

## The Value of Jury Duty

Under the Constitution, citizens participate in their government, not just live under it.

The framers made it a point to create a government that would derive from the people. It was, as Lincoln would describe it nearly 80 years later in the Gettysburg Address, a government of *the people, by the people, for the people.*

*By the people* indicates that there are expectations placed upon citizens because, otherwise, the republic that the Founding Fathers envisioned would not work in the end. One of these expectations, necessary to guarantee the rights of citizens to fair trials, is serving on juries.

**The Sixth Amendment:** *In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.*

Serving on a jury is often seen as an inconvenience because it takes us away from other things such as our families, our jobs, and other daily responsibilities. While it is true that jury duty takes time, it is not something that should be avoided. The French traveler Alexis de Tocqueville, in his book *Democracy in America*, argued that service on juries was essential not just for rights protection but because it teaches citizens how their governments work and provides them with a sort of civic education. As Tocqueville put it, “[The jury] may be regarded as a gratuitous public school ever open, in which every juror learns to exercise his rights, enters into daily communication with the most learned and enlightened members of the upper classes, and becomes practically acquainted with the laws of his country, which are brought within the reach of his capacity by the efforts of the bar, the advice of the judge, and even by the passions of the parties . . . I look upon [the jury] as one of the most efficacious means for the education of the people which society can employ.”

Juries are often seen as simply being there to judge whether person is guilty or not guilty. While this is true, there is more to it. Juries consider the law itself, determining whether it applies to the case they are hearing.

Imagine two people. The first: a serial killer, who has killed without remorse or justification, merely because there was an opportunity. The second: someone who defends herself from an assault and ends up killing the person who was attacking her. In both cases, the accused has killed someone. But if both go to trial, it will be up to the jury to analyze the laws and decide if the facts indicate that this was a lawful killing protected by self-defense—or a murder.

In other words, juries must consider and apply the laws and the circumstances. Because there are twelve members of a jury in a criminal trial, drawn from the accused’s peers, the rights of the person on trial (who may be guilty or innocent) are better protected than if the “jury” were a single, governmental individual.

Juries exist to make sure no single individual, nor only government officials, has control over the legal fate of a person. It protects the rights guaranteed in the 6th Amendment.