

Juror Handbook

Study Guide



A Common Lawyer Comments

Brent Allan Winters

www.commonlawyer.com

JUROR HANDBOOK:

A COMMON LAWYER COMMENTS

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1. Law 2. History

Our Declaration of '76 & Constitution both retain original spellings; Bible quotes are often the author's translation

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ARMSTRONG & WINTERS

Juror Handbook Study Guide

§ 1 Trial by Jury

- a. Time has ripened the need to hark back to the simplicity of our Constitution in its common-law understanding—the intent of the People of the United States—and to disregard the broad and breathtaking justifications of _____ that usurpers now put upon it.
- b. Accordingly, this Handbook is not about what government can get away with using current _____ of the Constitution, but is about the true limits the Constitution draws on government, why these are necessary, how these apply, and when a Juror ought to say yes to a government prosecutor or judge and when he ought to say no.

Know Your Power

- a. Thus, to bring your government under law's control, that is, within the Constitution, you have three votes: (1) your vote to _____ government officials, (2) your vote as Grand Juror to _____ or refuse government's request to put a person in jeopardy of his life, liberty, or property in a criminal trial, (3) your vote as a Petit or Trial Juror to consent or _____ the government's request to take a defendant's life, liberty, or property.
- b. The law deems these three votes _____ and as such are *non-negotiable*: these cannot be trafficked, bought or sold.
- c. In all events, it is subject to _____ on a massive scale—as many having taken part in local, State, or federal elections can attest.
- d. In fact, even if one's vote falls in the _____ and his choice gets into office, if that office holder is not part of the party in power, he will have little real effect, if any.
- e. By contrast, the choice one has as a Grand and Petit Juror is specific, concentrated, and clear-cut, having _____ and _____ effect.

Know Your Constitution's Greatest Shield

- a. The common-law Jury in a criminal trial is your ultimate shield against _____ (lawless) government
- b. In short, a common-law judge is never to _____ with a Juror's conscience, substituting his knowledge and bent for the Juror's.

- c. Finally, in no sense is the jury a majority or _____ institution: by only one juror disagreeing with the other eleven, he hangs the fire of the jury's verdict and stops the government from taking the life, the liberty, or any property from the accused.
- d. Thus, where following the judge's _____ would keep the Juror from obeying truth, he must obey truth.

Understand the Runaway Grand Jury

- a. When a Grand Jury does its job and takes control of an investigation, _____ a prosecutor's efforts to rein them in, men call it a _____ - _____ *Grand Jury*.
- b. During the nineteenth century, many American Grand Juries knew their sworn duty and thus, were _____, refusing to substitute the prosecutor's will for their reason; by the twentieth century, however, Grand Juries had come under the control of prosecutors.
- c. Nowadays, however, Grand Jurors tend to be _____ of their responsibility to act independent of a prosecutor's ambitions, becoming his rubber stamp.
- d. May God help us: our national motto is not "in _____ employees we trust" but, rather, *In God We Trust*.

Understand Your Oath

- a. *The Juror's oath is like the _____ oath requiring that he apply the law, not, says Andy Jackson, as another understands it, but as he understands it.*
- b. If the Jury, perchance, disregards the judge's _____ concerning application of the law to the facts (called *interpretation* of the law), no Juror is liable for disobeying his oath.
- c. Likewise, a Juror must never honor his oath to obey instructions of a judge that he comes to believe requires him to be _____.
- d. Thus, a judge's instructions, like legislation, are _____ at best, mere prefabricated forms, tweaked a bit to make them fit, then given to the Jury.
- e. At bottom, the Juror is empanelled to withhold _____ or to give permission to government to use force against another: in civil cases to take his property; in criminal cases: to take his life, liberty, or property.
- f. The Juror must remember that in criminal cases, only intentional or _____ negligent injury to another is injustice.
- g. To sum up, the Juror binds himself in obedience to find truth and render up the verdict according to truth: to decide the facts, to _____ the application of the law to those facts, and in a criminal case, to declare the defendant's guilt or innocence.
- h. Even in a non-criminal case, the plaintiff seeks the Jury's permission to use government _____ collect on his hoped-for judgment.

Juror's Oath & Unlawful Laws

- a. The word *Juror* means _____.
- b. In fact, where the Juror is convinced that a law is _____, his duty and oath demands that he disregard that counterfeit law and acquit the defendant—even if doing so is contrary to his oath to obey the judge's instructions.
- c. A supposed law can be unlawful in two ways: (1) in and of its self it is *unlawful in every* _____ or (2) a law may be *unlawful as applied* in a certain instance: e.g., wrong only in its application to the person and the facts the government is then prosecuting.
- d. For instance, a supposed law commanding jail for any person who reads the Bible is unlawful in every application; whereas a law commanding jail for any person that breaks into the home of another may be lawful in many instances; but it is unlawful *as* _____ to the man that breaks into the burning house of another to rescue a sleeping child.

