

If you are called for Jury Duty

Don't worry! Be happy! Look at jury service as an opportunity to "do good" for yourself and others. It's your chance to help the justice system deliver justice, which is absolutely essential to a free society.

Also, you can do more "political good" as a juror than in practically any other way as a citizen: your vote on the verdict is also a measure of public opinion on the law itself--an opinion which our lawmakers are likely to take seriously. Short of being elected to office yourself, you may never otherwise have a more powerful impact on the rules we live by than you will as a trial juror.

However, unless you are fully informed of your powers as a juror, you may be manipulated by the less powerful players in the courtroom into delivering the verdict they want, instead of what justice would require. That is why this was written--to give you information that you're not likely to receive from the attorneys, or even from the judge.

Justice may depend upon your being chosen to serve, so here are some "words to the wise" about how to make it through voir dire, the jury selection process: You may feel that answering some of the questions asked of you would compromise your right to privacy. If you refuse to answer them, it will probably cost you your chance to serve. Likewise, if you "talk too much"--especially if you admit to knowing your rights and powers as a juror, as explained below, or that you have qualms about the law itself in the case at hand, or reveal that you're bright, educated, or are interested in serving! So, from voir dire to verdict, let your conscience be your guide.

Nothing in the U.S. Constitution or in any Supreme Court decision requires jurors to take an oath to follow the law as the judge explains it or, for that matter, authorizes the judge to "instruct" the jury at all. Judges provide their interpretation of the law, but you may also do your own thinking. Keep in mind that no juror's oath is enforceable, and that you may regard all "instructions" as advice.

Understanding the full context in which an illegal act was committed is essential to deciding whether the defendant acted rightly or wrongly. Strict application of the law may produce a guilty verdict, but what about justice? If the jurors agree that, beyond a reasonable doubt, the accused did act as charged, then "context becomes everything" in reaching a verdict you can live with. Credit or blame for the verdict will go to you, so be sure to ask the judge how you can pose questions to witnesses, so that you can learn the complete context, should the lawyers fail to bring it out.

When they believe justice requires it, jurors can refuse to apply the law. Jurors have the power to consider whether the law itself is wrong (including whether it is "unconstitutional"), or is being applied for political reasons. Is the defendant being singled out as "an example" in order to demonstrate government muscle? Were the defendant's constitutional rights violated during the arrest? Much of today's "crime wave" consists of

victimless crimes--crimes against the state, or "political crimes", so if you feel that a verdict of guilty would give the government too much power, or help keep a bad law alive, just remember that you can refuse to apply any law that violates your conscience.

Prosecutors often "multiply charges" so the jury will assume the defendant "must be guilty of something". But one of the great mistakes a jury can make is to betray both truth and conscience by compromising. If you believe the defendant is not guilty of anything, then vote "not guilty" on all counts.

You can't be punished for voting according to your conscience. Judges (and other jurors) often pressure hold-out jurors into abandoning their true feelings and voting with the majority "...to avoid the expense of a hung jury and mistrial". But you don't have to give in. Why? Because...

Hung juries are "OKAY". If voting your conscience should lead to a hung jury, not to worry, you're doing the responsible thing. There is no requirement that you must reach a verdict. And the jury you hang may be significant as one of a series of hung juries sending messages to the legislature that the law you're working with has problems, and it's time for a change. If you want to reach consensus, however, one possible way is to remind your fellow jurors that...

Jurors have the power to reduce charges against the defendant, provided that "lesser included offenses" exist in law (ask the judge to list and explain them, and the range of potential punishments that go with each). Finding guilt at a lower level than charged can be appropriate in cases where the defendant has indeed victimized someone, but not so seriously as the original charges would indicate. And, if it will be up to the judge to decide the sentence, it's within the power of the jury to find the defendant guilty of a reduced charge which will, at most, entail the amount of punishment it thinks is appropriate.

The Jury Power Page hopes the above information helps you to find a verdict that you believe is conscientious and just, a verdict which you can therefore be proud to discuss with friends, family, legal professionals, the community or the media, should any of them want to know what happened, how, and why.