

PERSPECTIVE VIEW

**Project:**  
New Mexico Bench & Bar Soc  
Fed Courthouse Lobby Display

**Show Name:**  
New Mexico Bench & Bar Soc  
Fed Courthouse Lobby Display  
2010

**Show Dates:**  
3/24/2009 through 5/11/2009

**Show Location:**  
Type You Own

**Producing City:**  
Dallas\_Corp

**Account Executive:**  
Type You Own

**Project Number:**  
C&P# 4712

**Created By:**  
Sha Tao

**Creation Date:**  
11/24/2009

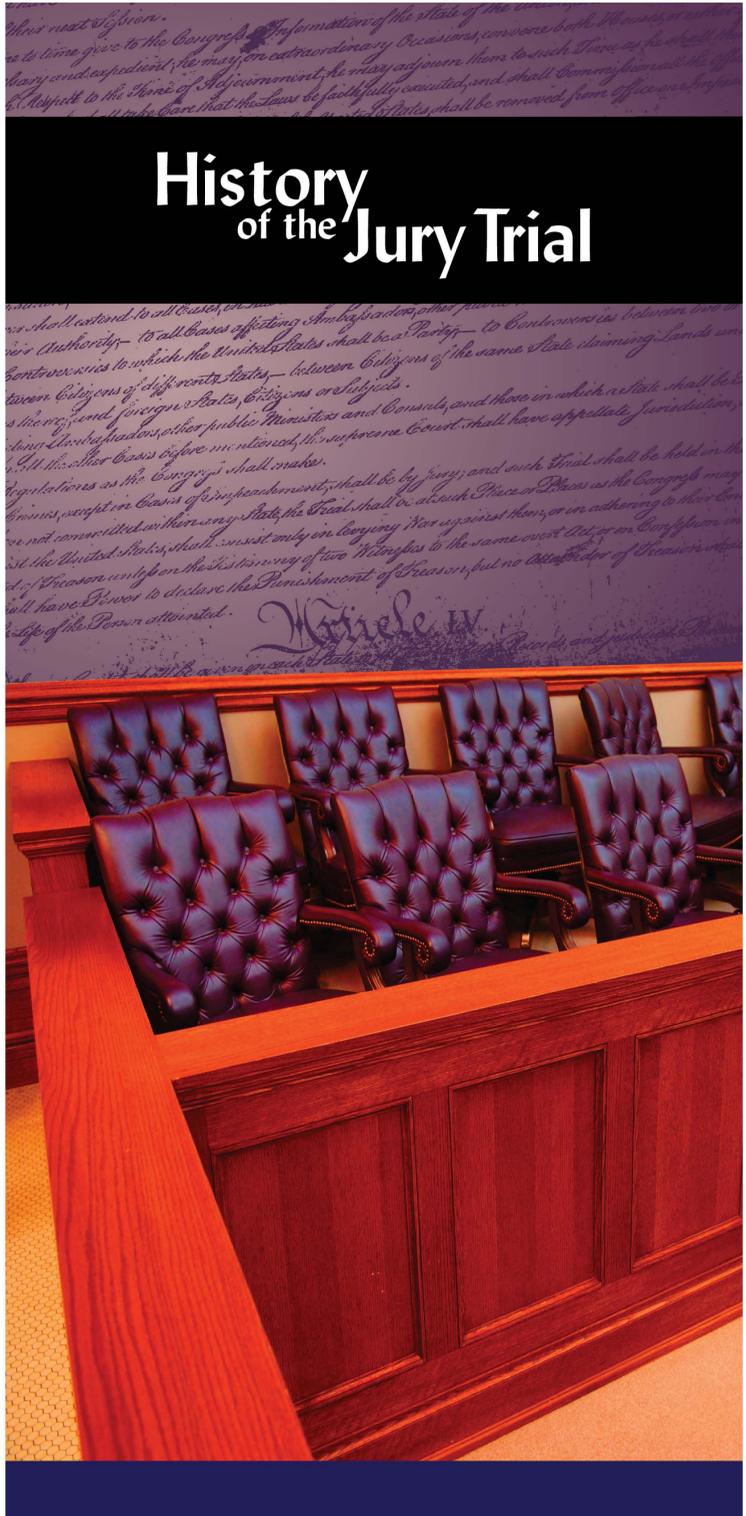
**Revised:**  
1/21/2010

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105 Park Lane  
Brisbane, CA 94005

415-330-6200  
415-330-6202

# History of the Jury Trial



## Did you know...?

Democracy makes few demands on its citizens: (1) pay taxes; (2) render service in time of war; and (3) jury service. By serving as a juror you serve your country and your democracy, and you honor those who gave their lives to secure the right to trial by jury.

