

Newsletter
of the
Fully Informed Jury
Association
and the
American Jury
Institute

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Winter 2007

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Check the Expiration
Date on your label!
Is it time to renew?
Don't miss an issue!
Renew Today!



FULLY INFORMED JURY ASSOCIATION

www.fija.org

AMERICAN JUROR

Jurors Say: "No Law - Not Guilty"

Forwarded to FIJA by Rose Lear

We tend to think of juror nullification as saving individuals from wrongful incarceration and of jurors vetoing bad laws by refusing to convict (thus the general "Bad Law - Not Guilty" or the "No Victim -No Crime - Not Guilty" quotes we use so often here at FIJA - ed.) This remarkable video is a fine example of juror intelligence and honesty in the face of attempts to manipulate jurors by the judge, prosecutor and other government employees. Here is a discussion of Jury Nullification at the National Press Club. If you can get to a computer with internet connection, I encourage everyone to watch this short video.

<http://video.google.com/videoplay?docid=6716929127738729234>

Acquitted Defendant Whitey Harold and one of his jurors tells how a jury nullified the IRS. This juror will move you as she explains what happened with honesty and clarity. This is not a "pure nullification" in that the jurors did not precisely "nullify a bad law". What jurors did was to find the defendant NOT GUILTY ON ALL COUNTS, and thereby NULLIFY the taxing authority, because no law was cited or provided to the jurors, even after repeated requests by the jurors, that there was any law requiring Americans to pay the income tax. (Which, if you think about it, is even better.) Fortunately, the jurors were not cowed by the judge or prosecutor into "rubber-stamping" the intent of the government employees.

If you are on a slow internet connection, save time by clicking on the link, then taking a break to do something else while the video file fully loads. Then you may watch it without any wasted time. Again, that URL is: <http://video.google.com/videoplay?docid=6716929127738729234>

Commentary from Dwight Callaway: "This is the JURY REVOLUTION in action and this video clip needs to be viewed by millions of people. It will bring gladness to the hearts of all true Americans and especially all of us who love and honor trial by jury.

"Imagine a jury nullification verdict happening somewhere in America. After the jurors are dismissed by the judge, they immediately walk outside of the courthouse (with the former defendant if they choose) and walk straight up to the TV cameras and newspaper reporters and explain why they nullified the law and why they had the right and power to do so. And they explain exactly how the judge unsuccessfully tried to trick them, bluff them, intimidate them and tamper with them. They go on to publicly demand that the local Grand Jury indict this judge immediately for attempted jury tampering and indict all the local or state judges for conspiracy to commit jury tampering, among other indictments. This scenario can happen and it will happen. This is a Jury Revolution and it can spread to all states relatively easily, cheaply and quickly -- once it happens in one state.

The judge places himself in such a high and mighty position with his words, tone, posture, facial expressions, etc. that when the jury knocks him down, he has much further to fall. We have heard reports of judges flying into insane rages in their chambers after a jury veto. When a particular judge gets nullified all the other judges know about it and do not like it. They might view the nullified judge as weak - a screw up who "failed to control the jury". Most other judges are also going to rightfully fear the same humiliation will soon happen to them. The people are blowing down their house of cards."

Commentary from Rick: "Every once in a while I come across a good video that helps explain what I've known for years but find it very difficult to explain without hostile or judgmental reactions from friends and family. If you accept my challenge to view this video you will learn of a little piece of history you were probably not aware of. (For those of you who already know this please excuse this preamble.) A few years ago Galen (Whitey) Harold was charged with willful failure to file and income tax return. His reply from the very beginning was, "Show me the law." Well, the IRS never showed him the law and Mr. Harold went to his jury trial asking the same question. One of the jurors is about to be introduced to describe what happened in

"If Congress can employ money indefinitely to the general welfare, and are the sole and supreme judges of the general welfare, they may take the care of religion into their own hands; they may appoint teachers in every State, county and parish and pay them out of their public treasury; they may take into their own hands the education of children, establishing in like manner schools throughout the Union; they may assume the provision of the poor; they may undertake the regulation of all roads other than post-roads; in short, every thing, from the highest object of state legislation down to the most minute object of police, would be thrown under the power of Congress.... Were the power of Congress to be established in the latitude contended for, it would subvert the very foundations, and transmute the very nature of the limited Government established by the people of America."

*~ James Madison (1751-1836),
Father of the Constitution for the
USA, 4th US President*

The American Juror

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Iloilo Marguerite Jones
Executive Director/Editor

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From the Executive Director

Helena, Montana

Dear Friends,

No one has ever accused me of being at a loss for words, but today I find it difficult to know where to begin. A case in Arkansas for which we provided literature and assistance to the defense in developing strategy and case background for a jury nullification verdict (see the Jury Box on page 11) has been lost, in no small part because the jury was not allowed to hear Constitutional arguments which the defense wished to present. U.S. District Judge Jimm Larry Hendren ruled that the defendant's testimony could not be presented to the jury. In so many words, the judge ruled that the Constitution was not a relevant argument for the defense in this case.

On the border, a jury of 12 found two border patrol agents guilty as charged, but how did this happen? Three jurors say they didn't want to vote guilty, and at least two more were disturbed by the verdict. Robert Gourley, Claudia Torres, and Edine Woods say they were told the verdict had to be unanimous, a blatant lie. All three signed sworn affidavits stating that they had been incorrectly instructed. As well, some jurors allegedly bullied other jurors, intimidating them into changing their votes. One juror said he thought that 10 years in prison for the agents was excessive punishment. "Had we had the option of a hung jury," he said, "I truly believe the outcome may have been different." Another said of the jury foreman, "I felt like he knew something about the judge that we did not know. I did not think that Mr. Ramos or Mr. Compean guilty of the assaults and civil rights violations." In light of these juror statements, defense attorney Mary Stillinger asked that the verdict be set aside, but the judge denied the motion.

We are working to get in touch with the jurors in this case, to bring their story to more people and more press, and to use this case as an example of how jurors can be intimidated and misled if they do not know their authority and rights. In both cases, we can see how the government employees used subterfuge and lies to diminish the role of the jury, so that in neither case were the defendants given a trial by jury as envisioned by the founders of this Nation. (I often say that our Country is just fine - it is the government that is a problem!)

