

# **The Problem: Dishonesty and Corruption in our Legal System, Judiciary, and Government.**

## **The Solution: Congressional Hearings & Legislation**

Lawless America is a non-partisan coalition of organizations and individuals attempting to correct problems with our legal and judicial system and the problem of dishonest and/or corrupt government officials. Led by William M. Windsor and LawlessAmerica.com, a wide variety of people have combined forces to draft proposed legislation that will fix many of the problems.

Public hearing must be held in the appropriate subcommittees within the House and Senate Judiciary Committees and Homeland Security/Government Accountability Committees as soon as possible. The Congressional public hearings and live testimonies are needed for decision makers to obtain the information required to identify these abuses and to implement effective solutions that will restore a legitimate government in accordance with laws established by the Legislative Branch. Lawless America will do everything possible to aid Congress to make the public hearings a success for the purpose of restoring a valid government.

### **Honesty**

The core problem that we face is dishonesty. It is essential that honest and truth be returned to the legal system, the judiciary, and government.

1. Each elected official and every government employee shall be required to sign a Contract with the Citizens of the State and the United States that requires them to be honest at all times, honor fundamental human rights, and defend the fundamental rights protected by the Constitution and Bill of Rights. The contract shall include acknowledgment and agreement to removal of office and appropriate reprimand by a Special Regulatory Grand Jury. [This Contract makes all elected officials accountable to the people; they are essentially accountable to no one at this time. Violation of the Contract will be presented to a Special Regulatory Grand Jury.]
2. Perjury shall be a cause of action that will be allowed in a civil suit with an automatic jury trial. [Currently, people can lie repeatedly in court, and those damaged by the perjury have no recourse, and judges do nothing. Citizens need the ability to seek damages against witnesses in court who commit perjury.]
3. It shall be perjury as well as obstruction of justice if an attorney makes false statements in court.
4. Anyone who falsifies information in a court proceeding shall be guilty of obstruction of justice.

5. Attorneys must go by the letter of every law and every professional rule. Judges must subject attorneys to onerous consequences for violations. [There are rules that will make the legal process infinitely fairer and less expensive. Judges must honor and enforce the rules. It is one of the only ways to get attorneys and judges to be honest.]
6. Attorneys who violate their Code of Professional Conduct shall be referred to a Special Regulatory Grand Jury. [Attorneys are a big part of the problem with the legal system. If they followed their Code of Professional Conduct, the legal system would be much fairer, and the expense of litigation would be dramatically reduced. Accountability by an independent Special Regulatory Grand Jury should have amazing impact.]
7. Government entities and the judiciary shall not be excluded from freedom of information act requests or similar state requests. [The current exclusion fosters dishonesty and corruption.]
8. Any work done by prosecutors and judges must be transparent.
9. It shall be a capital offense for any violation of the Constitution.

### **Accountability and Grand Juries**

10. Every citizen of the United States must be protected in the right to present charges to a federal grand jury. Currently, the U.S. Attorneys all across America block citizens from their Constitutional and legal right to do so. U.S. Attorneys do this to protect their wrongful acts and the corrupt acts of federal judges and others.
11. U.S. Attorneys who block citizens' access to present their charges to a federal grand jury shall be guilty of the crime of treason. Congress must act to stop the blatant violation of the law and the fundamental rights of Americans.
12. Each county shall have grand juries, and citizens will be able to directly present charges of government misconduct and corruption to a Special Regulatory Grand Jury. [Article of Amendment V of the Bill of Rights gives grand juries the power to deal with judicial and government wrongdoing through the power of Presentment. Not all states have county grand juries, but they are needed in every state in every county. Where grand juries do exist, government officials may block a citizen's access to the grand jury, and this will be fixed through this clause.]
13. A complaint for criminal conduct of a judge may be brought directly to the Special Regulatory Grand Jury upon all the following prerequisites: (1) an affidavit of criminal conduct has been lodged with the appropriate prosecutorial entity within ninety (90) days of the commission of the alleged conduct; (2) the prosecutor declines to prosecute, or one hundred twenty (120) days has passed following the lodging of such affidavit and prosecution has not commenced; (3) an indictment, if sought, has not been specifically declined on the merits by a county Grand Jury; and (4) the criminal statute of limitations has not run. Investigative grand juries may compel evidence and

subpoena witnesses; may compel production of documents filed under seal; may inspect records, documents, correspondence, and books of any department, agency, board, bureau, commission, institution, or authority of the state or any of its political subdivisions; and may require the production of records, documents, correspondence, and books of any person, firm, or corporation which relate directly or indirectly to the subject of the investigation being conducted by the investigative grand jury. Each Special Regulatory Grand Jury shall have exclusive power to retain non-governmental advisors, special prosecutors, and investigators, as needed, who shall serve no longer than one year, after which term said officers shall be ineligible. Notwithstanding the one year, a special prosecutor may be retained to prosecute current cases in which they are involved through all appeals and any complaints for judicial misconduct.

[This provides terms for the implementation of this clause.]

14. Special Regulatory Grand Juries shall be responsible to ensure that government officials are honest above all else. The Special Regulatory Grand Jury shall require active investigation of politicians for corrupt behavior. [This is essential if we are to minimize corruption. The power must be in the hands of the citizens.]

15. All judicial misconduct complaints will be handled by a Special Regulatory Grand Jury. The judicial system will cease “policing” itself. All judicial complaints will be made public. [Expecting judges to discipline their friends (fellow judges) is not at all right. Complaints are also kept confidential. A Special Regulatory Grand Jury composed of citizens from the county will ensure fair consideration of the issues. Making the complaints public will allow others to see the complaints that have been made, and it should serve as a deterrent to those who might commit misconduct.]