The Scholastics' Shell Game

- a. Beware of the following empty, false _____ often put up by professors, prosecutors, and others, hoping, by sleight of words, to _____ you into replacing your common senses with their slick cabal:
- b. If he does not replace his conscience with the judge's instruction, then he has violated his oath and is an _____, unpatriotic citizen:
- c. As is often the case on a matter of such gravity as the Juror's duty, the perpetrator of lies uses intimidating talk dressed up in fancy words to fill the Juror with fear and _____, intending to pass off his lie as though it hangs on good law by a stout rope made with strong strands of logic.
- d. *First*, our law will never _____ the Juror that disregards the judge's instructions concerning the law, whether obeying those instructions brings about a wrong or disobeying brings about a right.
- e. Further, the Juror will _____ answer to the judge for his verdict, but to God alone.
- f. *Second*, the Juror's power of the verdict shows that the Juror has _____ over the law.
- g. In fact, even if the judge directs the Jury to deliver a certain verdict, the Juror, by our law, need never do so if he _____ in good faith.
- h. *Third*, the Juror, in promising to keep his oath to obey the judge's instructions concerning the law, is justified and indeed ought to _____ that the judge will instruct him aright and not lead him astray of the law.
- i. Depending on the jurisdiction, to gain a judgeship, a hopeful judge must either curry _____ favor with powerful men for an appointment to the Bench or _____ a fickle majority of voters.
- j. Those ever-present evil men in government seeking to _____ right with lust, also seek to control judges, thus again, showing the necessity for trial by Jury.

- k. Moreover, a judge's diploma from an American– Bar–Association–accredited law school and the passing of a bar exam is no _____ of his wisdom, ability, or integrity.
- l. *Fourth*, no Juror is fully able to _____, at first glance—or even after pondering—, a judge's set of Jury instructions
- m. *Fifth*, as with all other duties in this life, every Juror will answer to God for his _____; he has no refuge in the instructions of a judge: according to one Supreme Court Justice, a mere employee of the state.
- n. *Sixth*, it is more likely that the Juror has something many judges lack: _____.
- o. Despite fact or even force, _____ will always cause skewing from that which is true.
- p. In the United States men increasingly rise to _____ from government service instead of from the practicing Bar (private practice), disposing them to bias (veering from a true course) in undue favor of government.
- q. It changes the nature of the federal Judiciary when judges are no longer drawn primarily from among the best lawyers in the _____ bar...
- r. In sum, any oath claiming to bind a person to do an unlawful act is an unlawful oath and, once known to be unlawful, it must be _____.
- s. Our common-law standard stands: no oath to obey any mere man, or combination of men, is lawful unless it *limits* one's obedience to _____ instructions or orders, such as does, for example, the American soldier's and sailor's oath.
- t. To sum up, two truths are self-evident: *first*, any obedience to a judge's Jury instructions rests on the _____ that the instructions given are lawful; *second*, an oath requiring obedience to _____ instructions is an unlawful oath, imposing no duty.

Know Our Construction's Government Limits

- a. Our Declaration sets forth government's _____; the Constitution orders the _____- _____ remedy.
- b. Simply put, the charges of the Declaration and the limits of the Constitution are clear statements of the signers' fellowship of sense respecting _____- _____ for government.
- c. Indeed, neither document arose—as have the codes of near all other nations—from the academic musing of _____ theory smelling of monkish cloisters and library dust; but from conviction shaped and _____ in the forge of both battle by trial and trial by battle.
- d. The reason for any given provision of these two documents is always the same in one respect: to _____ government to _____ so that men will be free.
- e. Indeed, the government has no right to do _____ that you would not have the right to do if there were no government.

- f. For example, if you could have never rightly printed money for yourself (without real worth, counterfeiting), it is _____ that government or any bank can have any right to print such counterfeit money.
- g. Remember, the overall purpose of each part of our Constitution is to _____ government.
- h. No country has ever conclusively lost its _____ while using the common-law Jury; every country that has lost its freedoms was unwilling to entrust such power in the hands of a dozen men drawn at random from those about the courthouse.
- i. As a Juror, you are America's last line of _____ for freedom.
- j. As important as is the work of those that decide a country's freedom in *trial by battle* on the field; the real, immediate, and lasting fight for freedom is in the hands of those that decide individual _____ in *battle by trial* in the court room.

Know if the Judge is Like Maximum Mike

- a. Worse yet, during routine hearings on other cases, he _____ of his sentencing men to life and of his intentions to give more life sentences—before any evidence had been heard or seen.
- b. Bottom line: the Juror is responsible to never brook, empower, or otherwise indulge a _____ judge.
- c. Judicial power has become _____ to the power of the captain of a war ship at sea: the judge in the courtroom has the power to indulge his whims without fear of legal consequences.

§ 1.1 Jury Ideals

- a. Common-law trial by Jury is a right intended to fulfill a simple yet profound need: that every person, whether in government or out of government, be limited, instance by instance, in what he is allowed to _____ upon another using government power.
- b. Even more to the point, by its _____, the Jury neither legislates for all nor even commands in single instances, but rather, only grants or withholds _____ to the government – or the plaintiff through the government – to act against the defendant's life, liberty, or property.
- c. No other process, institution, or method has improved upon the Jury—drawn and empanelled aright—to limit government _____ of a prosecutor's or petitioner's requests.
- d. Further, our common-law Jury are the best remedy against _____ judges.
- e. Increased use of the _____ - _____ Jury, however, in confidence of the individual Juror's ability, authority, and power to judge the facts as well as the law in its application, will check and even halt lawless judicial activity
- f. Both _____ and the _____, using clear, brief, and simple terms, reaffirm the right to trial by Jury but never describe the Jury and its use.
- g. Thus, one can better understand the Constitution's _____ of trial by Jury, says Justice Story, by ruminating the words of Magna Carta: "neither will we pass upon him, or condemn him, but by the lawful judgment of his peers, or by the _____."