We cannot count on the courts anyone else to know our rights and duties as jurors: we must know them ourselves. We must teach others every day: liberty depends on fully informed private citizens serving as jurors and protecting other private citizens from government deprivations. That is why our message and our educational efforts grow more important every day. I wish we had ten times the people handing out literature, and twenty times the people writing letters to the editor. I know you are each doing a lot, but please try to enlist others to help you with your efforts. Liberty hangs in the balance, now more than ever.

And about writing letters to the editor, there are some good letters in this issue - you can pull parts or all of them to use to write your own letters to the editor. Please do so, and share your literature with people at newspapers, too.

Right now, we are mastering some of our videos to DVD format, and producing more of the Media discs. We continue to ship hundreds of the new "How Jurors Can Protect the Second Amendment" brochures, and I hope you have some on hand to give to people, place in gun shops, hand to pawn shop owners, and take to sport shooting events.

We are working on the next new brochure, titled "Who Owns Your Body?" which details how jurors can protect your right to body ownership. I am still working hard to raise funds to complete and print this one, so if you or someone you know would like to contribute specifically to this project, you can earmark your contribution "Body Brochure" and we will know it is for this project fund. Also, we now have monthly automatic payments available through our contributions section. Call us and we will help you to set this up.

I hope you are all able to hand out a few pieces of literature each week, and that each of you can make at least one 30-minute stop at a nearby courthouse to hand out literature a couple of times a month. Every small effort builds stronger jurors who know their authority. For Liberty and Justice for All ~ Iloilo Marguerite Jones

Letters

February 5, 2007

I live in a rural county in Alabama which has a population of 22,380 according to the County Administrator this morning. I also called the Board of Registrars and learned that we had 15,248 registered voters in this county.

Several years ago, a couple were in the area to visit his mother. They used an old pickup truck to spend the day at the lake fishing. As they were returning, a deputy stopped them and stated that they looked like the kind of people that did drugs, and found an unopened sixpack of beer in the truck. He hauled the woman out of the truck injuring her arm in the process, and looked in her purse and saw her pistol. She protested that she had a permit to carry and he said it wasn't worth the paper it was written on. She was released but her husband had to spend the night in the county jail. Unnecessarily.

This is a dry county, and last election some people tried to get a wet/dry referendum on the ballot. They had collected over 4,000 signatures, but when they were being verified, someone found that around 500 had just been written in and were not valid. They refused to allow the referendum even though only 2,000 (approximately) were needed.

Last week, the local newspaper carried an article on how we needed a new county jail at a cost of \$3,000,000. It stated that we had 81 people in the jail. The proposed jail would be for 200 people.

I wrote a letter to the newspaper and hand carried it there this morning. I was told that it would be published this week. I am mailing a copy to the County Commission - I didn't want them to get it too soon and stop the publication of my letter.

This is the letter that I gave the newspaper. I could have included a lot more, but newspapers don't like long letters. If they had wanted it to be any shorter, I would have suggested that they use it as a guest editorial:

Letter to the Editor

Follow the Money!!!

I saw in this week's paper that the County is wanting to build a new jail at a cost of around \$3,000,000 to We The People. It was not too long ago that the present jail was built.

We do not need to spend more of our money on another jail. Rather, we need to stop arresting people for actions that are their human right. Guaranteed by the Constitution.

Some years ago, a man was arrested for having 25 cans of beer in his house - one over the legal limit under prohibition. The 21st Amendment did away with prohibition and having prohibition in Randolph County not only against all good common sense, but also is unconstitutional. Charging 18 year olds for drinking beer is also unconstitutional. They can go to fight an illegal war and die for George Bush, but can't even have a beer? What happened to common sense and individual rights?

The Drug War is a war on individual human rights as well as being unconstitutional.

Just another prohibition. Alcohol prohibition did not work and neither does drug prohibition - unless you are one of those in the system who are making money off it. If you believe the Bible, why would you want kids - or adults - who use marijuana to be sent to prison? In Genesis, you can read where God said "Even as the green herb have I given you all things." Who are men to send people to prison for something God says is good? By the way, I don't do drugs, either prescription or illegal. But I do know that I own my body, and that I have the responsibility and I'm supposed to have the freedom to decide what I ingest and how I treat my body. That is not the job of government.

And how about driving without a seat belt or without a licence? Driving is a right. One Supreme Court decision says that government may not take a right, turn it into a privilege, and charge a fee for it. Don't arrest people for exercising their rights. What happened to common sense?

There are many women in prison for exercising their right to self-defense. Why arrest and prosecute these people?

The list goes on and on. Just take a look at who profits from the criminal injustice system.

(Letters continued on Page 4)

"Why suspend the habeas corpus in insurrections and rebellions? Examine the history of England.

See how few of the cases of the suspension of the habeas corpus law have been worthy of that suspension. They have been either real treasons, wherein the parties might as well have been charged at once, or sham plots, where it was shameful they should ever have been suspected. Yet for the few cases wherein the suspension of the habeas corpus has done real good, that operation is now become habitual and the minds of the nation almost prepared to live under its constant suspension."

- Thomas Jefferson (1743-1826), US Founding Father, drafted the Declaration of Independence, 3rd US President Source: letter to James Madison, 1788

Definition of 'habeas corpus': A writ having for its object to bring a party before a court or judge; especially, one to inquire into the cause of a person's imprisonment or detention by another, with the view to protect the right to personal liberty. www.webster-dictionary.org

"It had become an universal and almost uncontroverted position in the several States, that the purposes of society do not require a surrender of all our rights to our ordinary governors; that there are certain portions of right not necessary to enable them to carry on an effective government, and which experience has nevertheless proved they will be constantly encroaching on, if submitted to them; that there are also certain fences which experience has proved peculiarly efficacious against wrong, and rarely obstructive of right, which yet the governing powers have ever shown a disposition to weaken and remove. Of the first kind, for instance, is freedom of religion; of the second, trial by jury, habeas corpus laws, free presses."