16. All attorney misconduct complaints will be handled by a Special Regulatory Grand Jury. The association of attorneys (Bar Association) will cease being the sole means of “policing” attorneys. All attorney complaints will be made public. [Just as with judges as discussed immediately above, expecting the association of attorneys to discipline their members isn't the independent way that complaints should be handled. Citizens probably are not aware that the Bar Association is nothing but an association; it isn't a government entity. Attorneys do massive damage to people, and the way to minimize this is to make attorneys accountable to a jury of citizens from the county.]

17. Attorneys and government employees will not be eligible to serve on a Special Regulatory Grand Jury. [Attorneys and government officials have an automatic conflict of interest and a natural bias for one of their own. Attorneys may also be risking their careers due to reprisals from a judge or government official that they take action against.]

18. Anyone who feels their court experience was improper may have their case reviewed by a Special Regulatory Grand Jury.

## **Immunity**

19. No government officials shall be immune from prosecution. [Immunity fosters the corruption that has now deprived every American of their fundamental rights.]

No immunities shall be extended to any federal judge or judge in any State. The theory of judicial immunity is to protect judges from frivolous and harassing actions. However, deliberate violation of law, fraud, conspiracy, intentional violation of due process of law, deliberate disregard of material facts, judicial acts without jurisdiction, blocking of a lawful conclusion of a case, or any deliberate violation of the state constitutions or the United States and the Bill of Rights and dishonesty are violations by judges that are not frivolous or harassing. A Special Regulatory Grand Jury's responsibility shall include determining, on an objective standard, whether a civil suit against a judge would be frivolous and harassing, or fall within the exclusions of immunity as set forth herein, and whether there is probable cause of criminal conduct by the judge complained of. Special Regulatory Grand Juries shall also have the power to independently pursue charges against any government officials through the power of Presentment. [Judges have manufactured claims of immunity for themselves using a case from the 1800's that is archaic and not really even applicable. Judges must not be allowed to corruptly, maliciously break laws, ignore laws and the facts, and abuse parties. They must be held accountable for their wrongs just as each of us is held accountable. If judges don't like this risk, then they should get real jobs like we all do.]

20. Sovereign immunity of a state or the nation shall not be a bar to suit, only to execution of judgment against assets not provided by an act of Congress or the state legislature for payment of claims.

## **Judges**

21. All court proceedings shall be recorded, and all parties shall have the right to do their own recording of all proceedings. [Judges and attorneys get away with lies, concealing the tone of their comments, and falsifying court transcripts; this will be a tool to make them more accountable while protecting the fundamental rights of the parties.]

22. Judges must address all points raised by all parties in every court decision with a clear explanation with citation to determining facts, statutes, and case law. [One of the dishonest/corrupt techniques used by judges is to ignore the issues, facts, and law. By forcing judges to address the issues, facts, statutes, and case law on each issue in their orders, judges will either treat the parties fairly or expose their corruption for all to see. When judges violate this provision, an aggrieved party will now have the ability to take the matter to a Special Regulatory Grand Jury.]

23. Appellate judges must address all points of error in every appellate decision with a clear explanation with citation to determining facts, statutes, and case law. [Appellate judges are even more dishonest than lower court judges when it comes to ignoring the issues, facts, statutes, and case law. By forcing judges to address the issues, facts, statutes, and case law, judges will either treat the parties fairly or expose their

corruption for all to see. When judges violate this provision, an aggrieved party will now have the ability to take the matter to a Special Regulatory Grand Jury.]

24. Judges must insist that people tell the truth in court with extreme consequences for those who don't. [There are rules that will make the legal process infinitely more fair and less expensive. Judges must honor and enforce the rules. It is one of the only ways to get witnesses and attorneys to be more honest.]

25. "Motion practice" must be minimized. Judges must hold conferences and allow attorneys and pro se parties to communicate important issues directly to judges. [In federal courts especially, judges avoid all contact with the attorneys and parties. They force the parties to file motions, responses, and replies to motion after motion. This runs up massive legal fees and provides infinite opportunities for misconduct and mistreatment of the parties.]

26. All orders must be signed by the judges involved. [In many cases, the judges do not sign the orders. There is no way to know if the judges actually participated in the decision. Every order must be signed by the judges involved to prove that they participated in the decision and to make the orders valid.]

27. Campaign contributions are not allowed for funding judicial campaigns. [Campaign contributions create the perfect opportunity for corrupting the judicial system. Elections for judges should be done with no contributions of any type allowed.]

28. Judges may be removed from office for cause. Cause shall include deliberate violation of law, fraud, conspiracy, intentional violation of due process of law, deliberate disregard of material facts, using erroneous law, ignoring valid precedents, judicial acts without jurisdiction, blocking of a lawful conclusion of a case, or any deliberate violation of the Constitutions of the State or the United States and the Bill of Rights as well as dishonesty. [The reports of proven judicial corruption nationwide are staggering; the scary part is all the corruption that the judges are able to hide. The only way to keep judges honest is to have a Grand Jury and the power to remove judges for cause.]

29. Judges must recuse themselves in specific circumstances, including if they are party to a lawsuit with a litigant. Bias can be demonstrated by actions in a lawsuit. All complaints of judicial bias will be resolved by a Special Regulatory Grand Jury if a party chooses to pursue the matter after a judge refuses to recuse himself/herself. [One of the areas of great abuse by judges is their refusal to recuse themselves. Once again, if judges went by the rules, the system would be fair...but they don't. Judges rarely recuse themselves when outsiders would feel the judge has bias that should require them to recuse themselves. Judges must be encouraged to abide by the rules and the intent of the recusal process, and if he or she fail to recuse three times when a Special Regulatory Grand Jury says they should have, they should be removed from office.]

