

The Citizens' Grand Jury *– The People's Watchdog –* *Its Historic Re-emergence for the Crimes of 9/11*

The Framers of the US Constitution instilled in the Fifth Amendment a legal remedy for The People to independently investigate and hold accountable their government officials that was unconstitutionally neutered in 1946. The people's 'Presentments' have been resurrected by a small but dedicated group in California, to address the crimes of 9/11. Their case for re-empowering the historic citizens' grand jury may make it all the way to the Supreme Court.

A great gathering of experts and concerned citizens met in a Town Hall meeting at Patriotic Hall in Los Angeles on October 23, 2004 and again on August 27, 2005 in a dramatic demonstration of citizen courage and responsibility. Drawing on Common Law and the Fifth Amendment for precedent and authority, they elected and convened a Citizens' Grand Jury, formally rejected the legitimacy and conclusions of the Kean-Hamilton 9/11 Commission, and declared the Official Story "physically impossible, contradictory, implausible and fraudulent."

In both cases, the jurors found "probable cause to indict" what will be at least twenty individuals at the very highest level of the US government, military & private enterprise. Their conclusions demand legal consideration, criminal prosecution, civil liability and, ultimately, political condemnation around the world. The legitimacy and potential of their evolving Citizens' Grand Jury process could be the missing link in *We the People* re-claiming the power we've unwittingly been divested of by a government run amuck, unchecked by grand juries, which a decision by the US Supreme Court has called "the fourth people's branch of government."

The Roots of the Citizens' Grand Jury Movement

In an article in the *Creighton Law Review* ("If It's Not A Runaway, It's not a Real Grand Jury" Vol. 33, #4 1999-2000), attorney Roger Roots traced the history of the grand jury as intended by the Framers of the Bill of Rights, reflected in the Fifth Amendment, supported by well-settled Common Law tradition, and yet subverted by a little known 1946 legislative lie of epic proportions.

Supreme Court Justice Powell stated in 1974, "The institution of the grand jury is deeply rooted in Anglo-American history. In England, the grand jury served for centuries both as a body of accusers sworn to discover and present, for trial, persons suspected of criminal wrongdoing and as a protector of citizens against arbitrary and oppressive governmental action.

The Fifth Amendment

In this country, the Founders thought the grand jury so essential to basic liberties that they stated in the Fifth Amendment that:

"No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury ..."

This fundamental right – not to be held (incarcerated) unless by presentment or indictment – has been completely obfuscated by this current president's arbitrary label of 'enemy combatant'. This has been rubber stamped by Congress, codified in the Patriot Act, and justified by the "war on terror" – which, in turn, has been predicated on the government's version of who committed the crimes of 9/11. But almost more deleterious to the state of freedom in America, is the fact that the independent governmental oversight power of the grand jury was procedurally obliterated when the word *presentment* was unconstitutionally written out of law in 1946.

In the *Creighton Law Review*, Roger Roots states that, according to common law tradition and the Fifth Amendment, "The grand jury is supposed to act as a check on the government – a people's watchdog ... [that] operates as a completely independent, self-directing body of inquisitors, with power to pursue unlawful conduct to its very source, including the government itself." Their independent findings are reflected in their 'presentments'.

In early American common law, embodied earlier in the Magna Carta, the 'presentment' was a customary way for grand juries to accuse public employees or officials of misconduct. While an 'indictment' was normally thought to be invalid without the signature of a government prosecutor, a presentment required no formal assent of any entity outside the grand jury. A presentment was thought to be an indictment without a prosecutor's signature, and a mandate to a district attorney/US Attorney to initiate a prosecution.

However, in 1946 all references to the word 'presentment' were simply omitted by the drafters of the Federal Rules of Criminal Procedure. Today 'presentment' is no longer recognized by the federal judiciary; this legislative lie has yet to be challenged in the highest court – which is where some would like to take it.

Prior to the adoption of the Federal Rules of Criminal Procedure (Code 6/Note 4 in 1946) which declared that independently-acting grand juries were now 'obsolete' (and, subsequently, presumed illegal in practice) grand juries were understood to have broad powers to operate at direct odds

with both judges and prosecutors, and also the executive and legislative branches.

In theory, the grand jury is a body of independent citizens that can investigate any crime or government misdeed that comes to its attention. They can make their own presentment: a formal statement of the grand jury's independent assumptions, fact findings and conclusions.

In the newsletter for the American Jury Institute, famed American jurist, Joseph Story, distinguished the range of grand jury responsibility expressed in the Fifth Amendment: "A written indictment is framed by the officers of the government, and laid before the grand jury. Presentments, on the other hand, are the result of a jury's independent action."