- h. At the heart of Magna Carta is the Jury, acting by natural sense of right, _____ or _____ permission for government to act against another person or his property in specific cases.
- i. Because the jury can bar _____ – or any would-be oppressor invoking the power of government – from harming our taking a person’s life, liberty, or property, the common-law jury is the most basic common-law principle of Magna Carta, the ideal upon which its other principles depend.
- j. Magna Carta chapters 39 and 40 present, in brief words, our common-law understanding of the Jury’s _____ and _____.
- k. *Chapter 39.* No free man shall be seized or imprisoned, or stripped of his rights or possessions, or outlawed or exiled, or deprived of his standing in any other way, nor will we proceed with force against him, or send others to do so, except by the lawful judgment of his _____ or by the law of the land.
- l. *Chapter 40.* To no one will we sell, to no one _____ or _____ right or justice.
- m. Indeed, the very idea of a written constitution stems from Magna Carta. In over _____ opinions, our Supreme Court traces our dependence on Magna Carta for our American understanding of due process of law, trial by Jury of one’s peers, the importance of a speedy and unbiased trial, protection against excessive bail and fines, and cruel and unusual punishment.
- n. Since 1940, over sixty _____ give comment and commentary on Magna Carta’s role in Anglo-American law.
- o. If our common-law _____ of right to trial by Jury continues to wane, freedom will continue to weaken.
- p. The ideals trial by Jury embodies will protect life, liberty, and property because these ideals rest upon the Creator’s stamp imprinted in the yearning of the Juror’s conscience: the ability to _____ right and wrong, to _____ between the guilty and the innocent, to _____ the validity of a law and its application, and to mete out a fitting and fair verdict.
- q. Moreover, due to this sensitivity, in appropriate cases, the Jury has proven willing to extend _____ to the accused, a feature necessary to establish respect for courts.
- r. David’s capability to _____ truth in judgment and then experience moral outrage concerning these wrong doings of another remained, nonetheless, sober and accurate, arising from his natural, not spiritual, discernment.
- s. Thus the saying, “It takes one to know one.” So also, Jurors are capable of discerning and _____ the wrongful or guilty party, whether the government, the plaintiff, or the defendant.
- t. As long as the ideals of our common-law right to trial by Jury—as the ancient Anglo-Saxons and Danes pursued it, as Magna Carta revealed it, and as the Constitution presumes it—flow through individual Jurors, the Jury will remain a _____ for the innocent against the lawless.
- u. To place trust in new _____ is to misplace faith because only a government of law and not of men will restore freedoms.
- v. The *state*, as understood in the Babylonian or civil-law sense, arises where all three powers of government bond in a single will against the law of _____ and, thus, against nature’s God and his creatures: the governed.

- w. On the other hand, where the courts and the executive _____ their duty of independency and enforce the legislator's unlawful will, government has become the state; all petitions and appeals against the state become futile
- x. If a government, or other powerful association using government, perpetrates its power at pleasure, determines the command of its _____ over people without possibility of review, and _____ obedience to the legislation, it will also punish all associations and discussions questioning its power.
- y. A government without limits against these things is no longer government; it has become the _____: that great fiction, which, says Bastiat, sanctifies confusion and by which everyone tries to live at the cost of everyone else.
- z. Worse yet, the Juror is _____ of his powers and the court refuses to inform him, often brooking the prosecutor's abuses.
- aa. Common law provides _____ and _____ means, such as the Jury, to resist lawless government, lawless legislation, and lawful legislation unlawfully applied.
- bb. Common-law jury trial is trial by the _____ of the country, rather than trial by the will of the government or the state.
- cc. Chosen by _____, Jurors come nearer to revealing the prevailing mind of the country, with a minimum of trouble and cost, as has ever been worked out.
- dd. In order to counter the state when it presses its power without _____, our common law refuses to allow punishment of Jurors who enter no-man's land at the law's edge, vetoing unlawful laws and the unlawful application of lawful laws.
- ee. The power of our common-law Jury to pronounce guilt or innocence without _____, even when appearing contrary to the facts or when inconsistent with other parts of its verdict, shows our common-law Jury's power to disregard the law's application and the instructions of the court.
- ff. By contrast, if the Juror exercises his power by refusing to enforce the law as instructed by the judge, the state is without _____ to threaten, intimidate, arrest, or prosecute him.
- gg. The Jury's simple and unexplained veto of the law and its judge-instructed application is the steady and sure-footed, case-by-case defense against the _____ of over-zealous prosecutors, the tyranny of dictators; the _____ of political correctness; the mania of majorities, and the arrogation, ignorance, and misapplied knowledge of priests, scholars, legislators, and judges.
- hh. By its veto or permission, the Jury never act against any individual, but rather, allow, limit, or altogether _____ government action against the individual.
- ii. Simply put, the state is without _____ to act against any person without leave of the jury.
- jj. The danger to our right to trial by Jury is not only that _____ government power will overcome the _____ of the Juror—his autonomy and freedom of independent judgment—but also, of even greater danger, is the Juror's love of dependence upon those claiming to _____ him of his responsibility to think alone and to stand alone.
- kk. The Jury's worth rests upon the belief that out of twelve _____ drawn persons, at least one, seeing the truth, will defy all _____ from other jurors, the judge, the prosecutor, bureaucrats, powerful parties of interests, and public opinion.