30. Should the Special Regulatory Grand Jury find probable cause of criminal conduct on the part of any judge against whom a complaint is docketed, it shall have the power to indict such judge except where double jeopardy attaches. The Special

Regulatory Grand Jury shall, without voir dire beyond personal relationship, cause to be impaneled twelve special trial jurors, plus alternates, which trial jurors shall be instructed that they have power to judge both law and fact. The Special Regulatory Grand Jury shall also select a non-governmental special prosecutor and a judge with no more than four years on the bench from a county other than that of the defendant judge. The trial jury shall be selected from the same pool of jury candidates as any regular jury. The special prosecutor shall thereafter prosecute the cause to a conclusion, having all the powers of any other prosecutor for the federal government or within the State. Upon conviction, the special trial jury shall have exclusive power of sentencing (limited to incarceration, fines and/or community service), which shall be derived by an average of the sentences of the trial jurors. [This procedure is essential for the effective implementation of this Law.]

31. No judge complained of or sued civilly shall be defended at public expense or by any elected or appointed public counsel, nor shall any judge be reimbursed from public funds for any losses sustained under this Law. [Currently, the government office responsible for taking action against a judge is also the office that provides counsel to represent judges at the taxpayer's expense. Judges should have to pay for their own legal counsel, or represent themselves, just as we the people have to do.]

32. Any judge or government official removed from office shall not thereafter serve in any government or judicial position. Retirement for such removed officials shall not exceed one-half of the benefits to which such person would have otherwise been entitled. [We must cease giving outrageous benefits to those who commit wrongdoing.]

33. The Code of Judicial Conduct shall become law, and fellow judges shall cease to have authority to discipline judges. [There is a conflict of interest to have judges in charge of reviewing complaints against their fellow judges for actions that affect citizens. Many of the problems with the legal system and dishonest and corrupt government officials are with judges who are attorneys. Many judges ignore their so-called code of conduct, and nothing is done about it. By making law out of the Code they are supposed to operate by, the citizens will have a much better chance of a fairer legal system.]

34. There shall never be a gag order issued by any judge.

35. Judges must render decisions on all motions within 30 days following the filing of a reply.

36. Contempt of court shall not be punishable with incarceration.

37. The United States Supreme Court shall be the final appellate court and shall be obligated to consider all cases. [The Supreme Court currently reviews only one in 100 cases, and the appellate courts lack accountability as a result.]

38. Any judge found to have committed crimes against three or more parties shall be sentenced to life in prison without the possibility of parole.

## **Legal Procedures, etc.**

39. Justice shall be the overriding consideration in every legal matter. Justice shall always be more important than rules.

40. Except in an emergency in which recording is impossible, all legislative, judicial, and administrative proceedings, other than trial jury and grand jury meetings, shall be recorded with current state of the art audio and video technologies, archived, and released as Congress, for federal proceedings, or a state legislature, for state proceedings, or a court of competent jurisdiction, shall direct. Persons present in a legislative conference or court shall not be barred from recording the proceedings except to forbid them from disclosing the members of the jury before the trial is concluded. All parties shall have the right to do their own recording of all proceedings. [Judges and attorneys get away with lies, concealing the tone of their comments, and falsifying court transcripts; this will be a tool to make them more accountable while protecting the fundamental rights of the parties.]

41. Audio tape recording shall be a federally-protected right thus permitted in every state.

42. Opinions of all courts, majority, concurring, or dissenting, shall be signed by each judicial officer participating, and all decisions and opinions shall be published except for state secrets. The summary, findings, orders, and commentary shall be clearly separated and labeled as such. [Courts do not publish many of their orders. This keeps others from seeing their wrongdoing and mistakes. By publishing every decision, judges will have to do a better job, and they will be exposed to criticism by other judges and attorneys who identify their mistakes.]

43. The votes of each judge involved in a decision shall be made part of the public record. [When multiple judges are involved, the parties and the public deserve to know how each voted.]

44. Judges must adhere to sentencing guidelines. [There must be rules, and the place for a judge in the process is to go by the rules. We must minimize interpretation and freedom for judges to do whatever they want, because that is what has made our judicial system so unfair and corrupt.]

45. There shall be no requirement of a legal degree and legal experience for judicial positions in cities, counties, and states. [Lawyers are a big part of the problem with the legal system. Lawyers as judges come to the position with a built-in prejudice for their friend attorneys and may have a bias against attorneys they faced. If the participants in a case go by the rules and the law, any intelligent person can serve as judge. It is unfair to limit judge positions to attorneys.]

46. Parties may represent themselves in all legal proceedings in any court. Corporations, Limited Liability Companies, Partnerships, and other legal entities may also be represented by an officer of the corporation in legal proceedings, and representation by an attorney shall not be required. [Statutes say that parties may

represent themselves, but all of the attorneys involved in the law-making and judicial processes have twisted the intent of the law to force legal entities to spend tens of billions of dollars on attorneys each year. Pro se parties (those individuals who represent themselves) are generally discriminated against by judges, and this must not be allowed. Allowing legal entities to represent themselves will save billions of dollars in legal fees and will dramatically reduce the costs of operating the judicial system.]

47. A spouse may represent his or her spouse in legal proceedings if there is a properly executed power of attorney granting such right. [Once again, judges ignore the law and refuse to allow an individual to be represented in court by someone pursuant to a power of attorney. This must be stopped. When a power of attorney grants a person to handle legal matters, it must apply to anyone in any legal matter, especially litigation.]

48. Corruption must be minimized in government. [The government has not been able to effectively deal with corruption in government. We must put the power to deal with corruption into the hands of the people. The provisions of this law are designed to do just that.]

