

# YOU HAVE THE POWER

## Jurors Cannot be Punished for their Verdicts

**JURORS HAVE THE POWER** The trial jury created by our Constitution is a judicial body with more power than Congress, the President, or even the Supreme Court. Judges frequently say the "issue of law" is for them to determine, and instruct the jury to rule only on the fact of whether a defendant broke the law. But a jury has the power to decide the issues of law under which the defendant is charged, as well as the facts. American juries have a proud tradition of standing up and saying "no" to oppressive, unjust laws. In our system of checks and balances, the jury is the conscience of the community and the final arbiter of justice.

**JURORS CAN QUESTION THE LAW** In an American courtroom, there are, in a sense, twelve additional judges in attendance, beside the one with the gavel. As the U.S. Fourth Circuit Court of Appeals ruled in 1969, "If the jury feels that the law under which the defendant is accused is unjust, or that exigent circumstances justified the actions of the accused, or for any reason which appeals to their logic or passion, the

jury has the power to acquit, and the courts must abide by that decision." (U.S. v Moylan 417 F 2d 1002, 1006)

**JURORS CAN USE DISCRETION** Just as police use discretion on when to enforce the law, and prosecutors use discretion when charging someone, and judges use discretion in deciding whether to dismiss those charges, jurors also have the power to use their discretion in applying the law. If a law is unjust as applied to a case you hear, you may vote to acquit.

**JURORS: KNOW YOUR RIGHTS** You must know your rights because, once selected for jury duty, no one will inform you of your power to judge both law and fact. The judge's instructions to the jury may even be to the contrary. You—as a juror armed with the knowledge of your real rights, powers and duties—can, with your single vote of "not guilty," hang a jury. It may not be an acquittal, but it will prevent an unjust conviction. Your power as a juror keeps our government in check. **For more info, see [fija.org](http://fija.org).**