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WHEN JURORS TAKE A STAND: A LOOK AT JURY NULLIFICATION AND MORALITY

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Abstract

For years the court has struggled with the concept of jury nullification. Should juries be allowed to nullify? How can jury nullification be controlled? Should juries be instructed of their power to nullify? All of these questions require history and knowledge to answer. The first goal of this paper is to look at jury nullification from the perspective of the courts to determine the best way to handle and control its implementation.

The second goal, then, will be to apply the ideals of jury nullification to the role of a juror to analyze the morality behind the decision. When is it right to nullify? When is the decision to nullify in violation of the role of a juror? To answer these questions, jury nullification will be compared to civil disobedience demonstrations since nullification requires jurors to disregard the instructions they are given by the court. The understanding gained from this analysis will help to construct an ideal vision of how the perfect juror would act and how nullification could fit perfectly within the court system. The question is, then, are the courts doing the right things to achieve this ideal scenario?

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Introduction

There has been a lot of discussion in the legal community about the effectiveness of the American criminal jury in today's justice system. Many people challenge that putting such important decisions in the hands of the public is dangerous and ineffective. However, others maintain the same stance that our founding fathers took when drafting the constitution and the British crown took before that – that the jury is an essential tool in keeping citizens involved in the process that may decide their fate. The criminal jury and the court work as a team in evaluating the evidence of a trial to reach the proper verdict. The generally accepted divide is that the jury is responsible for finding the facts of the case while the courts determine and interpret the law of the case (Conrad 5). The court then instructs the jury as to the law and outlines for them the facts they need to decide and how they need to apply the facts to the law in order to reach a verdict. After this, the fate of the individual on trial is in the hands of the 12 jurors to find them either guilty or not guilty.

It is difficult for anyone to place their fate in the hands of another, but when the 12 people making the decision are not educated in the law at all outside of simple jury instructions it can make this situation even more unsettling. This system has proven to work time and time again, but it is clear that mistakes can be made, and mistakes are not acceptable when they can send innocent people to prison unfairly. For this reason there are appellate courts that will review guilty verdicts and if it is determined that there were not enough facts to render a guilty verdict reasonable, then the accused will either be given a new trial or even be released (Hreno 351). But the next question is what happens when a mistake is made in the other direction –

that is, when a guilty person is found to be not guilty by the jury. The answer, quite simply, is nothing.

Before exploring this idea any further it is important to first discuss how the term “guilty” is defined. The word seems to imply that a man who is guilty of something has done something wrong, but in terms of analyzing the role of a jury the word “guilty” is simply defined as a situation where a jury determines that the actions of the accused violated the law as it is written based on the facts that they were instructed to decide upon and the way in which they were instructed to apply these facts to the law (Brooks 408). Once a jury determines that an action violates the law in this sense, they are instructed to find the accused guilty of the crime and punish them. However, the current system has no way to enforce this instruction (Hreno 353). In fact, it is completely legal for a jury to determine that someone is guilty under the law but release a not-guilty verdict allowing the accused to walk free. When this happens, there is nothing the courts can do since no appellate court is able to review or overturn any not-guilty verdict. The act where a jury votes to acquit a defendant despite believing that the defendant is legally liable for his/her actions is called Jury Nullification (Hreno 351). As it stands, jury nullification is frowned upon but it is not illegal. A jury can nullify with absolutely no fear of prosecution, however, what about the question of morality? The question that this paper will strive to answer is despite that fact that it is currently completely legal for a jury to nullify, is it morally acceptable for a juror to make the decision to turn their back on a law and make the decision to nullify?

The first step in this analysis is to define what the role of a juror is in terms of the law and then see if that role changes when talking about morality. The second part will be to understand the common law precedents that have shaped the role of the jury and the right that they have to nullify throughout British and American history. Next, it is important to understand the reasons that the courts do not condone jury nullification in today's criminal justice system and then to explore the reasons why, despite the courts aversion to the idea, preventing nullification is much more difficult than it seems. Several possible preventative measures will be explored and their feasibility will be discussed. Throughout this analysis of the role of a jury and the right they have to nullify, several moral issues will be raised. The final step, then, is to look at jury nullification through the eyes of a prospective juror to determine whether or not they are acting properly from a moral standpoint. To answer this question, several scenarios will be explored with the hope of narrowing the possibilities of nullification into those that can be considered morally right, and those that should be considered morally wrong. The hope is that understanding this institution from a moral prospective will shed light on a solution that both prevents morally wrong nullification from occurring while allowing nullification to occur when it benefits society. At the very least, we will reach a greater understanding about the power and responsibility citizens are granted when they are invited to participate on a criminal jury.

Role of a Juror

The first question to answer is what kinds of responsibility do citizens inherit when they are called to participate in jury duty? There are really 3 major possibilities. Either they are an

agent of the law, an agent of the court, an agent of the public or some combination of the 3. The first possibility is that a juror is an agent of the law. This would mean that their job is to enforce the law the way it is written; however, there are some problems with this idea. First, the jury is not educated in how to interpret the law and what it means exactly (Hreno 354). The court is responsible for that so it seems that the court is the agent of the law in the structure of the criminal justice system. In order for the jury to be an agent of the law they must understand it, but the only instruction that the juries receive concerning the law is by the courts through instructions given to the jury at the conclusion of a trial (Conrad 86). These instructions explain to the jury what their role is in the trial. For example, jury instructions could include a list of facts that the jury has to decide and then, based on how they feel about those facts; the court provides instructions of how the law applies to those facts. Usually in criminal court, the jury is given a list of elements of the law that the prosecution had to prove. The jury is instructed that they must agree that each element is true beyond a reasonable doubt in order to find the accused guilty (Conrad 52). If they have any doubt as to the truth of even one of these elements, they are to find the accused not guilty. But since these instructions come from the court and not directly out of knowledge of the law, it seems that juries are not an agent of the law as much as courts are agents of the law.

It may be true, then, that if courts are agents of the law, then juries are agents of the courts. This would seem more plausible since juries are called to duty by the courts in order to help carry out justice. Both the court and the jury have unique responsibilities during the course of a trial. The generally accepted division between the duties of the court and the duties of the jury is that the court is responsible for deciding the law in each case and the jury is

responsible for deciding the facts (Conrad 5). The connection between the two comes in the form of jury instructions where courts explain the law to jurors. However, if all the jury did was answer to the instructions of the courts then jury nullification would not exist since, by definition, jury nullification occurs when juries go beyond the instructions of the court. Also, if the jury's only role was to answer to the court then there really would not be a need for citizens who are uneducated in the law to participate in the jury system at all. The courts would simply just hire more experts to decide the facts of a case and apply those facts to the law. But juries clearly have an important role in the criminal justice system. So, to determine this role refer to the Constitution where the reason the jury was developed in the first place is explained. It is clearly explained that citizens are to be judged by a jury of their peers. This means that juries were never meant to be people who are educated in the law, they were meant to be lay people just like the accused that they are passing judgment on. This must mean that there is something else inherent to the role of a jury that goes beyond simply being an agent of the courts.