49. No one shall be jailed for non-payment of anything.

50. All courtrooms shall always be open to anyone interested in attending.

51. Judges shall have no authority to block evidence or testimony.

52. Ex parte meetings must not be allowed in any court action.

53. There may be no expiration date on Constitutional rights.

54. All court documents must be signed and dated.

55. All court proceedings shall be recorded via video recorder with audio, in addition to written court reporter transcriptioning. All portions of such proceedings shall be left on the record regardless of content, from entrance into the courtroom to exit of the judge. All parties to the proceeding shall be afforded and offered the right to record via video recorder with audio and must abide by the same rules of the court, whereby the recording must begin upon entrance of the judge and not be stopped until the judge exits. All parties to the proceeding, including the court, shall make available copies of their transcripts and video within 30 days upon request, to all parties.

56. Judges, Prosecutors, and Defense Attorneys are rarely held accountable for misconduct even when it is proven that their actions have been responsible for wrongful convictions. As a result, the families and individuals irreparably harmed by their collective judicial malfeasance have no legal recourse or punitive remedies available.

57. Officials shall be held accountable for their actions. The right to a fair trial is an American ideal that has been tarnished by judicial dishonesty, cronyism, and



neglect. The facts of a case and the truth of the matter should always take precedence over political aims and goals.

58. The United States judicial system continues to allow false statements, suppression of exculpatory evidence, supposition, coerced testimony, deals in exchange for testimony, and blatant perjury within our nation's courtrooms. Often, specific instances of the aforementioned have served to exacerbate charges brought against innocent citizens, creating unfounded assumptions of guilt. If consequences existed for the negligent or malignant actions of individuals elected to seek truth in legal cases, there would be less misconduct and more justice. Those who knowingly and purposefully implicate and incarcerate innocent people must be subject to the rule of law and the will of the people. If we turn a blind eye to injustice, innocent citizens imprisoned for others' crimes will never regain the lives they deserve and the freedom to return home to their loved ones.

### **Legal Costs**

59. The costs of the legal process must be dramatically reduced.
60. There shall be no charge for court transcripts to any party in court.
61. Each party shall pay their own court costs and attorney's fees.
62. Attorney compensation shall be capped at \$100 per hour.
63. Requirement of special printing for the Supreme Court shall be eliminated.
64. There shall be no cost to file a legal action.
65. There shall be no cost to file an appeal.
66. There shall be no cost for court transcripts.
67. Restorative Justice should be integrated into the system to make amends to victims and create healing and help stop such an abuse and punishment system. If you are accused of a crime and prove your innocence, the person or persons who brought false accusations and charges should pay all of the courts cost and attorney as well as any other expenses to the accused

### **Attorneys**

68. All Bar documents must be public record. [Nothing in the legal world should be secret, especially complaints about participants in the legal process.]
69. The Model Code of Professional Conduct for attorneys shall become law, and the Bar Association will cease to have the authority to discipline attorneys except as

members of their club. [There is a conflict of interest to have the association of attorneys disciplining their members for actions that affect citizens of the state. The vast majority of problems with the legal system and dishonest and corrupt government officials are with attorneys. Many attorneys ignore their so-called rules of conduct, and nothing is done about it. By making law out of the rules they are supposed to operate by, the citizens will have a much better chance of a fairer legal system.]

70. All attorneys and judges must pass a competency exam on Constitutional principles, particularly rights. [We must ensure that qualified people are in place.]

71. All attorneys and judges shall be required to post bonds, which they pay for out of their own pockets. [This will make it easier for their victims to file complaints reviewed only by the Special Regulatory Grand Jury.

72. All court-appointed attorneys must work on behalf of the clients not on the court's behalf. Attorneys who fail to work on behalf of their clients shall be held accountable for their wrongdoing.

73. Attorneys shall be required to sign a contract containing an oath committing to the Code of Professional Conduct.

## **Procedures**

74. Changes are needed to the rules of procedure.

75. Public Defenders shall be eliminated. Licensed attorneys in private practice shall be assigned to represent those who cannot afford representation, and these attorneys shall provide the service at no charge.

76. Withholding evidence in any legal matter shall be a criminal offense punishable by a minimum of five years in prison without the possibility of parole.

77. Case law shall not be considered in any legal matter.

78. Release of liability forms shall not be allowed by any government agency.

79. Any matter may be appealed due to an error of law.

80. There shall be no monetary sanctions against pro se parties.

81. Any recordings may be admissible in court.

82. Juries must make all court decisions. A jury will arrive at a consensus and there will be little or no concern about a crooked and corrupt judge. The collective wisdom of juries has to be more reliable.

83. Witnesses and Evidence (documentation) can't be disqualified from being on the record.
84. All court summons must be sent by certified mail or personally hand-delivered.
85. All parties involved in the case must be in the courtroom, not testifying over a phone.
86. Courts shall have no power to dismiss a motion or an action claiming it to be frivolous or malicious.
87. All court documentation should be signed and dated NOT STAMPED as anyone could stamp the papers.
88. A judge asked to recuse should not be allowed to rule on whether he/she will or will not recuse. The judge should immediately be removed from the case when cause is given.
89. Any citizen may file criminal charges by submitting a Criminal Warrant Application to a magistrate court. [The Accuser shall serve as the "prosecutor" at a hearing before a magistrate court with a jury. If the magistrate court finds probable cause, the matter shall be referred to the prosecuting attorney for prosecution.]
90. No one shall be placed on any child abuse registry without a jury trial and a conviction for child abuse.
91. No person may be named a vexatious litigant without a finding by a jury.
92. Public Defenders shall be eliminated. Licensed attorneys in private practice shall be assigned to represent those who cannot afford representation, and these attorneys shall provide the service at no charge.
93. Judges shall not have the right to prohibit anyone from speaking about any legal proceeding.
94. No government entity may pay a bonus to anyone for the purpose of minimizing litigation.
95. There shall be no meetings in the judge's chambers unless attended by all parties and recorded.
96. There shall be no such thing as a directed verdict, a summary judgment, or a dismissal of an action.
97. Judges may not dismiss a case or enter summary judgments when a jury trial has been requested. [Judges corrupt the judicial process by depriving parties of a jury trial. Juries must make the decisions in legal matters -- not judges.]

