

Chapter 15

Amendment 6: Speedy Trials, Public Trials, and Impartial Juries

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defence.

Speedy Trials

The Sixth Amendment's guarantee to a speedy trial is intended to protect defendants against lengthy incarceration prior to trial and to facilitate a fair trial, the impartiality of which might be compromised if postponed. However, good intentions are not always well executed. Under the United States constitutional juridical system, "speedy" is usually not speedy at all:

The Sixth Amendment speedy trial guarantee has been before the Supreme Court a number of times. The Court has spoken eloquently about its importance as a fundamental right and in *Klopper v. North Carolina* (1967) incorporated it into the Fourteenth Amendment's Due Process Clause. Despite the applicability of the speedy trial doctrine to notoriously overcrowded state courts, the Court has rarely found the right to have been violated.... Observing that circumstances vary in each case, the Court rejected a hard and fast time-limit rule in favor of a balancing test that considers length of delay, reason for delay, prejudice to the defendant, and the defendant's timely assertion of rights.¹

A great many suspects in today's world are subject to considerable pretrial detention, notwithstanding the letter and spirit of the Sixth Amendment and the Eighth Amendment bail clause. Dejected and demoralized, many poor defendants may end up pleading guilty, even to crimes that they may not have committed, so that they can be released on the basis of time already served.²

Ezra 7:26 and Ecclesiastes 8:11's references to speedy judgments indicate timely trials are intrinsic in Yahweh's³ judicial system. Except as a means to hold suspects for trial, Yahweh's law does not provide for jails or prisons. That, in itself, is an inherent demand for swift litigation. On the other hand, entitlement to a quick trial is seldom attainable under unbiblical juridical systems. The United States court system creates a vicious cycle that cannot be remedied. Because America is awash with "laws,"⁴ nearly everyone eventually becomes a criminal, and because today's unbiblical juridical system provides inconsistent or no deterrents to criminals and perjurers, the courts are flooded with cases:

Because sentence against an evil work is not executed speedily, therefore the heart of the sons of men is fully set in them [given fully, NASB] to do evil. (Ecclesiastes 8:11)⁵

"Justice delayed is justice denied!" Countless laws, minimal deterrence, and delayed and protracted trials multiply criminals. The more criminals,⁶ the more burdened the courts. The more burdened the courts, the slower justice. The slower justice, the less deterrence. The less deterrence, the more criminals.... It is a never-ending degenerative cycle. Today's appellate

system, which allows criminals' numerous appeals, sometimes spanning years, exacerbates the problem. For example, it took ten years to finally put Ted Bundy, arguably America's most notorious serial sexual murderer, to death. By that time, the deterrent was all but lost upon the generation most familiar with the case. Thus more criminals, more court cases, more delayed justice, less deterrence, more criminals. Eventually, society morally collapses.

Under Biblical government's fewer laws and greater deterrence, far fewer criminals exist. All apprehended capital criminals are promptly brought to trial and, if found guilty, are immediately and publicly executed.⁷ If a person is found guilty of a non-capital crime, he is required to pay two to five times restitution to the injured party, depending on the nature of the offense. If the convicted criminal cannot pay the required restitution, he is put into indentured servitude until his debt has been completely paid.⁸ (See [Chapter 22](#) "Amendment 13: Constitutional vs. Biblical Slavery" for additional information regarding the Biblical requirement for indentured servitude.) Under Yahweh's judicial system, there would be virtually no one to imprison, which eliminates the need for a tax-subsidized prison complex.⁹

Public Trials

The "right" to a public trial is rooted in the Bible. In ancient Israel, trials were held at the main entrance of every city and town where the public could observe all proceedings:

Judges and officers shalt thou make thee in all thy gates, which YHWH¹⁰ thy God giveth thee, throughout thy tribes: and they shall judge the people with just judgment. (Deuteronomy 16:18)

The Sixth Amendment's promise for public trials is not absolute. For a variety of reasons, including the prejudicing influence of the media upon a jury, judges can rule a case closed to the public. This is never an option under Yahweh's law. Rather than limiting the public, today's runaway and often abusive media should be limited instead.