The one idea that is left to be examined is that being a jury member means being an agent of the people. This is the core idea of a jury. The jury is, ideally, a representative sample of public citizens meant to act for the benefit of society from their perspective (Brooks 402). This means a few different things. First, it allows the accused a chance to plead their case to a group of his/her peers in hopes that this connection would lead to some common understanding in cases where the facts aren't so clear. But the main reason that juries are agents of the people is that they are tasked with protecting society from courts who may abuse their power. Some of the first instances of jury nullification occurred when courts were using

juries to enforce laws that society did not agree with (Conrad 25). The courts demanded that they enforce the law the way it was written, but the jury did not wish to do so. Eventually, the juries used their power to acquit defendants despite the court's pushing for a guilty verdict. This is the moment that the jury stopped being simply an agent of the court and started being an agent of the people. Before this moment, juries were simply used as a tool to announce verdicts through a veil of democracy and fairness without shifting control away from the courts. Now, however, juries have more freedom to decide verdicts on their own without fear of pressure or prosecution. However, this does not mean that the juries can do whatever they want. This is where morality comes into play for jurors. For now, however, a look back at the common law precedents that help to define the juror's role in terms of the law may help in understanding the struggle between the courts wanting to limit the nullification powers of the jury but being unable to do so for several reasons.

Legal Precedents

The precedent that is most commonly cited as the decision that first allowed nullification to occur is a 1670 case called the *Buschell's Case*. Before this case, jurors could be punished for their verdict, but, after the jury in this case took a stand, the judge ruled that jurors could no longer be punished for their verdict unless it was found to be in "bad faith" (Conrad 26). An example of a verdict that was found to be in bad faith is one where a verdict was bought through bribery. However, if no foul play like this occurred, the decision would stand. The charges brought in this case were brought against William Penn and William Mead for unlawful and tumultuous assembly, disturbance of the peace, and riot (24). This was at a

time where the people were fighting for the freedom to speak their ideas freely in public. After watching the courts treat the accused very badly, the jury was asked to reach a verdict. The first time 8 jurors voted to convict, 4 voted to acquit. The 4 that voted to acquit were admonished by the court and sent back into deliberations (25). This time when they came back the jury found the two men guilty of “speaking in the Grace-church street only” (26) – a lesser verdict than asked for by the court. Again the court refused to accept the verdict and the jurors were sent back again only to eventually vote unanimously to acquit both men from all charges. The jurors were fined by the court which prompted one juror – Bushell – make out a writ of Habeas Corpus ad Subjiciendum which eventually led to the important decision freeing honest juries from the fears of penalty based on their decisions (27).

The next important case begins to draw the line between the duties of the jury and the duties of the court so that juries do not begin taking their new-found freedom too far. This case was *Rex v. Care* (1680). The distinction became that the courts were meant to decide the law in a case and the juries were meant merely to decide the facts (29). This specific case was a libel case where the issue in question was whether a paper was malicious in nature. The decision explained that the jury’s responsibility was to determine “what [the accused] was guilty of” while it was the courts job to determine whether or not it was “malicious” in nature (30). So in this case, all a jury would be asked to determine is whether or not the accused is guilty of publishing the paper in question which is an issue that is rarely in dispute. The rest of the decision as to whether publishing that paper was illegal or not, was left to the courts. Eventually, though, this division would be challenged on the grounds that juries are also capable of deciding the law and should be permitted to do so.

The first case where a jury was permitted to decide the law was one where it was absolutely necessary. This case is referred to as the Seven Bishops Case in 1688. This was an instance where 4 judges were split on their rulings so the only option was to turn to the jury to break the tie by deciding the law (31). This opened the door to many arguments that juries were capable of deciding the law and, therefore, should be allowed to do so in more instances than simply when there is a tie. This idea combined with the fact that juries could no longer be punished for their verdicts led many attorney's to making legal arguments to juries prompting them to think about the law in the case instead of just the facts, the most notable of which was Andrew Hamilton, who first made these arguments in 1735 trial, *Rex v. Zenger* (32).

This was another libel case where, according to previous findings, the jury was supposed to find only whether or not the papers in question were published. However, Andrew Hamilton argued to the jury that their role also included finding whether or not the papers were "false, scandalous, and seditious" as well (34). The court instructed the jury to disregard these comments but Hamilton continued his argument until eventually the jury acquitted Zenger based on the legal argument that Hamilton was making. The jury clearly went outside of their role as defined by the courts, but they were not punished for it by previous rulings. This really made it clear to the public that jury nullification was real and it was a power that was granted to citizens who served on a criminal jury.

The term power here is important because the next important case would deal with a common debate in jury nullification and that is the power vs. right debate. In 1782 *The Dean of St. Asaph's Case* outlined that the circumstances surrounding the jury allows the jury the power

to find a law-related verdict, however, this does not mean they have the right to do so (40). Essentially, this means that the courts do not allow them that luxury, but they also have no way of controlling or enforcing their will over the jury so they are at the mercy of juries when it comes to nullification. Considering Jury Nullification a right would go too far in encouraging juries to nullify more often when the goal of the courts is to limit instances of nullification.

A right that was eventually granted to juries, however, was the right to decide the law in cases with certain restrictions. This right was first granted in 1794 with the decision offered in the case, *Georgia v. Brailsford*, which is one of the most quoted jury instructions of all time. The instructions told jurors that “the facts comprehended in the case are agreed; the only point that remains is to settle what is the law of the land arising from those facts; and on that point, it is proper, that the opinion of the court should be given’ (52). Essentially, this means that the jury is being asked to decide the law of the case, but they are to do so only after instructions from the court. This goes back to the role of a juror as defined earlier. Juries are agents of the people but they are meant to act under direction of the courts in matters that require legal knowledge. These instructions go further by reiterating the division between the fact-finding powers of the jury and the law-finding powers of the court. However, it says that “both objects are lawfully within your power of decision” (52). This sets the groundwork for the role of juries today, and it seems like a relatively clean view. However, in 1835 in *United States v. Battiste*, the courts officially recognized what everyone knew already – that factors other than the facts and jury instructions shape jury decisions (54). This opens the door for prejudices, rhetoric, and predisposed notions to enter the jury deliberation room and creates many problems that courts simply cannot control.