98. All court cases involving the government or a government employee must be trials by jury, and summary judgments will not be allowed in such cases to avoid the prejudice of a government employee judge having bias for another government employee. [Bias must be protected against at all costs. It is only human nature for us to "protect our own." This must no longer be allowed.]

99. Judges may not ignore or change the rules of civil procedure. [Judges may favor one attorney or party over another by selectively ignoring the rules or independently making their own after-the-fact rules. There are rules, and everyone must adhere to them. Judges must not be given the power to deprive a party or attorney of the protections and requirements of published rules.]

100. All pro se parties shall be given the ability to make electronic filings, if they choose. [In most courts, only attorneys are allowed to file electronically. This also enables them to file just before midnight on a due date. Pro se parties are forced to print everything, and they have to file by the time the clerk's office closes (usually 5 pm or earlier). This inflates the cost for pro se parties, increases the costs of judicial personnel, and gives an unfair advantage to the attorneys. Pro se parties should take online training on how to use the electronic filing system, and they should have the option to save money and time by filing electronically.]

101. Whenever a criminal matter is raised in family court, that matter must pass to a criminal court where all normal criminal due process procedures, etc. apply.

102. Pro se parties now represent approximately one-third of all parties in lawsuits. Each county in the State will establish an office with at least one staff attorney to assist pro se parties at no charge. [Pro se parties usually cannot afford attorneys. Some courts provide assistance, but most don't. One-third of the citizens involved in the legal process must be helped.]

103. All family court trials shall be by jury. [Family court abuse and corruption is one of the most widely-criticized. Judges and their friends involved in the family court process create a situation ripe for injustice and corruption. We must remove the judges from this life-altering process for so many people. Let a jury of local citizens with their own families make these serious decisions.]

104. Complaints about foreclosure fraud may be presented to a Special Grand Jury. [Foreclosure fraud is a form of government-assisted corruption. Those in danger of losing their biggest asset need help and fast. We the people need to protect them.]

105. Parties may present claims of attorney misconduct, judicial misconduct, clerk's office misconduct, and law enforcement misconduct to a Special Regulatory Grand Jury. [Attorneys, judges, judicial staff, clerks of court, and law enforcement all commit misconduct, and a Special Regulatory Grand Jury provides the independent tribunal that the citizens need.]

## **Statute of Limitations**

106. The statute of limitations shall be eliminated in cases of sexual assault against children.
107. The statute of limitations shall be eliminated in cases of perjury and fraud upon the courts. [Laws must not be used to deprive citizens of recourse for wrongdoing.]
108. There shall be no statute of limitations for child abuse.
109. There shall be no statute of limitations for fraud.
110. There shall be no statute of limitations for obstruction of justice.
111. There shall be no statute of limitations for new evidence in a criminal matter.
112. There shall be no statute of limitations on any criminal act.

## **Law Enforcement**

113. All officers of the law act in an official capacity that should be subject to independent review if this is deemed necessary in the future. Therefore, attorney and law enforcement interrogations and interviews with the accused, witnesses and informants, excluding instances in which attorney-client privilege are at issue, must be videotaped in order to preserve justice, maintain neutrality, and preserve the rule of law.
114. It shall be lawful for anyone being signaled to pull over by law enforcement to reduce speed, activate hazard lights, and pull over in a well-lit place with other people around.
115. Police should have to take lie detectors test as so many police officers lie to have a case.
116. Randomized auditing of cases should be done to discover and correct cases of prosecutorial misconduct.
117. There should be automatic filing of ethics complaints, triggered whenever a court finds that a prosecutor has behaved unethically.
118. In making arrests, maintaining order, and defending life, law enforcement officers are allowed to use whatever force is "reasonably" necessary. The breadth and scope of the use of force is vast—from just the physical presence of the officer...to the use of deadly force. Violations of federal law occur when it can be shown that the force used was willfully "unreasonable" or "excessive."
119. Sexual assaults by officials acting under color of law must be subject to extreme criminal penalties. Sexual assaults by officials acting under color of law can happen in

jails, during traffic stops, or in other settings where officials might use their position of authority to coerce an individual into sexual compliance. The compliance is generally gained because of a threat of an official action against the person if he or she doesn't comply.

120. False arrest and fabrication of evidence must be minimized. The Fourth Amendment of the U.S. Constitution guarantees the right against unreasonable searches or seizures. A law enforcement official using authority provided under the color of law is allowed to stop individuals and, under certain circumstances, to search them and retain their property. It is in the abuse of that discretionary power—such as an unlawful detention or illegal confiscation of property—that a violation of a person's civil rights may occur. Fabricating evidence against or falsely arresting an individual also violates the color of law statute, taking away the person's rights of due process and unreasonable seizure. In the case of deprivation of property, the color of law statute would be violated by unlawfully obtaining or maintaining a person's property, which oversteps or misapplies the official's authority. The Fourteenth Amendment secures the right to due process; the Eighth Amendment prohibits the use of cruel and unusual punishment. During an arrest or detention, these rights can be violated by the use of force amounting to punishment (summary judgment). The person accused of a crime must be allowed the opportunity to have a trial and should not be subjected to punishment without having been afforded the opportunity of the legal process.