- Thomas Jefferson (1743-1826), US Founding Father, drafted the Declaration of Independence, 3rd US President

“Perhaps the fact that we have seen millions voting themselves into complete dependence on a tyrant has made our generation understand that to choose one’s government is not necessarily to secure freedom.”
 ~ Fredrich August von Hayek (1899-1992), Nobel Laureate of Economic Sciences 1974

“If men use their liberty in such a way as to surrender their liberty, are they thereafter any the less slaves? If people by a plebiscite elect a man despot over them, do they remain free because the despotism was of their own making?”
 ~ Herbert Spencer (1820-1903) British author, economist, philosopher 1884

“The tree of liberty could not grow were it not watered with the blood of tyrants”
 ~ Bertrand Barere de Vieuxac (1755-1841) French politician and journalist, member of the National Convention during the French Revolution
 Source: Speech in the Convention Nationale

“It is the theory of all modern civilized governments that they protect and foster the liberty of the citizen; it is the practice of all of them to limit its exercise, and sometimes very narrowly.”
 ~ H. L. Mencken (1880-1956) American Journalist, Editor, Essayist, Linguist, Lexicographer, and Critic

“The people have always some champion whom they set over them and nurse into greatness... This and no other is the root from which a tyrant springs, when he first appears he is a protector.”
 ~ Plato (429-347 BC)
 Source: The Republic

(Letters Continued from Page 3)
 that just look at the money earned in this trial and in the jury deliberation. It is priceless! Talk about slave labor! It costs Alabamians approximately \$225 million a year to house inmates and this does not include parolees and those on probation.

Insist on your Constitutional right to a jury trial and make the courts prove that you have committed a crime. Know that Fully Informed

Jurors can judge the law and acquit in spite of a judge’s instructions to the contrary, as they did during the first prohibition and when runaway slaves were captured. “Any law which is repugnant to the Constitution is null and void.” Marbury v Madison.

Go to www.fija.org and read up on your rights and your authority as a juror.

There are better uses for our money than giving it to some favored company to build a new jail to house innocent people. Why not lower our taxes and leave people alone?

Margi Crook, Secretary
 Fully Informed Jury Association

To Larry Pratt, Gun Owners of America
 Dear Larry,

After our telephone conversation yesterday, I wanted to write to repeat some of the good news I shared with you when we talked.

The response from members of GOA to the Jury Protection brochure has been outstanding. Many GOA members, upon receiving the brochure, have called or emailed the office to request additional brochures to hand out:

A chap in Texas asked for 5 thousand to hand out at gun shows;

A woman in Massachusetts asked for 25 to take to her DAR meeting, because she liked how the right to keep and bear arms was, among other reasons, founded in our revolutionary history in the brochure;

A man from Indiana, who could not recall how he came to have the brochure, called to get more to hand out to his friends;

A man from Minnesota called and ordered

500 brochures to leave at gun shops in the area;

The board of Directors of New Hampshire Gun Owners voted to allocate \$200 to purchase the Jury Protection brochures to hand out at the state fair from their booth;

A man from Illinois asked if he could have 50 to hand out to his hunting club members;

A man from Kentucky asked for 10 to give to family members, then called back for 50 more;

In Missouri, a GOA member pulled excerpts from the brochure and placed advertisements in the local papers;

Also in Missouri, volunteers flooded one town with the brochures, assisting in efforts to free a gun shop owner who was being unfairly - and I might add, unconstitutionally - prosecuted. The judge dismissed the case;

Because you, Larry, had the courage to distribute this brochure, other groups, knowing you had done so, have been distributing the brochure as well, including Liberty Belles and JPFO. NRA has ignored our offers and correspondence regarding the brochure, which we offered to provide to them to mail to their entire membership, more than once.

Many more GOA members have contacted us, telling us how they got the brochure, and requesting a few more - there have been far too many calls to mention them all here, in fact.

As well, we have sent many GOA members our 2007 Bill of Rights calendar, and have welcomed more than 30 new FIJA supporters from GOA who found out about FIJA through receiving the brochure.

Thank you for appreciating the brochure, and for making it available to your constituency.

Merry Christmas and the best New Year ever.

Warmest Regards,
 For Liberty and Justice for All,
 Iloilo Marguerite Jones

Dear FIJA:

During September 2007, the Postal Service will be issuing a stamp commemorating JURY SERVICE. Here is a description of the 2007 stamps, including "Jury Service":

www.usps.com/communications/newsroom/2007stamps/welcome.htm?from=bannercommunications&page=07comstamps

Here are illustrations of the 2007 stamps, including "Jury Service":

www.usps.com/communications/newsroom/2007stamps/downloadcenter.htm

The Postal Service typically has a range of press activities associated with the issuance of any new stamp.

This is a UNIQUE opportunity to spread FIJA's message. I suggest you undertake an educational effort to coincide with the release of this new stamp, and perhaps hand out literature at the stamp unveiling event whenever that occurs. Please let me know if I can be of any assistance.

From the USPS Web site: Jury Duty

In September, the Postal Service calls attention to the importance of jury service, a cornerstone of democracy in the United States.

The U.S. Constitution guarantees citizens charged in criminal cases the right to trial by a jury of their peers. In civil cases, the jury manifests the conscience of the community, ruling for either of the opposing parties in a dispute. The Jury Duty stamp image presents a diverse group of 12 representative jurors in silhouette.

(Okay, so they got several things incorrect, but the people who wrote this are probably all products of government indoctrination camps (government schools - ed.)

(p.s. Think up ways you can use this for publicity about jury authority and FIJA! Write letters, speak, hand out literature, on issue day, and let me know your ideas, which you can also share on the FIJA Forums at www.fija.org. Let's really take advantage of this event! Need help? Contact your state contacts, or get in touch with the national office.- ed)

Jury instructions for 2/7, NH
Judiciary Committee 208 LOB

February 7, 2007 1 PM Re: HB 426

Jury trial, has 3 requirements: An impartial Jury; A full instruction as the Rights & duties of the Jury, and an argument for the jury to work with, as provide by Plaintiff vs Defender/Prosecutor.

An impartial Jury: Voir Dire is a process for packing a jury, to produce, in most cases, a hanging jury. An impartial jury would be the first 13 people to walk in off the street, no questions asked of them, absent name, and seated to hear the case.

Full instructions to the Jury: When judges tell the jury that they must work to his/her rules, and only judge the case in light of the applied law(s), justice is not served.