The reason that courts are not able to control these things is that juries have the ability to nullify a law without providing a just reason for doing so. This is a scary notion and one that fuels the argument against jury nullification. The courts do not condone jury nullification and work to limit or eliminate jury nullification. One way the courts go about doing this is by not instructing juries that they have the power to nullify during jury instructions even though it is recognized that they do (Conrad 146). In fact, juries are instructed that they must follow the instructions of the courts even though the power the jury is given to nullify says that this is not true in one hundred percent of circumstances. This shows that the courts do not want juries to be fully aware of this “right” when it is not considered a right at all but simply a power that juries have. Before diving into the moral implications of jury nullification it is essential to understand the negative effects of jury nullification from the perspective of the courts.

Problems with Jury Nullification

The major issue in nullification is that the public citizens who appear on criminal juries are not educated in the matter of the law so they should not be allowed to decide issues of the law. In theory, it takes a comprehensive knowledge of what a law says, how it is applied, how it is meant to be enforced, and why it is in place or what it is meant to prevent in order to decide whether or not it is a good law or whether it should be enforced in a particular instance. The courts would be much more educated on these issues than would jury members. However, the courts do not represent the public in the same way juries do. The only education jurors get about a particular law when they are sent to deliberate is a brief reading of what the law says and what breaking the law consists of. They may also receive some definitions of words

contained in the law. Is this information enough to decide to acquit a defendant on the basis that this law is unjust, or that violating the law is excused in a particular case? Many are split on this argument, but everyone agrees that laws are in place for a reason and are meant to protect us. If juries choose to ignore these laws on occasion, then they are not acting for the betterment of the society that these laws are meant to protect and are, thus, not acting as an agent of the public. So, in essence, if a jury fails to enforce a law that protects the public then they are endangering the public and not doing their moral or legal job as a juror. This is one major problem with the possibility of jury nullification.

Another problem the courts have with jury nullification is the effect that trial attorneys could have on juries. Think back to Andrew Hamilton in the Dean of St. Asaph's Case. Even though the jury in this case was only meant to determine whether or not a paper was published, Hamilton argued that they also needed to find whether or not it was malicious (41). At the time, this decision was left to the courts. In today's courts, even though the courts do not instruct the jury that they have the power to nullify, attorneys can hint at it during arguments. Take, for instance, a scenario where a man with a felony conviction is found to have a gun when it is illegal for him to own one. All of the factual elements are very clear for a conviction for possession of a firearm, but attorneys begin to make the man look very good natured and not dangerous at all. They make it appear that the man didn't know any better and would never make the mistake again with some help. If they are effective, the jury may choose not to convict him even though he clearly met the criteria to be found guilty. These circumstances actually occurred during a trial in 1986 where cameras were let inside the jury room to film deliberations. This film was then turned into a Frontline documentary called

Inside the Jury Room. In this situation, jurors struggled with their role. Some jurors wanted to acquit the defendant on the grounds that he didn't know any better and was not a threat to the public given that defense attorneys made a big deal at the fact that the man only read at a second grade level and had low IQ scores. Others were afraid that acquitting the defendant based on overwhelming evidence would be wrong since they were instructed to decide only on the elements of the case. Eventually, though, the jury voted to acquit the defendant.

The question is whether or not this decision was right, however this is a difficult question to answer. It is possible that this man is not a danger to society and sentencing him to prison would be an overly strong sentence for someone who did not seem to know any better and simply made a mistake. However, this decision could also be very harmful to the public since allowing this man to be released could lead to this happening again and maybe someone getting hurt. This is not an instance where the jury found the law was unjust, but simply an instance where trial attorneys persuaded the jury to release someone based on sympathy. Common citizens can be easily swayed with rhetoric so granting the jury the power to nullify for these reasons can be extremely dangerous and give too much power to defense attorneys to win cases allowing guilty defendants to go free (Hreno 354). Allowing juries to decide whether or not a person is a threat based on a short trial could eventually leave the public vulnerable and allowing juries to ignore the instructions about the law provided to them by the court could render the courts ineffective.

Whether one agrees with the courts that jury nullification is not a favorable establishment or not, it is impossible to ignore the facts that mistakes can be made. If a jury

wrongly convicts a defendant when the facts do not support such a conviction, appellate courts have the ability to overturn this conviction protecting the defendant from mistakes made by the jury. However, no one is able to protect society from jury mistakes that allow guilty defendants to be released back into the public. The law promises defendants that they cannot be tried twice for the same crime (353). This means that if a jury finds a defendant not-guilty, then this verdict cannot be overturned and they are considered free. Changing this fact would render the jury useless and be very detrimental to the democratic views of this nation.

Allowing the courts to review not-guilty verdicts would place too much power in the hands of the state. Instead of the courts having this power, they, instead, are under significant pressure to get convictions when the facts support them. This pressure then falls back onto prosecution attorneys. What this means in terms of jury nullification is that efforts need to be made in order to limit instances of jury nullification when it is harmful to the public. Some measures are already in place while others are only possible actions meant to prevent jury nullification all together, although it very quickly becomes clear that limiting or preventing jury nullification is much more difficult than it appears.

Efforts to Limit Nullification

The major effort that is currently in place to limit the power that attorneys have in influencing a jury's decision is the federal rules of evidence. These rules are meant to limit what kinds of testimony a jury is allowed to hear. It strives to limit the testimony to only things that are relevant to finding whether a defendant is guilty or not based solely on the elements of

the law and that testimony which is considered to be truthful (Hagerstrom 281). It excludes many elements of character of people in the case as well as some prior actions, hearsay, and irrelevant testimony. The goal here is to prevent the jury from deciding whether to find a defendant guilty or not guilty based on a factor that should not play into their decision. For example, a jury may not find a man not-guilty simply because they are a member of the church. Factors like these could possibly play into a jury's decision, however, as recognized in *United States v. Battiste*, the decision made back in 1835. With this possibility in mind, the courts work to limit what information juries are allowed to hear to only those facts that could make an element of the case more or less likely based on factors that the court agrees could play into the decision. These efforts are meant to limit or eliminate nullification from occurring in cases where an irrelevant factor causes a jury to nullify the law in spite of overwhelming evidence of a defendant's guilt.

The rules of evidence are an important and effective tool in limiting the testimony that a jury is permitted to consider, although, not always the testimony that a jury hears. One of the major problems with how the rules of evidence are applied during a trial by jury is that when an objectionable statement is mentioned in court and the court determines it should not be allowed, the jury still hears the statement. They are quickly told to disregard what they just heard but it has already influenced the prejudices and passions of the jury and perhaps changed the way they looked at a witness or the case as a whole. It is impossible to forget something that you heard immediately after hearing it. This concept is just silly. Therefore, attorneys can use this to their advantage. In many instances, sanctions and fines are given to attorneys who abuse this power, but saying objectionable information in front of a jury could decide cases

whether the jurors are told to disregard the testimony or not (Conrad 48). There are many other possible ways that courts can prevent jury nullification such as stepping in on cases where it occurs, or punishing jurors who use this power, or allowing appellate courts to review cases where not-guilty verdicts are reached. However, this is not as easy as it sounds.