A Presentment is an Accusation by a Grand Jury

"A presentment, properly speaking, is an accusation, made by a grand jury of its own mere motion, of an offence upon its own observation and knowledge, or upon evidence before it, and without any bill of indictment laid before it at the suit [requirement] of the government. Upon a presentment, the proper officer of the court must frame an indictment, before the party accused can be put to answer it."

In practice, however (since 1946 and the subsequent procedural handbook of 1979), the grand jury is dependent upon the Prosecutor to bring cases, (call witnesses), and gather evidence (and to issue their indictments).

As Roots suggests, "the perfidy [treachery] of the Federal Rules Advisory Committee in limiting the institution of the grand jury through codification (at the federal level), can only be seen as willful subversion of well-settled law ... It was the grand jury's power over its presentments, rather than its indictments, that made it so fearsome. The omission of the notion of independently initiated and investigated presentments was "a monumental – and deliberate – change of grand jury practice ... an assault on the grand jury as an institution, if not an absolute coup d'état upon it."

What is the result? Investigating seditious acts of government officials can be deemed inappropriate or unavailing by the prosecutor; or the judge can dismiss the grand jurors pursuing such investigations. Consequently, corrupt government officials have few natural enemies and go about their seditious business unimpeded.

Roots explains, "Common law grand juries had the power to exclude prosecutors from their presence at any time and to investigate public officials without governmental influence. These fundamental powers allowed grand juries to serve a vital function of oversight upon the government. The function of a grand jury to ferret out government corruption was the primary purpose of the grand jury system in ages past."

Putting Words into Actions

It was with the intention to reassert this very power that a small group of 9/11 truth activists in Los Angeles, led by Lynn Pentz and Kathleen Ferrick Rosenblatt of 911TruthLA.

us, convened a "Citizens' Grand Jury on the Crimes of 9/11" in 2004 and 2005. They called upon the following witness-experts: Webster Tarpley (historian and author of *George Bush the Unauthorized Biography* and *911 Synthetic Terror: Made in the USA*; Barbara Honegger, (military affairs journalist, Iran/contra and 9/11 whistleblower, & author of *October Surprise*), Don Paul (author of *9/11: Facing our Fascist State*, and co-author of *Waking Up From Our Nightmare: The Crimes of 9/11/2001*, Christopher Bollyn, (independent investigative journalist for *American Free Press*, author of many breakthrough stories regarding 9/11 and the cover-up), Jim Hoffman, (source of 911Research.com and co-author *Waking Up From Our Nightmare*); and David Ray Griffin (author and editor of over 30 books including *The New Pearl Harbor: Disturbing Questions About the Bush Administration and 9/11* and *The 9/11 Commission Report: Omissions and Distortions*).

At the opening of their first Citizens' Grand Jury gathering, Barbara Honegger invoked the 400 year tradition of sovereign citizen Grand Juries in America and ignited the Town Hall gathering to exercise the power that citizens of Vermont continue to exercise – to initiate their own Grand Juries by electing them from audience members at Town Hall gatherings and to render their own findings from the recommendations the conveners offered. Invited Grand Jury member, William Golden, encouraged the gathering to align with the conveners and actually vote for all members of the grand jury. Convener Lynn Pentz (a descendent of one of the nation's Founders who was the deciding vote for the state of Virginia's adoption of the Bill of Rights), facilitated the organic unfoldment of citizen responsibility in action guiding the Jury's proceedings (and later the refinement of the Presentment language with members Chris Condon and William Golden).

Audience member Bill Thornton, an expert on sovereign citizenship and the Magna Carta, suggested that for the gathering to be legitimate, they should vote not just for the 12 jurors previously invited but elect 25 grand jury members from the audience as a whole, consistent with common law tradition. Profoundly empowered, the Town Hall gathering did precisely that.

Unlike the process of the Kean-Hamilton Commission, the Convener promised full transparency in the process and assured that every witness would be sworn in. The Citizens' Grand Jury members vowed to do their best to honestly and fairly determine if there was "probable cause to reject the administration's Official Story of 9/11 and ultimately determine "is there probable cause to indict top officials in government, the military and private enterprise."

Webster Tarpley functioned as the "Presenter of the Charge" reviewing the issues around which evidence would be presented for consideration as all or part of the Grand Jury's Findings. At the conclusion of the proceedings, the jury did vote on the draft findings. After deliberation and



refinement of language, the findings were voted on and declared the Jury's final Presentments - consistent with the Fifth Amendment – at the second gathering of the Jury. (See Excerpts and an Overview of Findings on pg. 146. The complete Presentment, specific conclusions and demands for evidence can be read on www.911TruthLA.us.)