However, when the jury is instructed, that they have the Right & Duty as juror to judge the law itself, as well as the facts of the case, then justice is served. I recall the Brown case here:

Warning was given as to judging the case in light of the law. Sadly, full information as to the law was not provided to either jury or Judge, by the prosecutor. And Defendant was not too conversant with his options & information's.

I will suggest that committee go to the web site of the Fully Informed Jury Association, at: www.fija.org, for more information as to the history of fully informed juries, and to the process itself.

All of the above is good, for a fully informed jury. Provided this information can be mandated into each courthouse in NH, for use by Juries, justice will be better served, than at present.

And, maybe, through a process of osmosis, Federal Judges will also include this process into their warnings to juries. Those who do not use this process, should be impeached for violation of their Oath of Office.

I will urge that Judiciary Committee find HB 426 as Ought to Pass.

For Liberty,

Howard L. Wilson

(Letters continued on page 10)

"The first step in saving our liberty is to realize how much we have already lost, how we lost it, and how we will continue to lose it unless fundamental political changes occur." - James Bovard
Source: Lost Rights, 1994

"The concentrating [of powers] in the same hands is precisely the definition of despotic government. It will be no alleviation that these powers will be exercised by a plurality of hands, and not by a single one."
- Thomas Jefferson (1743-1826), US Founding Father, drafted the Declaration of Independence, 3rd US President

"The jury has the right to judge both the law as well as the fact in controversy."
- John Jay (1745-1829) first Chief Justice of the Supreme Court, First President of the United States - preceding George Washington, one of three men most responsible for the US Constitution Source: Georgia v. Brailsford, 1794

"Nobody can be trusted with unlimited power. The more power a regime has, the more likely people will be killed. This is a major reason for promoting freedom."
- Rudolph Rummel

"The size of the lie is a definite factor in causing it to be believed, for the vast masses of a nation are in the depths of their hearts more easily deceived than they are consciously and intentionally bad. The primitive simplicity of their minds renders them a more easy prey to a big lie than a small one, for they themselves often tell little lies, but would be ashamed to tell big lies." - Adolf Hitler (1889-1945)
German Nazi Dictator
1935 Source: Mein Kampf

Grand Jury Experience, First Hand

Rose Lear

"The liberty of the press is not confined to newspapers and periodicals. It necessarily embraces pamphlets and leaflets.

These indeed have been historic weapons in the defense of liberty, as the pamphlets of Thomas Paine and others in our history abundantly attest."
 - Justice Charles Evans Hughes (1862-1948) Chief Justice of the U.S. Supreme Court
 Source: *Lovell v. City of Griffin*, 1938

"If all that Americans want is security, they can go to prison. They'll have enough to eat, a bed and a roof over their heads." - President Dwight D. Eisenhower

"If ye love wealth better than liberty, the tranquility of servitude better than the animating contest of freedom, go home from us in peace. We ask not your counsels or arms. Crouch down and lick the hands which feed you. May your chains set lightly upon you, and may posterity forget that ye were our countrymen."

Samuel Adams, speech at the Philadelphia State House, August 1, 1776.

"How strangely will the Tools of a Tyrant pervert the plain Meaning of Words!"

- Samuel Adams (1722-1803), was known as the "Father of the American Revolution."

Source: letter to John Pitts, January 21, 1776

"The trade of governing has always been monopolized by the most ignorant and the most rascally individuals of mankind."
 - Thomas Paine (1737-1809)

Every so often I like to re-educate myself on the Rights and Duties of a jury. For this review I turn to the Fully Informed Jury Association (www.fija.org) web site Document Library. There is a wealth of information, brochures, essays and editorials as well as newsletters that will help you educate friends and family as well.

A recent article by Robert Ringer in *WorldNetDaily* titled: "Time for a justice system for victims", Mr Ringer called for doing away with juries in criminal trials. I responded to this article and posted my letter to Mr. Ringer on my blog. This made me think about why it's important to educate others on the Real purpose and duty of juries in this country.

I remember when I was summoned to appear before the grand jury with books and records in my husbands case. I did gather up what ever I could find that might be of interest to this grand jury and showed up at the appointed time.

To my surprise, when the prosecutor saw me, his comment was, "Oh, your here?" Then he told me that it really wasn't necessary for me to go upstairs, that all I really had to do is give my files to the nice IRS CID agent sitting there, sign this piece of paper and I could go home.

The prosecutor made it sound like the IRS agent would then hand over these documents to the grand jury. WRONG. The piece of paper that I signed was a 5th Amendment waiver not to appear and I had been tricked into voluntarily handing over these documents to the IRS. It took two (2) years to get them back.

These documents were then used to build a criminal case against my husband and to put pressure on him to file returns. When that failed, I, not my husband, was once again summoned to appear before the grand jury. This time there was no request for any books or records, just me.

I called the prosecutor and asked if there was in fact a real grand jury that was going to

be there this time. I was so angry that I had been tricked the last time that I wanted the prosecutor to know that I had every intention of appearing and testifying this time.

The IRS agent who had served the summons had also given me a brochure outlining my rights. One of the things that this brochure stressed was NOT TO LET THE PROSECUTOR PUT WORDS IN MY MOUTH! To me that meant I had the right to object to the way he phrased his questions.

The prosecutor did try to ask questions in a way that left the impression that my registered AKA was involved in a business. Every time he made a statement calling my AKA a business belonging to my husband and myself, I would point out to him that my husbands name was not on the AKA, my husband had no signing rights to my AKA and my husband had never used my AKA. (There isn't any law against having an assumed name, we artists types do it all the time).

I also came prepared with evidence to submit to the grand jury. So when the Prosecutor was finished asking his questions, and I established with him that he was finished, I asked if it was now my turn to talk to these people. Red faced, the Prosecutor said yes, I did have the right. That was when I started to pull out all my items of evidence and enter them into the record and requested that I be sent copies of each item for my records.

My husband was never given the opportunity to appear before the grand jury and was indicted. I was given the opportunity and was not indicted. I don't give out legal advice to people, but I do try to get people to educate themselves. This is a personal experience that I am sharing to point out the importance of that personal education. In this information age of technology, there isn't any excuse for anyone not to know and exercise their rights for lack of knowledge.

