

# JURY INDEPENDENCE ILLUSTRATED

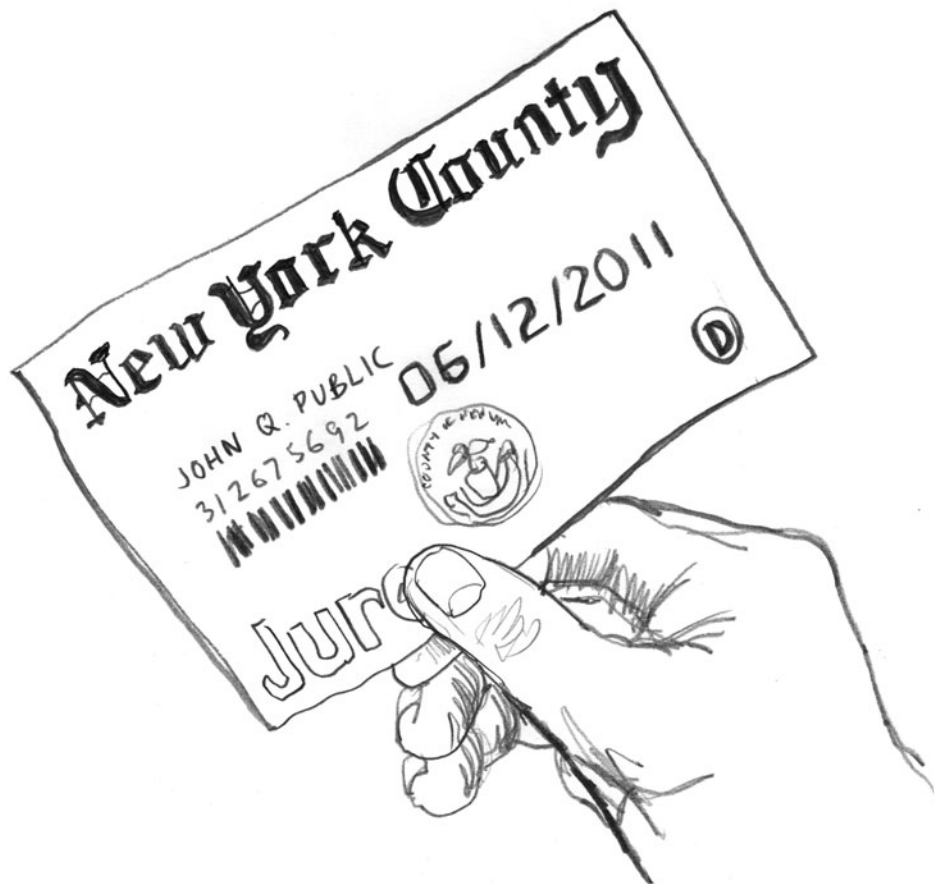
*“written and illustrated” by*  
**Ricardo Cortés**

What?

You're trying to get out of it?

So you've received a notice  
to report to jury duty.

*Too busy?*



At the risk of sounding like a herb,  
being on a jury can be one of the  
greatest experiences of citizenship.



As a voter you're one of millions.  
As a juror you are one of twelve,  
with power over someone's *life*.



But there is one thing  
a jury won't be told,  
by neither "the people,"  
the defense, nor the judge.

In 1734, John Zenger printed an article condemning the governor of New York. Colonial law prohibited publications that did not meet government approval, and Zenger was arrested for seditious libel.

Zenger did not deny publishing the offending work. During his trial, the judge instructed the jury that this admission was evidence enough to convict.

In fact, the jury disregarded the judge's instructions and found Zenger *not guilty*, based on what they deemed to be an unjust law.

This landmark case for freedom of the press is one of the earliest and best-known examples of **jury nullification**:

*When the jury returns with a verdict of “not guilty” despite evidence establishing that the defendant is guilty as charged.*



A jury is designed to protect society from lawbreakers, but it is also a means to protect society from bad law.

A jury can nullify a law that it believes unjust or wrongly applied to a defendant.

Jury independence is your power to judge the law as well as the evidence, and to vote on a verdict according to conscience.

