

## Your Rights as a Juror

So, you thought you would help the cause by going out registering to vote and on election day. You've been patting yourself on the back ever since, until the day you got called up for juror duty. Now you're asking your self why in the world did you do it, nobody wants to serve juror duty, right? I mean you may actually have to send someone to jail or something, and regardless of the charges you'll be aiding and abetting our unfair justice system. Right?

Wrong! This may be the best opportunity you'll ever get to directly make a difference. Jurors not only have the duty to decide guilt or innocence but also the equity, or inequity, of the law for which the defendant is accused. This means you have the right to acquit a defendant based upon your ideas of right and wrong, fairness, and your own conscience. If you feel that the laws against marijuana possession are unjust and you are summoned for jury duty to determine the fate of someone accused of possession than it is your RIGHT to vote for acquittal, regardless of the judges instructions.

The very first jury trial before the U.S. Supreme Court Chief Justice John Jay instructed the jury this way:

"It is presumed, that juries are the best judges of facts; it is, on the other hand, presumed that courts are the best judges of law. But still **both objects are within your power of decision.**" "...you have a right to take it upon yourselves to judge of both, and to determine the law as well as the fact in controversy".

State of Georgia vs. Brailsford (3 Dall 1)

This right was first put to the test as early as 1734 and has been upheld by a Federal Appeals Court as recently as 1972:

"... unreviewable and unreversible power.. to acquit in disregard of the instructions on the law given by the trial judge..."

(US vs Dougherty, 473 F 2d 1113, 1139 (1972))

Another case in 1969 states the following:

"We recognize, as appellants urge, the **undisputed power of the jury to acquit, even if its verdict is contrary to the law as given by the judge, and contrary to the evidence.** This is a power that must exist as long as we adhere to the general verdict in criminal cases, for the courts cannot search the minds of the jurors to find the basis upon which they judge.

If the jury feels that the law under which the defendant is accused, is unjust, or that exigent circumstances justified their logic of passion, the

jury has the power to acquit, and the courts must abide by that decision"

(US vs Moylan, 417 F2d 1002, 1006 (1969))

Because a jury's guilty verdict must be unanimous, it **takes only one vote** to effectively nullify an unjust law. Regardless of legislative intent or a judge's instructions to the jury **YOU**, not the court, will make the decision to acquit. Though you may only be causing a "hang" jury, and it won't be a true acquittal, at least the defendant will **NOT be convicted** of violating an unjust or unconstitutional law. Very often defendants are not retried by the government due to the high cost involved, and you will be sending a very real and powerful message.

The government will not be able to deprive this person of their "Liberty" without YOUR consent! If you feel the statute is unfair, unconstitutional or infringes on the defendant's God-given rights it is not only your right to vote for acquittal but your DUTY. Do not be intimidated by the other jurors but at the same time respect the fact that they may in good conscience disagree with your view point. Explain to them that it is your right to vote either way you wish and that you are doing so because you truly believe that this law is unjust. Do not try to come across as some radical hell bent on total anarchy. Take your responsibility seriously, there is always a chance that you can sway other jurors to vote for acquittal as well. Remember to only use this power to help overturn unjust laws, not to rebel against the government. It will do no one any good if you "hang" the jury of someone accused of murder where there was ample evidence to convict. Murder is obviously a crime where laws are required and stiff sentences are usually warranted. The Grassroots Party does NOT advocate anarchy, we believe in the Constitution and the Bill of Rights and so should you. We need to be even more patriotic than the average citizen and take pride in our form of government. If we work together we can return government to the way it was meant to be. Serve proudly when called for jury duty and vote to overturn unjust laws, DON'T GIVE IN TO PRESSURE. NULLIFY UNJUST DRUG LAWS!

Some of you may have served on jury duty and don't remember being told that you can judge both the law and the facts. Well, the simple truth is they don't have to tell you. In fact what they tell you may sound like just the opposite. The courts have ruled that jurors have the right to decide law, but they do not have to be told they have that right. This was found to be legal as far back as 1895 and as recent as 1972 in the Dougherty decision mentioned above.

"The fact that there is widespread existence of the jury's prerogative, and approval of its existence as a necessary counter to case-hardened judges and arbitrary prosecutors, does not establish as an imperative that the jury must be informed by the

judge of that power."

In the case of Sparf vs. US (156 US 51), the court ruled that though juries have the right to ignore a judges instructions on the law, they don't have to be made aware that they have that right. It is everyone's **responsibility to know their rights!** Unfortunately, very few people know or understand the right they have to nullify oppressive and/or unconstitutional laws enacted by their legislature.

Here are the instructions typically given by a judge:

"It becomes my duty as judge to instruct you concerning the law applicable to this case, and it is your duty as jurors to follow the law as I shall state it to you... You are to be governed solely by the evidence introduced in this trial and the law as stated to you by me"

Remember it is your right as affirmed by the Supreme Court, and many lesser federal courts, to bring in a verdict according to conscience and to judge whether the law itself is unjust or unfairly applied. So the next time you are summoned for jury duty remember if you manage to talk your way out of serving it could be some right wing, Pat Buchanan loving, bigot that serves in your place. Will you be able to sleep at night knowing that you let a person who's only crime was growing a marijuana plant go to jail?

For more information contact:  
The Grassroots Party  
Association)  
P.O. Box 8011  
St. Paul, MN 55108  
59843

Or:  
FIJA (Fully Informed Jury  
P.O. Box 59  
Helmville, Montana

If you need additional copies contact the Grassroots Party by writing to the above address or call 612/773-9683 and leaving a message.

Remember to give a copy of this article to anyone you know that is called up for jury duty! Everyone **MUST** know their rights if we are going to overturn unjust laws.

Minnesota Grassroots Party Information Line  
612/773-9683

Mail Box	Prerecorded Message	Mail Box	Prerecorded Message
110	Opening Message	441	Accurate Hemp Info
260	Intro. Bill of Rights	442	Hemp for the Ecology
261-70	Bill of Rights	443	Hemp for fuel
411	Information - Directory	444	Hemp for trees
421	Intro / Grassroots Party	445	Hemp for Paper
431	How to get active	446	Info on Drug Testing
432	How to Join / GRP	447-450	Marijuana as medicine
434	Upcoming Events/National	451	Hemp based products
435	Legislative Alert	482	GRP address / phone #s

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"Penalties against possession of a drug should not be more  
damaging to an individual than the use of the drug itself"  
--- President Jimmy Carter