Rose Lear

firstrose@verizon.net

www.roselear.blogspot.com

FIJA SUPPORTS APPEAL OF CATTLEMAN CONVICTED OF ILLEGAL GUN POSSESSION

FIJA has filed an amicus curiae (“friend of the court”) brief in the U.S. 8th Circuit Court of Appeals in St. Louis in support of Nebraska cattleman Rudy “Butch” Stanko, who was convicted by a jury in April 2006 of illegally possessing firearms and ammunition. Stanko, 59, is a long-time feedlot manager who formerly owned the Cattle King Packing Company in Denver, Colorado. During the early 1980s, the Cattle King company was targeted by the federal government in a wide-ranging criminal investigation that resulted in federal criminal convictions for Stanko and his middle managers. Stanko served six years in federal prison for “conspiracy to violate the Federal Meat Inspection Act.”

Twenty-two years after Stanko’s meatpacking conviction, the federal Bureau of Alcohol, Tobacco and Explosives (BATFE) targeted Stanko for possessing eight firearms and several boxes of ammunition after being convicted of a felony. The problem is that federal law does not prohibit all felons from possessing firearms.

To say the least, the federal laws governing firearms are confusing even to federal judges and firearm lawyers. The definition of a “crime punishable by imprisonment for a term exceeding one year” does not include “any Federal or State offenses pertaining to antitrust violations, unfair trade practices, restraints of trade, or other similar offenses relating to the regulation of business practices.”

Stanko contended that he is immune from prosecution for illegal firearm possession because his 22-year-old conviction for violating the Meat Inspection Act falls into the business practices exclusion found at 18 U.S.C. § 921(a)(20). But U.S. District Judge Joseph F. Bataillon ruled that Stanko’s 1984 violations were not exempted because “While the conviction . . . could relate to a business practice, it is not ‘similar’ to any of the three categories of crimes listed in the § 921 (a)(20)(A) exception.”

Judge Bataillon also ruled that the issue was a “legal question” and that the jury would not be instructed on the existence of the exemption. At trial, the judge instructed the jury that the alleged crime was being a “felon” (a word which appears nowhere in the relevant statutes) “in possession of firearms . . . and ammunition.”

Upon these instructions, an Omaha federal jury convicted Stanko of two counts of illegal firearm and ammunition possession. Judge Bataillon sentenced him to six more years in federal prison. FIJA contends that the jury was not only uninformed of the relevant federal law but affirmatively misinformed.

Further, the jury pool was comprised of potential jurors from an eastern state urban area, with no representation from the western, agrarian area of the state where Stanko resides. Bozeman, Montana attorney Alexander L. Roots, who drafted the FIJA brief, wrote that “In effect, the District Court did more than merely substitute terms. It essentially rewrote the relevant statute(s).” Consequently, according to the FIJA brief, “the subsequent trial and resulting conviction of Stanko were improper proceedings in violation of the Sixth Amendment right to jury trial, the Fifth Amendment Due Process Clause, and Article III, §2, clause 3 of the Constitution.”

Alex’s brother Roger Roots, a long-time FIJA supporter, who is a federal attorney originally from Big Timber, Montana, is representing Rudolph Stanko on the appeal. The Gun Owners Foundation and the Second Amendment Foundation have also filed amicus curiae briefs seeking reversal of Stanko’s conviction.

“No power but Congress can declare war, but what is the value of this constitutional provision, if the President of his own authority may make such military movements as must bring on war?”
- Daniel Webster (1782-1852),
US Senator 1846

“By a declaration of rights, I mean one which shall stipulate freedom of religion, freedom of the press, freedom of commerce against monopolies, trial by juries in all cases, no suspensions of the habeas corpus, no standing armies. These are fetters against doing evil which no honest government should decline.”
- Thomas Jefferson (1743-1826),
US Founding Father, drafted the Declaration of Independence,
3rd US President

“Politics must be the battle of the principles... the principle of liberty against the principle of force.”
- Auberon Herbert
(1838-1906) English author

“There is no maxim, in my opinion, which is more liable to be misapplied, and which, therefore, more needs elucidation, than the current, that the interest of the majority is the political standard of right and wrong.”
- James Madison
(1751-1836), Father of the Constitution for the USA, 4th US President

“The jury in all criminal cases, shall be the judges of the law and the facts.”
- Georgia, Declaration of Rights,
Art.I, Sec.II, Para. I

“Today the grand jury is the total captive of the prosecutor who, if he is candid, will concede that he can indict anybody, at any time, for almost anything, before any grand jury.” -- William J. Campbell Judge, U. S. District Court
Newsweek, 22 August 1977

“Marijuana never kicks down your door in the middle of the night. Marijuana never locks up sick and dying people, does not suppress medical research, does not peek in bedroom windows. Even if one takes every reefer madness allegation of the prohibitionists at face value, marijuana prohibition has done far more harm to far more people than marijuana ever could.”
 William F. Buckley, Jr. (1925-)
 American author and journalist, founded ‘National Review’

“Once you permit those who are convinced of their own superior rightness to censor and silence and suppress those who hold contrary opinions, just at that moment the citadel has been surrendered.”

-- Archibald Macleish (1892-1982) Poet, playwright, Librarian of Congress, & Assistant Secretary of State under Franklin Roosevelt
 Source: Saturday Review, 12 May 1979

“Force and reason -- which last is the essence of the moral act -- are at the two opposite poles.

The one who compels his neighbor... treats him, not as a being with reason, but as an animal in whom reason is not.”

-- Auberon Herbert (1838-1906) English author

“Corruptissima re publica plurimae leges.”

“(The more corrupt the state, the more numerous the laws.)”

-- Cornelius Tacitus (55-117 A.D.)

Source: Annales, 1st century

Jury Authority: Researched, Revisited and Reaffirmed

The Jurors Still Have This Right and Authority

Don Schwarz

Operating under the oldest ratified Constitution in the USA, the Massachusetts Supreme Court ruled: Commonwealth Vs James Blanding., 20 Mass. 304

“...the jury were, with the advice of the Court, the judges of the law and the fact, yet they were bound to decide according to the law as actually established, whatever se, they ought to receive it from the judge, whose instructions, if incorrect, would be subject to revision and correction by the whole Court.”

and:

Commonwealth, in Certiorari, versus William Worcester., 20 Mass. 462

“It is also objected, that it was left to the jury to decide on the true meaning of the by-law; but there is no foundation for this objection. The judge gave his opinion as to the construction of the by-law, which was adopted by the jury, [*475] and the construction was correct. Besides, in criminal prosecutions the jury are the judges of both law and fact.”