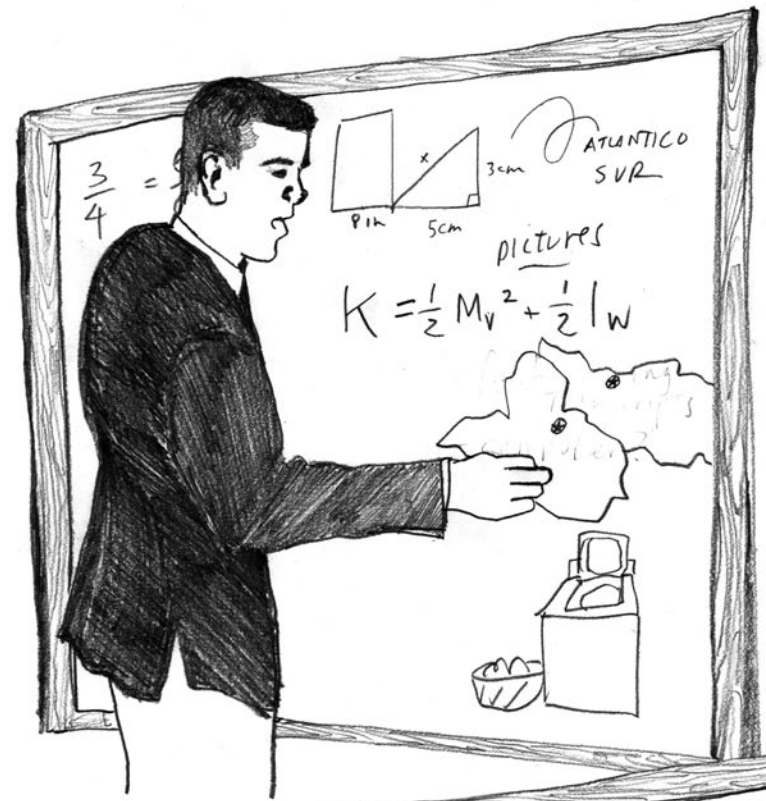


Judges are not required to inform you of jury nullification power. In many jurisdictions it is forbidden for attorneys to advise a jury of the possibility, and jurors must learn of it through extra-legal sources.

Fear of jury anarchy guides such restrictions, and there are examples of nullification gone awry (e.g., racist juries refusing to convict white supremacists for killing black people).



So when should this special power be used?



In all criminal drug cases.