- ll. If such persons of discernment and conviction, gravel and grit grow scarce, we must blame ourselves and work to build such pluck into ourselves and others using the only available means: by informing our consciences and the consciences of others with the laws of _____ unwritten and his Word written, encouraging total trust upon God through familiarity with that Word.
- mm. The cure for such _____ is the imparting of knowledge concerning the duties of Jurors by both those concerned persons outside the courts and by judges and lawyers within the courts.
- nn. Over time, our common-law Jury shakes out the _____.

§ 1.2 Juror Independence

- a. Significantly in the Corinthian epistles, Paul not only gives certain sanction to the Jury—while assuming his readers’ knowledge of the Jury—, but also belabors the duty and ability of the individual Juror to discern and exercise _____ independent of all other men.
- b. In these instances, Paul never substitutes his discretion for theirs but provides his example of how to _____ discretion.
- c. The Corinthian epistles concern the necessity of each one exercising _____ mind and judgment concerning all things, including serving as a Juror and not trusting one’s leaders to make one’s moral decisions.
- d. The necessary foundation of independent judgment is the first _____ of God’s Word.
- e. Only by exercising such independent judgment and then _____ on it will one whet his senses to an edge keen enough “for judging of both good and evil,” in particular instances.

§ 1.3 Channel of Mercy & Judgment

- a. In Scripture, _____ is *the act* of meting out God’s judgment fitting to deserts—no more, no less.
- b. Mercy is the forbearing of _____ that the law otherwise metes out but distinguished from justice due to _____ facts such as human ignorance, lack of competent evidence, procedural defects, or lack of due process.
- c. Judgment, then, is that which a court _____ inflicts upon the doer of wrong, mercy is that which a court forbears inflicting, even though the law otherwise justifies the action.
- d. In criminal cases, both Holy Writ and our _____ bind the court to resolve all doubts in mercy’s favor.
- e. Indeed, rights are _____.
- f. Thus, in all cases in which the judge’s _____ (the state) has an interest, the judge is conflicted and, therefore, as a matter of law, biased and only the _____ are fit to judge in such cases.
- g. As long as men seek in restless fear to _____ each other instead of the land and its resources, the Jury will more-than-ever remain of inestimable worth to our _____.

- h. Bottom line: the powerful, in and out of government, can _____ a tenured judge much easier than they can control jurors drawn and empanelled within _____ of a trial and do so.
- i. These things secured, _____ grants opportunity to develop strength of character, pursue clean and honest lives, and render diligent and faithful service to others, all in loyal obedience to true laws.
- j. The Jury's _____ demands that it stand independent of the state and of majorities.
- k. For each Juror to fulfill this duty, he must do his duty at arm's _____ .
- l. Thus, our common law relies for justice upon the _____ that a lone Juror from among the twelve is inspired, at the crucial moment, to rise above his mundane weaknesses and deny the threats of the powerful and the majority will. from the state, from the judge, and from the other Jurors.
- m. Thus, the parties before the court seek to motivate the Juror to _____ his duty to judge the truth of facts and engage his God-given knack to discern the validity of the law in its application.
- n. By contrast, through the Jury natural law—far from being uncertain when compared with _____ law—gives steadfast certainty to our statutory and constitutional law.
- o. By contrast, common-law Jurors allow _____ by testing fresh applications of timeless principles in new circumstances.
- p. The common-law and the civil-law traditions present differing remedies for three threats to liberty: a lawless _____, lawless _____, and lawless _____.
- q. Over the centuries, by increasing trust in intellectuals, _____, and executives, by bits and parts, common-law countries are abandoning the ideals of trial by Jury.
- r. Further, each person is responsible to administer these in accord with God's Word and to protect and _____ the freedom of others to fulfill this same responsibility, each according to his conscience as God gives light.
- s. By insistence upon trial by jury, our common-law tradition recognizes the innate _____ and _____ of jurors to stop lawlessness of the powerful, in and out of government.
- t. Our common-law tradition provides necessary *checks* on state power to reign in, and slow down the processes of government and courts: legislative _____ on the courts' jurisdiction, legislative _____ of judges, and legislative or executive _____ to court opinions.
- u. Our common-law Grand Jury and Petit Jury, however, stand apart from all three branches of government and, when needful, in _____ upon government.

§ 1.4 Juror –vs– Legislator

- a. Sometimes called *natural law*, this ability is never confined to an elite class—as hold the Romanist, Islamist, and Talmudist—, but is native to every member of Adam's race, rendering each person's _____ to discern and follow _____ independent of any other's obligation.
- b. Our common-law tradition accords finality to the Jury's verdict over legislation because unlike the legislator's office, the Juror's seat in the Jury box offers no chance for personal _____, prestige, popularity, or any paid position; and thus, no _____ to these.