Neither of these cases have been overruled.

High Court Strikes Down Sentencing Law

The Supreme Court, its new chief justice joining the majority, made clear that juries, not judges, must determine facts that justify harsher prison sentences.

In a 6-3 ruling in *Cunningham vs. California*, the court struck down California’s Determinate Sentencing Law, the latest in a series of decisions limiting judges’ discretion in sentencing. In California, thousands of inmates may be eligible to have their sentences reduced, in many cases by about a year.

“On account of being a democracy (okay, we know it is a republic, but this is too good of a quote not to put in, anyway - ed.) and run by the people, we are the only nation in the world that has to keep a government four years, no matter what it does.”

-- Will Rogers (1879-1935) American humorist

“This court has repeatedly held that, under the Sixth Amendment, any fact that exposes a defendant to a greater potential sentence must be found by the jury, not a judge, and established beyond a reasonable doubt, not merely by a preponderance of the evidence,” Justice Ruth Bader Ginsburg wrote for the court.

The majority was one vote larger than the 5-4 rulings that have been the norm in sentencing cases. In his first major case dealing with the constitutionality of prison terms, Chief Justice John Roberts joined Ginsburg’s majority opinion.

By contrast, the other new justice, former federal prosecutor Samuel Alito, issued a strong dissent. California’s law “is indistinguishable in any constitutionally significant respect” from the federal sentencing guidelines that have been approved by the Supreme Court, he wrote.

Alito’s dissent also suggested that the court may not be done tinkering with the federal sentencing scheme, if the justices apply the same line of reasoning to two federal sentencing cases they will hear next month. Justices Stephen Breyer and Anthony Kennedy also dissented.

Several states have changed their sentencing laws to require prosecutors to prove to a jury aggravating factors that could lead to longer sentences. The court did not prescribe a way to fix the California law.

“The ball lies in California’s court,” Ginsburg said.

Justices Antonin Scalia, David Souter, John Paul Stevens and Clarence Thomas also were in the majority.

Ohio State University law professor Douglas Berman, an expert on sentencing law, said the decision makes one point crystal clear: “You have to give defendants the full jury trial right,” Berman said.

Activist in Black Robes

R. J. Tavel

Porter County Indiana Judge Mary Harper appears to be an activist in a black robe with strong fascist tendencies. The below described juror cited one new article. At her first trial jury of 2007, Harper introduced new language into her jury instructions to let jurors know, in no uncertain terms, that they must not check dictionaries, log on to the Internet to study case law, visit crime scenes or conduct their own experiments during a trial.

"I made the changes in response to concerns I had heard about," Harper said. "People were doing their own research, with availability of law-related information and fact-specific information electronically. There are so many investigative television shows out there, but sitting on a jury is different than what they see on TV," Harper said it is important that all the information during a trial comes to all jury members at the same time.

"That's been since the history of jurisprudence," Harper said. "To access information from a separate source that may not be relevant to the case is highly inappropriate," Harper said. "I felt the need to get more specific and relevant regarding the use of modern electronic devices which now make access to legal research and what some people purport to be scientific research more readily available to just about everyone who can get online."

Harper's research found language within the jury rules in California and Arizona she adopted for use in Porter County. Bob James, jury director for Superior Court of Arizona in Maricopa County, said they have had similar rules in place for more than a decade. With only 15 counties in the state, compared to Indiana's 92, and a population of 3.7 million in Maricopa County alone, Arizona is known nationally as a leader in jury reform both inside and outside the courtroom, James said.

Conducting one's own crime scene investigation is nothing new, James said. "People feel they should do more seeking answers," he said. John Larson of Judicial Council of California said the state's orientation videos for jurors, as well as its brochures, have included the no-investigation language since at least 2001. "One of the few films that jurors are familiar with is 'Twelve Angry Men.' In

it, Henry Fonda investigates on his own and discovers the defendant could not have done the crime. It makes for good cinema, but it should not be done by jurors," Larson said.

This is northwestern Indiana see so I am sending this message to everyone even remotely close by. Contact information is:

Clerk of Courts Dale Brewer (R)

16 Lincolnway Valparaiso, IN 46383

Pho: (219) 465-3425 Fax: (219) 465-3647

Clerk's Office Circuit Court

16 Lincolnway, # 209 Valparaiso, IN 46383

Pho: (219) 465-3450 Fax: (219) 465-3847

Judge Hon. Mary R. Harper (also oversees the juvenile court system; see Google search results for trying juveniles as adults then sentencing them to adult prison where survival would be seemingly the only extracurricular activity for a 15-year-old; and promoting cronyism in divorce proceedings via the mediation good-ol'-boys network).

Now Harper reportedly removed a juror who didn't give a thumbs-up vote to a 3d strike conviction and replaced him with a juror who would.

FIJA national office<aji@fija.org> contacted me with this news and asked that I contact everyone I know to bring this aberrant behavior to the attention of the nation to reverse the constant erosion of juror's rights to vote their conscience in the face of oppressive, overreaching, and unjust laws.

FIRST AND FOREMOST: IN WHATEVER YOU DO TO HELP IN THIS REGARD, PROTECT THE IDENTITY OF THE JUROR WHO FEARS REPRISALS FROM THIS JUDGE ONCE SHE IS EXPOSED TO THE HARSH GLARE OF MEDIA ATTENTION!

Facts and details presently available about his travesty of justice and the American way of life were revealed to FIJA via a hand written letter which I have just received by US Mail and are as follows:

At trial in December '06, 35 year old Defendant convicted of stealing truck tires; jury advised to return to court for phase 2 - sentencing pursuant to IC 35-50-2-8 Habitual offenders (Mandatory Life Sentence without

(Black Robes Continued on Page 11)

"It is not only vain, but wicked, in a legislature to frame laws in opposition to the laws of nature, and to arm them with the terrors of death.

This is truly creating crimes in order to punish them."

- Thomas Jefferson

(1743-1826), US Founding Father, drafted the Declaration of Independence, 3rd US President Source: Note on the Crimes Bill, 1779

"Any unarmed people are slaves, or are subject to slavery at any given moment. If the guns are taken out of the hands of the people and only the pigs have guns, then it's off to the concentration camps, the gas chambers, or whatever the fascists in America come up with.

