

Resolution Supporting the Fully Informed Jury

KC-1416-014

Preamble

Whereas, The federal and state government are now, without restraint, implementing statutes and rules that are unconstitutional and unjust; and

Whereas, The proliferation of federal laws practically guarantees that everyone is born a felon; and

Whereas, The great Roman orator Marcus Tullius Cicero stated that, "the more corrupt the state, the more numerous the laws;" and

Whereas, Thomas Jefferson, in a letter to Thomas Paine, stated in 1789 that, "*I consider that trial by jury as the only anchor ever yet imagined by man, by which a government can be held to the principles of its Constitution;*" and

Whereas, Thomas Jefferson, in a letter to Charles Hammond, stated in 1821 that, "*The germ of dissolution of our federal government is in the constitution of the federal judiciary; an irresponsible body, (for impeachment is scarcely a scare-crow) working like gravity by night and by day, gaining a little today and a little tomorrow, and advancing its noiseless step like a thief, over the field of jurisdiction, until all shall be usurped from the States, and the government of all be consolidated into one;*" and

Whereas, Chief Justice John Jay, in *Georgia v. Brailsford*, stated in 1794 that, "*It is presumed, that juries are the best judges of facts; it is, on the other hand, presumed that courts are the best judges of law. But still both objects are within your power of decision.....you have a right to take it upon yourselves to judge of both, and to determine the law as well as the fact in controversy;*" and

Whereas, Alexander Hamilton stated in 1804 that "*Jurors should acquit, even against the judge's instruction...if exercising their judgment with discretion and honesty they have a clear conviction that the charge of the court is wrong...*;" and

Whereas, Juries have throughout history disregarded both the instructions of the judge and the admonition of attorneys to acquit those accused of violating unjust and/or unconstitutional laws such as in:

- State of Minnesota v. Alvin Schlangen (sales of raw milk)
- Nullification of the Fugitive Slave Act of 1850
- State of Florida v. Sheriff Nick Finch (gun control)
- IRS v. Doreen Hendrickson (taxation)

Whereas, Numerous other founders and statesmen in the early history of the Republic clearly understood that the jury has the right to question not only the facts of the case but the law itself; therefore, be it

Main Motion

Resolved, That the Kootenai County Republican Party hereby notifies the Legislature and the Governor that the citizens of Idaho are entitled to be informed of their rights as jurors to determine the law as well as the facts in any controversy; and be it further

Resolved, That the Kootenai County Republican Party wishes that the Idaho Legislature and the Governor enact an amendment to the Idaho Constitution requiring judges to inform jurors of their right to judge both law and fact in accordance with each juror's conscience, the Idaho State Constitution and the Constitution of the United States; and be it further

Resolved, That the Kootenai County Republican Party chairman distribute, to each Republican lawmaker this resolution, and report to this body any comment or concerns any of our lawmakers have with a fully informed jury or this resolution.