121. The public counts on its law enforcement officials to protect local communities. If it's shown that an official willfully failed to keep an individual from harm, that official could be in violation of the color of law statute.

122. When police are going to go through people's personal property or possessions and raid houses, they should have to record it to prove what they found for court purposes.

123. When a corrupt prosecutor refuses to take a meritorious case to a grand jury or to prosecute it because it goes against powerful interests or involves fellow officials, a Special Regulatory Grand Jury shall have the power to take action.

## **Criminal Courts**

124. Trial by jury in criminal cases is not a right that may be waived by the defendant. It is a mandate even if the defendant pleads guilty. The number of jurors in all cases must be twelve. They must be randomly selected from the general body of citizens. They may not be asked about their knowledge, experience, or opinions about the law in voir dire. They must be unanimous to convict but not to acquit, and failure to convict shall be deemed acquittal. This provision applies to all civil or criminal cases, national, state, or local.

125. Felons shall not lose the right to vote or the right to serve on a jury.

126. Judges must adhere to sentencing guidelines. [There must be rules, and the place for a judge in the process is to go by the rules. We must minimize interpretation and freedom for judges to do whatever they want, because that is what has made our judicial system so unfair and corrupt.]
127. Any American may file criminal charges. Criminal Warrant Application procedure shall be used.
128. Everyone shall be presumed innocent unless proven guilty.
129. It shall be a felony for assaulting a pregnant woman.
130. An independent review shall be made of all criminal convictions, and new trials shall be ordered where there was any impropriety established.
131. Criminal convictions may be appealed at any time based on new evidence.
132. DNA tests must be allowed both pre-trial and post-conviction.
133. An independent review shall be made of all officer-involved shootings.
134. The death penalty shall be abolished except for treason. Because there is no remedy when an innocent person is executed, the death penalty should be completely abolished in our country.
135. The Three Strike Rule shall be modified.
136. No one shall be held in jail for an extended period of time without a trial.
137. Independent attorneys shall serve as public defenders.
138. The felony murder rule shall be abolished. [The felony murder rule operates as a matter of law upon proof of the intent to commit a felony to relieve the prosecution of its burden of proving intent to kill, which is a necessary element of murder. The intention to commit a felony does not equal the intention to kill, nor is the intention to commit a felony, by itself, sufficient to establish a charge of murder. The felony murder rule erodes the relation between criminal liability and moral culpability in that it punishes all homicides in the commission, or attempted commission, of the proscribed felonies, whether intentional, unintentional, or accidental, without proving the relation between the homicide and the perpetrator's state of mind. Under the felony murder rule, the defendant's state of mind is irrelevant. Because intent is a characterization of a particular state of mind with respect to a killing, felony murder bears little resemblance to the offense of murder except in name. First-degree murder is an arbitrary assignment. Holding one or many criminally liable for the bad results of an act which differs greatly from the intended results is based on a concept of culpability which is totally at odds with the general principles of jurisprudence. It is fundamentally unfair and in violation of basic principles of individual criminal culpability to hold one felon liable for the unforeseen and un-agreed to results of another felon's action. The basic

rule of culpability is further violated when felony murder is categorized as first-degree murder because all other first-degree murders (carrying equal punishment) require a showing of premeditation, deliberation and willfulness, while felony murder only requires a showing of intent to do the underlying felony. The purpose of creating degrees of murder is to punish with increased severity the more culpable forms of murder, but an accidental killing during the commission or attempted commission of a felony is punished more severely than a second-degree murder. The felony murder rule can be used by prosecutors in a manner so as to cause grossly disproportionate sentencing, depending on the circumstances of each individual case. The felony murder rule is unconstitutional because presumption of innocence is thrown to the winds. The prosecution needs only to prove intent to commit the underlying felony; that done, first degree-murder becomes part and parcel of the underlying felony because intent to commit murder does not have to be proved. The felony murder rule is probably unconstitutional because in some cases it violates the Eighth Amendment: cruel and unusual punishment, grossly disproportionate to the crime(s) actually committed. The felony murder rule holds unequally involved parties equally accountable and punishable. Again, cruel and unusual punishment if you're only the lookout for a robber who happens to kill in the process of the robbery. The felony murder rule violates the Fourteenth Amendment's guarantee of due process because no defense is allowed on the charge of first-degree murder, only the underlying felony. The felony murder rule bears no rational relationship or equity in its two penalties, with the penalties of other murder laws, including, at times, the charge of first-degree murder.

139. The accuracy rate must be increased on convictions. The Innocence Project has analyzed exonerations to reveal a broad collection of factors that contribute to the likelihood of wrongful convictions. Among them are: Eyewitness Misidentification, Invalidated or improper forensic science, false confessions/admissions, government misconduct, informant or snitch testimony and bad lawyering.

140. Reforms are needed in juror education, plea bargaining, pre-trial incarceration, reducing prosecutorial misconduct including misconduct deemed to be harmless error, restrictions on snitch testimony, increased accountability for ethical breaches, heightened expectations for defense attorneys and the reduction of caseloads for public defenders.

141. Remedy the impact of wrongful convictions. Discover what went wrong and fix it, compensate the wrongfully convicted substantially, provide transition to those wrongfully convicted, reopen the investigation of the wrongfully prosecuted crime and counsel the victims of the wrongfully convicted crime

142. Those that have committed crimes should not just be locked up and thrown away the key. Our society needs to realize that this is not a deterrent, that re victimization will occur unless we re-educate, give the tools to help become productive citizens.