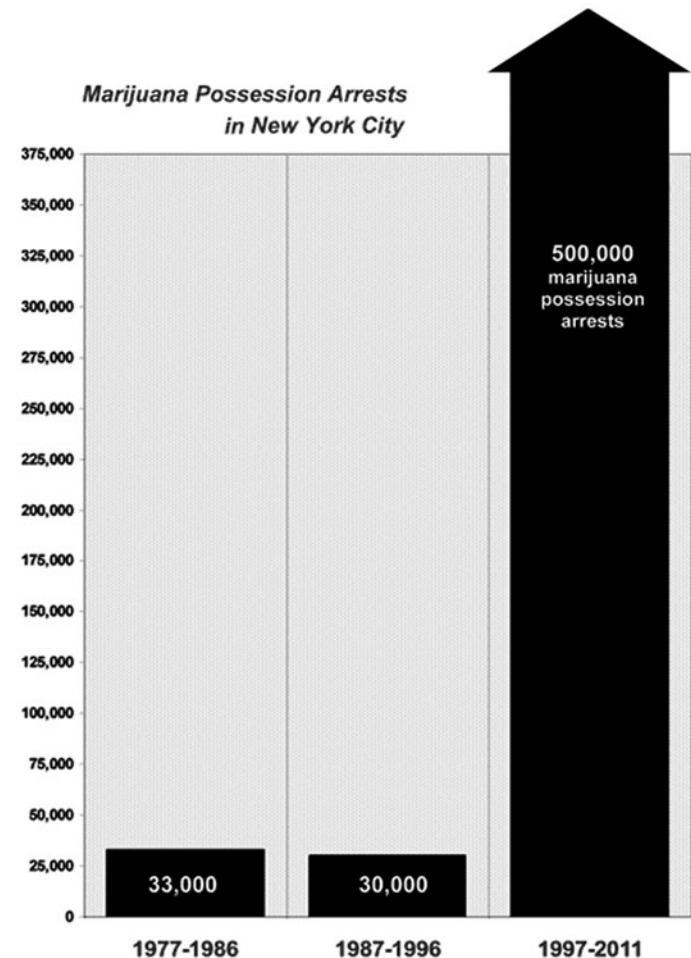


In 2008, the writers of HBO's *The Wire* wrote an essay in *Time Magazine* stating,

“If asked to serve on a jury deliberating a violation of state or federal drug laws, we will vote to acquit, regardless of the evidence presented. Save for a prosecution in which acts of violence or intended violence are alleged, we will—to borrow Justice Harry Blackmun’s manifesto against the death penalty—no longer tinker with the machinery of the drug war. No longer can we collaborate with a government that uses nonviolent drug offenses to fill prisons with its poorest, most damaged and most desperate citizens.”



# And shame on you, Michael Bloomberg.\*



Source: New York State Division of Criminal Justice Services, via: "Marijuana Arrest Crusade" by Professor Harry Levine, Queens College, City University of New York: [bit.ly/isRmUy](http://bit.ly/isRmUy)

\**Author's note:* I confronted Bloomberg once at a Gracie Mansion BBQ, where I asked him to reconcile his administration of record marijuana arrests with his own admission of personal use and enjoyment. He hemmed and hawed. I asked why he wouldn't arrest himself for the past use, and he said "That's not how the law works." I said, "So, really you're just saying 'I got away with it.'" At that point he said, "You and I have nothing in common," and walked away from me. True story. -RC



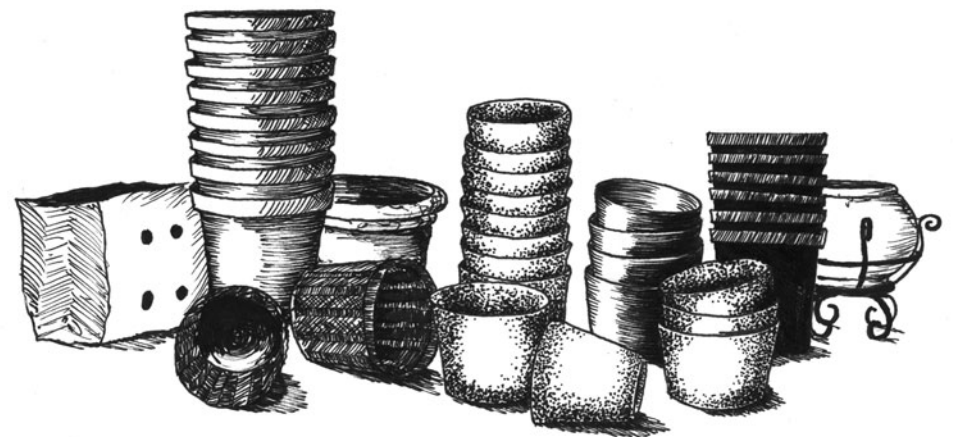
The defendant's apartment was raided,  
police discovered marijuana plants?

The prosecution's case is airtight?

The defendant even confessed?

**NOT GUILTY!**

If you object to how drug use and addiction are treated as crimes, rather than as medical or liberty issues, then jury duty is one of the most powerful legal weapons you have against the Drug War.





