Liberty Tree

Vol. 23, No. 5 — May 2021

A COMPULSORY JAB OF CROWN POISON*

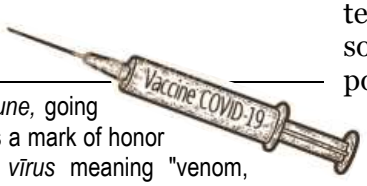
vs. your inherent right to control your body.

The modern pied piper.

Part IV: THE RIGHT TO A DEFENSE BEFORE A JURY

In the last August, September, and March *Liberty Tree* issues, we examined aspects of the decision in *Jacobson v. Massachusetts,* 197 US 11 (1905), where the U.S. Supreme Court failed to uphold personal liberty in the face of mandatory vaccination. Jacobson, a Swedish immigrant and minister, refused to be vaccinated when the Cambridge Board of Health required smallpox vaccinations or a fine of $5. When Jacobson was brought to trial, the judge excluded any defense relating to "alleged injurious or dangerous effects of vaccination," and refused to instruct the jury that the law deprived persons of rights secured by the U.S. Constitution. Jacobson appealed to the Massachusetts and U.S. supreme courts, insisting that mandatory vaccination is hostile to the inherent right of every freeman to care for his own body and health.

Justice Harlan of the U.S. Supreme Court ruled that the "inherent" police powers of the State can override individual liberty, comparing any potential danger and threat of death to Jacobson through mandatory vaccination to the threat of death or dismemberment faced by citizens drafted to fight in a war: that is, such sacrifice is acceptable for the "common good." *In this issue, we will examine the grounds stated by Harlan as justification for excluding Jacobson's right to defend himself against the charges.*



* "Crown" is derived from the Anglo-French *corone, coroune,* going back to Latin *corōna* "wreath, garland worn on the head as a mark of honor or emblem of majesty." "Virus" is derived from Latin *vīrus* meaning "venom, poisonous fluid." Thus coronavirus literally means crown poison.

Since *Jacobson v. Massachusetts* was decided over 115 years ago, constitutional jurisprudence has better acknowledged the individual rights guaranteed by the Constitutions of the united States and the States. The principle of informed consent with respect to medical treatment has been substantially established, and the concepts of state power and individual liberty have changed to more fully recognize the limits of the former with respect to the latter. For example, in *Camara v. Municipal Court*, 387 U.S. 523 (1967), the Supreme Court held that the protection of the Fourth Amendment – forbidding warrantless searches and seizures – applied to persons who refuse to permit warrantless municipal code enforcement inspection of personal residences. In *Miranda v. Arizona*, 384 US 436 (1966), the Court upheld the Fifth Amendment as the mainstay of the American adversary system, and held that persons who were compelled by intimidating interrogations to testify against themselves, without being warned that they had a right to refuse to speak, were entitled to have any elicited oral admissions suppressed.

More importantly, the right to refuse medical treatment has been confirmed by most State courts, and by the U.S. Supreme Court in *Cruzan v. Director, Missouri Dept. Of Health*, 497 U.S. 261 (1990), as essential to liberty. If vaccination were mandated to protect the *individual* against getting a disease, then, the individual would have a complete right to refuse to be vaccinated.

MAJORITY CAN FORCE INJURY?

The mandatory vaccination issue in *Jacobson*, however, and the issue as it would likely be presented today, is that forced vaccination of an individual protects the *society*, not the individual. Today, this is termed "herd immunity," a theory that if somewhere between 50 to 90 percent of a population is immune to a disease, then indirect protection will be provided to those who are not immune, because

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transmission of infection will decrease significantly. This theory presupposes that vaccination confers immunity to disease, and that artificial inducement of such 'immunity' is necessary to achieve protection of society. Support for this concept relies strictly on medical authorities' claims that vaccines provide immunity and prevent disease from spreading. Such claims were relied upon by Justice Harlan as the underpinning 'scientific' or 'medical' justification for forced vaccination under legal penalty.