- c. Our common law disallows _____ Jurors, competing for a seat on the Jury; such practice will corrupt the genius of the Jury as a fortuitous sampling of the countryside, degrading it into a weapon of vengeance for the powerful.
- d. While the civil-law tradition has no Jury, our common-law tradition comprises both legislators and Jurors, but each depends upon its _____ understanding of natural law: our common-law tradition accords to each Juror the ability to discern, from the facts, fairness for the parties before the court;
- e. The Juror, by contrast, judges events known because they are _____.
- f. Further, unlike the legislator, the Juror depends upon _____ for his Jury seat.
- g. Thus, because the Juror's authority and power is _____ - _____ and focused on a single set of operative facts concerning the parties before the court, he never seeks it.
- h. By contrast, the _____ Juror, retains the authority and power to veto any popular majority, legislative majority, and even a majority consensus among Jurors.
- i. Our common-law tradition accords finality to the Jury's verdict over legislation because the Juror's position, and the manner of placing him in it, frees him from dependency, the motive and opportunity for _____
- j. In sum, where one _____ on any particular question may depend upon where one _____: a seat in the legislature or a seat in the Jury box.

§ 1.5 Jury Authority –vs– Power

- a. *Gentlemen, [I]...remind you of the good old rule, that on questions of fact, it is the province of the Jury, on questions of law, it is the province of the court to decide. But...you have nevertheless a _____...to judge of _____, and to determine the law as well as the fact in controversy.* Justice John Jay
- b. *The more modern authorities...each...confirms that the Jury's _____ responsibility is not merely to determine the facts but to _____ the law to those facts and draw the ultimate conclusion of guilt or innocence.* *United States v. Gaudin*
- c. ...Lord Mansfield's distinction between the *authority* of the Jury to judge and determine the facts of a case, and the *power* of the Jury to _____ and determine the law is even more significant.
- d. Common-law courts have adopted Lord Mansfield's view, resulting in their trying to _____ the Jury's judging to facts and _____ from law.
- e. Building upon Mansfield's claim that the Jury is free to exercise its power over the law without the right to do so, common-law judges have said that trial by Jury lays the _____ of each case upon the conscience of each Juror as each is found at the time of empanelling...
- f. In a word, judges have come to _____ they are to instruct the Jury respecting the law, but must never tell the Jury of its power to judge, the instructions of the judge respecting the law or disregard them altogether.
- g. Justice Willis, however, disagreed, dissented from Mansfield's position, _____ for the Jury both authority and power over law and fact.

- h. If the Jury are without authority to judge the _____ of human attempts to express law—that is, legislation—a lone employee of the state called the judge allowed power over the outcome of the case will result in the Jury becoming a nullity.
- i. To deny the Jury’s authority to stand in judgment over the law and its _____ to the case before it is to ignore the individual Juror’s innate ability to recognize false expressions and applications of law, and his independent responsibility to weigh human expressions of law against his sense of the divine standard and if he finds that human expression wanting, to ignore it
- j. In any event, determination of the facts as well as application of the law and the legal _____ of guilt or innocence all remains with the Jury.

§ 1.6 Twelve Peers –vs– One Judge

- a. *The Framers would not have thought it too much to demand that before _____ a man of...his liberty, the State should suffer the modest inconvenience of submitting its accusation to “the unanimous suffrage of twelve of his equals and neighbors,” [Blackstone], rather than a lone employee of the state.*
- b. Moreover, the Court held that the Founders intended a _____ of powers, not only of the judiciary from the other two branches, but even within the judiciary, that is, between judge and Jury.
- c. In sum, the Court identified the _____ Amendment right to trial by Jury with our common-law right to Jury trial, holding that the Jury are a pillar of our common-law tradition as contrasted with civil law.
- d. Our common-law requirement of one dozen Petit Jurors conforms to Christ’s example of assembling the same number called Disciples and appointing them to be _____ of his public ministry: from the days of John the Baptist until His resurrection and ascension.
- e. Though its origin remains beclouded, the importance of the number _____—no more and no less—, as respects the Trial Jury, has never waned, says Chesterton, remaining unsurpassed in its efficiency, reliability, and standing on the best of precedents:
- f. The Jury of twelve—drawn at random, functioning as a panel of trial judges over the facts and application of the law, and requiring unanimity—have from earliest-known times been the mainstay of judging among the tribes in the north of _____, even into the mid-eighteenth century.
- g. Our common law has always _____ the unanimity of twelve Jurors on the ancient knowledge that the God of creation is never double-minded.

§ 1.7 Jury in Scripture

- a. Moreover, Jurors are _____, and God’s Word sets the qualifications for judges.
- b. The ones least-_____ in the Church” are to decide differences between its members concerning rights, property, and rights in property...
- c. So also, our common-law _____ Juror answers to no one for his verdict.

