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It's Time for Indictments of Key Suspects

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The Grand Jury Belongs to The People—Antonin Scalia (1992)

Dec 8, 2013 by [Edken](#)

United States v. Williams, 112 S.Ct. 1735, 504 U.S. 36, 118 L.Ed.2d 352 (1992)
<http://www.law.cornell.edu/supremecourt/text/504/36>

NEW YORK IS “GROUND ZERO” – Major grassroots movement in 48 States, Constituting Common Law Grand Juries. In a stunning six to three, 1992 Decision that went unnoticed, until now, 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), Justice

Antonin Scalia, writing for the majority, confirmed that the American grand jury is neither part of the judicial, executive

nor legislative branches of government, but instead belongs to the people. It is in effect a fourth branch of government

“governed” and administered to directly by and on behalf of the American people, and its authority emanates from the

Bill of Rights, the acts of the Grand Jury is the consent of the people.

“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”. — 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.”

Justice Antonin Scalia

“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.” — Justice Antonin Scalia

“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.”

— Justice Antonin Scalia

“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.” —

— Justice Antonin Scalia

“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’ — Justice Antonin Scalia

“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

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