Jacobson had offered to prove and show the "injurious or dangerous effects of vaccination" by "competent evidence." *Jacobson v. Massachusetts,* at 23. The trial court had not allowed him to put on such a defense, and Justice Harlan held that no error had been made in the denial. Each of the "so-called facts" that Jacobson wanted to show, said Harlan, "is such that it cannot be stated as a truth, otherwise than as a matter of opinion" which could only be presented to the Court through the testimony of experts. *Id.,* at 23. But the trial judge would have been obliged to consider the testimony of experts in connection with the "facts of common knowledge," that is, "with the facts that for nearly a century most of the members of the medical profession have regarded vaccination, repeated after intervals, as a preventive of smallpox ... they generally have considered the risk of [injury from vaccination] too small to be seriously weighed as against the benefits coming from the discreet and proper use of the preventive." Because the medical profession, the people, legislatures and courts "have for a long time entertained these [same] opinions," the statute delegating to the local health board the 'authority' to force vaccination was therefore constitutionally valid, Harlan decided. *Id.*, at 24. In sum, because the testimony and evidence offered by Jacobson in his defense would be in the minority, it would automatically be rejected before being heard.

There are several problems with Harlan's cavalier dismissal of Jacobson's offered testimony: (1) Harlan ignored published facts which contradicted "common knowledge" in order to reach his conclusion; (2) Harlan denied the right of an accused to mount a defense; and (3) Harlan suppressed the right of the jury to nullify bad laws in individual cases.

CHERRYPICKING "COMMON SENSE"

To support the widespread "facts of common knowledge" as promulgated by the high priests of the medical profession, Harlan cited passages concerning smallpox vaccination from encyclopaedias of the day. A sampling:

> In 1857 the British Parliament received answers from 552 physicians to questions which were asked them in reference to the utility of vaccination, and only twb of these spoke against it. Nothing proves this utility more clearly than the statistics obtained. 8 *Johnson's Universal Cyclopaedia* (1897), *Vaccination.*
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> Dr. Buchanan, the medical officer of the London Government Board, reported [1881] as the result of statistics that the smallpox death rate among adult persons vaccinated was 90 to a million; whereas among those unvaccinated it was 3,350 to a million; whereas among vaccinated children under 5 years of age, 421 per million; whereas among unvaccinated children of the same age it was 5,950 per million.' *Hardway's Essentials of Vaccination* (1882). The same author reports that among other conclusions reached by the Académie de Médicine of France, was one that 'without vaccination, hygienic measures (isolation, disinfection, etc.) are of themselves insufficient for preservation from smallpox.' 16 *American Cyclopedia, Vaccination* (1883).
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> The Belgian Academy of Medicine appointed a committee to make an exhaustive examination of the whole subject, and among the conclusions reported by them were: 1. 'Without vaccination, hygienic measures and means, whether public or private, are powerless in preserving mankind from smallpox. ... 3. Vaccination is always an inoffensive operation when practiced with proper care on healthy subjects. ... 4. It is highly desirable, in the interests of the health and lives of our countrymen, that vaccination should be rendered compulsory.'" *Edwards' Vaccination* (1882).

Harlan further quoted the *Encyclopaedia Britannica* of 1894 to show that many foreign governments had passed compulsory vaccination laws, or compelled certain classes under government control to be vaccinated against smallpox, including Prussia, Romania, Hungary, Denmark, Sweden, Serbia, France, Italy, Spain, Portugal, Belgium, Norway, Austria, Turkey, Australia, Tasmania, and India.

On the other hand, Jacobson's counsel had shown that Switzerland had abolished compulsory vaccination, New Zealand had no vaccination laws, and that the Queen of Holland had "recently" recommended a repeal of compulsory vaccination. A full three-fourths of the States had "not entered upon the policy of enforcing vaccination by legal penalty." And in England, no adults were compelled to take a vaccine. Thus, the medical authorities and governments were *not* in universal agreement, as Harlan implied. *Jacobson,* at 15.