One of the democratic rights of the United States, the Second Amendment to the Constitution, gives the people the right to bear arms. However, there is a greater right; the right of human dignity that gives all men the right to defend themselves."

- Huey P. Newton (1942-1989) Founder of the Black Panther Party for Self-Defense

"It will be of little avail to the people, that the laws are made by men of their own choice, if the laws be so voluminous that they cannot be read, or so incoherent that they cannot be understood; if they be repealed or revised before they are promulgated, or undergo such incessant changes that no man, who knows what the law is today, can guess what it will be tomorrow. Law is defined to be a rule of action; but how can that be a rule, which is little known, and less fixed?"

- James Madison (1751-1836), Father of the Constitution for the USA, 4th US President Source: Federalist Papers 62

“The right of a citizen to bear arms, in lawful defense of himself or the State, is absolute. He does not derive it from the State government. It is one of the high powers delegated directly to the citizen, and is excepted out of the general powers of government. A law cannot be passed to infringe upon or impair it, because it is above the law, and independent of the lawmaking power.”
 ~ Cockrum v. State
 Source: 24 Tex.394, at 401-402 (1859)

“That rifle hanging on the wall of the working-class flat or labourer’s cottage is the symbol of democracy. It is our job to see that it stays there.”
 ~ George Orwell (1903-1950)
 British author Source: Orwell: The Authorized Biography, Michael Shelden, (New York: HarperCollins, 1991), p. 328

“But to ban guns because criminals use them is to tell the innocent and law-abiding that their rights and liberties depend not on their own conduct, but on the conduct of the guilty and the lawless, and that the law will permit them to have only such rights and liberties as the lawless will allow. ... For society does not control crime, ever, by forcing the law-abiding to accommodate themselves to the expected behavior of criminals. Society controls crime by forcing the criminals to accommodate themselves to the expected behavior of the law-abiding.”
 ~ Jeff Snyder
 Source: “Who’s Under Assault in the ‘Assault Weapon’ Ban?”, American Rifleman, October 1994, p. 53; excerpted from the Washington Times, August 25, 1994

(Letters Continued from Page 5)

Dear Steve,

On another point, I am sure you know the right of the jury to judge the law as well as the fact is already enshrined in several state constitutions, including New Hampshire, Maryland and Indiana.

While state groups may work on initiatives to pass jury legislation, FIJA, which stands for the Fully Informed Jury Association, not amendment, on the national level, is not involved in initiative efforts, but rather, engages in educational efforts and advocacy in cases where the authority of the jury is at issue.

We submit amicus briefs, assist in development of defense strategies, and work with groups to educate jury pools and the public in cases where the authority of the jury is central to the protection of individual human rights.

We also work cooperatively with a large number of other human rights organizations, such as Gun Owners of America and Americans for Safe Access, to educate the public of jury rights by reaching out to special interest groups which converge on the point of justice through jury authority and jury veto.

I hope this will help you as you share information about FIJA with other groups and individuals.

Iloilo Marguerite Jones

Hello FIJA,

Am member of FIJA. Thank you for fine work. Have been presented with question.... “What about acquittal of defendant in south in years past where he was blatantly guilty of participating in lynching and where jury was sympathetic with his deed”. Can you be of assistance in good answer. Best I can find is paragraph 1 on pg. 95 of Schefflin and Van Dyke work JURY NULLIFICATION: THE CONTOURS OF A CONTROVERSY. Any assistance would be greatly appreciated.

Jack Polster Homer, Alaska

Dear Jack,

Thank you for your support of FIJA. The answer is: “Yes, no system is perfect, and yet, in the instance you cite, let me tell you why

there was jury tampering going on: in the county where the trial was held, although more than 50% of the population was black, no blacks were allowed to be seated on the jury.

Had even one black who knew his or her authority been on that jury, had the government employees running the trial not been corrupt, there would have been at least a hung jury, and another trial which could have resulted in a conviction. (He was many years later convicted, by the way.)

Now, would you want to give up the authority of the jury to keep women from being hung as witches, to keep printers from being jailed for printing the truth, juries who kept William Penn out of prison for practicing his religion, or tax protesters from being thrown in prison or shot during the Whiskey Rebellion, because sometimes, rarely, in a few instances, the authority of the jury is abused?”

How much more fair and balanced to have twelve people with no interest in the outcome of the case, as is the usual course of events, than to rely on one government employee who wants to build a power base and advance his or her career, to decide the fate of a private citizen. I hope this helps.

For Liberty and Justice for All,
 Iloilo Marguerite Jones

“You’ve got to rattle your cage door. You’ve got to let them know that you’re in there, and that you want out. Make noise. Cause trouble. You may not win right away, but you’ll sure have a lot more fun.” ~ Florynce Kennedy

Bulletin!
 Check that mailing label for your expiration date!
 If you are current, thank you, if not, send that contribution today!

THE JURY BOX

Federal Judge Limits Lawful Role of Jury

A man who has been charged with possessing illegal machine guns shouldn't be able to make constitutional arguments at trial, according to a motion filed Friday by federal government prosecutors.

Hollis Wayne Fincher, 60, a fourth-generation Washington County, Arkansas farmer who is also a lieutenant commander of the Militia of Washington County, is charged in U.S. District Court with possessing three homemade, unregistered machine guns and an unregistered sawed-off shotgun.

Assistant U.S. Attorney Wendy Johnson filed the motion asking U.S. District Judge Jimm Larry Hendren to preclude Fincher and his attorney, Oscar Stilley, from arguing matters of law to the jury as a defense. The government employee believes Fincher wants to argue the gun charges are unconstitutional and that the prosecution must prove an "interstate nexus" for the firearms, according to the motion.

The government attorney is arguing that it is the court's role to decide matters of law and to instruct the jury. The jury's role is to then determine and apply the facts to the law as instructed by the court. The jury has no role in deciding legal issues, according to the motion.

The government attorney also wants the court to order Fincher to disclose items the defense intends to use as evidence at trial, the results of any physical or mental examinations or experiments to be used at trial and provide written summaries of witness testimony the defense intends to use.