143. Require videotaping of all police and attorney interrogations and interviews.

144. There shall be mandatory testing of physical evidence. All DNA, fingerprints, clothes, bullets, and pieces of crime scene evidence in criminal cases must be tested and



re-tested using the latest in crime lab technology at a reputable lab by unbiased professionals.

145. Require an open file law in all fifty states. These problems will perpetuate themselves so long as prosecutors are permitted to decide what does and does not constitute Brady material. All case materials should go to the defense, and if the state believes specific elements do not reside within the auspices of Brady material, the prosecution should be able to petition the court and ask that the defense be precluded from introducing these. At the very least, a mandate requiring that such matters must be subject to an in-camera review by the court would assist in restoring some level of balance between the prosecution and the defense. Full disclosure of all case materials should be required as a matter of course because most issues regarding withholding of evidence that had the potential to prove innocence but were never introduced at trial could have been easily avoided.

146. Implement key wrongful conviction preventative measures that assist in the accountability of prosecutors and defense attorneys:

147. Plea bargains shall be eliminated.

148. All prosecutors must maintain a "Conviction Integrity Unit" that investigates past convictions by the office for wrongful convictions regarding any/all charges/convictions. The Conviction Integrity Unit should be composed of independent legal, investigative, and scientific professionals tasked with the evaluation of cases suspected to be potential wrongful convictions. This will also serve as an independent body for appeals for future questionable convictions.

149. Eliminate absolute immunity for prosecutors. While qualified immunity in some regard may be helpful, absolute immunity is not a tool that allows prosecutors to carry out the necessary functions of their jobs. Absolute immunity in circumstances of prosecutorial neglect and malfeasance only serves as a shield for prosecutors who commit criminal acts in the courtroom.

150. Judges and prosecutors must be subject to full transparency regarding histories of misconduct. Judges and prosecutors are elected officials and WE are their constituents. If corrective or legal action has been taken against these public officials, the public has the right to know.

## **Military Courts**

151. There shall be only one criminal justice system.

152. General court martials shall be abolished. Military courts should only handle special court martials, where the defendant is not subject to incarceration.

153. Immunity must be removed for the prosecution and investigators in military courts.

## **Guardianship and Elder Abuse**

154. Guardianship shall be abolished.
155. Our current laws and legislation fail to provide protection that we can count upon to prevent our being financially exploited by attorneys and others under such circumstances
156. Immediately release all assets including real property, trusts, social security benefits, investments of any kind, pending settlements, settlements back to the individual named before guardianship was initiated.
157. Render ALL rulings associated with the any probate courts actions associated with the “incapacitated” as null and void, having no affect or legal bearing.
158. Initiate congressional hearings and investigations into the probate court crimes committed against the “incapacitated”
159. Initiate a task force, in conjunction with the FBI, Medicare/Medicaid agencies, States Attorneys, Attorney and General’s Office to pursue criminal prosecution under the RICO act against the courts, attorneys, guardians, mediators, and all other perpetrators of illegal guardianship activities.
160. There shall always be a completely open door policy and full disclosure to all family members and beneficiaries of an elder's will.
161. Protection for the elderly from court appointed guardians. These people should NOT be able to steal elderly citizens from their families for no reason...

## **Property & Foreclosure**

162. Foreclosure may only be implemented by the noteholder.
163. Foreclosure may not be implemented without the original signed note.
164. Complaints about foreclosure fraud may be presented to a Special Regulatory Grand Jury. [Foreclosure fraud is a form of government-assisted corruption. Those in danger of losing their biggest asset need help and fast. We the people need to protect them.]
165. Eminent domain shall be eliminated.

## **Children and Family Courts**

166. Child Protective Services shall be eliminated. [CPS is an agency that is hopelessly broken in every state.] Once upon a time, there was NO family court. It evolved out of

the creation of CPS and federal funding, or a little before that. CPS should be abolished in favor of a social service agency that only provides help to families in their home. That's social work, not paper-pushing for the court as it is now. Back when children were removed for good reason, they went to orphanages. Today, a social worker agency could oversee the current foster parents for those children for which there is NO other choice but to remove.

167. Complaints about Child Protective Services (CPS) and other state agencies may be presented to a Special Regulatory Grand Jury. [Government corruption may take place in any agency. CPS is an area where abuse is often alleged.]

168. All family court trials shall be by jury. [Family court abuse and corruption is one of the most widely-criticized. Judges and their friends involved in the family court process create a situation ripe for injustice and corruption. We must remove the judges from this life-altering process for so many people. Let a jury of local citizens with their own families make these serious decisions.]

169. It shall be a child's right to be raised by his parent(s), free from government intrusion; have an attorney of his choice; be heard in court personally; be allowed to report abuse and know that the system will protect them; be protected from mental and physical abuse by guardians as well as the judicial system; and receive justice. [Currently, the way children and their families are treated by the judicial system is a crime in and of itself. We the people must protect families and the children. These rights must be mandated because the existing system is hopelessly broken.]

170. No child may be taken from family without evidence and a hearing. No child removed from a family without a police investigation with probable cause for criminal child abuse and referred to a prosecutor for criminal court. [Children are being removed from their homes at the whim of people. This life-altering decision must first be made in court and decided by a jury. We cannot allow families to be torn apart by people who should have no authority to take such serious action.]

171. All children deserve to live a childhood free from abuse, exploitation, and government interference during custody litigation. [Custody litigation is devastating to many. The children must be protected not damaged by the system.]

172. The statute of limitations shall be eliminated in cases of sexual assault against children. The statute of limitations shall be eliminated in cases of perjury and fraud upon the courts. [Laws must not be used to deprive citizens of recourse for wrongdoing.]

