

FULLY INFORMED JURY AMENDMENT

TRUE OR FALSE? When you are asked to sit on a jury, you have a right to vote according to your conscience.

TRUE . . . BUT it's very unlikely the judge will tell you this, because he doesn't have to.

Instead, the judge is likely to say that you may consider "only the facts" of the case, and may not let your opinion of the law or the motives of the defendant affect your decision.

This is a serious problem. How can anyone expect to get a truly fair trial if the jurors aren't told of their right to judge the law as well as the facts of the case?

A lot of people don't get fair trials. Too often, jurors end up apologizing to people they've voted to convict, just because they thought they "had to" vote for a guilty verdict based upon the facts alone.

"BUT IF ALL THIS IS TRUE", YOU ASK, "WHY DOESN'T THE JUDGE SIMPLY TELL THE JURY ABOUT IT?"

Obviously, an uninformed jury is something which should never occur in a country whose state and federal constitutions all guarantee every accused person to a fair trial by a jury of his peers.

But it's a sad fact of life that judges generally don't want ordinary citizens making decisions about the law, even if it is their country. So they deliberately don't tell jurors their full range of rights and powers.

This lack of information undermines the whole idea of judgment by a jury of one's peers, whereby a cross section of ordinary people from the community is supposed to consider both the law and its own standards of right and wrong in order to reach a just verdict.

Most Americans are aware of their right to trial by jury, but few know that the jury always has the power to judge according to conscience, regardless of the law and the facts of the case. Why don't we know this? Because we were never told - in school, in movies or television shows about trials, or even in most law schools!

The FULLY INFORMED JURY AMENDMENT (FIJA) is a way to tell EVERYBODY about jurors' rights, where it counts - in the courtroom.

The idea of FIJA is to revitalize the plan for America developed by its founders. They saw jurors as the key to our continuing freedom, because the jury was to have the final say on any law American citizens were expected to obey.

Our third president, Thomas Jefferson, put it this way: "I consider trial by jury as the only anchor yet imagined by man, by which a

government can be held to the principles of its constitution."

John Adams, our second president, had this to say about the juror: "It is not only his right, but his duty . . . to find the verdict according to his own best understanding, judgment, and conscience, though in direct opposition to the direction of the court."

"SO WHAT BECAME OF THIS RIGHT?"

From colonial times until just less than a hundred years ago, it was routine for the judge to inform jurors of their full range of rights. But during the late 1800's, special-interest pressure inspired a series of judicial decisions which sought to limit the jurors' right to judge the law, by refusing to allow discussion of the issue in the courtroom.

While no court has dared deny that jurors have the power to acquit people despite the evidence or the law, judges still regularly contend that jurors must be kept in the dark, and may not be told they have this power. Defense attorneys who know about it still occasionally manage to have it included in the instructions given the jury, but risk being cited for contempt of court if they bring it up without the judge's approval.

Still, this power of the jury continues to be recognized, as in 1972, when the D.C. District Court of Appeals held that the jury has an "unreviewable and irreversible power . . . to acquit in disregard of the instruction on the law given by the trial judge . . . the pages of history shine on instances of the jury's exercise of its prerogative to disregard instructions of the judge; for example, acquittals under the fugitive slave law." Other federal courts have recently affirmed the right of jury veto power.

"IN OTHER WORDS, JURORS STILL RETAIN THE RIGHT TO REFUSE TO CONVICT A DEFENDANT OF BREAKING WHAT THEY FEEL IS A BAD LAW, BUT THEY'RE NO LONGER TOLD ABOUT IT."

FIJA - THE "FULLY INFORMED JURY AMENDMENT" is both a political and an educational campaign to inform American citizens about their rights as jurors.

Many states permit passage of laws or amendments to their constitutions by direct votes of the people (the initiative process). In these states, FIJA will be a ballot-issue campaign to require judges to inform every juror that he may base his verdict upon the facts of the case, the merits of the law, and his own sense of right and wrong.

As an organization, FILA will sponsor educational media campaigns, encourage lobbying efforts aimed at persuading state lawmakers to reform court procedures, and assist grass roots efforts to inform jurors of their rights.

WE WANT EVERY POTENTIAL JUROR IN AMERICA

TO KNOW THE TRUTH

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