

# ANALYZING PRIMARY SOURCES

## TRIAL BY JURY

Juries are a central component of the American legal system. While the Framers disagreed on many points, they consistently agreed on the need to protect the right to trial by jury in the Constitution. The right to a jury trial helps guarantee judgment by one's peers and provides a check on government power. However, in recent decades the role of the jury has been the subject of much debate. Many people believe that juries are not the fairest and most effective way to decide legal cases. Explore the sources here to learn more about the benefits and drawbacks of trial by jury.

### PRIMARY SOURCE

# A

Writing about representative government and trials by jury in 1766, John Adams said:

“These two popular powers therefore are the heart and lungs, the main spring, and the center wheel, and without them, the body must die; the watch must run down; the government must become arbitrary, and this our law books have settled to be the death of the laws and constitution. In these two powers consist wholly, the liberty and security of the people . . .”

—John Adams, January 27, 1766

### PRIMARY SOURCE

# C

Writing about the case of *People v. Lee*, in which the New York Supreme Court held that a trial judge could allow expert testimony about the proven unreliability of eyewitness testimony, a law professor said:

“Trial by jury is a safeguard against oppression. As the Lee case shows, however, it comes with a cost. The ordinary citizens we trust to protect us against potentially overzealous government are, by virtue of their very ordinariness, often inexperienced at the tasks they must perform.”

—Michael C. Dorf, law professor, 2001

### PRIMARY SOURCE

# B

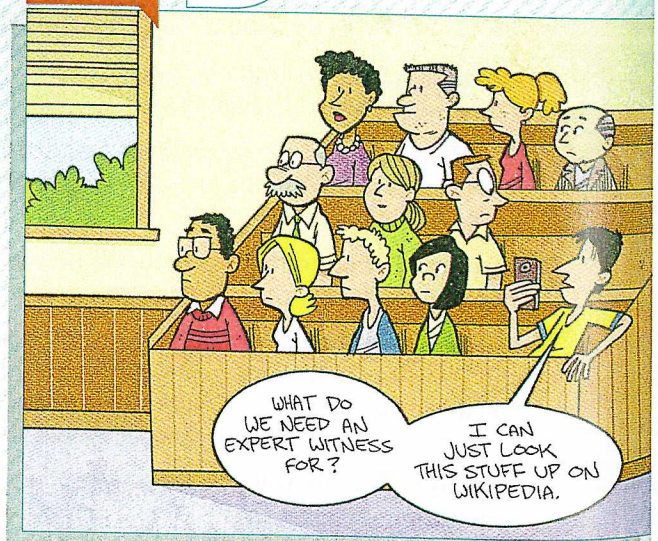
“. . . the jury system works surprisingly well. Juries are quite able in finding facts; they inject community values into broad legal mandates; they act as a restraint on the powers of judges and prosecutors; their determinations are almost always accepted by disputants and society. That our jury system performs well, however, does not mean that reform efforts should stop. . . .

. . . the evidence is the prime determinant of a jury's verdict. Because jurors are most influenced by the quality of information presented to them, the best way to improve jury verdicts is to improve the information the jury receives to consider.”

—Randolph N. Jonakait, law professor and author, 2003

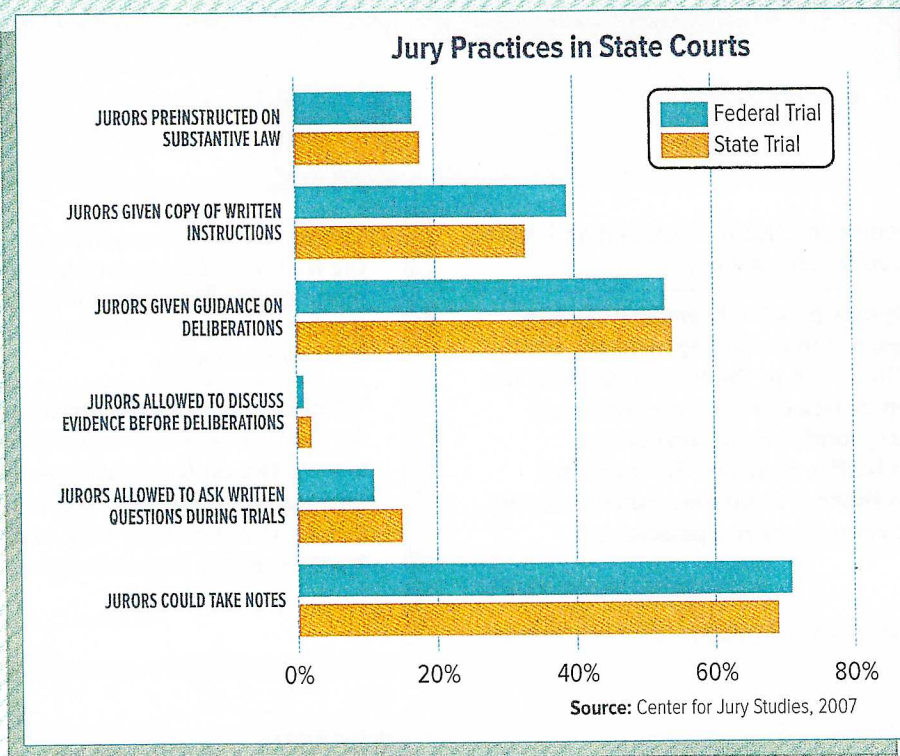
### PRIMARY SOURCE

# D



Jury Trial Innovations

Some people think that jury trials are not the best method. They argue that jurors do not understand everything that happens in court and are vulnerable to emotional appeals. Those who want to reform the jury system have recommended several modifications. These include giving jurors more guidance about the law or the process of deliberation and allowing jurors to ask questions, among others. This graph shows how often these reforms are used in U.S. courtrooms.



**DBQ DOCUMENT-BASED QUESTIONS**

- Identifying** List two arguments that support the use of the jury system. List two flaws of the jury system.
- Explaining** How do the innovations listed in Source E address the flaws in the jury system you listed in the previous question?
- Evaluating** What conflicts do you see between the views of Professor Jonakait and Professor Dorf?
- Synthesizing** What innovation or jury reform—either one from Source E or one you think of yourself—do you think would be most important in helping the jury system function as John Adams believed it should?
- Making Connections** If you were falsely accused of a crime, would you want a jury trial or a bench trial (one in which a judge renders the verdict)? If you were found guilty, would you want to be sentenced by a jury or only a judge? Explain your thinking.

**WHAT WILL YOU DO?**

If you are picked to serve on a jury, how could you be sure that you were doing a good job?