- d. Paul's phrase, *the ones least-esteemed*, demands persons of no _____: as with the Hebrew's Unauthorized Bench, those chosen for the particular purpose of settling a dispute between parties, keeping the dispute from going before the Roman magistrates.
- e. By direct inference, the passage further forbids empanelling those occupying positions of _____, such as teaching or ruling elders because such men bear the esteem accompanying their office.
- f. Unlike Rome's bringing order to chaos by central imperial command, planning force, and _____, the apostle admonishes the Corinthian believers to remedy lawlessness by encouraging those among them having disputes to empanel Juries of judges according to the divine pattern separate, and independent of, the other offices of government.
- g. It is the intended spirit of the Jury that it be separate and independent from the _____ and intimidation of the powerful and esteemed.
- h. The benefits of our common-law Jury follow use of such least-esteemed for _____.
- i. So also, in a common-law country, where any one of one's _____ is a possible judge of one's life, liberty, or property, necessity leads one to respect even the otherwise disrespected.
- j. As in the _____, where those in business are motivated to be kind to all (as much as is within them) or risk losing business, the man of means, unwilling to risk his property or wealth in legal dispute, will be kind to all.
- k. Remember, the Jury is not a _____ institution.
- l. To act upon the apostle's words demands reliance upon the native ability of each Juror's _____, to discern right from wrong, by natural means: nature's law.
- m. In short, Paul provides guidance not _____
- n. The _____ for the Jury arises from the parties in dispute and from the Juror's themselves.

§ 1.8 Oath: The Jury Foundation

- a. *From time out of memory the Anglo-American oath has _____ deep in the Hebrew Old Testament and the Gospels.*
- b. In fact, the Norman French singular *Juror* denotes one having taken an _____; the plural *Jury* signifies those having taken an oath and then empanelled together to determine facts and apply the law.
- c. Further, the term *Juror* is formed from two roots: *jura*, which, notes Blackstone, means "_____"; and *rex* or *rey*, which means "king," in the sense of "sovereign."
- d. Thus, the Jury is the truth-finding _____ for the case over which it judges.
- e. In contemplation of Magna Carta the sovereign is the country; in contemplation of the Constitution it is the _____, the phrases "the country" and "the people" both signifying rule of law, and not of men.
- f. Scripture limits witnesses to any particular fact to _____ and discourages creating allusions of popular consensus by overwhelming the Jury with many identical testimonies.
- g. Each fact necessary to prove the wrong alleged requires _____ witnesses—those with personal knowledge of the truth or falsity of the fact alleged—, not only is government barred from never convicting

the accused upon his confession alone, but also discourages government from applying undue pressure or torture to force confession and discourages bribery because two witnesses are harder to _____ than one.

- h. *Thus, Jesus never rules out all oaths, but rather, forbids idolatry: _____ to created things instead of the Creator of all things.*
- i. Indeed, to swear an oath to anything less than God—that is, a created thing (creature) instead of the Creator—is to swear for naught, _____, to no purpose, and is, therefore, vanity.
- j. *Understood in this sense, Christ warns against the _____ practice of swearing in a general manner (olos) because to do so opens one up to general, undefined, and thus unlimited, liability.*
- k. An oath is an additional _____ of one's self to that which it is already one's duty to do: a sober recognition of a duty owing.
- l. Thus, if one makes an oath, one must make it _____, precisely, and solemnly
- m. Thus, no Juror can bind himself, whether intentionally or _____, to do wrong; any attempt to do so witting or unwitting is futile.
- n. *Because common-law government is a government of laws and not of _____, any oath claiming to bind a juror to obey the judge's instructions can never bind the Juror to obey the judge's unlawful instructions.*
- o. According to Scripture, to swear an oath is to willfully entrust one's self into the hands of the person or thing to which one swears, enabling that person or thing to execute judgment against the oath taker for _____ to carry out the vow.
- p. *Second, he will protect the _____ from undue influence, trick, entrapment, or even torture to force a confession.*

§ 1.9 Juror's Veto of the Majority

- a. *That no freeman shall be hurt in either his person or property...unless by the _____ judgment of his peers, or by the law of the land.*
- b. Moreover, the authority of a _____ Juror justifies his exercise of this veto power, halting any majority within the Jury bent on allowing government to act against a defendant.
- c. Although the verdict of our common-law Jury trumps _____ power, the true Jury never operates by democratic principle
- d. In all events, our common-law Jury have _____ authority in fact over the power of the legislative majority.
- e. Thus, the traditional Trial Jury are an all-or-nothing panel: in the true common-law Jury, _____ have neither authority nor power.
- f. *By its Jury, a country holds veto power in individual cases over enforcement of any law the majority has enacted, either direct by _____ or indirect by its legislators.*
- g. Our common-law Jury has proven the most trusty and yet un-costly means of _____ ever worked out.
- h. To sum up, in a common-law country such as ours, the _____ of any law in individual instances stands or falls upon the consent of the Jury.

§ 2 Grand Jury

- a. **The United States Supreme** Court holds that the federal Grand Jury are a kind of _____ branch of government, subject to neither the courts (judges) nor the executive (prosecutors).
- b. The Grand Jury are of ancient origin in England, but in 1933, _____ discontinued its use.
- c. *The federal Grand Jury have become the primary sword of the _____ and are no longer a shield for the people.*
- d. Congress's Hyde Commission concluded that the federal Grand Jury has become a _____ for the United States attorney; with a Grand Jury, he "could indict a ham sandwich."
- e. Since earliest known times, the inhabitants of Britain empanelled the Grand Jury to help keep the _____.
- f. Indeed, the Grand Juror's freedom from fear of _____, especially from the powerful, was necessary to insure the rule of law applied over all.
- g. *In fact, to further insure that the rule of law _____, they also empanelled four-man Juries to watch the judge as he presided over empanelling the Grand Jury.*
- h. English common law bars mere _____ and the legislature from overturning Jury verdicts.
- i. Because legislatures are the seat from which _____ state power most readily springs, common-law further bars the legislature from proceeding against the individual.
- j. *Presently, the largest common-law Jury is the Barote Court of twenty-four to forty-eight men, which still holds _____ in Highpeak and Derbyshire Mining Districts.*
- k. Even the Queen's Mining Commissioner must _____ to the Barmote's divining and findings of custom of law.
- l. On good sense presuming the _____ of all litigants, the winner before the Barmote pays all court costs so that the losing miner—having lost mineral rights or other advantages respecting mining—is not ruined...
- m. Tribunals larger than these, such as those of ancient Greece and Rome, used assemblies of 50, 100, 150, and more, depending on the _____ of the question to be decided: slight issue, few judges; hefty issue, many judges.

