

<https://www.oathkeepers.org/the-clue-in-the-two-letter-word/> Oath Keepers Tue, 23 Feb 2016 17:29:42 +0000 hourly 1 <http://wordpress.org/?v=4.3.3> <https://www.oathkeepers.org/the-clue-in-the-two-letter-word/#comment-3283> Sun, 18 Jan 2015 16:27:06 +0000 <https://www.oathkeepers.org/?p=4122#comment-3283> Jan 17, 2015 5 Must Do's for Every Police Encounter

Protect yourself during police encounters. Know and exercise your rights. Maximize transparency and personal responsibility.

http://youtu.be/ZZoYL_oYtoM

]]> <https://www.oathkeepers.org/the-clue-in-the-two-letter-word/#comment-3269> Sun, 18 Jan 2015 05:48:55 +0000 <https://www.oathkeepers.org/?p=4122#comment-3269> Cal, thank you for posting here and for offering to send me the article. I would like to read it. Do you still have my email address? I'm sure I've got yours, so if I don't hear from you shortly I will email you or call you. Thank you again for posting.

Salute!

Elias Alias, editor]]> <https://www.oathkeepers.org/the-clue-in-the-two-letter-word/#comment-3249> Sun, 18 Jan 2015 00:31:30 +0000 <https://www.oathkeepers.org/?p=4122#comment-3249> Great Article, Elias!

This ties in with what my article on "Good Behaviour".

Example of my article:

Where else is the method for judges to retain their tenure exist other than when they use "Good Behaviour"; while life tenure is not even mentioned within the US Constitution, but implied by the "Good Behaviour" standard.

Does history or the framers, the people of that time, or any more modern examples show us differently than what many believe is the standard that judges are held to today? Is there any modern standard that belies that judges are in for life regardless of their behavior? The answer to those questions is "yes, Good Behavior is a standard that must be met by all judges in order to retain their position for life; and there is historic and more recent evidence of this.

Alexander Hamilton, Federalist 78:

"In a monarchy (the good behavior standard) is an excellent barrier to the despotism of the prince; in a republic it is a no less excellent barrier to the encroachments and oppressions of the representative body... It is the best expedient which can be devised in any government to secure a steady, upright, and impartial administration of the laws."

If "Good Behaviour" "in a republic... "is a no less excellent barrier to the encroachments and oppressions of the representative body", and if "It is the best expedient which can be devised in any government to secure a steady, upright, and impartial administration of the laws"; then bad "Behaviour", "Misbehavior" must matter precisely because that is the only "barrier to the encroachments and oppressions of the representative body" with which to secure "a steady, upright, and impartial administration of the laws" since that requirement can remove a judge from the position they occupy if they do not practice "Good Behaviour". If using "Good Behaviour" within the courtrooms is what grants them life tenure, if it does; then using "Bad Behaviour" within the courtrooms would end that tenure, though the determination of the type of behavior used must be determined by a jury of the people through a Grand Jury Trial.

Justice Antonin Scalia:

"The grand jury is mentioned in the Bill of Rights, but not in the body of the Constitution. It has not been textually assigned, therefore, to any of the branches described in the first three Articles. It is a constitutional fixture in its own right. In fact the whole theory of its function is that it belongs to no branch of the institutional government, serving as a kind of buffer or referee between the Government and the people".

“Thus, citizens have the unbridled right to empanel their own grand juries and present “True Bills” of indictment to a court, which is then required to commence a criminal proceeding. Our Founding Fathers presciently thereby created a “buffer” the people may rely upon for justice, when public officials, including judges, criminally violate the law.” (Misbehavior)

“The grand jury is an institution separate from the courts, over whose functioning the courts do not preside, we think it clear that, as a general matter at least, no such “supervisory” judicial authority exists. The “common law” of the Fifth Amendment demands a traditional functioning grand jury.”

“Although the grand jury normally operates, of course, in the courthouse and under judicial auspices, its institutional relationship with the judicial branch has traditionally been, so to speak, at arm’s length. Judges’ direct involvement in the functioning of the grand jury has generally been confined to the constitutive one of calling the grand jurors together and administering their oaths of office. The grand jury’s functional independence from the judicial branch is evident both in the scope of its power to investigate criminal wrongdoing, and in the manner in which that power is exercised.”

“The grand jury ‘can investigate merely on suspicion that the law is being violated, or even because it wants assurance that it is not.’ It need not identify the offender it suspects, or even “the precise nature of the offense” it is investigating. The grand jury requires no authorization from its constituting court to initiate an investigation, nor does the prosecutor require leave of court to seek a grand jury indictment. And in its day-to-day functioning, the grand jury generally operates without the interference of a presiding judge. It swears in its own witnesses and deliberates in total secrecy.”

“Recognizing this tradition of independence, we have said the 5th Amendment’s constitutional guarantee presupposes an investigative body ‘acting independently of either prosecuting attorney or judge’

“Given the grand jury’s operational separateness from its constituting court, it should come as no surprise that we have been reluctant to invoke the judicial supervisory power as a basis for prescribing modes of grand jury procedure. Over the years, we have received many requests to exercise supervision over the grand jury’s evidence-taking process, but we have refused them all. “it would run counter to the whole history of the grand jury institution” to permit an indictment to be challenged “on the ground that there was incompetent or inadequate evidence before the grand jury.” (Justice Antonin Scalia)

The Preamble to the US Constitution says, “We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.”

This means that the people themselves are the last word on all of those who serve within the branches of our governments, though that “last word” must also be “in Pursuance thereof” the US Constitution...

The concept is that “Good Behaviour” allows for the opposite, “bad behavior” or misbehavior. This is backed up historically by a debate John Adams had with William Brattle about the ‘tenure of judges’. At the end of the debate both men agreed that if a judge was appointed during good behavior, then he could also be removed by using “bad behavior”. But this removal was only after receiving a “hearing and trial, and an opportunity to defend himself before a fuller board, knowing his accuser and accusation”...

The 1790 Crimes Act provided that a judge convicted of taking a bribe would, by virtue of the conviction, be “forever . . . disqualified to hold any office of honour, trust or profit under the United States.” That conviction would deprive the judge of life tenure of the office being occupied. This falls under the “Good Behaviour” tenure...

Justice Antonin Scalia:

“Thus, citizens have the unbridled right to empanel their own grand juries and present “True Bills” of indictment to a court, which is then required to commence a criminal proceeding. Our Founding Fathers presciently thereby created a “buffer” the people may rely upon for justice, when public officials, including judges, criminally violate the law.” (Good Behaviour” tenure) Justice Antonin Scalia writing for

the majority said In the Supreme Court case of United States v. Williams, 112 S.Ct. 1735, 504 U.S. 36, 118 L.Ed.2d 352 (1992).

Let me know how to get it to you (if you are interested. Yes, it IS a long article 😊).

Cal

]]>