The Sixth Amendment's provision for public trials *is* Biblical and, as the constitutional framers intended, helps curb judicial abuse. Nevertheless, it falls short because it is not paired with public executions. Under Yahweh's law, not only were trials held publicly, so were executions:

If there be found among you, within any of thy gates which YHWH thy God giveth thee, man or woman, that hath wrought wickedness in the sight of YHWH thy God.... Then shalt thou bring forth that man or that woman, which have committed that wicked thing, unto thy gates, even that man or that woman, and shalt stone them with stones, till they die. (Deuteronomy 17:2-5)

The Apostle Paul emphasized the deterrent effect of public discipline:

Them that sin rebuke before all, that others also may fear. (1 Timothy 5:20)

Winston Churchill endorsed public executions:

No difficulties should be placed in the way of any ... who may wish to see the sentence carried out. Justice in every form should not shrink from publicity. The last expiation which she exacts from man should not be hidden from the eyes of his fellow creatures.¹¹

Private executions could be considered criminal:

...most people, including Christians, ... prefer to assign to distant unknown executioners the grim task of carrying out God's judgment in private. This privatization of execution is immoral; it is itself criminal. It is unjust to the convicted criminal, and it is unjust to the surviving victims, who do not see God's justice done in public. The systematic impersonalism of capital punishment is the problem, not capital punishment as such. This deliberate impersonalism has corrupted the entire penal system today.

...Even in the days of public executions, several centuries ago, the axeman wore a face mask. The Bible does not allow the establishment of a professional, taxpayer-financed guild of faceless executioners who, over time, inevitably grow callous and impersonal toward their awful ... task, or else grow sadistic. Instead, the Bible imposes personal responsibility on members of society at large for enforcing this ultimate sanction. But people in the Christian West have always refused to accept this God-imposed personal responsibility. They prefer to make a lone executioner psychologically responsible for carrying out the sentence rather than participate in this covenantal responsibility, as God requires.¹²

Stoning, Yahweh's principal means of execution, mandates not only public exposure, but also public participation. This provides the greatest possible deterrent and, therefore, decreases the number of criminals even more. (See [Chapter 17](#) "Amendment 8: Bail, Fines, & Cruel and Unusual Punishments" for information regarding capital punishment and the Biblical reasons for stoning over other methods of execution.)

Impartial Juries

Amendment 6 attempts to guarantee the impossible – impartial juries. An impartial jury implies a group of people who have no preconceived notions regarding the guilt or innocence of the defendant and who will decide the case based solely upon the evidence provided. Because all humans have biases and are prone to peer pressure and politically correct ideologies, juries are inevitably capricious and their justice is, at best, unpredictable.

...juries are notoriously fickle, and can ignore the law when they decide that a defendant had good reason to do whatever was done, or they can be manipulated by crafty attorneys.¹³

Psychologists retained to guide attorneys in selecting juries exacerbate the improbability of impartiality. Prospective jurors are profiled to help attorneys choose those with predispositions – in other words, jurors who *are* partial. Partiality is much less likely when cases are strictly adjudicated by Biblically qualified judges according to Yahweh's law. (See [Chapter 5](#) "Article 2: Executive Usurpation" for the Biblical qualifications for judges.)

The USInfo.org web page admits that "to eliminate trial by jury because of perceived defects in the system would be to strike a blow against democratic government itself."¹⁴ This should be reason enough to abolish the jury system and set up Yahweh's judicial system in its place. (See [Chapter 6](#) "Article 3: Judicial Usurpation" for additional information regarding Yahweh's judicial system as contrasted with the United States Constitutional Republic's unbiblical jury system.)