More telling, however, is Harlan's cherrypicking passages from encyclopaedias to support the proposition that there was no need to hear Jacobson's evidence. In 1988, Dr. Charles Creighton authored the *Vaccination* section in the *Encyclopaedia Britannica*, and set forth alarming statistics regarding deaths from smallpox among the revaccinated (Jacobson was being compelled to be revaccinated):

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The evidence as to re-vaccination on a large scale comes from the army. According to a competent statistician (A. Vogt), the death-rate from smallpox in the German army, *in which all recruits are re-vaccinated*, was 60 per cent, *more than among the civil population of the same age*; it was ten times greater among the infantry than among the cavalry, and sixty times more among the Hessians than among the Wurtembergers. The Bavarian contingent, which was re-vaccinated without exception, had five times the death rate from smallpox in the epidemic of 1870-71 that the Bavarian civil population of the same ages had, although re-vaccination is not obligatory among the latter. *Encyclopaedia Britannica*, Ninth Edition (1875-1889), *Vaccination*.

Notwithstanding the fact that Prussia was the best re-vaccinated country in Europe, its mortality from smallpox in the epidemic of 1871 was higher (59,839) than in any other northern state. *Id.*

It is often alleged that the unvaccinated are so much inflammable material in the midst of the community, and that smallpox begins among them and gathers force so that it sweeps even the vaccinated before it. Inquiry into the facts has shown that at Cologne in 1870 the first unvaccinated person attacked by smallpox was the 174th in order of time, at Bonn the same year the 42d, and at Liegnitz in 1871 the 225th. *Id.*

Note that there was documented evidence, at the time Harlan was making his decision, that revaccination *did not* work, but in fact exposed the recipients of such revaccinations to infection with smallpox and a concommitant *higher* probability of death! Further, such evidence already disproved the theory that the unvaccinated pose a risk to the vaccinated – in Germany, it was decisively shown that the vaccinated got smallpox *before* the unvaccinated.

This falsification of the general theory that vaccination halts the spread of smallpox was available to Harlan from the *same* source he quoted from to support vaccination tyranny.

MAJORITY BELIEF DESTROYS RIGHT TO A DEFENSE?

Moreover, it was not for the trial judge (nor any judge), said Harlan, to decide that the legislature and the public were *wrong* in their belief that vaccination prevented smallpox. Since a "common belief, like common knowledge, *does not require evidence to establish its existence*, but may be acted upon *without proof* by the legislature and the courts," and "vaccination, as a means of potecting a community against smallpox, finds strong support in the experience of this and other countries, no court, much less a jury, is justified in disregarding the action of the legislature simply because in its or their opinion that particular method was – perhaps or possibly – not the best either for children or adults." *Jacobson,* at 35.

Thus, the judge's exclusion of the expert evidence, or any evidence, that vaccination was dangerous to certain individuals, and even Jacobson's own testimony that he himself suffered from "evil results" of vaccination when a child, was held proper. Harlan went even further: "matured opinions of medical men everywhere, and the experience of mankind, as all must know, negative the suggestion that it is not possible in any case to determine whether vaccination is safe." *Id.*, at 37. Jacobson had offered to *prove* the opposite, that "it was 'impossible' to tell 'in any particular case' what the results of vaccination would be or whether it would injure the health or result in death." *Id.,* at 36. But Harlan deemed his *own* opinion of the "experience of mankind" outweighed Jacobson's right to such a defense.

Jacobson was accused of a crime, and had a right to testify about his own experience in his own defense. This wasn't always the case, but it certainly was in 1902.

At common law, a person charged with a

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PARTICULAR HORRORS

THEN ... In 1902, vaccination caused this woman (above, back shown) to die from Foot and Mouth Disease, a.k.a. "cowpox." Large blotches all over her body were caused by blisters running together, then breaking and exoriating, leaving large raw sores. See Higgins, Chas. *Horrors of Vaccination*, Brooklyn, N.Y. 1920, p. 110.

