

# Suing Jurors?!

by Alfred Adask

**F**or about a month—in the back of my mind—I’ve entertained the peculiar notion that it might be possible for litigants to sue jurors. In other words, if you go to court and the jury rules against you, you sue the jurors.

Sure, the idea seems impossible. No, not just impossible—goofy. (How could anyone be *crazy* enough to think litigants might be able to sue *jurors*?)

But sometimes I just get this “feeling,” a hunch, an intuition that just won’t let me be. This is one of those times. Crazy or not, can you imagine what would happen to this legal system, if jurors were liable to being sued by litigants? The whole damn system might collapse, and it might not take long.

**A**t first, I wondered if jurors—who *think* they’re hearing cases in *law*—could be shown to be somehow negligent or incompetent if (as I suspect) most cases are heard in *equity*. Of course, virtually no juror has any idea that our courts (presumed to operate in *law*) routinely operate in *equity* or some other administrative capacity. Since jurors don’t have a clue, they can’t be criminally liable. (Where there’s no sense, there’s no intent, hmm? And without intent, there can be no crime.)

Still, whether they know it or not, jurors in a court of equity are essentially masquerading as jurors in court of law, unwitting accomplices who took part in a larger scheme to deceive litigants into thinking they enjoy legal rights. It struck me that this “masquerade” might create a legal liability, but I can’t quite imagine how that liability might be claimed and proved in court.

However, I’m pretty sure that the average, ignorant juror subjected to a series of intelligent questions on a deposition would innocently (and falsely) testify that he “agreed” to hear a particular case “in law”. (“Agreement” is the innocuous heart of *conspiracy* charges. If you could get a juror to admit he “agreed” to do something with the judge or prosecutor, you might be able to have some real fun.) Further, I suspect a juror being deposed would probably make several more innocent admissions that, in sum, might be suffi-

cient to prove with his own sworn words that he assumed a responsibility that he didn't understand or anticipate.

Could a juror deciding a case in equity that everyone expected to be tried in law be charged with violating some duty of "reasonable care"?

Under the heading "carelessness," *Black's Law Dictionary* (7<sup>th</sup>) reads in part, "A man may take all the care of which he is capable, and yet be accounted negligent for failing to reach the objective standard. He may honestly . . . believe that the facts are such that he is not imperiling anyone; but he may be held to have been negligent in arriving at that belief."

Thus, it seems *remotely* arguable that a juror might assume an unexpected personal liability if he mistakenly thinks he's deciding a case at *law* that was actually decided in *equity*.

**O**K. Even if the idea of suing jurors who unwittingly decide cases in equity is intriguing, it's still virtually impossible. Perhaps the biggest reason why jurors can't be sued is that jurors are picked, approved and agreed to by the litigants. If a litigant doesn't want to be judged in equity by twelve fools who think his case is being heard at law, it's probably incumbent upon the *litigant* to make that distinction between law and equity clear to the jurors during the jury selection process.

For example, if a defendant failed to advise his jurors of their role in equity rather than law *before* the trial began, I doubt that the defendant could later maintain an action for negligence against the jurors *after* the trial ended. After all, the defendant is even more negligent than the jurors since 1) he has more lose; yet 2) failed to put the jurors on notice early on.

Obviously, my idea of suing jurors is daft.

**N**evertheless, when it comes to conjecture, I'm not the sort to abandon an intriguing trail of inquiry simply because it leads toward lunacy. Being obsessive-compulsive, I have a certain persistence that causes me to dissipate a great deal of time pursuing idiotic notions—but also forces me to stick with some improbable ideas until they reveal an occasional flash of truth.

Yes, as any fool can see, you can't sue jurors.

I know that.

Still, my small obsession with juror liability persisted until it occurred to me that jury summons are sent to jurors identified by all upper-case names. For example, I have a summons in my desk drawer addressed to "ALFRED NORMAN ADASK" rather than my proper (capitalized) name, "Alfred Adask".

Anyone who's read the *AntiShyster* for long understands that I suspect that the all upper-case name ("ALFRED") identifies an artificial entity that is separate from the natural man identified by the proper, capitalized name "Alfred". In other words, "ALFRED" is not "Alfred"—they are two entirely different legal entities. While the natural man "Alfred" is "endowed by his Creator (God) with certain un-

alienable Rights,” the artificial entity “ALFRED” is created by government, absolutely subject to government authority and without any claim on God-given, unalienable Rights. In essence, this theory proposes that “Alfred” (the natural man) is government’s master, while “ALFRED” (the artificial entity) is government’s slave.