Fincher was also put on notice Friday that the government intends to present evidence about additional firearms found at Fincher's home or at the "Militia Headquarters" during the execution of search warrants.

Fincher remains in federal custody in lieu of \$250,000 bond, and a number of other conditions also set by the magistrate judge,

including moving out of his home and in with his daughter, posting the deed with the court, electronic monitoring, not attending militia meetings and giving up any weapons.

According to police, two of the .308-caliber machine guns, homemade versions of the Browning model 1919, allegedly had Fincher's name inscribed on them and said "Amendment 2 invoked," a reference to the Constitutional right of citizens to bear arms. The other was a 9 mm Sten design.

Since 1934, it's been illegal for civilians to own machine guns without special permission from the U.S. Treasury Department. This revenue measure, obviously a ruse to both collect revenue and to infringe upon citizens' rights to keep and bear arms, has been used to confiscate various arms and usurp the rights of law-abiding citizens to own arms of their choice.

Federal law permits the public to own machine guns manufactured and registered before 1986 under certain conditions. Guns made or imported after that date can be bought by law enforcement agencies and provided to individuals who are government employees, but may not be owned or purchased by law-abiding citizens who are simply members of the general public. Each new weapon is subject to a manufacturing tax and must be registered with the bureau's National Firearms Registry.

Update: At the trial, Fincher was not allowed to present his arguments concerning the Constitution and the Rights of Individuals to the jury. The judge in the case ruled, after hearing Fincher's defense without allowing the jury to be present, that the jury would not be allowed to hear Fincher's arguments. Thus, although there was a jury, Fincher was denied the right to trial by jury, and the jury was manipulated by the judge who refused to allow the jury to hear the Fincher testimony and reach their own conclusions.

(Black Robes Continued from Page 9)

possibility of parole for any of 18 offenses - when 18 years old, convicted of pot possession; at 27 stealing copper wire from an abandoned railroad facility whose tracks were already removed). Juror noted that neither involved violence against people and knew from reading his "Citizen's Rights Handbook" that he could nullify. When Foreman announced that the jury was hung and Juror acknowledged to being the hold out to the judge, the alternate juror was immediately seated instead and the additional and enhanced verdict was rendered.

That is all that I have received and I implore all who respond hereto to keep me posted on your progress with projects herefor so that I keep everyone else apprised thereof. TIA, sRJ-----

"Bureaucracy, the rule of no one, has become the modern form of despotism." - Mary McCarthy
Source: *The New Yorker*, 18 October 1958

"Giving money and power to government is like giving whiskey and car keys to teenage boys."
- P. J. O'Rourke (1947-)
US humorist, journalist, & political commentator

"Hell hath no fury like a bureaucrat scorned."
- Milton Friedman (1912-2006)
Nobel Prize-winning economist,

"The lust for power in dominating others inflames the heart more than any other passion." - Cornelius Tacitus (55-117 A.D.)
Source: *The Histories*

"[I]t is not the source but the limitation of power which prevents it from being arbitrary."
- Fredrich August von Hayek (1899-1992), Nobel Laureate of Economic Sciences 1974
Source: *The Road to Serfdom*

"The fundamental principle is this: No matter how worthwhile an end may be, if there is no constitutional authority to pursue it, then the federal government must step aside and leave the matter to the states or to private parties. The president and Congress can proceed only from constitutional authority, not from good intentions alone. If Congress thinks it necessary to expand its powers, the Framers crafted an amendment process for that purpose. But too often, rather than follow that process, Congress has disregarded the limits set by the Constitution and gutted our frontline defense against overweening federal government."
- Robert A. Levy

Bill of Rights Celebration Features FIJA Material

The Unsung Holiday Strikes an Harmonious Chord : Bill of Rights Day finally arrived with the first ever celebration in Oregon on December 15th this year. This little known holiday commemorated the signing in 1791 of the first Ten Amendments to the Constitution. Libertarian activists Renee Kimball and Hugo Schulz of Portland decided this most important event deserved more than just a passing nod. Their search for an appropriate location ended when “The Bomber Restaurant” in Milwaukie, Oregon offered their “Wings of Freedom” aviation museum for the festivities. Over 50 enthusiastic revelers arrived promptly at p.m. to enjoy a beautiful spread of delightful ‘finger food’. Special meatballs, exotic Brie cheese and topping, mouth-watering roasted veggies and a host of other delicacies were consumed with relish while attendees chatted and view the museum exhibits before the sit-down portion of the evening.

The ceremony kicked off at p.m. with a dedication of the event to Bob Pletka, 50-year veteran of the fight to restore both our constitution and our freedoms. Bob did not expect any mention and was visibly moved by the dedication as he presented Renee and Hugo with a gorgeous bronze eagle plaque for their kindness in putting on the event. Gordon Leitch, the only constitutionally legal candidate for Governor in the last election, gave a short history of the Bill of Rights including the original two Amendments not ratified with the ten.



Renee Kimball read the Bill of Rights to an attentive audience. She then distributed some excellent door prizes including the award winning Jews for Preservation of Firearm Ownership documentaries “Talkin’ to America” and “Innocents Betrayed”. Other prizes included two “Bill of Rights Freedom Calendars” from the Fully Informed Jury Association, “The Law” authored in 1756 by Frederic Bastiat and three “Liberty” dolls and poems created by former WWII bomber pilot Louise deBeauclair. Louise was one of the courageous women who piloted these huge planes to their destinations after completion at the factories. The extremely dangerous job of ferrying the unarmed planes was done by women pilots as they were considered ‘expendable’ y government officials.

The arrival of a special “mystery guest speaker” to close the ceremony caused quite a bit of excitement. He was a rather old gentleman but one well respected and long admired by every person attending. No, it wasn’t a famous politician, captain of industry or genius of invention although; in his day he was considered all three. It was none other than 300 year old Ben Franklin himself in the person of Steve Jordan, impersonator extraordinaire.

A gorgeous specially designed cake by Joseph’s Dessert Company added the finishing touch to the event. A great time was had by all and plans began immediate to repeat and enlarge the celebration next year. Each guest was presented with a booklet of all the founding documents as their holiday gift. For more information or to be sure of an invite for next year, contact Renee Kimball at 503-238-6973 or Renee@EnufWaste.com