

The Jury's Secret Power

JUDGES MAY NOT TELL YOU THIS, but when you sit on a jury, you have the right to vote according to your conscience and to **judge the law** being applied to the case. As a juror, you are the final safeguard for justice. It's the judge's obligation to give the jury the wording of the law being applied to the case. **If the judge fails to provide the wording of the law** or you think the law he gives you is a bad or unconstitutional law or a good law being improperly applied, or there are other factors that would make you regret a vote to convict someone, then it is your right and duty as a juror to vote "Not Guilty" even if you are the only juror who does and you therefore "hang" the jury. You cannot be punished for the way you vote.

Our lawmakers sometimes pass bad laws, and, at times, good laws have been misused. Throughout history reasoning jurors have refused to convict fellow citizens who were accused of breaking the law: They freed tax protesters during the Whiskey Rebellion of 1794, refused to convict those who aided runaway slaves in violation of the Fugitive Slave Act of 1850, freed bootleggers charged during Prohibition 1920-30, and released Vietnam War objectors 1960-70.

When our country was young, all jurors were told of their right to judge the law, as well as the facts of the case. Then judges decided that juries should no longer be told of their power to act as a safeguard against bad laws or unethical lawmakers. Now, all jurors are instructed to accept the law as it is given to them by the judge, even in cases where the law is clearly unjust.

But now you know the secret: If you are selected as a juror, you have the right and duty to do the right thing: to **follow your conscience** and to **judge the law** as well as the facts of the case. It is the only way to keep government in the hands of the people.

"I consider [trial by jury] as the only anchor ever yet imagined by man, by which a government can be held to the principles of its constitution." --Thomas Jefferson to Thomas Paine, 1789.

For more information, please contact the Fully Informed Jury Association:

www.fija.org

Call 1-800-835-5879 for a free jury packet.

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