

William M. Windsor

PO Box 681236 * Marietta, GA 30068 * 770-578-1094

October 14, 2011

Ms. Sally Quillian Yates
Mr. Chris Huber
U.S. Attorney's Office
600 Richard B. Russell Fed. Bldg.
75 Spring St, S.W.
Atlanta, GA 30303
Fax: 404-581-6181

Dear Ms. Yates and Mr. Huber:

I will be spending the first, second, third, and fourth Tuesdays of every month at the federal courthouse outside the Grand Jury Room.

I have notified the U.S. Marshal Service, and I am notifying you.

DO NOT DO ANYTHING TO TAMPER WITH THE GRAND JURY. PLEASE ENSURE THAT YOUR ENTIRE STAFF KNOWS TO DO NOTHING TO INTERFERE. PELASE ENSURE THAT EVERY GOVERNMENT EMPLOYEE IN THE FEDERAL COURTHOSUES KNOWS THAT ANY INTERFERENCE WILL BE JURY TAMPERING AND OBSTRUCTION OF JUSTICE.

High Court Justice Lewis Powell, in *United States v. Calandra*, 414 U.S. 338, 343 (1974), said this: "The institution of the grand jury is deeply rooted in Anglo-American history. [n3] In England, the grand jury [p343] served for centuries both as a body of accusers sworn to discover and present for trial persons suspected of criminal wrongdoing and as a protector of citizens against arbitrary and oppressive governmental action. In this country, the Founders thought the grand jury so essential to basic liberties that they provided in the Fifth Amendment that federal prosecution for serious crimes can only be instituted by "a presentment or indictment of a Grand Jury." *Cf. Costello v. United States*, 350 U.S. 359, 361-362 (1956). The grand jury's historic functions survive to this day. Its responsibilities continue to include both the determination whether there is probable cause to believe a crime has been committed and the protection of citizens against

unfounded criminal prosecutions. *Branzburg v. Hayes*, 408 U.S. 665, 686-687 (1972).”

So the grand jury has two purposes, says Justice Powell: deciding whether a crime has been committed and protecting the citizen from the government. In *United States v. Williams*, 504 U.S. 36 at 47 (1992), Justice Antonin Scalia, delivered the opinion of the Supreme Court:

“[R]ooted in long centuries of Anglo-American history,” *Hannah v. Larche*, 363 U. S. 420, 490 (1960) (Frankfurter, J., concurring in result), the grand jury is mentioned in the Bill of Rights, but not in the body of the Constitution. It has not been textually assigned, therefore, to any of the branches described in the first three Articles. It “is a constitutional fixture in its own right.” *United States v. Chanen*, 549 F. 2d 1306, 1312 (CA9) (quoting *Nixon v. Sirica*, 159 U. S. App. D. C. 58, 70, n. 54, 487 F. 2d 700, 712, n. 54 (1973)), cert. denied, 434 U. S. 825 (1977).”

So, since the grand jury is not part of the three branches of government set forth in the Constitution – Justice Scalia also says the grand jury “is an institution separate from the courts, over whose functioning the courts do not preside.” – it is perfectly reasonable to characterize the grand jury as the “fourth branch of government.”

In the same place, Justice Scalia says this: “. . . In fact, the whole theory of its function is that it belongs to no branch of the institutional Government, serving as a kind of buffer or referee between the Government and the people. See *Stirone v. United States*, 361 U.S. 212, 218 (1960); *Hale v. Henkel*, 201 U.S. 43, 61 (1906); G. Edwards, *The Grand Jury* 28-32 (1906). Although the grand jury normally operates, of course, in the courthouse and under judicial auspices, its institutional relationship with the Judicial Branch has traditionally been, so to speak, at arm’s length. Judges’ direct involvement in the functioning of the grand jury has generally been confined to the constitutive one of calling the grand jurors together and administering their oaths of office. See *United States v. Calandra*, 414 U.S. 338, 343 (1974); Fed.Rule Crim.Proc. 6(a). [504 U.S. 36, 48]”

Notice! The only thing the judge should do, says the Supreme Court, is assemble the grand jurors and swear them in. That’s all! Again, the court does not preside over it. The grand jury goes to work “as a kind of buffer or referee between the Government and the people.” The grand jury protects the people. It oversees the government. It does that by investigating the government, by rooting out government corruption.

In *Frisbie v. United States*, 157 U.S. 160, 163, 15 S.Ct. 586, 587, 39 L.Ed. 657, 658 (1895), the Court expressed the proposition in this way: “But in this country the common practice is for the grand jury to investigate any alleged crime, no matter how or by whom suggested to them....”

A citizen's right to ask a federal grand jury for permission to appear before it is now expressly protected by statute. 18 U.S.C.A. § 1504, which prohibits attempts to improperly influence a grand juror by written communication regarding pending matters, also provides that “[n]othing in this section shall be construed to prohibit the communication of a request to appear before the grand jury.

18 U.S.C. 1503’s omnibus clause will be violated by any attempts to interfere.

So, please confirm in writing that there will be no interference.

I would like to meet with the Grand Jury on Tuesday. I will have a Personal and Confidential envelope addressed to each Grand Juror by number.

I will be presenting criminal charges against you, Ms. Yates, among others.

Sincerely,

A handwritten signature in black ink, appearing to read "William M. Windsor". The signature is fluid and cursive, written in a dark ink on a white background.

William M. Windsor
williamwindsor@bellsouth.net
Cell: 404-606-1885