

Did you know that

Judges are NOT above the law?

At least in California, we have found that **grand jurors** have often been repeatedly told by their county counsel and district attorney that, as grand jurors, they have “no jurisdiction over judges”, or “no power to investigate, accuse or indict judges.” This is a huge LIE. California Grand jurors, under **Penal Code, Section 919(c)**, have a MANDATORY DUTY to investigate judges when they have been accused of corrupt misconduct while acting as a judge. Moreover, the grand jurors have the lawful power under **Government Code, Section 3060** to **accuse** any judge, which appears to the grand jury to have become corrupt in office. This way, the corrupt judge may be tried by a trial jury and *removed from office upon conviction by the trial jury*.

In addition, the judge may be **indicted** *by the grand jury* for any crime that he/she might have committed while acting as a judge. The most common charge, for which judges have been indicted, tried and convicted, has been the charge of “*Conspiracy to obstruct and pervert justice*” under **Penal Code, Section 182(a)(4)**. Since judges have been given AWSOME POWERS to administer justice, they are in a convenient position for misuse of that power to pervert and obstruct justice.

The county counsel and the district attorneys who *falsely* tell the grand jurors that they have “no jurisdiction over judges” have committed conspiracy to obstruct justice by obstructing the grand jury’s investigation of the judges in the first place before one can even get started. The grand jury has the power and duty to *accuse* and *indict* such county counsel and district attorneys, as it should.

THE OLDEST AND PRIME DUTY of all jurors, even more important than any civil report preparation or indictment of common street criminals is to INVESTIGATE and oversee judges, district attorneys, county counsel and other public officials IN POSITIONS OF GREAT TRUST AND POWER and accuse and indict the corrupt ones.

To prove to the wary that these above statements are true, we have copied the laws and court cases written by California and Federal Courts of Appeal and Supreme Court for you. Read the underlined and bracketed portions of these decisions. They back up everything we just told you. For more information, contact for Education at (813)444-4800 | www.jurypower.org

Below, you will see the relevant part of court cases that have clearly said that grand juries have the power and right to indict and investigate judges, and court cases that show in California, the grand jury can accuse the judge of corrupt misconduct and have a judge fired if a trial jury found that the accusation of the grand jury is true.

From United States v. Hastings, 681 F.2d 70 (11th Circuit Federal Court of Appeal in 1982). Hastings was a federal judge who was **indicted by the federal grand jury** with conspiracy to obstruct justice for acts involving his acting as a judge and found guilty of those charges by the trial jury. On page 711 of this case the court states: “*No man in this country is so high that he is above the law. ‘...every man who by accepting [government] office participates in its [government’s] functions is only the more strongly bound to submit to its supremacy.’ A judge no less than any other man is subject to the process of criminal law.*”

In People v. Martin, 135 Cal.App.3d 710, a 1982 California Court of Appeal case, Judge Martin was **indicted by the Los Angeles Grand Jury** for conspiracy to obstruct and pervert justice while acting as a judge. Judge Martin was found guilty and sent to state prison as provided by law. The court of appeal in approving Judge Martin’s conviction in part states: “*What [Judge] Martin is really saying is that he should be treated more favorably because he was a judge. It was apparently the trial court’s opinion that judges and attorneys should be punished like everyone else when they commit felonies.*”

In People v. Hardeman, 244 Cal.App.2d 1, a 1966 California Court of Appeal case, Judge Hardeman was **indicted by the Los Angeles Grand Jury for conspiracy to obstruct and pervert justice**. Judge Hardeman was found guilty of these crimes by the trial jury. Judge Hardeman did not even bother to claim that he is above the law or make the frivolous claim that “grand jury, as an arm of the court, has no jurisdiction over the judges.” Judge Hardeman knew better than that. In his appeal, Judge Hardeman brought up a lot of issues, but did not challenge the right or power of the grand jury to indict him.

