

TAKE IT SERIOUSLY. GET SELECTED. SAVE A LIFE.

If the judge forbids discussion of nullification in a trial, and a party in the trial then defies that rule, they might be charged with contempt. Even though they didn't break a law, they broke a rule defined by the judge for that trial.

But you cannot be asked why you voted as you did and you cannot be punished for your vote.

Come into court looking like a respectable American devoid of politics. Don't act like you are excited to be there. Act bored and a smidgeon annoyed.

Jury selection is not the time for speeches. Generally, the less you say, the more likely you are to get on the jury. Tell the truth, but give short answers. If asked about Jury Nullification, admit you've heard of it but you will keep an open mind, closely judge the facts, and focus on justice. You will!

According to Black's Law Dictionary, a true verdict is one "where each juror has duly considered the case and come to their own conclusion without any persuasion or outside influences." So you can nullify AND deliver a "true verdict" at the same time. Your job as a juror is to take in all the info you've heard from the witnesses, lawyers and the judge, evaluate it with your conscience, and decide what justice is for this defendant. That's a true verdict.

CRIMINAL TRIALS

Once on the jury, follow the rules attentively. Do not mention nullification during deliberations. If the judge believes you are voting by conscience you may be removed, causing a mistrial or allowing the remaining jurors to decide the case. But if a juror has doubts on the facts, she cannot be dismissed. If she justifies her "not guilty"

vote by saying "I can't convict a young man for smoking a joint," she's gone. If she says "I suspect the officer lied" the judge must return her to deliberations.

Focusing on evidentiary standards or concern with police testimony may sway other jurors looking for an excuse to likewise vote their conscience.

The inability to discuss nullification openly encourages hung juries. If you must, hang. A hung jury can lead to a case being dropped or charges lowered in a follow up trial. Reasonable people may disagree. You have a right to hang. Vote your conscience even if other jurors try to browbeat you.

GRAND JURIES

Grand juries are infamously used for repression and harassment by the state because the evidentiary standards are weak, the prosecutor has complete control and can spin a tale unopposed, those subpoenaed are denied rights, and jurors do not have to reach unanimity to indict, making nullification harder.

This is an opportunity to ask hard-hitting questions, to press back on the prosecution. You can point out weak spots, sway other jurors, and leave a transcript that will help the defense in any later trial.

THE FULLY INFORMED JURY ASSOCIATION
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JURY NULLIFICATION?



BE A FULLY INFORMED JUROR

**YOUR RIGHT TO VOTE
YOUR CONSCIENCE
AND HOW TO DO SO
EFFECTIVELY**

JURIES ARE A VITAL CHECK ON STATE POWER!

Our jury system is the hard-won result of centuries of struggles against tyranny. The jury's right to judge laws, heavy-handed enforcement, and broader issues of justice was a recurring feature from the start.

"Jury nullification" was long championed by movements for liberty in England like the Levellers. And American jurors nullifying laws on assembly and libel famously laid the foundation for our Free Speech norms.

In the nineteenth century, juries repeatedly refused to convict runaway slaves and their accomplices in the underground railroad. During prohibition, juries refused to convict people for merely drinking alcohol. In the 60s and 70s, juries repeatedly refused to convict civil rights and antiwar activists—despite evidence of their guilt and sometimes their frank admission—on the grounds that they were justified in acting to stop greater injustice. Thanks to widespread rejection of the drug war and police misconduct, it is estimated that 3-4% of jury trials involve nullification.

YOU TOO CAN BE ONE OF THESE HERO JURORS!

The right to jury nullification is built into the history and structure of our legal system. And many at the highest level of the US legal system have long recognized the right of jurors to judge the law and the context, not just the bare fact of a crime.

“It is not only [the juror's] right, but his duty... to find the verdict according to his own best understanding, judgement, and *conscience*, though in direct opposition to the direction of the court.

JOHN ADAMS, 2ND PRESIDENT OF THE US

The right and necessity of nullification is recognized across the political spectrum...

“At the beginning, when the Constitution was ratified, juries used to find not only the facts, but the law... Juries can ignore the law where they think that in this case the law is producing a terrible result... And that makes them a check not just on the judges but of course on the legislature.

ANTONIN SCALIA, SUPREME COURT JUSTICE

“If it weren't for what juries did during the civil rights movement, if it weren't for jury nullification, we would have many civil rights individuals who would be convicted felons or otherwise for things that today we think are protected by the First Amendment. There is a place, I think, for jury nullification

SONIA SOTOMAYOR, SUPREME COURT JUSTICE

The first Chief Justice of the Supreme Court, John Jay, told jurors they had the right to judge facts **and the law**. In 1805, one of the charges against Justice Samuel Chase in his impeachment was that he wrongly prevented an attorney from arguing to a jury that the law should not be followed.

Yet most prosecutors and judges hate the erosion of their power and now leverage intimidation and selection questions to weed out informed jurors. They have won the right to lie to jurors—just like cops have the right to lie—and even to oblige "oaths" that jurors will only vote on the facts, putting aside their conscience. **These are still lies and no oath can legally bind your final vote.**

We have juries not because they're experts on fact or law, but precisely to provide a check of public conscience!

THE STAKES IN OUR SYSTEM ARE IMMENSE!

Because judges and prosecutors try everything to filter out jurors who know their power, some approach "Jury Nullification" as something like a cheat phrase that you can utter to get out of jury duty. And yes, they might dismiss you if you swing around this pamphlet and proclaim that you will vote "not guilty" no matter what.

It's true that Jury Duty can be a significant inconvenience—but please consider **why** they have made it so annoying to serve on a jury.

Today, at your courthouse, it's likely that someone who committed a victimless crime or violated a law in a justified situation or extenuating context will be sent to prison. And many people who committed objectionable or deplorable acts will be sentenced following extreme sentencing guidelines that many of the jurors who vote to convict have no say in and will find shocking and/or repulsive.

These human beings will lose years, possibly even decades of their lives in an overcrowded prison system, each costing taxpayers \$40,000-65,000 a year. They will experience extreme hardships that will weigh on them forever, irreparably damaging their mind and employment opportunities, as well as leaving many burdened with crippling debt. This will also inflict lasting damages on their community and loved ones—it steals away an average of 2.6 years of life expectancy from the family members of those incarcerated.†

And yet **you can do something about it.**

By working to get selected for a jury rather than trying to avoid it, you can trade a few days of your time and quite likely save someone's life!