



A Kansas Remedy for Civil Unrest And Mistrust of Power In America *“We The People”*

Today's Grand Jury is not the Grand Jury Envisioned in the Bill of Rights.

America is experiencing great unrest in its streets. Some demonstrations are legitimate, well founded peaceful protests while others, only mindless violence. Our Nation has forgotten a Constitutional remedy for grievances hiding in plain sight! A solution under-utilized but not dormant in Kansas!

Kansas has within its system of justice a constitutional gem, an effective and powerful relief for citizens seeking remedy for grievances.

It is the **Citizen-Initiated Grand Jury by Petition**. A remedy lost to Kansas history for over 100 years, but revived in 2003. Since then, the Kansas legislature, in bi-partisan collaboration, has strengthened this citizen process a dozen times, knowing that this sword cuts both ways. Thereby wresting power from the influential elite and delivering this Constitutional tool back into the hands of its rightful owner, the people.

Citizens and political leadership advocating justice and judicial reform would do well to examine the Citizen-Initiated Grand Jury by Petition contained in the **Kansas Statute 22-3001 (c)**. This statute insures that citizens have the power to independently investigate alleged criminal activity and / or indict the authorities for indifference or corruption. Justice is within reach of the people in Kansas.

Since 2008 the Kansas Supreme Court has twice (1) validated the citizen-initiated grand jury process as Constitutional and have affirmed the legislator's intent. Since its 2003 renewal, Kansas citizens have successfully used it to confront indifference and corruption.

This citizen process does not enjoy the praise of entrenched governmental power. By its very nature the citizen-initiated grand jury embarrasses institutional power for indifference to the law and justice.

The Grand Jury was crafted to be an inquirer of the Truth, a shield for the accused, a remedy to indifference to the law, a relief to the underserved victim and a sword against erring authorities. Collusion, corruption and cronyism cannot escape these 15 citizen jurors with a “wink and a nod”.

The Citizen-Initiated Grand Jury process is as ancient as Greece, as relevant as the Magna Carta and as close as the U.S. Constitution’s 1st Amendment **“The right of the people to petition the government for redress of grievances”** and the 5th amendment **”No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury.”** (2)



The Grand Jury commonly used today in America is an imposter. The process was cunningly usurped from the American people in the early 20th century, under the pretense of “efficiency”. Efficiencies promising to do good, but which over time morphed into a power that dominates jurors. Power that is today misapplied, held captive, jealously guarded, and wielded by prosecutors. The famous phrase of “you can indict a ham sandwich with a Grand Jury” is true. Prosecutors enjoy a track record of a 99.9% (3) success rate of indictments from their secret Grand Juries.

It has now mutated into a “Star Chamber” (4). What was originally created to be an independent investigative process has been seized and refashioned as an absolute prosecutorial tool. A “Ring of Power” (5) wherein the grand jury's every move is controlled by the prosecution, whom the grand jury simply does not know, it is supposed to be pitted against.

Today’s one sided, secret, easily secured Grand Jury indictments serve to leverage a prosecutor’s hand to convict or secure plea bargains. What was once a watchdog on government has become its lap dog!

The first ten amendments to the U.S. Constitution, the Bill of Rights, have two themes.

- To ensure the liberties of the American citizen and
- To restrain the innate imperious nature of government.

Today's Grand Jury is not the Grand Jury envisioned in the Bill of Rights.

Why would the founding fathers, having just escaped from tyranny, gifted back to the government such power? Would they surrender this citizen's shield assured in the 5th Amendment? Is it not a Constitutional restraint on government found in the center of the Bill of Rights?

Can you imagine the framers forfeiting such an unimpeded secret Grand Jury process that today yields a government prosecutor a handsome 99.9% indictment success rate? For efficiencies? What sounds true?

The answer is simple.



The Grand Juries to which Americans are subject today are not the Grand Juries of our forefathers. Those patriots were not naïve, uneducated or unclear as to whom to trust and mistrust. These framers of the Bill of Rights understood the corrupting nature of unchecked authority and power! These visionaries were steadfast in their bedrock conviction to trust ... *“We The People”* ... over unrestrained professionals wielding power.

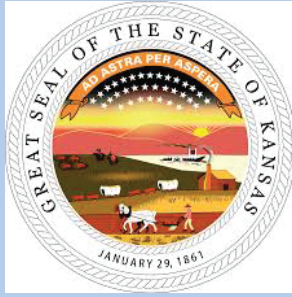
If America truly wants to seek justice and reform, a close look at the Kansas citizen-initiated grand jury process and the under-realized fifth-amendment to the U.S. Constitution would be prudent.

America's current civil unrest and festering national wound cries for this citizen remedy. Kansas has a balm for a nation seeking justice.

What to do? Kansas can continue to lead by bolstering this neglected citizen right to a legitimate grand jury. Reinforcing a system of justice that affirms; *Article 2 of the Kansas Constitution* "...**All political power is inherent in the people, and all free governments are founded on their authority, and are instituted for their equal protection and benefit...**"

The Kansas legislature should trumpet this citizen's right with an **amendment to the Kansas Constitution by a vote by the people**. Adding these few words to Article 3 of the Kansas Bill of Rights ... **“including, by Citizen-Initiated Grand Jury”**, amplifying the 1st and 5th amendments to the U.S. Constitution.





“WE THE PEOPLE”
Constitutional Amendment
to the Kansas Bill of Rights

KS Bill of Rights, Article 3. The people have the right to assemble, in a peaceable manner, to consult for their common good, to instruct their representatives, and to petition the government, or any department thereof, for the redress of grievances ***including, by Citizen-Initiated Grand Jury.***

“ The Congress and the Courts belong to the People” Abraham Lincoln

Solomon wrote; ” I...considered all the oppressions that are done under the sun: and beheld the tears of such as were oppressed...and on the side of their oppressors, there was **power.**” Eccl. 4:1

(1) *KANSAS SUPREME COURT – No. 99,951 The citizen-initiated grand jury process ruled Constitutional 99,972; 100,042 Sedgwick County May 2008*

KANSAS COURT OF APPEALS No. 118,410 Affirming the Legislative Intent – In the Matter of the PETITION TO SUMMON A GRAND JURY Filed by STEVEN DAVIS. Douglas County June 2019

(2) By 1681, the English **grand jury** adopted the rule of secrecy, which allowed it to function out of sight of the King's prosecutors. It was secrecy that provided the grand jury with its greatest power as an independent populist body, equipped with an oversight power on the government. If it's Not a Runaway, It's not a Real Grand Jury- Roger Roots

(3) According to David Burnham of the Transactional Records Access Clearinghouse ("TRAC"), the statistical evidence “overwhelmingly supports what practicing lawyers have known in an anecdotal way for many years: One of the basic safeguards promised by the Fifth Amendment is a fraud.” According to TRAC, of 785 federal grand juries in 1991, grand jurors voted against the prosecutor in only sixteen of the 25,943 matters presented to them, **a rate of 99.9%** agreement. BURNHAM, supra note 18, at 360

(4) The term “**star chamber**” refers pejoratively to any secret or closed meeting held by a judicial or executive body, or to a court proceeding that seems grossly unfair or that is used to persecute an individual. An English court, which sat at the royal Palace of Westminster, from the late 15th century to the mid-17th century. 1st Amendment Encyclopedia

(5) Plato's “Ring of Gyges” and Tolkien's “Lord of the Rings” are metaphors for the unseen magnetic **draw for power to be held in the hands of one individual** who inevitably becomes corrupted by it.

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