... AND NOW. Sarah Beuckmann, from Glasgow, 34 (R, legs shown), began to feel a tingling sensation in her legs just a week after she had the AstraZeneca shot in Mid March. Beginning with a rash, her skin broke out into bloody blisters which merged together. See https://www.bitchute.com/video/eFthNctvUlx2

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criminal offense was considered incompetent to testify under oath in his own behalf at trial, because such person was deemed interested in the outcome of the trial. Gradually, it was acknowledged that juries (or other tribunals) should have all relevant evidence to render decisions, and beginning in 1864, in Maine, competency statutes allowing criminal defendants to give sworn evidence in their defense came to be passed in most states. In 1878, a federal statute, 20 Stat.30, was adopted to the same effect. The basic reason for the adoption of this rule was that "all evidence should be taken at what it may be worth, that no consideration which has a tendency to produce conviction in a rational mind should be excluded from the consideration of tribunals." *Ferguson v. Georgia*, 365 U.S. 570, 575 (1961) (discussing the history of the right to testify in one's own defense.)

The right to call witnesses on one's behalf, on the other hand, was established in the 1600s, and expert witnesses were allowed throughout the 1800s. Harlan did not hold that Jacobson's proposed expert testimony should be excluded because of any particular standard for expert testimony, however, but only because such opinion was not the majority opinion.

Today, the ability to exclude evidence is still far too entrusted to judicial discretion. For example, Federal Rule of Evidence 403 states that a judge may exclude relevant evidence with probative value (*i.e.,* likely to prove or test a fact asserted) if such value is "substantially outweighed by a danger of one or more of the following: unfair prejudice, confusing the issues, misleading the jury, undue delay, wasting time, or needlessly presenting cumulative evidence." Thus, corrupt suppression of defense evidence – for example, the fact that, as Jacobson asserted long ago, it is largely impossible to tell how a person's body will react to a given 'vaccine' – can still be done simply by claiming the evidence would "confuse" or "mislead" the jury.

Today, the impossibility of knowing how a particular individual will react to an experimental COVID jab only studied in seemingly healthy humans for two months before distributing it to millions seems obvious. Reports of the sudden deaths of persons without any previous medical complaints from the jab can now be found everywhere; in the case of a mandated jab, it *should* be possible to locate physicians who have seen and can testify that the jab killed otherwise healthy patients.

Jacobson was denied a defense, and thus the jury had no opportunity to evaluate evidence as to the dangers of vaccination for him, and whether the law should be applied to him or not. Justice Harlan instead opined – without any evidence! – that "it is entirely consistent" with Jacobson's offer of proof that "after reaching full age ...[he was] a fit subject of vaccination." *Jacobson,* at 37. Yet Harlan simultaneously observed that the statute could *not* be constitutionally applied to someone for whom vaccination was dangerous:

> It is easy, for instance, to suppose the case of an adult who is embraced by the mere words of the act, but *yet to subject whom to vaccination in a particular condition of his health or body, would be cruel and inhuman in the last degree*. We are not to be understood as holding that the statute was intended to be applied to such a case, or, if it was so intended, that the judiciary would not be competent to *interfere and protect the health and life of the individual* concerned. *Id.*, at 38-39.

Hypocritically, Harlan refused to let Jacobson present evidence to the jury so as to raise reasonable doubt in their minds that he might indeed be such a person for whom the statute would represent such cruel and inhuman treatment. They had no opportunity to protect Jacobson's health and life by acquitting him.

JURY NULLIFICATION SUPPRESSED

Finally, the exclusion of Jacobson's evidence affected the jury's right to nullify the law in Jacobson's case. It is within the power and authority of the jury to judge both the facts and the law. Because juries cannot be punished for their decisions, and because a person cannot be tried a second time for the same offense, their right to acquit defendants – even when such are guilty of breaking the law – is a final check, by the people themselves, on the statutes passed by their representatives. In Jacobson's case, the law was unjust as applied to him, and yet, he was not allowed to present his case so that the jury could nullify the law in his particular case.

The suppression of Jacobson's defense, and the attendant oppression of the jury who decides both the law and the facts, exposes the corrupt tyranny of Harlan and the vast majority of judges. While they mouth platitudes about protecting life, in practice they despise and hold in contempt any who question or oppose official authority for the sake of life and liberty – whether the authority of the medical profession, the legislature, the trial judge or themselves.

We must continue to educate our neighbors and the public about the dangers of mandatory vaccination, and the power of the jury. Because some day, if they already have knowledge of the facts, it will not matter that a random judge denies a defendant their defense. The jury who knows the truth will still be able to protect the life and liberty of a fellow citizen.