173. Whenever a criminal matter is raised in family court, that matter must pass to a criminal court where all normal criminal due process procedures, etc. apply. [This will clean up a lot of corruption and dishonesty.]

174. Hearsay shall not be allowed in family courts.

175. Grandparents shall be listed on all birth certificates, and grandparents shall have automatic custody rights if their child is unable and they are willing and able. Grandparents are not always a good answer, but they should be looked at FIRST, and not as a second thought.
176. A Citizens Review Panel shall be established to monitor all children and family matters.
177. No child, teen, or young adult may be forced into residential treatment facilities and forced to take drugs without parental authorization.
178. Child support, custody, and visitation shall be treated as one issue in family court.
179. Child support shall be based upon an ability to pay.
180. If a parent cannot pay child support, that parent shall not be jailed. Parents who do not pay child support may be sued for fraud, and if a jury determines that fraud was committed, a judgment may be entered against the parent.
181. All children and family court proceedings should be public. [The only ones they are protecting are the criminals.]
182. Children shall be taken from parents only in extreme situations of abuse or neglect, and those decisions shall be made only by a jury after a full evidentiary trial.
183. Civil court requirement of a preponderance of probability shall be required in family court.
184. Where accusations of abuse are falsely made, there should be sanctions and criminal charges filed.
185. There shall be no custody rights granted to convicted domestic abusers. This is how they gain ground to further manipulate their victims.
186. Officer Involved Domestic Violence matters shall be addressed with detailed procedures established by each police department. [Washington State has a program to be copied.]
187. A "Safe at Home" program shall be established to protect citizens by having their addresses and contact information suppressed. [California has such a program to copy.]
188. Title IV funding shall be abolished.
189. Family members get custody unless deemed unfit by a jury. If a child must be removed because of abuse and neglect the family should be allowed the child not the state

190. Families can adopt and shall have first priority in all cases.
191. The children of a divorced American parent may not be moved to another country.
192. Government employees and contractors who have wrongfully denied a parent of time with their children may be charged with kidnapping and child abuse.
193. Being a parent is a fundamental human right, and the government has no rights to be involved. There shall be no termination of parental position.
194. There shall be termination of parental involvement with a child when found guilty of child abuse by a jury.
195. A child conceived from rape should not be given to her mother's rapist.
196. Every encounter that anyone has with any "professional" involved with a CPS or family court case is to be recorded - preferably video recordings where all parties can be clearly seen - so that there is no question of what is said and done. This mean from the very first moment the investigator steps into the yard and approaches the door.
197. Separate child support from parenting time. This alone will minimize the fighting in the courts. When the monetary incentive is gone, people will be more willing to share their children equally.
198. Make parents who receive child support prove money is spent on child not themselves.
199. Custody shall not be given to abusers.
200. Family court should be restricted to clear and convincing, same as criminal. The preponderance of evidence rule is preposterous.
201. The courts absolutely have to be accountable to investigate all abuse allegations by professionals in the field of sexual/domestic abuse and documentation submitted to the court.
202. A parent should not be required to pay child support for a child they are not allowed to see (for no reason, no charges whatsoever) but want to see that child.
203. Require criminal child abuse or criminal neglect conviction for the central registry. Oppose interstate registries forcing only those willing to work for it to gain old info. Structure the registry with the crime as on the sex offender registry. A dirty house is different than a murder.

## **Divorce Court**

- 204. Abolish any waiting period for divorce.
- 205. Restore 'at fault' divorces so one cannot unilaterally topple a marriage for financial gain.
- 206. Disconnect Entitlement IV D AND E completely from child support. There should be no financial incentives to profit from the tragedy of divorce.

## **Domestic Violence**

- 207. Officer Involved Domestic Violence matters shall be addressed with detailed procedures established by each police department. [Washington State has a program to be copied.]
- 208. There shall be no such thing as a mandatory arrest when domestic abuse is claimed.
- 209. If there is a history of domestic violence that parent CAN NOT get custody. Some state statutes say it is to be considered so judges say "it was considered" but they still give custody to the abuser.

## **Congress**

- 210. There shall be no such thing as tenure and no pension.
- 211. A Congressman/woman collects a salary while in office and receives no pay when they're out of office.
- 212. Congress (past, present, and future) shall participate solely in Social Security as a retirement benefit.
- 213. All funds in the Congressional retirement fund shall move to the Social Security system. All future funds shall flow into the Social Security system, and Congress participates with the American people.
- 214. Congress shall no longer vote themselves a pay raise. Congressional pay will rise by the lower of CPI or 3%.
- 215. Congress loses their current health care system and participate in the same health care system as the American people.
- 216. Congress must equally abide by all laws they impose on the American people.

217. All contracts with past and present Congressmen/women shall be voided. Serving in Congress is an honor, not a career. The Founding Fathers envisioned citizen legislators, so ours should serve their term(s), then go home and back to work.

## **Elections**

218. All ballots shall include a “None of the Above” option.

219. There shall be no cost for the member of any political party to have their name on the ballot.

220. Members of the U.S. House of Representatives and U.S. Senate shall serve for one 4-year term.

221. The Electoral College shall be eliminated.

222. There shall be one representative in the U.S. House of Representatives for each 30,000 registered voters.

223. The database of registered voters for each U.S. Congressperson shall be available at no charge to any of the registered voters in that district.

224. The registration of voters shall obtain telephone and email in addition to name and address.

225. Judges shall be elected to one four-year term.

## **Restitution**

226. Those wronged by past government action shall be entitled to restitution.

For more information, contact William M. Windsor. Bill Windsor and Lawless America will assist in drafting proposed legislation upon request.



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