§ 3 What is an Unlawful Law?

- a. *Where a Juror is convinced that a legislature's claimed law is unlawful, his duty and oath demands that he disregard that _____ law and acquit the defendant – even if doing so is contrary to his oath to obey the judge's instructions.*
- b. **Why? Because no oath can bind** a Juror to deliver a verdict _____ to truth or right.
- c. A supposed law can be unlawful by _____ ways: *unlawful in every application* or *unlawful as applied* in a certain instance, that is, wrong only in its application to the facts surrounding the person the government is prosecuting.

- d. Each Juror must search his gathered sense or conscience respecting the matter at hand—that is, evidence, Jury instructions, affections, experience, knowledge, _____, reason, gut feelings, arguments of fellow Jurors, nature, and Scripture—and come to his own conclusions, never violating his conscience, rejecting any application of law repugnant to common-law sensibilities....\
- e. In short, any oath _____ to bind a person to do an unlawful act is an unlawful oath and, once known to be unlawful, must be disregarded.
- f. The men assembled upon Parliament’s request at Westminster plumbed the depths of right and wrong _____ oaths.
- g. A lawful oath is part of religious worship, wherein, upon just occasion, the person swearing solemnly calls God to _____ what he asserts, or promises, and to judge him according to the truth or falsehood of what he swears.
- h. No man may vow to do any thing forbidden in the Word of God, or what would _____ any duty therein commanded, or which is not in his own power, and for the performance whereof he has no promise of ability from God.
- i. Simply put, trial by the _____ is Magna Carta’s phrase for trial by one’s peers, that is, one’s neighbors: those that one knows and by whom one is known.

§ 4 Legacy Worth Following

- a. They choose to risk _____ rather than allow King & Parliament to supplant common-law trial by Jury with bureaucrats’ administrative-law courts.
- b. As King & Parliament extended civil law’s admiralty law and canon law—which use no Jury—to supplant our common-law courts’ trial by Jury, so also now _____ and _____ extend civil laws’ admiralty law and administrative law.
- c. Using absurd reaches of our Constitution’s Admiralty Clause, presidents and congressman claim to extend admiralty jurisdiction from *navigable waters* to waters that the army corps of engineers _____ navigable, to all water that drains into such potentially navigable waters, the watershed itself, and any land potentially wet at any time.
- d. Let Americans learn from their own history. Paragraphs 20–23 of our Declaration of ’76 cite as reason to secede from Britain, King & Parliament’s _____ trial by Jury with civil law’s admiralty and canon law:
[¶ 20] For depriving us in many cases of the benefits of Trial by Jury; —
- e. Experience shows that without a true and impartial common-law Jury, government will control the _____ of cases by replacing its will for personal freedom.
- f. King George set up boards of _____ with _____ powers to extend the jurisdiction of admiralty courts, not only for collecting taxes, but also for the trial of all cases arising within the colony!
- g. In short, if the behavior in question seriously injured no one else, it is no _____.
- h. In justification, Parliament had resurrected a _____ statute that Henry VIII. had signed over 200 years before.
- i. Thus beware, the more false crimes rulers _____, the more such rulers dominant and control people using the terror of prosecutorial threat and vengeance.

- j. Delegates to the First Congress, meeting to address Parliament's reaction to the _____, all agreed: "[T]he respective colonies are entitled to *the common law* of England, and more especially to the great and inestimable privilege of *being tried by their peers* of the vicinage, *according to the course of that law*."
- k. Almost nineteen months before, on 14 October 1774, the threat of this scheme moved the Colonies to form our first true _____, which then gave the hue and cry against canon law.
- l. By the words *so total a dissimilarity of religion, law, and government of the neighboring British colonies*, Congress refers to the _____ by which the King & Parliament were *erecting a tyranny* of Roman civil-canon-law government in Quebec, the ***neighboring Province***, which cut off the claims of Massachusetts, Connecticut, Virginia, and New York to their western lands, and placed these lands under Quebec's French Jesuit jurisdiction of canon law.
- m. Through that struggle, Britain conquered Quebec, ridding the New World of France's _____ law, priestcraft, inquisition, and proselytizing through terrorism by torture and murder.
- n. Since Rome's empire and long before, the civil law in its many forms has been the state's tool of _____.
- o. Knowing that England's central bank must keep the British-American Colonies under civil-law government for easy _____ of its East-India Company's trading & offshoot monopolies, King George, his co-conspirators, and other kept men set about to establish civil-canon law in Quebec.