In Frazier v. Moffatt, 108 Cal.App.2d 379, a 1951 California Court of Appeal case. In this case a citizen sued Judge Moffatt in a civil action. The citizen’s suit was dismissed because judges have given themselves (not the legislature), immunity from lawsuits when they act as a judge. However in consoling the citizen and the people that Judge Moffatt is not above the law from his allegedly illegal acts, and that something could be done about Judge Moffatt’s illegal acts, the court on page 385 said: “*The cases clearly hold that where a judicial officer violates a criminal statute, he is held to the same responsibility as any citizen. Under our system of government **judicial officers** are responsible to the people, or the authorities constituted by the people, for the manner in which they discharge the great trust of their office. If, in the exercise of the powers with which they are clothed as ministers of justice, they act with partiality, or corruptly, arbitrarily, or oppressively, they **may be called to account for misdemeanor in office or for willful or corrupt conduct in office.***”

Frazier v. Moffatt, clearly concludes that a judge may be charged with a crime, such as an indictment by the grand jury, as well as accused for corrupt misconduct in office under Government Code, Section 3060. Frazier v. Moffatt, made the conclusion that a judge may be removed from office for corrupt misconduct while performing judicial functions, was based on the two California court cases listed below.

In Baird v. Justice's Court, 11 Cal.App. 439, a 1909 California Court of Appeal decision, the defendant, **Judge Ward**, "***was indicted for and convicted of misconduct in his office of justice of the peace***, and judgement was rendered removing him from office for causes stated in the judgement." on page 441, the court states: "*A justice of the peace [a judge] ... if he subjected himself to any penalty by any reason of **misconduct**, the **punishment therefor is provided by section 758, Penal Code.***" It is important to note that Penal code, Section 758, which provided for removal from office of public officers of **every description** for willful or corrupt misconduct in office, and now been re-codified [re-categorized] in Government Code, Section 3060.

In People v. Ward, 85 Cal. 585, a 1890 California Supreme Court decision, on page 591, the court makes it clear that the accusation by a grand jury is basically a form of indictment by saying: "... *the **indictment** in this case ... was drawn **under section 758, Penal Code.***" An accusation or indictment for corrupt misconduct in office, can ONLY be made by the grand jury. Neither the District Attorney nor another prosecutor has the power to make an accusation or indictment. ONLY THE GRAND JURY HAS THE ACCUSATION POWER!

In approving the power of the grand jury to accuse a judge of corrupt misconduct, the California Supreme Court spelled out the requirements of a valid accusation against a judge by stating: "***To remove a judicial officer for misconduct in office ... [t]he act charged must have been done in discharge of judicial functions; and must be charged to have been done with corrupt, partial, malicious, or other improper motives and with knowledge that it was wrong.***"

Now, how can any one claim that "the grand jury has no power to investigate or accuse judges", when the California Supreme Court has clearly approved this power that the Constitution and the Legislature of California have entrusted to the grand jury?

Many believe that our judicial system is ripe with judicial abuse of power and authority, precisely because the County Counsel, District Attorney and Judges of their County have cleverly deceived the grand jurors into believing that "grand jury has no jurisdiction to investigate, accuse or indict judges." These judges, County Counsel and District Attorneys have the same access (if not better) to the law library that this author does. They are ASSUMED to **know the law**, which they are entrusted with enforcing. How can these lawyers claim ignorance of these publicly available court cases and Code Sections?

In order to facilitate this *hoodwinking of the grand jury*, the grand jurors are often told by these government lawyers that the grand jurors must spent the greatest efforts and time in conducting civil investigations and report writings. This is not true. The grand jury is steered away from its criminal oversight of government function, so that it may not perform its DUTY UNDER THE LAW (see **Penal Code 919(c)**) to root out corruption within our government.

The legislative history of California Grand Jury's power, and duties (or lack of) mentioned above is covered in our other article entitled: "What is the California Grand Jury's ONLY 3 duties?" Meanwhile, if you wish to maintain integrity in our government, if you want to increase public confidence in our government by rooting out the corrupt public servants, consider applying for grand jury service.

If we can be of any assistance, feel free to contact the Jury Education Committee at (760)868-4271 www.jurypower.org freedom@livefreenow.org .