Likewise, anyone who’s read the articles I’ve published on fiduciary relationships (*AntiShyster* Vol. 10 No. 3), knows I suspect that the natural man “Alfred” is routinely deceived into acting as a *fiduciary* for the artificial entity “ALFRED”. As I understand fiduciary relationships, any obligation or duty imposed on the principal entity (in this case, “ALFRED”) are automatically assumed by its fiduciary (“Alfred”). Thus, once a fiduciary relationship is established, “Alfred” (the natural man) becomes bound to perform whatever duties and obligations government imposed on “ALFRED” (the artificial entity).

Fiduciary relationships appear to be potentially dangerous if the two entities have vastly different (or even conflicting) rights and responsibilities. For example, if “Alfred” (the natural, free man who enjoys God-given, unalienable Rights) could be tricked into voluntarily acting as fiduciary for “ALFRED” (an artificial entity and government slave

that has only civil rights), “Alfred” would indirectly slip into the same legal status as the government slave (“ALFRED”). So long as “Alfred” acted as (or was presumed to be) a fiduciary for “ALFRED,” “Alfred” would accept the status of government slave and implicitly deny his natural capacity to claim his unalienable Rights.

If this were true, then a devious government could conceivably pass endless, even ruinous laws for the artificial entity “ALFRED” that couldn’t possibly be passed to apply to the natural man “Alfred”. But, through the use of fiduciary relationships, government could trick “Alfred” (the natural man) into obeying those endless laws that could only be lawfully applied to “ALFRED”.

**A**ssuming this line of conjecture (“Alfred” is fiduciary for “ALFRED”) were valid—then, the natural, flesh and blood jurors (“Alfred” et al)—who receive summonses in the upper-case name (“ALFRED” etc.)—presumably appear for jury duty as *fiduciaries* for “ALFRED”.

Get it? The government summons “ALFRED” to appear for jury duty, but “Alfred” shows up as “ALFRED’s” fiduciary (representative). Thus, the flesh-and-blood jurors sitting in the jury box would unwittingly be hearing the case as fiduciaries.

Intriguing idea, No?

We see faint evidence to support this possibility when judges instruct juries on “the law”. But what “law” is the judge talking about?



**DEFENDERS OF THE FAITH WITH  
TRUTH AGAINST THE WORLD**  
God's Law vs. politically correct propoganda  
from government churches.  
For a FREE Information Packet contact:  
**KINGDOM IDENTITY MINISTRIES**  
P.O. Box 1021, Harrison, Arkansas 72602  
(870) 741-1119  
[www.kingidentity.com](http://www.kingidentity.com)

Could it be the common law that applies to flesh and blood men? Or is the judge explaining the statutory law as it applies to artificial entities like “ALFRED”? In other words, is the judge instructing the jury on the relevant common law? Or is he instructing them on whatever statutes define their *fiduciary duties* as representatives for the artificial entities (“ALFRED” et al.) that were created by the corporate state and summonsed to serve as jurors?

Also, why are jurors only advisory? Why can judges overrule a jury’s decision? Could it be that judges overrule when juries fail to fulfill the *fiduciary* duties which they (unwittingly) assumed when jurors like “Alfred” agreed to hear a case on behalf of artificial entities like “ALFRED”?

**A**lthough half-baked, this is still an intriguing line of inquiry. In fact, it makes me laugh with glee. Because even though reason tells me the idea of suing jurors can’t possibly be right, my gut keeps telling me I’m on to something important.

I still don’t see how this line of reasoning might be used to sue jurors—but it might be used to sue the court. It seems to me that there is an element of deception and possibly fraud in any trial where jurors acted as fiduciaries when they decided a case. The trial court judge, the administrative judge who assigned the case (and perhaps the lawyers) know or should’ve known that this deception (equity masquerading as law; jurors masquerading as “JURORS”) is taking place. If the trial could be challenged on the basis of fraud, could the judges and lawyers be held liable?

What fraud . . . ?