Juror Handbook

Answer Key



A Common Lawyer Comments

Brent Allan Winters

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ANSWER KEY: Juror Handbook

§ 1 Trial by Jury

- a. lawlessness
- b. misapplications

Know Your Power

- a. elect, allow, refuse
- b. priceless
- c. fraud
- d. majority
- e. direct, decisive

Know Your Constitution's Greatest Shield

- a. unconstitutional
- b. tamper
- c. democratic
- d. instructions

Understand the Runaway Grand Jury

- a. ignoring, run-away
- b. independent
- c. ignorant
- d. government

Understand Your Oath

- a. President's
- b. Instructions
- c. lawless
- d. speculation
- e. permission
- f. grossly
- g. discern
- h. force

Juror's Oath & Unlawful Laws

- a. oath taker
- b. unlawful
- c. application
- d. applied

The Scholastics' Shell Game

- a. argument, intimidate
- b. immoral
- c. false guilt
- d. punish
- e. never
- f. authority
- g. disagrees

- h. presume
- i. political, charm
- j. subvert
- k. assurance
- l. understand
- m. decision
- n. balance
- o. bias
- p. judgeships
- q. practicing
- r. disregarded
- s. lawful
- t. premise, unlawful

Know Our Construction's Government Limits

- a. violations, government-limiting
- b. common-law limits
- c. abstract, sharpened
- d. bind, limits
- e. anything
- f. impossible
- g. limit
- h. freedoms
- i. defense
- j. rights

Know if the Judge is Like Maximum Mike

- a. boasted
- b. lawless
- c. comparable

§ 1.1 Jury Ideals

- a. inflict
- b. verdict, permission
- c. enforcement
- d. unreliable
- e. common-law
- f. Magna Carta, Constitution
- g. guarantee, Law of the Land
- h. granting, withholding
- i. government,
- j. right, power
- k. equals
- l. deny, delay
- m. one hundred
- n. opinions
- o. understanding
- p. recognize, discern, judge
- q. mercy

- r. discern
- s. accusing
- t. shield
- u. personalities
- v. law of nature
- w. abrogate
- x. legislation, forces
- y. total state
- z. ignorant
- aa. peaceful, orderly
- bb. conscience
- cc. lot
- dd. right
- ee. explanation
- ff. authority
- gg. domination, malignancy
- hh. forbid
- ii. authority
- jj. domineering, independence, relieve
- kk. randomly, intimidation
- ll. Nature's God
- mm. ignorance
- nn. truth

§ 1.2 Juror Independence

- a. judgment
- b. exercise
- c. independent
- d. principles
- e. acting

§ 1.3 Channel of Mercy & Judgment

- a. justice
- b. judgment, mitigating
- c. justly
- d. common law
- e. property
- f. employer, Jury
- g. dominate
- h. control, minutes
- i. Providence
- j. design
- k. length
- l. likelihood
- m. grasp
- n. statutory
- o. progress
- p. state, judges, individuals
- q. legislators
- r. preserve
- s. ability, responsibility
- t. limitations, impeachment, resistance

- u. judgment

§ 1.4 Juror –vs– Legislator

- a. obligation, truth
- b. glory, temptation
- c. volunteer
- d. differing
- e. past
- f. no one
- g. short-lived
- h. lone
- i. bias
- j. stands, sits

§ 1.5 Jury Authority –vs– Power

- a. right, both
- b. constitutional, apply
- c. judge
- d. confine, away
- e. determination
- f. believe
- g. claiming
- h. lawfulness
- i. applicability
- j. conclusion

§ 1.6 Twelve Peers –vs– One Judge

- a. depriving
- b. separation
- c. Sixth
- d. witnesses
- e. twelve
- f. Europe
- g. demanded

§ 1.7 Jury in Scripture

- a. judges
- b. esteemed
- c. Trial
- d. reputé
- e. authority
- f. domination
- g. influence
- h. jurymen
- i. neighbors
- j. marketplace
- k. government
- l. judgment
- m. commands
- n. authority

§ 1.8 Oath: The Jury Foundation

- a. rooted
- b. oath
- c. right
- d. sovereign
- e. people
- f. three
- g. two, bribe
- h. swearing
- i. emptiness
- j. reckless
- k. binding
- l. attentively
- m. unintentionally
- n. men
- o. failure
- p. innocent

§ 1.9 Juror's Veto of the Majority

- a. lawful
- b. lone
- c. democratic
- d. veto
- e. majorities
- f. referendum
- g. justice
- h. application

§ 2 Grand Jury

- a. fourth
- b. Parliament
- c. prosecutor
- d. rubber stamp
- e. peace
- f. payback
- g. reigned
- h. judges
- i. dangerous
- j. jurisdiction
- k. bow
- l. sincerity
- m. gravity

§ 3 What is an Unlawful Law?

- a. counterfeit
- b. contrary
- c. two
- d. understanding
- e. purporting
- f. respecting

- g. witness
- h. hinder
- i. country

§ 4 Legacy Worth Following

- a. death
- b. presidents', congressmen
- c. could make
- d. supplanting
- e. outcome
- f. bureaucrats, unconstitutional
- g. crime
- h. forgotten
- i. manufacture
- j. Boston Tea Party
- k. Congress
- l. Quebec Act
- m. Roman
- n. domination
- o. enforcement