Ironically, in preparing this article, we discovered that the ultimate neo-conservative, Justice Antonin Scalia, effectively codified the uniquely independent power of the grand jury as the Fourth Branch of government and placed it into the hands of all citizens when he delivered the opinion of the court in 1992. In *United States v. Williams*, (504 US 36 at 48), Justice Scalia, laid down the law of the land:

[R]ooted in long centuries of Anglo-American history,” *Hannah v. Larche*, 363 US 420, 490 (1960) (Frankfurter, J., concurring in result), 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.”

Yet, in practice, contemporary grand juries are absent of their constitutionally guaranteed power of independence and function basically at the whim of the prosecution.

The 'Runaway' Grand Jury

According to the *Creighton Law Review*: “A ‘runaway’ grand jury was loosely defined as a grand jury which resists the accusatory choices of a government prosecutor. This has been virtually eliminated by modern criminal procedure. Prior to the emergence of governmental prosecution as the standard model of American criminal justice, all grand juries were in fact ‘runaways’, according to the definition of modern times; they operated as completely independent, self-directing bodies of inquisitors, with power to pursue unlawful conduct to its very source, including the government itself.”

It is clear that the Constitution intended to give the grand jury power to instigate criminal charges, and this was especially true when it came to government oversight.

The 1946 drafters of the Federal Rules of Criminal Procedure Rules 6 and 7, which loosely govern federal grand juries, denied future generations of what had been the well-recognized powers of common law grand juries: powers of unrestrained investigation and of independent declaration of findings. The committee that drafted these rules provided no outlet for any document other than a prosecutor-signed indictment. The only reference to a ‘presentment’ can be found

in Note 4 of the Advisory Committee Notes on the Rules:

“4. Presentment is not included as an additional type of formal accusation, since *presentments as a method of instituting prosecutions are obsolete*, at least as concerns the Federal courts.”

Committee member Professor Lester B. Orfield, one of the drafters of the Federal Rules of Criminal Procedure Rule 6 explained their decision to eliminate ‘obsolete presentments’ even though the term was crucial part of the Bill of Rights. Orfield wrote: “The term should not be used in the new rules of criminal procedure. Retention might encourage the use of the runaway grand jury (which) could act from their own knowledge or observation and not only from charges made by the US Attorney. It has become the practice for the US Attorney to attend grand jury hearings, hence the use of presentments has been abandoned.”

This was a blatant denial of the people’s constitutional power for oversight over tyrannical government. As is common today, they created the new jargon “runaway grand jury” as the spin to cast aspersions on the power of sovereign citizens to be responsible for those who govern at their behest. In so doing, the drafters at least tacitly, if not affirmatively, opted to ignore explicit constitutional language.

In practice, if one sits on a grand jury today and seeks to return a ‘presentment’, the procedures require the prosecutor to sign it. If they choose not to, which for politically charged issues is often the case, the presentment never gets to the judge and the criminal charges brought to the court’s attention by the jury are often swept away. A disheartening example of the prosecutor’s ability to ignore the presentments of the people, is the 9/11 case presented in great depth to Attorney General Elliott Spitzer, signed by over 100,000 people. Presented for grand jury consideration, Spitzer (running for Governor of New York) has not given the case the light of day.

Historic Re-affirmation of Grand Juries

The Conveners of the Citizens’ Grand Juries and their LA attorney, Umberto Guizar, asserted (along with Roger Roots and other scholars), that since the (unamended) 5th Amendment to the Constitution still contains the right of grand jury presentments, the Framers’ intention for the independent grand jury still stands.

Mr. Guizar is aligned with the 911 Truth community in re-affirming the Citizens’ Grand Jury as not being subservient to prosecutors, and promises to take this case “all the way to the Supreme Court if necessary” concurring that it was un-



(From left to right): Convener: Lynn Pentz, co-founder 911TruthLA.us. Witnesses: Webster Tarpley, Don Paul, Jim Hoffman, Barbara Honegger, David Ray Griffin, Senator Mark Dayton and Mindy Kleinberg. Other witnesses not shown above: Barrie Zwicker, Christopher Bollyn, Nafeez Ahmed and Paul Thompson.

constitutional to presume to alter the grand jury presentment clause of the Constitution by procedural sleight of hand. That commitment has particular weight since Mr. Guizar is the lead attorney for the whistleblower case *Garcetti vs Ceballos* currently being heard by John Roberts' Supreme Court.