The major reason that jury nullification cannot be prevented is referred to as the identify problem. Simply put, this means that it is impossible to know for sure when jury nullification has occurred. There are a few reasons for this. The first has to deal with the burden of proof that must be reached in criminal cases. This burden is described as “beyond a reasonable doubt” (Hreno 352). This simply means that if a jury has any “reasonable” doubt whatsoever when looking at a case, then they are instructed to find the defendant not guilty. The important thing here, however, is that they are not required to announce what doubt they have or whether or not they have one. This means that when a jury decides to find a defendant not guilty there is no way to know whether it was due to a doubt they had or whether it was due to jury nullification (Hreno 353). The jury itself may not even know. The decision may be due to a doubt but who is to say whether or not this doubt is reasonable? The only evidence the courts have that nullification may have occurred is the not guilty verdict and evidence that was heard in trial (353). But if the not guilty verdict is due to a reasonable doubt in the jury’s mind then they did their job correctly.

It is neither feasible nor possible for someone else such a member of the court to decide which has occurred in each case because it is impossible for them to enter the minds of the jury or to go through the same processes. And since the criminal justice system allows for the jury

to decide if there is a doubt and not the courts, then the only way to judge whether a jury nullified or not is to look at the evidence from the prospective and mindset of each juror which is impossible (354). This limitation prevents many methods of protecting the courts from jury nullification such as punishing jury members for nullifying, allowing only nullification cases to be reviewed, or calling in a new jury when the first decides to nullify. There would be no way to determine when these actions come into effect.

Many push for interviewing jurors after the decision or before the decision is released to ask them whether or not their not-guilty verdict was due to doubt or nullification. However, unless all twelve jurors agree that it was due to nullification this cannot be considered enough evidence. Additionally, it has been proven that jurors tend to second guess verdicts after they are made based on additional information they may not have been allowed to hear or due to self-doubt (Conrad 104). These jurors may say that it was due to nullification when, in reality, it was not. It would not be fair, then, to punish all the jurors when one admits to nullification. This is simply not feasible.

Assume for a moment that the courts suddenly decide to punish juries who they suspect have nullified. Even forgetting all the problems mentioned above, this would hurt the entire criminal justice system and the public. When citizens with jobs and families are called to jury duty under the threat of legal punishment if they are suspected to have nullified, the juries would be working under fear of prosecution. The safe thing to do would be to find every defendant guilty if there is any evidence at all just to make sure that they cannot be punished for nullifying. Think back to the Bushells case where jurors were imprisoned without food or

water and fined if they did not find William Penn guilty. If every juror expected this kind of treatment for a not-guilty verdict, they would naturally side with the prosecution to keep themselves safe. This would mean many defendants who would have and should have been found not-guilty by free juries would now be sent to prison for, perhaps, crimes they did not commit. Not only would make the public very vulnerable to false criminal allegations, but it would also crowd the prison system even more. Also, allowing the courts to punish juries expected to have nullified would allow the courts to abuse power much like they did in the Bushells case and would end the notion that a defendant is innocent until proven guilty. Simply put, as it stands now these actions would destroy the democratic criminal justice system we have in place today. Destroying this system would also hurt society's impression of how fair the system is. The courts are already seen as a flawed system by many, imagine how ugly the public opinion of the courts would get if this happened. The courts are meant to make society feel protected, so they are not being effective if society does not support the actions that the court is taking.

Another possibility that was mentioned is allowing not-guilty verdicts to go to appellate court like guilty verdicts are allowed to do. This would simply give the courts another chance to secure guilty verdicts that they feel should be secured. However, there are several problems with this as well. First, the court system is already extremely crowded to the point that cases are delayed months and even years. This would drastically increase the amount of cases appellate courts would need to view and cost an extreme amount of time and money. Also, it would infringe on the constitutional rights of defendants. They are supposed to appear before a jury of their peers, but if they are forced to go through their peers followed by appellate

review then this right is essentially taken from them. If every jury decision was reviewed by the court, then there really wouldn't be a need for a jury since the final decision would ultimately be up to the courts. Essentially, allowing every case to be reviewed is simply allowing the courts the luxury of allowing verdicts they agree with and changing verdicts they disagree with. This gives the courts freedom to control every single accusation and determine the guilt or innocence of each. This violates the principle that juries are in place to protect and that is to limit the ability of the courts to abuse power.

Up until this point we have seen that the courts do not support jury nullification, but the democratic goal of the legal system combined with the limitations that prevents the court from controlling nullification has led to common law precedent supporting the jury's right to nullify. Since the courts cannot effectively control when nullification occurs, it is up to the jury to decide when it is right to nullify and when it is not in order for the criminal justice system to be most effective. Since the law cannot outline when this is right or wrong since it cannot enforce this distinction, it is a question of morality in the minds of each juror. If a juror is first an agent of the public, then they have the moral obligation to decide based on the betterment of the public under the direction of the courts. But how much impact should the courts instructions really have? The easy answer is to say that the court knows the most about the laws so their instructions should be followed, and that is what the courts would like juries to think, but this is an issue that needs to be looked at from a more philosophical perspective rather than a practical one to truly understand how the legal system works with respect to the role of a jury.

A Philosophical Look at Jury Nullification and Morality

In essence, laws are in place to protect society from itself. That is, to help protect citizens from other citizens (Hagerstrom 125). Laws are regulations that control what actions are legally accepted or legally prohibited in order to limit the risks posed to people living within the realm of the laws of a particular group. As much as it is criticized, the criminal justice system is trusted with making citizens feel safe. This puts a new perspective on the idea of a jury representing society. Think of it this way – a jury is in place to determine whether a person is guilty of a crime or not. However, this definition alone does not allow for jury nullification since these scenarios go beyond simply deciding guilt. But if we define the role of a juror as one that is meant to decide whether or not a person should be punished for an action, then things are a little different. Guilt is still an aspect of deciding punishment, but this definition goes beyond simply determining guilt. With the first definition, the jury must be directed by the courts; juries must find the facts of the case and then apply those facts to the law as they are instructed by the courts. With the second definition, the jury must not only find the facts, but then also choose whether or not to apply the law. If the jury decides that this action requires repercussions, then they have all of the tools of the criminal justice system at their disposal. If they do not feel the action requires punishment, they have the power to prevent the courts from taking action against the accused. Even with the definition, the courts instruct the jury as to the law as it is written so that if the jury agrees with the law they understand how it is to be applied. However, they are not bound to follow the law or to enforce it in every instance even though the courts would like them to do so.

