

Talking Points

Juries as a Democratic Institution

- One of the principles we fought for in the Revolutionary War was the right to trial by jury. The Declaration of Independence pointed out that George III had deprived Americans, “in many cases, of the benefits of trial by jury.” The founders embedded trial by jury in several amendments in the Bill of Rights
- A jury of one’s peers is a cornerstone of American democracy. Along with voting, it’s one of the main ways people take part in the public life of this nation.
- By entrusting jurors from the community to decide legal cases—some of them involving millions of dollars or life and death issues—we reinforce our belief that everyday people can make the right decision, that we are an open, democratic government.
- By giving ordinary people a central role in the justice system, we also put a human face on the law. The law might be made from afar, but each jury applies it locally. Instead of law interpreted and enforced by bureaucrats, we have law administered by the people.
- As countries move toward democratic forms of government, they often embrace the jury system as part of their new commitment to democracy. Both Spain and Russia added juries to their legal systems in recent years.

Juries Do Their Job

The evidence suggests that juries get it right almost all the time.

- The American people believe that the jury system works. In a recent ABA study, *Perceptions of the U.S. Justice System*, a sampling of the American public agreed by a 78 to 17% margin that “the jury system is the most fair way to determine the guilt or innocence of a person accused of a crime.”
- A recent survey of federal judges concurs. Ninety-seven percent of the 594 federal judges surveyed said they agree with the jury verdicts most or all of the time. By an 8-1 ratio, federal judges said that if they were on trial, they would prefer to have their dispute decided by a jury rather than a judge.

Jury Service Helps Us Become Better Citizens

- As the French statesman Alexis de Tocqueville noted in his travels through 19th century America, not only does the institution of the jury help improve the law, it helps improve the jurors too. It educates them about law and legal process, and helps them understand their duties as citizens. In de Tocqueville's words, jury service "rubs off that private selfishness which is the rust of society."

The Jury of the Future

- Jury commissions are at work in many states, looking at innovative ways to improve juries. They've suggested ways of making jury service attractive and helping juries do their job better. With their help, juries will do their important work well for centuries to come.