



Written by [Joe Wolverton, II, J.D.](#) on December 14, 2015

## Lawyer Wants Proof of Jurors “Tainted” by Nullification Pamphlets

The attorney representing a Michigan man accused of jury tampering for handing out pamphlets promoting jury nullification is putting pressure on prosecutors to provide names of the alleged “tainted” jurors.

In a story reported first by WND, Dave Kallman, the lawyer defending Keith Wood, is now

asking to be given the identifications and the contact information for jurors, or potential jurors, who may have been in the courthouse at the time. There was assigning taking place at the time for another trial, prosecutors said, although apparently no jury had been picked. He said he filed paperwork asking the court to dismiss the felony charge against his client, to reduce bond, and to “require them to turn over to us the names of all the jury pool.”



The story of Wood’s arrest and subsequent charging with jury tampering is astounding, even in this era of rapid erosion of liberty.

On December 11, WND published a brief background on the case, writing that

[Wood] was handing out the brochures on public property but was ordered into the courthouse, under threat of arrest, to meet with Mecosta County District Judge Peter Jaklevic. Once inside, the judge ordered Wood arrested for jury tampering, even though he was handing out information to members of the public under the auspices of the First Amendment on public property.

Besides these blatant constitutional deprivations, Wood’s attorney asserts that there were no jury members or potential jury members present when Wood was distributing the jury nullification literature, which seems obvious considering *he was standing outside the courthouse on the sidewalk while handing out the leaflets!*

Regardless, Judge Jaklevic ordered Wood arrested and held on \$150,000 bond, confined in the Mecosta County jail. WND reports that Wood put \$15,000 on his credit card in order to secure his release.

On his firm’s website, Kallman highlighted the level of the harassment: “The court set a \$150,000 bond to try to force Mr. Wood to be in jail over Thanksgiving away from his family and refused to appoint him a court-appointed attorney.”

Not only was Wood, a former pastor, apparently deprived of his right to speak freely, but the fundamental protection known as jury nullification was attacked, as well.



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In the charging document (provided by Kallman), Wood is accused of “encourag[ing] jurors to violate their oaths and directly contradict instructions the jurors would be given thereby tainting the entire jury panel.”

Again, the reader is reminded that Wood was standing on a sidewalk when passing out the pamphlets and there were apparently no jurors in the courtroom where he faced the judge who called Wood to defend his actions in attempting to educate the public as to their right to restrain judicial overreach by handing out leaflets.

The legally challenged literature is a small booklet published by the Fully Informed Jury Association (FIJA). According to the group’s website, its purpose is to

- Inform potential jurors of their traditional, legal authority to refuse to enforce unjust laws

- Inform potential jurors that they cannot be required to check their consciences at the courthouse door

- Inform potential jurors that they cannot be punished for their verdicts

- Inform everyone that juror veto — jury nullification — is a peaceful way to protect human rights against corrupt politicians and government tyranny.

In another section, FIJA asserts that the people can — indeed, must — “protect fellow citizens from tyrannical abuses of power by government.” One of the most potent weapons in the arsenal against government despotism is jury nullification.

In order to appreciate the potential power of jury nullification, Americans must understand the importance of a trial by jury. Our Founding Fathers universally considered it to be a powerful weapon in the war against tyranny.

Thomas Jefferson wrote, “I consider trial by jury as the only anchor yet imagined by man, by which a government can be held to the principles of its constitution.”

In the *Federalist Papers*, Alexander Hamilton wrote that trial by jury was the “very palladium of free government” and a “valuable check upon corruption.”

Hamilton’s fellow *Federalist* author and Supreme Court Chief Justice John Jay informed a jury in a 1794 case that

- It may not be amiss, here, Gentlemen, to remind you of the good old rule, that on questions of fact, it is the province of the jury, on questions of law, it is the province of the court to decide. But it must be observed that by the same law, which recognizes this reasonable distribution of jurisdiction, you have nevertheless a right to take upon yourselves to judge of both, and to determine the law as well as the fact in controversy.

Given the strength of these opinions, then, it is no surprise that the denial of trials by jury was one of the foremost acts of despotism listed by Thomas Jefferson in the Declaration of Independence.

As for the concept that juries have not only the power but the obligation to nullify unjust rulings of a judge, John Adams wrote, “It is not only [the juror’s] right, but his duty ... to find the verdict according to his own best understanding, judgment, and conscience, though in direct opposition to the direction of the court.”

And Hamilton, again from the *Federalist Papers*, described the jury’s check on the judge as a “double



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security” that “tends to preserve the purity” of both judge and jury.

So, we can see that the idea that juries may act contrary to the will of a judge is nothing new in American law. In fact, it is an act of resistance to government oppression that our Founders believed to be fundamental in a Republic that was to remain free under the rule of law, rather than enslaved according to the rule of men.

Moreover, our Founding Fathers zealously defended jury nullification, insisting that only an informed and empowered jury could effectively protect a defendant from the potentially harmful effects of autocratic judges.

The Constitution guarantees the right to trial by jury. This means that the government must bring its case before a jury of the people if government wants to deprive any person of life, liberty, or property. In defense of those “unalienable rights,” indeed, as the last line of defense, jurors can reject government tyranny by refusing to convict those subjected to prosecution for violating unjust laws.

Keith Wood obviously understands the urgent need for additional checks on tyranny and for that, the government had him arrested.

In an interview with a Michigan news agency M-Live, Wood explained why he felt compelled to speak out and educate his fellow citizens on their rights: “I’m a disciple of Jesus Christ. Jesus said ‘the truth will set you free’ and I want people to know the truth. If you don’t use your rights, you lose them.”



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