Up until this point, we have looked at juries as being agents of the people under the direction of the courts. This is due to the fact that the courts are educated on the law and provide instructions to juries about the law. However, from this new perspective the power comes from the people, not from the courts. In essence, once a trial goes to a jury the courts are operating under the direction of the people. The courts explain the law to the jury as it is written. Then, if the jury agrees with the law and agrees that the actions of the accused violate the law to a strong enough degree that punishment is needed, then they may instruct the courts to punish the defendant. However, if for any reason the jury decides that punishment is not necessary – whether it is because of doubt or some other reason – they instruct the court not to carry out any punishment. So rather than the jury being an agent of the courts, the courts and the law are agents of the people to an extent.

Taking this idea a bit further, we see the same moral struggle experienced by an entirely different party. If we assume that the courts act on behalf of the people in order to keep society safe, then this decision whether or not to prosecute falls on the courts - specifically, on prosecution attorneys. This decision is very close to the decision that juries have. When a charge is brought against someone, prosecution attorneys look at the offense and look at the evidence and choose whether or not to bring suit against the person. Similarly, juries are presented with the situation and evidence and must make the decision whether or not to punish the accused. Neither party can be held legally responsible to bring suit or find an accused party guilty so both are given some form of freedom. For juries, this freedom is called jury nullification whereas attorneys have what is known as prosecutorial discretion.

A lot more has been written about how a prosecution attorney decides whether or not to press charges so let's examine this scenario a bit more and then compare it to the decision that juries have to make. Prosecutors have the ability to choose not to proceed against all offenders and a failure to proceed cannot be described as a violation of any legal duty (Greenawalt 350). Just like jurors, the only duty that can be violated is the moral duty that they have to either society or the courts. In this case, both the prosecutor and the courts have the duty to keep the public safe. Therefore, we can argue that the decision that is morally right is the one that most benefits the safety of society. If this is the case, then it would be morally wrong for a prosecutor to decide not to proceed against a defendant that is considered to be a danger to society. At the other extreme, it could also become morally wrong to take legal action against someone who society feels should not be prosecuted. The reason for this is that society may feel that proceeding heavily with legal action for every small infraction would negatively impact the community.

This is the same moral dilemma facing a jury. Just like a prosecutor, juries are agents of society. It becomes their job to act in the way that most positively impacts society. Therefore, if a defendant is accused of a crime and the facts are sufficient to find him/her guilty of the crime, and the jury feels that it would be in society's best interest to take action against the defendant, then it seems to be their moral duty to find the defendant guilty. However, jury nullification requires that, despite sufficient evidence that an accused is guilty of the crime as it is detailed in the law, juries still find the accused not-guilty. The question is whether it is possible for this decision to be a morally right one, or if this decision can be made without violating any moral duties.

So far, a morally right decision has only been defined as one that most benefits society. With prosecutors, it is possible that proceeding against people for every minor offense could harm society which would therefore mean that not pursuing legal action for such petty crimes would benefit society in some way. However, jury decisions in no way set any precedents for other trials to follow. This means that it is difficult to say with any confidence that a jury releasing a guilty defendant would ever benefit society in any major way. However, it can be argued that since sending someone to prison negatively affects his/her life, this is only a morally correct action if some benefit to society outweighs it. For example, when a jury is acting as an agent to society, it would be morally acceptable to send a man to prison if that man poses a danger to society. However, it would not be morally acceptable to send someone to prison if that action would not provide some benefit to society.

There are many reasons for a jury or a prosecutor to decide not to take action against a defendant despite a strong belief in the defendant's guilt. Perhaps the accused for one reason or another is not likely to break the law again, perhaps some mental handicap prevents the person to be seen as a threat, or maybe the jury or prosecutor agrees with the moral reason for the violation of law (Greenawalt 152). But the moral question that must be asked is whether or not a jury should be able to decide whether or not to prosecute based on factors such as this. The courts answer is an emphatic no. We heard earlier about the lengths that courts go to in order to prevent juries from hearing some of this information if it does not apply directly to the elements of the law that was violated. It would be dangerous to let twelve jurors who only hear limited evidence about a defendant to decide whether or not that person should be prosecuted. If this was the case, there would be no legal precedent that could be followed in

terms of the law. A person who commits murder could go free if they wear clean clothes and put on a good show in the courtroom while a person who defends his/her home from a burglar could be found guilty of assault if the jury finds some reason to dislike the defendant. There are reasons that we have laws and not simply a jury of our peers. Laws are meant to protect us, and in order to do so they need to be clear so that they are enforced when they are broken. If laws were always up for interpretation and not strictly enforced, the safety that they provide would begin to disappear. Simply put, juries should enforce the laws that succeed in protecting citizens.

To this point it is clear that when it comes to jury nullification neither extreme is acceptable. It is impossible to completely eliminate jury nullification and would be anti-democratic to do so. Similarly, it would be extremely dangerous to allow jurors to have complete discretion to decide who to send to prison and who to set free based on factors besides the law. The goal is to find some comfortable place in the middle where we can trust juries to apply the law as it is written, but to still provide society with protection from governments who may abuse their power by making bad laws, or from governments who become misguided as to what laws and protection society wants. In essence jury nullification should only occur in extreme instances where it becomes necessary.

An Analysis of Jury Instructions

In order to analyze how this goal can be achieved, the first question to ask is how would the perfect juror act inside the jury room? The obvious starting point is to assume first that the juror acts in accordance with how the court would want them to act. For this, we can look at

the jury instructions that judges provide to jury members before they retire into the jury room in the Eighth District Court in Nevada. The instructions given obviously vary, but one sample provides a very direct introductory paragraph that sums up how the courts see the role of a juror. These instructions begin with “it is my duty as judge to instruct you in the law that applies to this case. It is your duty as jurors to follow these instructions and to apply the rules of law to the facts as you find them from the evidence” (Gardner 1). This could not be any clearer. The perfect juror in the eyes of the courts is one that finds only the facts and applies the facts to the law exactly as they are instructed. One thing missing from these instructions is the courts instructing the jury that they are allowed to nullify if they see fit. However, nowhere in the instructions does this appear. In fact, the court explicitly prohibits such action with the following line: You must not be concerned with the wisdom of any rule of law stated in these instructions. Regardless of any opinion you may have as to what the law ought to be, it would be a violation of your oath to base a verdict upon any other view of the law than that given in the instructions of the court” (Gardner 1). The interesting thing about these instructions is that despite how the court makes it sound; a jury is permitted to do the exact thing that this judge specifically prohibits without any penalty at all. Why, then, does the judge instruct jurors in this manner and is it right to do so?

