

That is why it is nowadays a rare and courageous attorney who will risk being cited for contempt for informing the jury about its rights without obtaining the judge's prior approval. It's also why the idea of jury rights is not taught in (government) schools.

Still, the jury's power to reject bad law continues to be recognized, as in 1972 when the D.C. Circuit 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 upon instances of the jury's exercise of its prerogative to disregard instructions of the judge; for example, acquittals under the fugitive slave law." (473 F. 2d 1113)

What will happen when FIJA becomes law?

Three good things: (1) Unjustly accused persons and their trial jurors, as well as crime victims and their communities--will more often be satisfied that *the jury system actually delivers justice;*

(2) Legislators will have access to regular **feedback from ordinary people**, sitting on juries, instead of mainly from special-interest groups and other very political sources. With better information, they can better represent the will of the people;

(3) When the laws of the land respect the will of the people, as revealed by their jury verdicts, the people, in turn, will show **more respect for the law.**

Sounds good! Where can I find some "FIJA Action" right now?

There are several current, exciting fronts: activists are working with lawmakers for passage of FIJA legislation in some states, and are attempting to put FIJA on the election ballot by **citizen initiative** in others. There are people distributing **educational materials** (including this brochure) in every state. And, whenever our budget allows it, FIJA engages in newspaper, radio, and television **advertising.**

In 1991 we named September 5th (the anniversary of William Penn's acquittal)"Jury Rights Day", and handed out brochures at courthouses around the U.S.A.. It's an annual event, and you're invited!

As with any right, the right of jurors to reject bad law resides in the people, not the government--so all that is needed for people to use it is to **learn!**

It's time to act against injustice!

● **We need to regard every day as "Jury Rights Day".** Almost every day, attempts are made to limit jury power, mostly via subtle changes in the rules of court procedure, often directly by court decisions, or by the creation of types of law which "do not require" jury trials for the accused.

● **Far too many harmless people have gone to prison** because their trial juries were not fully and truthfully informed, to the point that the U.S.A. now leads the entire world in percentage of population behind bars! More prisons are being built than ever before, and they will be filled largely with people whose only "crime" was to displease the government "master", not to victimize *anyone.*

● **Likewise, there are dangerous criminals free on the streets**--sometimes because a jury thought it "had to" acquit after being instructed by the judge, even though evidence of guilt was very clear. This type of injustice occurs much less frequently than does unreasonable or unnecessary incarceration of harmless people, even though it typically receives more publicity. But here, too, "FIJA" might help.

THE RIGHT DECISION  WHEN THE LAW IS WRONG

--TO RECEIVE MORE INFORMATION--
We'll send a free introductory information packet to you when you call 1-800-TEL-JURY, then tell (and spell) your name, address and phone, on our tape.

--TO BECOME AN ACTIVIST TODAY--
Copy and give this brochure to friends and family--or to jurors, among others, at the local courthouse.

--TO JOIN OR CONTRIBUTE TO FIJA--
Send at least \$15 to FIJA, P.O. Box 59, Helmsville, MT 59843. You will get both the FIJA introductory information packet and at least the next year's worth (4 issues) of our newsletter, *the FIJActivist.*

--TO TALK TO PEOPLE, NOT TAPES--
Phone Don Doig, Kathy Ballard, or Larry Dodge at FIJA National HQ: 406-793-5550. Locally, contact:

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TRUE OR FALSE

?

When you sit on a jury, you have the right to vote your conscience.

TRUE... "BUT"...

it's extremely unlikely the judge will tell you this, because the law doesn't require it.

Instead, expect the judge to tell you that you may consider *"only the facts"* of the case and you are *not* to let your conscience, your opinion of the law, or the defendant's motives affect your decision.

How can people get fair trials if the jurors can't use conscience?

Many people *don't* get fair trials. Too often, jurors actually end up apologizing to the person they've convicted--or to the community for acquitting when the evidence clearly established guilt.

Something is definitely wrong when jurors feel badly about their verdict. They should never be ashamed of their decision, or explain "I wanted to vote my conscience, but the judge said we had to apply the law as it was given to us, like it or not."

