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The Fully Informed Jury *An Individual's Last Protection from Government*

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Undoubtedly we have all been astonished – or perhaps disgusted – by the goings-on in high profile criminal and civil cases. Most of us do not relish the idea of having to serve on such a jury, considering the time it takes us away from our families and businesses; but surely, this is one of the highest responsibilities of a free people who seek to remain free from oppression at the hands of an overzealous government.

The jury is noted in at least two sections of the U.S. Constitution, most notably in the Sixth and Seventh amendments which read:

“Amendment VI

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 defense.

Amendment VII

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any court of the United States, than according to the rules of the common law.”

No Compassion, No Common Sense

The Founders of this nation knew that, by its nature, government is completely without compassion; and all too often when it comes to enforcing law, it is without common sense as well. This is not to say we want a land without laws, but we all know of circumstances where the law, in its rawest form, would actually be unjust and would not fit the crime of the dispute. This is where the jury comes into play.

Despite what you may have seen on television dramas or heard from popular TV judges, the jury actually wields an incredible amount of power. Frankly, this scares most judges to the point where they attempt to convince the jury that they must follow the judge's lead – an idea that is 180 degrees removed from what our Founders intended.

You see, under our system of law, the jury in the United States is empowered to judge not only the facts of a case, but also the law. If a jury believes that a law under which a defendant is brought before the jury is wronging someone, the jurors have the authority to simply find the defendant not guilty of a crime or a part in a dispute. In essence, they can nullify a bad law or regulation. Sadly, this is the exception rather than the norm in our society today. For the most part, jurors are intimidated or coerced by the judge or prosecution to reach a specific verdict – often without all of the pertinent information on which to make an informed decision.

A Case in Point: Most of our readers are familiar with the infamous case of the two U.S. Border Patrol agents convicted and jailed for shooting a Mexican drug smuggler in the butt while he was attempting to flee – after abandoning a van loaded with over seven hundred pounds of marijuana that he was attempting to bring into the U.S. The incident occurred at the Texas/U.S. border in February 2005. Many observers believe U.S. attorney Johnny Sutton, with the help of the Department of Homeland Security, used this case as a means by which to send a message to the agents on the frontlines of border enforcement: back off from protecting the border, in deference to the administration's open border/amnesty policies.

In this case the two agents, Ignacio Ramos and Jose Compean, were known to be model agents. Between the two it is estimated they made more than 100 drug busts. One of the agents was nominated for National Border Patrolman of the Year. Both are family men with Honorable Discharges from the U.S. Navy, where they served their country before becoming Border Patrol agents.

The Mexican drug smuggler in the case was caught later that year (October 2005) with another, even larger, load of marijuana. That was prior to the trial of the two agents in March 2006. In exchange for the drug smuggler's testimony against Agents Compean and Ramos, U.S. Attorney Johnny Sutton gave him immunity from prosecution for this second smuggling offense, as well as for the first load of drugs he attempted to bring into the U.S. in February 2005. The jury was never informed of this little "detail."

Furthermore, the jury was told that they would have to come back with a unanimous decision with regard to the guilt or innocence of the agents. Some jurors now tell us that they were actually pressured by the Government to come back with a guilty verdict. At least three jurors now say that, had they had information on the case which they have learned since the trial, they would not have found the agents guilty of the charges. Sadly, they were not a fully informed jury. By and large, most juries are equally as ignorant of their rights, powers, and responsibilities.

Let me point out that most prosecutors – and for that matter, many defense attorneys – do not want to work with an informed jury. Rather, they want a group of 12 men and women who are pliable and easily persuaded in the jury box. If they sense someone understands his/her responsibility and authority in the court as a juror, that person is likely to be dismissed from service on the jury from that point forward. Judges in particular do not want to be told anything, by anyone – especially the jury. This is particularly true in Federal Court, as the judge literally gets to decide what defense the defendant can use in his/her own trial!

Another Case In Point: A fellow in Arkansas was charged with owning a Class III firearm (machine gun) without a tax stamp. In that case his attorney wanted to defend him on the basis of the Second Amendment of the Constitution – specifically, the right to keep and bear arms. The judge would not allow that defense and prohibited the attorney from pursuing it in the courtroom. Again, the jury was not permitted to hear the real facts or law that directly affected this case.

Last Layer of Protection

A fully informed jury is the last layer of protection for the individual from government. In this day and age, where victimhood is celebrated as a way to shirk responsibility and blame someone else, the courts are certainly not lacking for business. What they are lacking is fully informed, common-sense juries. U.S. Sen. Trent Lott (R-MS), a lawyer by training, is noted for saying, "You can indict a ham sandwich if you want to." "He was referring to the relative ease with which prosecutors are able to get indictments against an individual and drag him into court. Many times, this is done by using bad laws that frankly should never have become law.

In this day and age, grandmothers can be thrown in jail for preaching on a street corner what the Bible says about homosexuality, then prosecuted for "hate" crimes. Businessmen with the Gideons organization are being prosecuted for trespassing on "public property" while passing out copies of the New Testament. It has never been more important for you to be educated as to your responsibilities should you be called to jury duty.

An excellent resource is available to all who want to know their rights and responsibilities in this area. Ilo Jones and the folks at the Fully Informed Jury Association have produced some fantastic resources that will enable you to better understand your role as a juror. Heaven forbid you ever find yourself on the other side of a jury, but wouldn't you want those who hold your fate in their hands to be fully informed and not intimidated by the system?

You can find out more by visiting the website www.fija.org or by calling the Fully Informed Jury Association at 1-800-TEL-JURY.