

## Jury Service in the United States

The penultimate episode of the novel *Alice in Wonderland* depicts a scene of chaos and confusion— in a courtroom. The Knave of Hearts is on trial for stealing the Queen’s tarts, and throughout the trial, the Queen continually tries to have him beheaded before he is given a verdict. For spectators like Alice, who have no say in the trial and are forced to watch the Queen maneuvering the trial to her advantage, the process seems bewildering and unjust. Though no real trial could probably ever achieve the degree of absurdity and senselessness displayed in that trial, any judicial system in which those in power always seem to manipulate the results in their favor without the agreement of the populace can appear unjust and arbitrary. To prevent such systems, various civilizations have developed jury systems, where selected citizens are called upon to decide the verdicts of court cases. In America, serving on a jury when summoned has become one of the civic duties all citizens are required to perform. We must keep in mind that the Founders of our country saw jury service as not only a civic duty but an inestimable privilege which they had the task of preserving. They recognized the great value of granting responsibility in the courtroom to private citizens. Jury service has continued to be an important part of American democracy because of the power it gives citizens to participate in, understand, and protect the integrity of the judicial system.

Since its beginning as a group of British colonies, America has always employed jury trial as a means of justice. The British Bill of Rights guaranteed citizens the right of jury trial, and the founders of every British colony in America made sure to include it in their respective colonial charters (WVAJ). Because the laws governing the colonists were made in a climate much different from theirs and by people who did not represent them and their needs, the colonial juries often served the function of interpreting the British laws in the manner most

expedient to their community. Sometimes they wholly circumvented British laws they saw as oppressive, especially those concerning seditious libel (Alschuler and Deiss 874). In the well-known Zenger trial, for example, John Peter Zenger was on trial for what certainly constituted “seditious libel,” yet a grand jury acquitted him three times. In response, Parliament passed legislation including the Townshend Acts and Coercive Acts which limited the colonists’ right to jury trial. This infuriated colonists such as John Jay, who wrote, “Know then that we claim all the benefits secured to the subject by the English Constitution, and particularly the inestimable right of trial by jury” (Jay in WVAJ). Though Parliament had denied the colonists other rights, Jay saw the withholding of jury trial to be a matter of particular importance.

Incensed by this as well as other infringements upon their liberties, the American colonists revolted in 1776. In their Declaration of Independence, they listed as one of the main grievances against King George III that he had “Depriv[ed] us in many cases the benefits of trial by jury.” The right to be tried by a jury was so important to the colonists that they were willing to risk their lives and fortunes to preserve it.

With the success of the American Revolution, the colonies were not colonies anymore but independent states. No longer under British law, twelve of the states drafted their own constitutions. Trial by jury was the only right to appear in all twelve state constitutions (Alschuler and Deiss 870).

Later, when a Constitutional Convention met to discuss uniting the states into one nation under a constitution, trial by jury was one of the only points upon which the Constitution’s proponents and opponents agreed. Both sides saw it as a necessary component of free government. Thus, when the Constitution was submitted to the states, it contained the provision that “the trial of all crimes...shall be by jury”(Article III, § 1). Congress further assured

Americans that this right would be preserved by two different amendments to the Constitution (Amends. VI and VII).

Originally, jury service was restricted to white male property holders, but over time and countless legal battles, this privilege was opened to all adult citizens regardless of race, gender or social status. But what made jury trials so important to our founders? Why is it so significant that we participate in this duty?

First of all, the jury system is the only way the average citizen can have a voice in the judicial branch of our government. Through voting, each citizen has a voice in both the legislative and executive branches of the government; we elect our president and Congress. However, we do not elect federal judges or Supreme Court justices; they are appointed by the president. Jury duty gives each citizen the chance to directly participate in the judicial system when otherwise it would be under the control of officials we did not choose. It is important for citizens to be able to vote to give them power in the legislature and executive branch; it is important for citizens to serve on a jury to give them power in the judiciary.

Secondly, the jury provides invaluable protection for the parties of a trial. If a trial was to be decided simply by one judge, the evidence of the trial would be subjected to all the judge's prior opinions and prejudices, and likewise if the prosecutor is extremely moving and the judge easily swayed, the accused could be wrongly convicted or wrongly acquitted. While a wrong verdict can still occur in a jury trial, the diversity of experience and opinion within the jury helps to eliminate such verdicts based on prejudice or compliance. The prejudices of certain jurors do not have as great an effect, as they are balanced by jurors who do not share that view. Also, since the respective jurors come from a variety of backgrounds, their decisions are made from so much combined experience that the experience of a single judge cannot compare.

One difficulty with the jury system is that the twelve average citizens deciding whether or not someone has broken the law are most likely not well-versed in the law itself. Most of their professions do not involve the law, and they have not gone to law school to study it. It is because of this that the judge, who *has* gone to law school and whose profession does in fact involve law, explains the law to the jury through jury instructions and leaves them to decide the facts of the case.

This points to another benefit of jury service, which some would argue is the most important benefit, the education of the jurors. The process of thinking, talking, and respectfully arguing with other members of the jury will teach a juror skills necessary for other parts of civic life, such as campaigning, lobbying, or even attempting to pick the best candidate to vote for. By listening to the testimonies, reading the jury instructions, and simply watching the proceedings of the trial, a citizen will receive greater understanding of the judicial branch as well as of the law. Even for someone who has had previous legal experience, such as a judge or lawyer, jury service is not devoid of the educational benefits that apply to other citizens. Being in the jury box gives that person a new perspective on the system they experience regularly.

Alexis de Tocqueville found the educational aspect of jury service to be the most important benefit of the system. In his book *Democracy in America*, de Tocqueville wrote:

The jury contributes powerfully to form the judgment and to increase the natural intelligence of a people; and this, in my opinion, is its greatest advantage. It may be regarded as a gratuitous public school, ever open, in which every juror learns his rights...and becomes practically acquainted with the laws, which are brought within the reach of his capacity by the efforts of the bar, the advice of the judge, and even the passions of the parties. I think that the practical intelligence and political good sense of the Americans are mainly attributable to the long use that they have made of the jury in civil causes. I do not know whether the jury is useful to those who have lawsuits, but I am certain it is highly beneficial to those who judge

them; and I look upon it as one of the most efficacious means for the education of the people which society can employ.

In de Tocqueville's view, participating on a jury teaches the juror not only about the law but also about exercising his rights as a citizen. He argued that the educational value of the jury system was so great that the process was of more value to the jurors than to the actual parties of the case.

Participating on a jury has been the great privilege of the American from the beginning. Our forefathers fought to preserve it on the battlefields and in the meeting halls. They struggled in courthouses to make that privilege available to all citizens regardless of race, gender, or social standing. They defended it in remarkable numbers of treatises and speeches, demonstrating to us the great importance of perpetuating this system of trial. When we participate in this civic duty, we ensure the voice of the citizenry in the justice system. The diversity of our experiences protect its integrity by freeing it from the prejudices or agendas of a single judge. Because of factors such as the jury instructions, the deliberation process, and our viewing of the proceedings, we are able to better understand our judicial system. This understanding will help us in other areas of civic life and make us better participants in our government. Jury service is a cornerstone of our democracy that we must cherish and preserve.

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