Well, if the jurors are fiduciaries, they’re bound to decide the case according to whatever standards, regulations and laws bind the *artificial entities they represent*. That implies that “fiducial

jurors” can’t be *impartial*—a requirement imposed by the 6<sup>th</sup> Amendment. I.e., fiducial jurors can’t truly judge a defendant according to their conscience as natural men and women, but instead must judge the defendant (often in opposition to their conscience) according to whatever legal burdens are imposed on the artificial entities (“ALFRED” et al) the jurors represent.

In essence, fiducial jurors would be trying to serve two masters: 1) the common law of the natural man/ defendant in the case; and 2)

## Gun Owners of America

GOA defends firearms ownership as a freedom issue using its members to put the heat on their Congressmen.

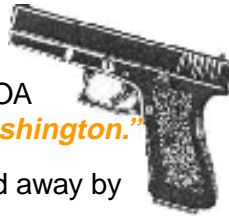
As the late Sen. Everett Dirksen used to say,

**“When I feel the heat, I see the light.”**

Congressman Ron Paul (R-TX) has called GOA

**“the only no-compromise gun lobby in Washington.”**

Want to keep your rights from being legislated away by Congress? **Join GOA today.**



When you call as an *AntiShyster* reader to request membership information about GOA, you’ll receive a **free 6-month trial subscription to our newsletter, *The Gun Owner***. Call us at **1-800-417-1486**. Or write GOA at 8001 Forbes Place, Suite 102, Springfield, VA 22151. If you would like to receive GOA’s email and/or fax bulletins be sure to ask for them too!



the entire equitable/ corporate/ administrative legal system that created the artificial entities the jurors have unwittingly volunteered to represent. This legal schizophrenia could produce some serious distortions in the legal process.

For example, constitutionalists have complained for years that judges and prosecutors (and usually defense lawyers) are part of the same prosecutorial team—but who imagined that even *jurors* (acting as fiduciaries) might also be *de facto* representatives of that same governmental prosecution? But if jurors are fiduciaries for artificial entities created and ruled by government, it's arguable that there's virtually NO impartiality in our courts.

Could a litigant have a 6<sup>th</sup> Amendment complaint if his jury was composed of fiduciaries obligated to serve governmental interests (imposed on artificial entities) rather than judge the litigant on the natural, “man to man” basis all of us expect takes place in court? Do we have an “expectation of impartiality”? Do we have a 6th Amendment right to an impartial trial? If so, jurors acting as fiduciaries (representing another governmental interest) would seem to violate that right.

And what about the oaths taken by jurors (and *witnesses*) to be *impartial* and/or tell the truth, the whole truth, etc.? Don't those oaths imply that the person swearing does so as a free and independent person, accountable *only* to his God? But if those jurors and/or witnesses were actually appearing in court as fiduciaries for the artificial entities (“ALFRED”) actually summonsed to appear, wouldn't their oaths be compromised if they were obligating themselves to serve *both* God (as natural men) *and* government (as fiduciaries)?

And how 'bout a right to a jury of my peers? If I could terminate (or legally deny) my fiduciary relationship to “ALFRED” (the artificial entity that's probably being tried in the court), could I (“Alfred”, the natural man) even “appear” before that governmental court? Or would I be “invisible” to the corporate courts as a “non-fiducial” man? And if I did “appear” to be tried as a natural man, could a jury qualify as my “peers” if they accepted jury duty as fiduciaries?

**I**f jurors unwittingly obligated themselves to government as fiduciaries and to God with their oaths as natural men, would that constitute a *conflict of interests*?

*Black's Law Dictionary* (7<sup>th</sup> Ed.) defines “conflict of interest,” in part as, “A real or seeming incompatibility between one's private interests and one's public or *fiduciary* duties.” [Emph. add.]

Oooo . . . I'll be darned.

It remains to be proved that jurors actually act as fiduciaries in the jury box. But according to *Black's*, if jurors *were* fiduciaries it *would* create a conflict of interest. So perhaps my theory is not quite as daft as it first seemed.

**B***lack's* offers a second definition for “conflict of interest”: “A real or seeming incompatibility between the interests of two of a lawyer's clients, such that the lawyer is disqualified from representing both clients if the dual representation ad-

versely affects either client or if the clients do not consent.”

Whoa! Now that’s sufficient grounds to trigger for a whole ‘nother line of inquiry. I won’t allow that inquiry to seduce me at this time. However, I can’t help wondering if the next time I hire a lawyer, who will the lawyer represent? “Alfred” or “ALFRED”?