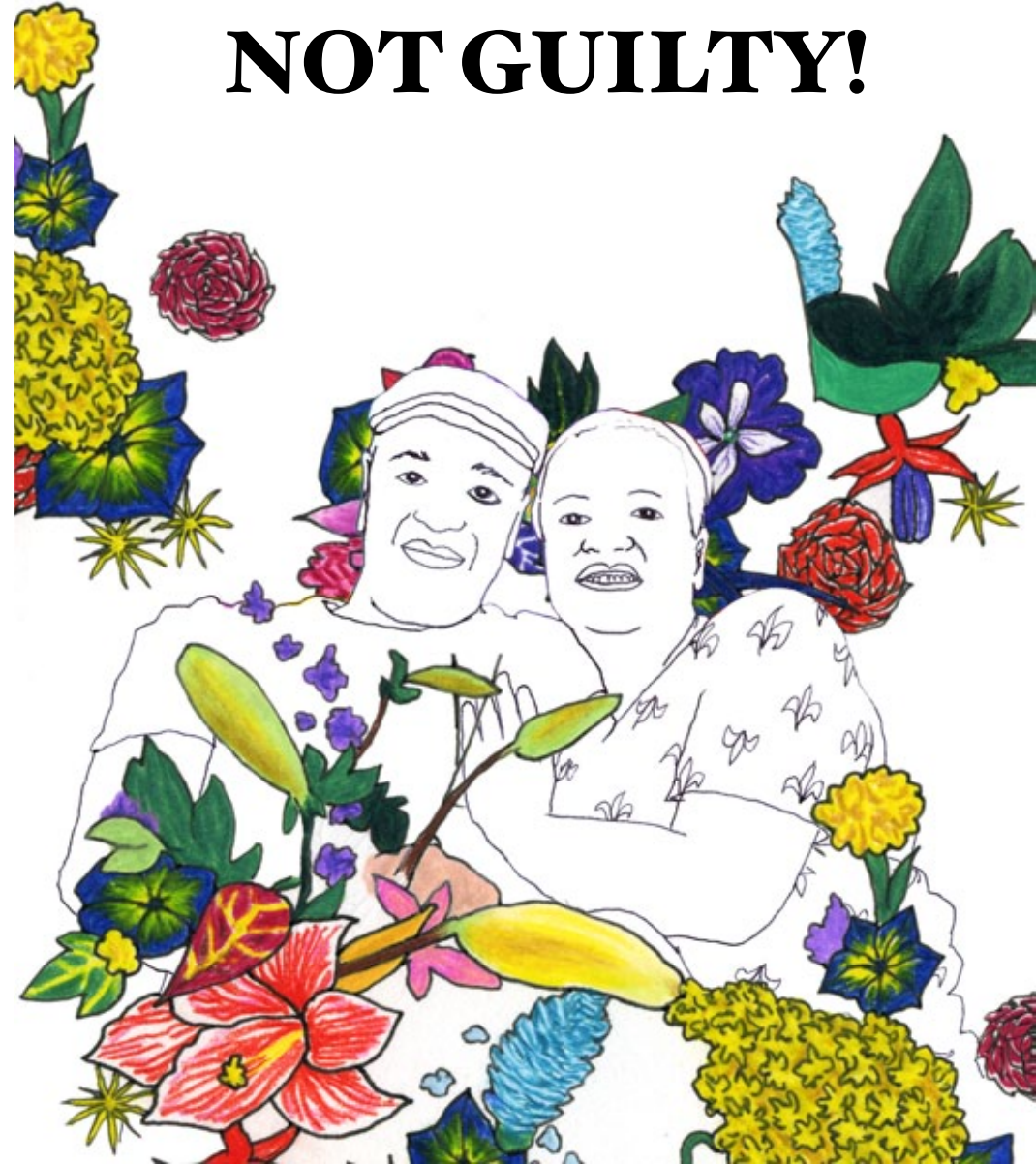
The defendant sold an envelope of cocaine to an undercover officer?  
On video?! It's pretty much a wrap?

**NOT GUILTY!**



*No matter what the evidence,*  
it is within your rights  
to declare the defendants  
of non-violent drug charges

**NOT GUILTY!**



# That's All!



## About the author...

Ricardo Cortés is an author & illustrator of books, including *Go the Fuck to Sleep*, *I Don't Want to Blow You Up!*, *It's Just a Plant*, and the forthcoming *Coffee, Coca & Cola*.

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“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.”

–**UNITED STATES v. DOUGHERTY (1972)**  
**U.S. COURT OF APPEALS FOR THE DISTRICT**  
**OF COLUMBIA CIRCUIT. 473 F.2d 1113 (1972)**



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