First, examine the possibilities for how to instruct a juror from the perspective of jury nullification. The first possibility is for the judge to handle it as courts do today – that is, to explicitly forbid it. This would be effective at limiting the amount of times that nullification occurs if jurors think it is wrong to do so. The second extreme would be for courts to instruct jurors that they are allowed to base their decision on any interpretation of the law or any factor

that they wish to decide upon. We have already discussed the dangers of allowing jurors to handle cases in this manner. If jurors are given the freedom to decide cases based on any information that they want they would be more conducive to deciding based on things that they know. Unfortunately, jurors do not know much about the law so if given the freedom to ignore it most may do so. This is a dangerous effect of notifying jurors of the freedom that they have, thus, these jury instructions would not be effective in controlling nullification or allowing the criminal justice system to be effective.

The third option would be some sort of middle ground. The most logical way to do this would be to instruct the jury as to the role of the judge and the role of the jury similarly to how the judge instructed the jury in the first quote above. However, instead of prohibiting any deviation from these instructions as the judge did in this case, what if judges explained to jurors that they have the power to nullify if they see fit. This is actually how the law views nullification so why not simply explain this to jurors right away? The reason is similar to the reasons that prevent judges from telling jurors that they can decide however they wish. The job of a jury is not an easy one; many times jury members are forced by the law to find a verdict that they are not entirely comfortable with. For example, some jurors who are serving in a murder trial must sentence a defendant to life in prison or even the death penalty if they find that the facts support such a verdict. This is a difficult decision to make, but if a juror feels that they are required to make it they will be more likely to do so than if they are given some alternative. Consider the scenario where a wealthy man in a suit is on trial for killing a business partner. Evidence is offered that this man is a good husband, a good father, and an all-around valuable member of society. However, the facts overwhelmingly show that this man murdered another

man in cold blood. The judge would instruct the jury that if they feel the facts support a guilty verdict they are compelled to sentence this man to life in prison. In this case the jury would be very likely to do so. However, if the judge adds an instruction that, for example, if the jurors do not feel that this person would be a danger to society or does not need to be locked away, then they are allowed to ignore the law and set him free, some may be tempted. It can be difficult to imagine a person who is cleaned up in court and acting very cordial could have done such a horrible thing, but the fact of the matter is that people who appear to be good can do terrible things. Allowing this man to walk free would harm society and it is the court's job to limit harm done to society the best way possible. Therefore, including any clause in jury instructions that would inform jurors of their power to nullify could lead to nullification to occur more frequently when we have seen from this example that juries who frequently choose to nullify could harm society greatly. However, we have also seen that it remains important that juries retain the power to decide cases free from the fear of prosecution for a variety of reasons, and it is important that people have the right to nullify to keep governments in check who could, in theory, abuse their power to act against the people.

The important thing to note about jury nullification and morality is that even though the existence and possibility of nullification is important, the standard that must be met in order for a jury to be morally just in choosing to nullify is a very high one. This is because the laws we have are already in place to protect society so failing to enforce them would, by definition, fail to protect society when that seems to be the role of a juror as an agent of the people. So analyzing the role of a juror from a moral perspective seems to yield the following. Choosing to

nullify in criminal court is morally wrong except in extreme circumstances. The question becomes, what kinds of circumstances would nullifying be just?

When is Jury Nullification Morally Just?

The answer to this question may be different for different people. Let's start by analyzing some possibilities. When we looked at prosecutorial discretion we saw examples such as if a person thought that they were doing the right thing at the time, if the person thought what they were doing was legal at the time, maybe the person had some kind of mental handicap, or perhaps the law that was said to be broken was a bad law or a good law was being applied wrongly to the defendant (Greenawalt 350). The first few examples deal with the state of mind of the person accused of committing the crime, and the third example involved a mental handicap that could, perhaps, prevent a jury from sending the defendant to prison. These three reasons are taken care of within the elements of the law that jurors are instructed to decide upon. For example, many counts of criminal activity require a certain state of mind in order to be found guilty of that offense. In these cases the state of mind of a defendant is listed as a fact that juries are meant to determine based on evidence. For example the difference between manslaughter and degrees of murder come down to state of mind. This is an example where a state of mind would make a person more or less punishable but still guilty to some degree. Various counts and definitions allow for juries to give lesser sentences rather than acquitting a defendant all together for reasons such as state of mind or mental ability. If a defendant with a mental handicap commits a serious crime, there are separate sentences they can receive. For example, they could do time in a mental hospital rather than a

prison. For these reasons, these moral justifications or reasons to acquit defendants are dealt with in the law by awarding lesser or more appropriate sentences and would not be considered jury nullification; just findings of fact are allowed to be handled by the jury.

This leaves only instances where either the jury does not feel the law that is being applied is just or where the jury feels that a law is being applied to a defendant unjustly. In the case where a law is being applied unjustly, there is usually some sort of element that defines the instances where a law or a legal action can come into play (Greenawalt 363). So this is, for the most part, an element of fact that a juror must decide upon just like whether or not a person has the mental state or mental ability to carry out a crime as discussed earlier. Since it is the job of the jury, not the court, to decide these elements, then instances where a jury feels that the situation they are deciding upon is one where the law should not come into play, they are within their right to do so. If this is not a factual element of the case, then the problem is more with the law than with its application because it either is too broad in nature or too unclear in the eyes of the jury.

In an instance where a particular law is seen as unjust through the eyes of the twelve jurors or from the eyes of society as represented by the twelve jurors, the law could be justly nullified. The reason that this is justified is that laws are meant to serve and protect society so if a law is harmful for some reason, then it is not a good law since it is ineffective of protecting citizens. For instance, think back to the Bushells case where a law was limited the religious rights and freedom of speech of citizens at the time. Eventually twelve jurors were strong enough to stand for what the majority of society wanted at the time, freedom. This was an

instance where nullifying a law that the courts supported was morally just. However, this action was seen as a form of civil disobedience at the time. Even today, in a society where a jury who nullifies the law cannot be punished for their decision, choosing to nullify can be seen as a civil disobedience. In fact, I argue that given the harsh and strict instructions that the court provides jurors, in the mind of a juror nullifying is a form of civil disobedience even if it is not one that is punishable by law. Whether a reason for nullifying is morally just or not does not change the fact that in the eyes of the courts, choosing to do so is a civil disobedience. The question is only whether or not it is a moral disobedience. There could be many situations where nullifying could be morally just, but the goal here is to limit nullification scenarios so that only those that are just actually occur.

A Look at Civil Disobedience

For this, let's compare jury nullifications to other forms of civil disobediences that are punishable by law. The first question to ask is are there circumstances where breaking a law is morally just? It would be irrational to say no since there are many examples where this could be the case. For example, if someone is breaking into one's home threatening the lives of the defendant and his/her family and the accused takes physical action that proves to be accidentally fatal, then it would be difficult for anyone to say that this form of protection was not morally just even though killing another person is considered a violation of law. Taking a simpler example that was used to explain prosecutorial discretion, think of the person who is speeding down a highway to rush a severely injured friend to a hospital. This is another violation of law that is seen by many to be morally just. The idea behind laws when they are written into

legislation is that these laws are always meant to be followed. In a perfect world, however, where everyone acts with perfect morality these laws would still be violated, but only when a violation is absolutely necessary with moral justification. Similarly, in a perfect jury, the jurors would always follow the instructions of the court except in circumstances where it would be immoral to do so. In these instances, the perfectly moral jury would nullify the law for the betterment of society.