Is it possible that my lawyer might be representing *both* “Alfred” (the natural, private man) and also “ALFRED” (the artificial, public entity)? If so, do those entities have conflicting interests? After all, while “Alfred” has unalienable Rights, “ALFRED” would only be entitled to the civil rights of second-class citizens. More importantly, in a criminal case, “ALFRED” will probably be indicted, but if there’s a conviction, “Alfred” will do the time. Seems like a pretty serious “conflict of interests” to me. Frankly my dear, I don’t give a damn if they jail “ALFRED” (assuming they can find the s.o.b.), but I’m much opposed to jailing “Alfred”.

Further, in his private capacity, “Alfred” should be absolutely immune from prosecution for any number of offenses that could be routinely charged against the artificial entity “ALFRED”. For example, there’s no doubt that “ALFRED” could be bound by law to have a drivers license and wear a seat belt. But could the same law bind “Alfred”? If not, could either entity (“Alfred” or “ALFRED”) therefore refuse a lawyer’s representation based on that conflict in rights and liabilities? Could either entity (“Alfred” or “ALFRED”) even refuse to accept *prosecution* for offenses committed by the other? And how would a judge rule if the issue of these hypothetical conflicts of interest were raised in court? . . . Heh, heh, heh . . . it is to laugh.

**A**s usual, this article is pure conjecture. Pure theoretical law. Or maybe pure nonsense. I’ve merely posed some intriguing questions—perhaps idiotic questions—that I can’t answer, but make me grin nevertheless. Even make me giggle. Actually, they make me laugh.

Just imagine if this line of inquiry—investigating whether jurors act as fiduciaries and are thus not “impartial”—had any validity. If so, this little article could precipitate something extraordinary in our legal system. Maybe even revolutionary.

Sure, it probably won’t happen. Probably can’t happen. But until I know that for sure, the possibility doesn’t only make me laugh, it even gives me chills. The faintest chance to throw a screw back into the judicial system that took my kids from me back in 1983 . . . well, it just makes my day.

Ooo, I like my job. The pay’s not much, but it *is* fun.

If any of you folks can answer my peculiar questions about jurors serving as fiduciaries, let me know. Drop an email to [adask@gte.net](mailto:adask@gte.net).

Thanks.



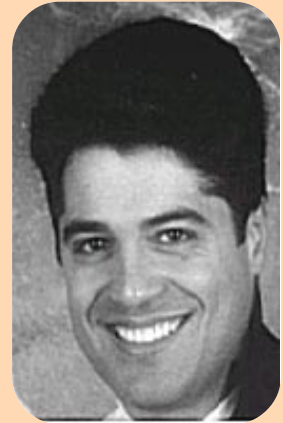
Announcing the beginning of the

# FREEDOM OPPORTUNITY

**YOUR chance to free yourself and those around you!**

Would YOU like to:

- Become financially prosperous and independent?
- Free YOURSELF from oppressive taxation and control?
- Obtain freedom by helping others do the same?



Peymon,  
President of FLS

## LEARN HOW YOU CAN BE FREE & ENRICH YOURSELF NOW!

Freedom Law School (FLS) has launched its new distribution program, the **FREEDOM OPPORTUNITY** on **January 1, 2001**. The purpose of the **FREEDOM OPPORTUNITY** is to distribute our freedom law technology out to a far larger number of Americans, like YOU, to obtain each of our individual rights and freedom by having the government follow the U.S. Constitution and laws.

In the process of assisting freedom lovers, like YOU in regaining your rights and freedom, we are providing YOU the opportunity to become *financially prosperous and independent* at the same time. You may also receive a **10% referral fee** for sending someone our way to find their freedom. Better yet, by becoming a **FREEDOM FIGHTER** with us, you will be able to receive **40% to 50% commissions** as well as up to **10% management overrides** for recruiting and training others to learn the law, their rights and getting out our freedom technology.

For more information visit

**[www.livefreenow.org](http://www.livefreenow.org) or call (714) 838-2896.**

**You may also write Freedom Law School  
1062-C Walnut Street, Tustin, CA 92780**

***Ask for our FREE information package.***

This is not a multi-level plan.

Please call only if YOU are **SERIOUS** and **COMMITTED** about freedom and justice.

*"Freedom is not free." "A nation of sheep begets a government of wolves."*

*"If a nation wishes to be ignorant and free,  
they wish something which has never been or will be."*