Most Americans are aware of their right to trial by jury, but how many know that *the jury has more power than anyone else in the courtroom*--and that in pursuit of a just verdict, *jurors are free to judge the merits of the law itself, its use in the case at hand, or the motives of the accused.*

If jurors were supposed to judge "only the facts", their job could be done by computer. It is precisely because people have feelings, opinions, wisdom, experience, and *conscience* that we depend upon jurors, not machines, to judge court cases.

Why don't judges tell juries their full range of rights?

In a trial by jury, the judge's job is to referee the trial and provide neutral legal advice to the jury, but judges rarely advise jurors of their rights. And judges are not supposed to dismiss prospective jurors because they admit having qualms with the law, or know about their right to judge the law and its application. But such dismissals are routine.

We can only speculate on why: Disrespect for the vital concept of "government of, by, and for the people?" Unwillingness to part with their power? Ignorance of jurors' rights? (Yes, some judges do not even *know* about the rights of jurors.)

Worse, many judges and prosecutors, apparently anxious to reassure the public that they stand for law and order, do their best to select jurors they know from previous experience to be "conviction prone". Then the judge (wrongly) "instructs" them that they *must* reach a unanimous decision, and *soon*, to avoid "overburdening the taxpayers."

Jurors are very rarely informed they may vote according to conscience, even after swearing to "apply the law as given"--or told that it's better to "hang" the jury than to violate one's conscience in order to reach consensus. *These are some of the reasons why FIJA was formed.*



What is "FIJA"?

FIJA stands for Fully Informed Jury Association. We are a nationwide network of jury-rights activists and groups. Our current project is also known as "FIJA", the Fully Informed Jury *Act* or *Amendment*.

As law, FIJA would require that trial judges resume the former practice of *telling* jurors about their right to judge both law and fact regarding each and every charge against a defendant. *We want the judge, like everyone else in the courtroom, to tell the whole truth and nothing but.*

Resume? Did judges fully inform jurors of their rights in the past?

Yes, it was normal procedure in the early days of our nation and before, in colonial times. America's Founders realized that trials by juries of ordinary people, fully aware of their rights as jurors, would be essential to preservation of our *freedom*. As long as juries had the final say on the laws of the land, the government would remain the servant, not the master, of the people.

Our third president, *Thomas Jefferson*, put it like this: *"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."*

These sound like voices of hard experience. Were they?

Yes. Only decades had passed since freedom of the press was established in the colonies when a jury decided John Peter Zenger was "not guilty" of seditious libel. He was charged with this "crime" for printing true, but damaging, news stories about the Royal Governor of New York Colony.

"Truth is no defense", the court told the jury! But the jury decided to reject bad law, and acquitted.

Why? Because defense attorney Andrew Hamilton informed the jury of its rights: he told the story of William Penn's trial--of the courageous London jury which refused to find him guilty of preaching what was then an illegal religion (Quakerism). His jurors stood by their verdict even though they were held without food, water, or toilet facilities for four days.

They were then fined and imprisoned for acquitting Penn--until England's highest court acknowledged their *right* to reject both law and fact, and to find a verdict according to conscience. It was exercise of that right in the Penn trial which eventually led to recognition of free speech, religious freedom, and peaceable assembly as individual rights.

American colonists regularly depended on juries to thwart bad law sent over from England. The British then restricted trial by jury and other rights which juries had helped secure. Result? The Declaration of Independence and the American Revolution!

Afterwards, to protect the rights they'd fought for from future attack, the Founders of the new nation placed trial by jury--meaning tough, fully informed juries--in both the Constitution and Bill of Rights.

Bad law--special-interest legislation which tramples our rights--is no longer sent here from Britain. But our own legislatures keep us well supplied...Now, more than ever, we need juries to protect us!

Why haven't I heard about "jury rights" before now?

In the 1890's, powerful special-interest pressures inspired a series of judicial decisions which tried to limit jury rights. While no court has yet dared to deny that juries can "nullify" or "veto" a law, or "bring in a general verdict", some--hypocritically--have held that jurors need not be *told* their rights!