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End Notes

1. Malcolm M. Feeley, "U.S. Supreme Court: Speedy Trial," *West's Encyclopedia of American Law*, <http://www.answers.com/topic/speedy-trial>.
2. Akhil Reed Amar, "Speedy Trial – Bibliography, Cases," <http://law.jrank.org/pages/2137/Speedy-Trial.html>.
3. YHWH (most often pronounced Yahweh) is the English transliteration of the Tetragrammaton, the principal Hebrew name of the God of the Bible. For a more thorough explanation concerning the sacred names of God, "[The Third Commandment](#)" may be read online, or the book [Thou shalt not take the name of YHWH thy God in vain](#) may be ordered from Bible Law vs. The United States Constitution, PO Box 248, Scottsbluff, Nebraska 69363, for a suggested \$4 donation.*
4. "More than 40,000 laws have been enacted by state legislatures in the past year [2009] ... according to the National Conference of State Legislatures...." Amanda Paulson, "New Laws for 2010: No Texting, Trans Fats or Tanning Beds," 2 January 2010, ABC News / US, <http://abcnews.go.com/US/laws-2010-texting-trans-fats-tanning-beds/story?id=9461177>.
5. All Scripture is quoted from the King James Version, unless otherwise noted. Portions of Scripture have been omitted for brevity. If you have questions regarding any passage, please study the text to ensure it has been properly used.
6. As of June 2008, a total of 2,310,984 prisoners were being held in federal, state, and local prisons and jails, an increase of more than a million and half since 1985. This is an average of 509 prisoners per 100,000 United States residents, <http://www.ojp.usdoj.gov/bjs/prisons.htm>. "With 5% of the world's population, our country now houses nearly 25% of the world's reported prisoners. ...a rate nearly five times the average worldwide....," "Why We Must Fix Our Prisons," Parade, 29 March 2009, <http://www.parade.com/news/2009/03/why-we-must-fix-our-prisons.html?index=1>.
7. For a more thorough explanation concerning capital punishment, "[Capital Punishment: Deterrent or Catalyst?](#)" may be read online, or the [book](#) may be ordered from Bible Law vs. The United States Constitution, PO Box 248, Scottsbluff, Nebraska 69363 for a suggested \$3 donation.*
8. For a more thorough explanation concerning Eighth Commandment restitution, "[The Eighth Commandment](#)" may be read online, or the book *Thou shalt not steal* may be ordered from Bible Law vs. The United States Constitution, PO Box 248, Scottsbluff, Nebraska 69363 for a suggested \$6 donation.*
9. For a more thorough explanation concerning prisons, "[Prisons: Shut Them All Down!](#)" may be [read online](#), or the [book](#) may be ordered from Bible Law vs. The United States Constitution, PO Box 248, Scottsbluff, Nebraska 69363 for a suggested \$3 donation.*
10. Where the Tetragrammaton (YHWH) – the four Hebrew characters that represent the personal name of God – has been unlawfully rendered the LORD or GOD in English translations, I have taken the liberty to correct this error by inserting YHWH where appropriate. For a more thorough explanation concerning the use of the names of God, "[The Third Commandment](#)" may be read online, or the book *Thou shalt not take the name of YHWH thy God in vain* may be ordered from Bible Law vs. The United States Constitution, PO Box 248, Scottsbluff, Nebraska, 69363, for a suggested \$4 donation.*

11. Randolph S. Churchill, *Winston S. Churchill*, 21 vols. (Boston, MA: Houghton-Mifflin, 1966) vol. 1, p. 326.
12. Gary North, *Tools of Dominion: The Case Laws of Exodus* (Tyler, TX: The Institute for Christian Economics, 1990, 1997) pp. 44-45.
13. International Information Programs, USInfo.org, "Trial by Jury," *Rights of the People: Individual Freedom and the Bill of Rights*, <http://usinfo.org/enus/government/overview/jury.html>.
14. Ibid.

*We are admonished in Matthew 10:8 "freely ye have received, freely give." Although we have a suggested a price for our books, we do not sell them. In keeping with 2 Corinthians 9:7, this ministry is supported by freewill offerings. If you cannot afford the suggested price, inform us of your situation, and we will be pleased to provide you with whatever you need for whatever you can send.