Many works on civil disobedience cite civil rights disobedience such as the lunch-counter sit-ins and Rosa Park's famous bus ride as instances where laws are broken for the advancement of society with moral justification (Greenawalt 229). In instances such as these, laws are broken for one of two reasons. Either the violation is meant to make a statement of some kind or the violation is meant to change a law (231). Since jury decisions set no precedents for any further decisions on the matter, no instance of jury nullification would ever directly change a law. The furthest any nullification would go is to make a statement that the people as represented by the twelve jurors do not agree with a law. This message would be sent to the courts and the legislature who, in theory, are meant to respond to the statement. So indirectly a law could be changed based on a decision to nullify, however, a jury does not have the power to immediately change how a law is written or how it is applied.

However, there is one major problem with the notion that nullification is a form of civil disobedience that is meant to make a statement from society to the courts and legislatures. This problem is the same problem that makes it impossible for courts to control or limit nullification – That is, no one is able to or is supposed to know when nullification occurs. For

this reason, if a jury chooses to nullify society may simply think that the jury felt that there was reasonable doubt in that case and there would be no reaction to the statement the jury was trying to make. Juries are also asked not to speak about what occurred in the jury room afterwards so no one could announce that nullification occurred. Even if a juror did, however, he/she would not be able to speak on behalf of the other eleven jurors so still no real statement would be made that could rival the public displays of disobedience seen in the civil rights movement. Another distinction between juries who nullify and other groups of people who perform civil disobedience is that juries are randomly selected and then hand chosen for the most part by attorneys and judges whereas demonstrators choose to be in the situation they find themselves (250). The significance of this distinction is that is a group of people gathers for the purpose of making a statement they may go to greater lengths to make the statement such as violating a law (254). Put a different way, people who choose to be in a situation where they have the chance to disobey a law they do not agree with would be more likely to commit a civil disobedience. Jury members do not choose to be in this situation, therefore they are less likely to violate an oath or law and disobey the courts. For all of these reasons, it is difficult to equate the actions of demonstrators violating a law with jurors violating the instructions of the courts.

For the courts, however, this distinction is a good thing. Since jurors are less likely to violate the instructions than citizens are likely to break a law, then this even further limits the number of times nullification could occur. For this reason, in the eyes of the courts jury nullification is handled in a similar way as legal violations. Even though it is impossible to prevent certain actions entirely, laws can be used to limit the actions. For example, it would be

completely irrational to think that it would be possible to stop people from speeding entirely. However, making it illegal limits the amount of people willing to do it which makes the roads safer to drive on. Instructing jurors that they must obey the courts instructions exactly and not allow any other information or emotions to affect the verdict will not entirely eliminate juries from moving outside of the jury instructions; however, it would vastly limit the amount of people willing to do so. Even further, since jury decisions must be unanimous, one person willing to violate the oath is not enough. All twelve jurors must agree not to apply a law in a case where the facts point to a guilty verdict in order for a jury to nullify. This all but ensures that nullification would only occur in instances where it is absolutely necessary. These instances must be so strong that twelve strangers must rise up and agree to release a defendant who is guilty in the eyes of the law as it is written. The most effective way for courts to control nullification, then, is to pretend it is illegal even though there is no way to take action against anyone who does nullify.

Conclusion

Many would argue that strictly forbidding jury nullification in jury instructions yet allowing it to occur is a paradox, however, it is important to realize that this is simply not the case. To help rationalize this idea it can be compared to laws that are in place but rarely enforced in most areas such as jaywalking. The action of jaywalking is not condoned or allowed by most cities for the safety of citizens, however, it is rarely enforced. In a situation where jury nullification occurs or appears to have occurred no action is taken to prosecute the jurors or penalize them in any way even though what they did was not allowed by the courts. The

distinction between jaywalking and jury nullification, however, is the decision not to prosecute for the action is not a matter of severity of the offense but rather a way of giving citizens power against the government.

This power is important for many reasons. In the past jury nullification has been used to protect citizens from unjust laws that the government and the courts were attempting to place on citizens. Jury Nullification is one way for citizens to speak out against the government and actually control who is punished for which offense. This power granted to juries also allows for unique circumstances that come before the courts where questions about the law may arise can be dealt with, in part, by the citizens as opposed to simply the government. We have seen that the goal of the legislature as well as the courts is to protect citizens so any input society can have in the criminal justice system helps to achieve this goal.

However, this paper has revealed many problems that could arise from allowing jurors too much power to nullify the law. Regardless of how important the right to nullify is it does not change the fact that common citizens are not educated in the law and, thus, are not qualified to decide on complicated instances of law. This is why juries must be instructed by the courts so they can properly apply the facts of the case to the law. Legislatures cannot succeed in protecting citizens if the laws that they draft are not being enforced by juries. This means that if the system were to work to perfection, juries should only nullify in extreme cases where it is absolutely necessary.

This raises the difficult question of when nullification becomes necessary. It would be impossible to account for every circumstance that could come before a jury so answering this

question explicitly is simply not feasible. The only thing that is certain is that the courts cannot make this determination or control when nullification occurs in any way because of the identity problem. There is simply no way to tell when nullification occurs or when it should occur. The only way to analyze what situations require nullification is to look at this idea through the lens of morality.

Again, however, it would be impossible to look at every circumstance from the perspective of morality to see when the action of nullification would be just. However, the advantage is that juries are made up of twelve people that are meant to be representative of society. Since the role of a juror is to be an agent of society under the direction of the courts, then in order for jurors to behave morally, they must simply act under the same laws of morality that the rest of society shares. The best way to determine, then, when nullification is acceptable is to say that if all twelve jurors agree that acquitting the defendant is the right thing to do from a moral perspective, then it should be done.

However, the answer is not this simple. It is easy for twelve people to agree to acquit if they are given the option to do so. One thing we can determine about jury nullification is that it is dangerous because, by definition, it means that juries are releasing a defendant that they believe to be guilty of a crime. For this reason, it is the job of the courts to limit the instances of nullification so that it only occurs in the most extreme cases. There should be a very high moral standard that must be met before it becomes morally just to nullify. Informing jurors of this high standard, however, would be ineffective because being a juror is difficult and at times the mere option of acquitting a defendant would be enough to cause the number of nullification

cases to skyrocket. It is difficult to send someone to prison or even worse, sentence someone to death. This is especially true when the defense is presenting the defendant in such a way that they seem to the jury to be a good, family-oriented person who would never be capable of such a thing. Emotions can be stronger than facts and evidence at times so falling back on acquittal could seem very appealing if it is an option.