Standing on the shoulders of all the investigations of the 911 Truth Movement, the Conveners of the Citizens' Grand Jury on the Crimes of 9/11 are planning a new high-profile grand jury focusing on "The Case to Indict" in late summer or early fall of 2006. This will be an historic re-affirmation of the power of *We the People* to try the real 9/11 co-conspirators in the court of public opinion while asserting constitutional legitimacy all the way to the Supreme Court. Consult the 911TruthLA.us website for timing, updates and more details.

Court TV

Meanwhile, *Court TV* has expressed an interest in airing the proceedings which Attorney Guizar will empower with a structure consistent with the traditional grand jury setting. *Court TV* and its affiliates can air the historic action in its entirety and has legal pundits discuss the audacity or constitutionality of ordinary citizens reclaiming authority to be the checks and balance that our Founders intended in an area where our institutions have refused to do their constitutionally mandated duty. Subpoenas can be issued and presumed legitimate (and any failure to respond to them is so noted as a breach, demanding just recourse as any other grand jury would).

Communities across the nation, and hopefully in each of the 82 nations who lost family/friends on 9/11, will be invited to create their own Town Hall meetings and elect their own Citizens' Grand Juries. They will be provided with written procedures through various web-sites, downloadable written and video evidence and access to a live feed in a variety of formats. There will be opportunities for questions to be answered by a team of 9/11 experts (pre-programmed and live call-in where needed). While there will be simultaneous consideration of evidence, each Jury will deliberate and render their own independent Declaration of Presentments. Local media will be asked to report the process and the findings. Local conveners and citizen grand jury foremen will be encouraged to take those presentments to their elected representative – en masse – and demand they be treated as a legitimate grand jury – as stated in the Fifth Amendment.

Getting Involved

The intention of our upcoming high-profile national "Citizens' Grand Jury on the Crimes of 9/11: The Case to Indict" is to declare those Presentments to be as legally legitimate as

those derived by a grand jury initiated by the District Attorney or a US Attorney and demanding they be treated as such.

We the People, beyond even declaring the critical importance of the content of our Presentments (historic in themselves), herein formally challenge the constitutionality of Code 6 of the 1946 Federal Rules of Criminal Procedure and the 1979 modifications of the Grand Juror's Handbook.

We will assert, with Roots, that the temporary loss of the grand jury in its traditional, authentic, 'runaway' form, leaves the modern federal government with few natural watchdogs capable of holding it accountable. The importance of resurrecting this once powerful check on the runaway *federal government* is a focus that has remained largely untouched in modern times. It is necessary to re-establish the citizens' grand jury if the great American experiment is to survive. In association with attorney Phil Berg (who has a 9/11 Ricco case), those who put together the New York 9/11 case presented to Elliott Spitzer, and other high-powered legal support, "We will use the upcoming "Citizens Grand Jury on the Crimes of 9/11: The Case to Indict" (empowered by multiple cities making their simultaneous Presentments) as the case(s) to re-affirm the people's power to maintain their "check and balance" over their government – however long it takes or unsettling it may become to reveal the truth and assure accountability for the treasonous, illegal, anti-constitutional, gross misuses of power demonstrated by 9/11 and the cover-up that has followed.

Internet experts are coming on board to assist in the interactive television and polling processes (allowing community grand juries and individual members of *We the People* to express the results of their deliberative process). Professional facilitators are being invited to assist with Town Hall Meeting facilitation, and individuals familiar with the overall 911 Truth exploration will be invited to be a part of the support phone banks happening while the Trial is underway. If you know 9/11 family members living outside the US or would like to get involved, have skills, financial or technological resources, are willing to sit on our high-profile grand jury and/or want to form one in your own town or country please contact us at: info@911TruthLA.us or call us at: 1-818-904-1876.

This is an historic moment – *We the People* means *Us* taking responsibility *now*. Together we *will* make *the* difference.

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This article was researched and written by Lynn Pentz, co-founder of 911TruthLA.us and Kathleen Ferrick Rosenblatt Ph.D, L.Ac., acupuncturist, author/writer and co-founder of 911TruthLA.us. Copyright belongs to the authors. ■

Excerpts from the “LA Citizens’ Grand Jury on the Crimes of 9/11” Presentments

We the People of the United States, having considered the devastating consequences of the deliberate failure of all government jurisprudence and media oversight to establish truth and accountability for the crimes of September 11, 2001 and the official cover-up that followed; drawing on Common Law and the Fifth Amendment for precedent and authority, duly elected and convened a Citizens’ Grand Jury on October 23, 2004 and August 27, 2005 at Patriotic Hall in the City of Los Angeles, State of California, USA, reviewed evidence and rendered their findings.

