what the people had already done. Congress typically took credit for it.

In 1969, in *U.S. v. Moylan*, 417 F. 2d 1002, Justice Sobeloff said this: “We recognize . . . the undisputed power of the jury to acquit, even if its verdict is contrary to the law as given by the judge and contrary to the evidence. . . . [T]he courts can not search the minds of the jurors to find the basis upon which they judge. If the jury feels that the law under which the defendant is accused is unjust . . . the jury has the power to acquit, and the courts must abide by that decision.”

In 1972, in *U.S. v. Dougherty*, 473 F.2d 1113, Judge Leventhal speaks of “The existence of an unreviewable and unreversible power in the jury, to acquit in disregard of the instructions on the law given by the trial judge . . .” He quotes Justice Oliver Wendell Holmes, who wrote that “the jury has the power to bring in a verdict in the teeth of both law and facts.” He even mentions that the Constitutions of both Indiana and Maryland require that juries be told the judge’s instructions on the law are only advisory.

But he doesn’t like it. He says there is no “imperative that the jury must be informed by the judge of that power. . . .” In short, he says, hide the power from the people. Why? Because. “. . . To tell him expressly of a nullification prerogative,” would be “an overwhelming responsibility, an extreme burden for the jurors’ psyche. . . .”

Can you believe the obnoxious effrontery of this judicial pimp? He is saying here that you are a wimp, that you are too puny to govern yourselves; that superior individuals must tell you what to do. In German, they call this *der führer prinzip*, the leader principle. *Sieg Heil!*

So, how can you use this? Do everything you can to get on the jury. After the judge tells you he will decide on the law and not to worry your pretty head about it, he will ask whether you agree to serve on the jury under that condition. If you refuse, he will dismiss you. You don’t get to serve. So what do you do?

You smile subserviently and you agree. Then, on the jury, you vote to acquit a defendant who, for instance, faces prison on an income tax charge, or for failure to report for duty in Obama’s Hitler Youth, or for selling unregistered produce or dietary supplements, or, especially, for exercising his unalienable right to keep and bear arms. You do that “in the teeth of both law and facts.”

But, then, wouldn’t you have lied? Well, didn’t the judge lie? Are you required to be truthful to a man who lies to you; to a man who steps out of an alley and jabs you with a knife; to a man who would steal your freedom? You say you would never lie no matter what? I say you would and can prove it.

You have just finished watching the local news when a man breaks into your home. You have just seen him on the news. He is an escaped serial rapist and he is carrying a twelve gauge widow maker. He asks where your daughter is. The truth is that she is upstairs doing her college algebra homework. What do you tell him?

You lie. You tell him you just took her to the airport. She flew to Katmandu. She will be there for a couple of years doing archeology. If you would tell him the truth, which would tell me you worship your own “purity,” that your own “perfection” is more important than your daughter, you are in the wrong place. Goodbye.

Consider that the law is always on trial. It may not be readily apparent, but even the law against murder is always on trial. The subject never is raised, because everyone agrees there should be such a law. Likewise for the laws against armed robbery, embezzlement and rape. But the more verdicts there are against unjust king's laws, the sooner they will be swept away.

Jury nullification and grand jury resuscitation fit together perfectly. We discussed the latter in a recent piece. It is something else the legal bozos have so far kept secret. To learn how to form a real grand jury, go to americangrandjury.org. Consider that doing jury nullification is much easier than forming a grand jury.

All you need do is vote for acquittal. They won't ask you why. If they do, furious, or just frustrated by your monkey wrench vote, you will not say you did it to nullify the law. If you say that, they will throw you into jail. So you will either say nothing or you will smile the subservient smile and say merely that you thought he was innocent.

However ridiculous that sounds, they can't do anything about it. Remember, Judge Sobeloff said the courts "can not search the minds of the jurors to find the basis upon which they judge." They are stuck with it. Jury nullification will become ever more important as the present administration imposes Communist law.

Remember, law is too important to leave to the courts.

Program Note: As you may know, I try to answer all email. Some emailers tell me this is unusual; that most writers and radio hosts do not respond at all. But, during the last couple or three months, my mail has become a tidal wave. I hope I am correct in thinking the reason is the growing popularity of my articles and talk show. And most of those messages deserve my best. Many require considerable thought. The reason for this little post script is to explain that henceforth I may not be able to give your message the attention it deserves. I may not be able to answer. Be assured I shall read your message, but I may not be able to respond, for which I apologize in advance. Please, bear with me.

[Announcement: Alan Stang's radio show, The Sting of Stang, airs from 11 a.m. to 1 p.m. Central, M-F, via Republic Broadcasting Network. Call him on the air at (800) 313-9443. To listen, go to republicbroadcasting.org and click on Listen Live. If you can't listen at that time, do so via the archives. I'll be talking about the various manifestations of the conspiracy for world government, its tactics, such as the illegal alien invasion, its purposes and its players, from Jorge W. Boosh on down.]

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