

## Notes on judges and juries

Gestapo's actions were not subject to judicial review

As early as 1935, however, a Prussian administrative court had ruled that the Gestapo's actions were not subject to judicial review. The SS officer Werner Best, onetime head of legal affairs in the Gestapo, summed up this policy by saying, "As long as the police carries out the will of the leadership, it is acting legally."

•Shirer, *The Rise and Fall of the Third Reich*

\*\*\*\*

### Judges oath

"I, A. B., do solemnly swear or affirm, that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent on me as , according to the best of my abilities and understanding, agreeably to the constitution, and laws of the United States. So help me God."

\*\*\*\*

### "judicial oligarchy"

Judge Robert Bork has claimed that the United States is now a regime governed by a "judicial oligarchy"[*a small group of people having control of a country, organization, or institution*]:, brought about by what he describes as a "judicial *coup d'état*". Whereas the English common law was built on the single incorrigible concept that if a subject enjoys a "right," he must by "necessity have a means to vindicate and maintain it, and a remedy if he is injured in the exercise or enjoyment of it; and indeed, it is a vain thing to imagine a right without a remedy, for want of right and want of remedy are reciprocal," the lack of remedies to enforce rights in some cases makes the practical effectiveness of those rights questionable.

[A *coup d'état*, also known simply as a coup, or an overthrow, is the sudden and illegal seizure of a state, usually instigated by a small group of the existing government establishment to depose the established regime and replace it with a new ruling body. A *coup d'état* is considered successful when the usurpers establish their dominance and legitimacy. If a coup fails, a civil war may ensue.]

Bork, Robert H. (2003). *Coercing Virtue: The Worldwide Rule of Judges*. Washington, D.C.: American Enterprise Institute Press. ISBN 0-8447-4162-0.

### The right of trial by Jury is a fundamental

"The right of trial by Jury is a fundamental law, made sacred by the Constitution, and cannot be legislated away."<sup>[5]</sup> According to Senator Richard Henry Lee,<sup>[6]</sup> the primary purpose of the trial by jury in America was to protect the public from corrupt or aristocratic judges:

The impartial administration of justice, which secures both our persons and our properties, is the great end of civil society. But if that be entirely intrusted to the magistracy,--a select body of men, and those generally selected, by the prince, of such as enjoy the highest offices of the state,--these decisions, in spite of their own natural integrity, will have frequently an involuntary bias towards those of their own rank and dignity. It is not to be expected from human nature, that the few should always be attentive to the good of the many." The learned judge further says, that "every tribunal, selected for the decision of facts, is a step towards establishing aristocracy—the most oppressive of all governments."

Elliot, Debates at 504