Background & Declaration

The Bush Administration created an ‘Official Story’ that purported to explain the events of 9/11 and the subsequent anthrax attacks. It was promulgated by various official Commissions, Dossiers and Reports including the Kean-Hamilton 9/11 Commission Report (July 2004). All these official Commissions, Dossiers and Reports:

1. Refused to consider evidence contrary to the Bush Administration’s official explanation or distorted evidence to conform to it;
2. Ignored obvious suspects by failing to consider who had the means, motive and opportunity to accomplish all that took place; and
3. Determined that it was *outside their mandate* to establish legal responsibility or any accountability for the;
 - a) blatant disregard of standard operating procedures; and
 - b) inexplicable negligence that permitted – if not caused – the atrocity of 9/11/2001.

9/11 served to terrorize the American people into supporting an “endless war on terror”, an erosion of their Constitutional rights and a fundamental shift in their economic resources and political priorities, while greatly profiting some individuals and institutions financially and politically.

We the People declare it is our mandate:

1. to expose 9/11 as a strategically designed pretext for war and profit; a self-inflicted pre-planned attack on the American people and citizens from 82 other countries;

2. to identify individual and institutional responsibility not only for the events of 9/11 but the insider-trading that preceded it, the subsequent anthrax attacks, and the cover-up that has followed; and
3. to assure prosecution of such parties to the fullest extent of domestic and international criminal and civil law, including but not limited to political condemnation here in the United States and around the world.

Summary of Findings

After consideration of the evidence presented and expert witness testimony, the Los Angeles Citizens’ Grand Jury, comprised of 25 responsible citizens, fully sworn in the Common Law tradition declare:

1. **Given that vast bodies of evidence were ignored or distorted** (ie: that at least 6 of the alleged 19 hijackers are alive and there is no record that any of them got on the planes nor died on them) **and the nature and complexity of the events were far beyond the ability of the 19 so-called hijackers to accomplish unaided** (ie: a) the WTC 1, 2 and 7 came down from controlled demolitions – not fires from the planes – which takes weeks to prepare; b) there is no evidence that supports the claim that a 757 actually crashed into the Pentagon), **The 9/11 Commission Report and the Bush administration’s ‘official story’ explaining the events of 9/11 are hereby rejected.** Henceforth, they shall be considered propaganda fabrications designed to favor the unleashing of aggressive war, while hiding the activity of a private extra-legal, anti-constitutional network of treasonous officials at the highest level of the United States (and perhaps other governments), including high ranking military officers, mercenaries and individuals within private corporations, mainstream media, and political institutions – all who actively prepared, promoted, or passively favored the September 11 attacks and/or supported the cover-up that has followed.
2. The events of 9/11 shall *not* be addressed as ‘outside attacks’ that happened to America but as inter-related high crimes that happened *within* America; where motive, means and op-

portunity must be considered and no suspect ignored or given immunity no matter where they reside, or what rank or official position they held before, on or since 9/11/2001.

3. Probable cause *does exist* for civil and criminal indictments. Appropriate legal and political penalties must be pursued against culpable individuals and organizations for perjury, criminal negligence, treason, abetment of mass murder, insider trading, destruction of public and private property, collusion, obstruction of justice and high crimes against humanity.
4. Given that extensive historical precedents exist of government-sponsored events being created or allowed to happen as pretexts for war and 9/11 has those same characteristics; and given that an obvious – very dangerous – association is now apparent (on 9/11 and 7/7 in London) between the *practice* of war games, mass-casualty emergency response exercises, other drills and the actual “terrorist” events themselves, therefore, *government complicity* in 9/11 is probable in ways not yet fully determined.
5. Significant evidence exists that other “9/11-like events” are being planned to justify the invasion of Iran, and/or other countries, and/or to distract public attention away from efforts to hold the guilty parties accountable for these and other crimes. The complete “Presentment of Findings” outlining the specific evidence contrary to the Official Story, the Jury’s Declarations, Conclusions and Demands for evidence are available on www.911TruthLA.us and reflect much of what is reported in this issue of *Global Outlook*.

Question

If our own government, military and civilians are guilty of perjury, treason, destruction of property, mass murder of our own citizens and guilty of high crimes against humanity, and they are in charge of the very investigations that find themselves innocent, isn’t it time for you to stand up for truth, justice and real change? Please join us. Visit www.911TruthLA.us or call 1-818-904-1876. (For all the findings get the LA Grand Jury DVD on p. 171.) ■