At first glance this problem seems insurmountable. Jury nullification simply cannot be made illegal for many reasons including the problems that go along with identifying when it occurs, interfering with the democratic nature of our justice system, and the risk of scarring prospective jurors into finding all defendants guilty to avoid prosecution. On the other hand, advising jurors that it is okay to ignore the law and the facts of the case and acquit defendants based on moral notions of what society would want presents problems of its own. Allowing jurors to acquit defendants whenever they see fit would pose a great danger to society. The only way to deal with this situation while avoiding both of these risks, then, is to instruct juries that they must only decide based on the instruction of the courts, but not prosecuting juries for their verdicts.

This conclusion has already been implemented by the courts, and after this analysis it seems that the current method of handling jury nullification is the best that is available. With the current system, there is a divide between what the role of the juror really is and what jurors are told their role is. Jurors are instructed as if their only role was to serve the courts by deciding the facts and applying them to the law exactly how they are instructed to do so. They are told that they must not decide based on any other factor. However, we have determined

that being a juror actually means much more. A jury is an extension of the courts but it is meant to represent society and act as an agent of the people. The theory behind this is that the jury should step in during any situation where the courts are behaving in a way that is morally unjust from the perspective of society with a few conditions. First, all twelve jurors must agree that it is morally just to ignore the court, the law, and/or the facts in the case in order to nullify. Secondly, they must feel strongly enough about their decision that they are willing to do what they were told by the courts that they are not allowed to do. This means they must feel strongly enough about the verdict that they are willing to step into the realm of civil disobedience by defying the instructions they are given by the court. In a perfect world, these standards would only be met in extreme instances where jury nullification should occur.

However, we do not live in a perfect world. For this reason, even though jury nullification is currently being handled in the best possible way, mistakes can still be made. Some juries will still decide to nullify the law and release dangerous people into society, and some non-dangerous, good-natured people will still be sent to prison even when, for one reason or another, it is not morally just to do so. Simply put, however, there is no perfect solution that would allow nullification to occur only in circumstances where it is morally right. From the perspective of the juror, everyone who appears for jury duty should listen to the courts and follow their instructions. Only if the juror feels that they are morally compelled to nullify should it even be considered.

As we mentioned, however, it can be difficult for a single juror to decide when morality calls for an acquittal despite the facts supporting a guilty verdict, but there are a few methods

that can help with this situation. First, the realization that eleven other members of society are in the room with you can help fulfill the role of being an agent of society. The twelve people in the room are meant to be representative of the public so if everyone in that room does not agree with the moral reason to nullify, then it is clear that everyone in society would not agree. If only one or two jurors feel that it is right to nullify, then they are not truly acting on behalf of society if they are disagreeing with ten other citizens. Another general rule that can be followed is that nullification is only morally right when it is morally wrong to find the defendant guilty. This gives a new perspective on the decision. A juror who chooses to nullify should first listen to the instructions of the court and apply the facts to the law as they are instructed, and only if applying these facts and finding the defendant guilty feels morally wrong should they consider what action in this situation is morally right. If acquittal seems to be the best option for the public and the other twelve jurors agree to the point that they are all willing to disobey the courts in order to make the situation just.

In essence, there are no set rules that can be enforced or passed on to jurors that would help the situation of jury nullification. The only question that can be answered when it comes to nullification is a question of control. For many reasons it is impossible to eliminate nullification no matter what risks it may pose to society to the best way to deal with it is to control it. This draws many parallels to actions by society that laws are meant to prevent. For example, speeding, assault, tax evasion, or any other law is in place because preventing these things is impossible, they must simply be controlled. These actions are controlled by making them illegal and punishing people who perform them. However, jurors cannot be punished for their verdicts. The courts can, however, play on the segment of human nature that responds

to following rules. If jurors are instructed by the courts that they are not allowed to perform actions that lead to nullification, then they will either listen and comply with these notions or rebel against them. Making nullification a rebellious action that must be performed simultaneously by twelve unrelated individuals is the best way to control the instances where it occurs. Every other aspect of jury nullification, then, comes down to trust. The courts must trust that nullification is in place for a reason, they must trust that jurors will only nullify in extreme circumstances where society deems it necessary, and they must trust that in all other scenarios jurors follow the jury instructions explicitly. For now, the American criminal jury seems to be working, so we as Americans must trust that the jury as well as the entire criminal justice system will continue to serve our needs and continue to improve as more experiences help to shape the laws and how they are applied and enforced in our society.

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B.S. in Economics Smeal College of Business, Penn State University

B.A. in Philosophy, Penn State University

Honors in Philosophy

Thesis Title: When Jurors Take a Stand: A Look at Jury Nullification and Morality

Presentations

Penn State Development Office, Altoona, PA

Donor Presentation for Penn State Altoona, November 2007 – May 2009

- Teamed up with Penn State Altoona Chancellor and Development Office.
- Drafted a presentation for a prospective donor in collaboration with Development Office.
- Instrumental in securing a multi-million dollar gift to Penn State Altoona to expand the Entrepreneurial studies program.

Students in Free Enterprise at Penn State, Altoona, PA

Vice-President, September 2007 – May 2008

Member of the Presentation Team – September 2006 – May 2007

- Worked with 4 other students to write a business presentation detailing the projects our SIFE team completed that impacted the development of our community.
- Presented this arrangement in regional competition in New York City and advanced to the National Exposition in Dallas, Texas.
- Delivered an expanded presentation in Dallas, Texas to 30 business executives.
- Taught local high school students the Capstone Business Simulation Software and ran the simulation in 2 local high schools.

Work Experience

The Law Offices of Louis Margiotti, St. Mary's, PA

Legal Intern – Summer 2010

- Scheduled appointments and managed attorney's calendar.
- Communicated with clients to collect screening and follow-up information.
- Managed client accounts.
- Filed cases with the courts electronically using bankruptcy software.
- Attended court hearings.

Activities and Leadership

Penn State Mock Trial, University Park, PA *Administrative Vice President, October 2010 – May 2011*

- Captained 6 Teams including: two 2nd place finishes at the Happy Valley Invitational and a 1st place finish at the Princeton Regional Tournament advancing to the Opening Round Championship Series in Boston, Massachusetts.
- Acted as Administrative Vice President for the 85 member organization.
- Organized an intramural tournament between 8 Penn State teams.
- Challenged with objective decision making in selecting team members to represent Penn State in national competition.

Society of Business Students, Altoona, PA *President, September 2007 – May 2008*

- Arranged for local business leaders to speak with students to share business experiences, challenges, and strategies.
- Organized monthly debates between members.
- Facilitated communication between business students and professors.