## Did you know...?

The outcome of trials was once decided by hand-to-hand combat.

### Ancient Times

Many forms of democracy can be traced back to the ancient Greeks – including the jury system, which was introduced around 590 B.C. One of the most famous jury trials of that era was the trial of Socrates. In 399 B.C., the philosopher was accused of questioning Greek religion and teaching new ideas to his students. Upon finding him guilty, the jury sentenced him to death. Socrates carried out his own sentence by drinking a cup of poison.



Ancient Greece was also the birthplace of random jury selection. Potential jurors – all of whom were volunteers – would slide a marker with their name on it through a slot. The mechanism would then release either a black or a white marble. Those who received white marbles would serve on the jury. In order to prevent anyone from bribing the members, Greece had very large juries – ranging from a few hundred to more than a thousand men. To prevent a tie, the jury usually had an odd number of members.

### The Middle Ages

Following the collapse of the Roman Empire in the fifth century, legal disputes were settled either through trials by ordeal or trials by combat. Trials by ordeal meant that the accused was forced to endure various forms of injury, and their guilt or innocence was determined by how well they recovered. (This process was also referred to as “divination.”) In trials by combat, the accused would fight his accuser and would be found innocent if he won. Those who were old or sick could choose a champion to fight on their behalf. The pictures below are from a book describing trials by combat.

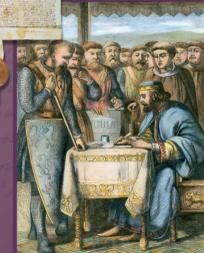


As the Middle Ages progressed, people in Europe began searching for better ways to solve their legal disputes. Many of the original tribes in Europe turned to public courts, called “Things,” to settle their disputes. Juries comprised of noblemen would help make the decisions, and gradually juries became accepted as the fairest way to decide important matters.

In 1166, Henry II of England passed laws that eliminated trials by ordeal or combat. Instead, trials would now have to be based on evidence, and juries consisted of men who were familiar with the case. Essentially, they served both as witnesses and as jurors. The Roman Catholic Church stopped supporting trials by ordeal in 1215 after the Fourth Lateran Council prohibited such proceedings.

### The Magna Carta

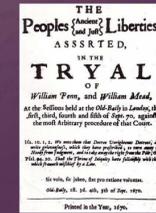
In a misty meadow called Runnymede, King John of England placed his seal on the Magna Carta in 1215. The Great Charter (as the Magna Carta was known in English) created a list of rights that made the King subject to certain laws. These laws included the right for noblemen to be tried by a jury. Although it still was a far cry from the jury system we see today, it was an important step in the right direction.



The Magna Carta’s importance to democratic societies was underscored during World War II when England was being bombed; a copy of the document was brought to the United States for safekeeping. It was displayed alongside the Declaration of Independence at the National Archives, where people waited in long lines for a chance just to catch a glimpse of it.

In the centuries following the issuance of the Magna Carta, jury trials began to be viewed as the right of all Englishmen. However, problems still persisted – judges often pressured juries into reaching a particular verdict, and would even punish them if they handed down a verdict with which the judge disagreed.

For example, in the 1670 trial of William Penn and William Mead, the jury refused to follow the judge’s order to find the defendants guilty. In response, the judge held the jurors in prison and the foreman was held without food or water. After two months of confinement, the Chief Justice of London ordered them released.



This page of historical account of William Penn and William Mead trial.

### The American Contribution

Colonists in America believed strongly in the importance of the right to trial by jury in a democracy. When the English government began curtailing that right and using judges to pressure juries into particular results, the Founders made these abuses a centerpiece of their rationale for revolution. In the Declaration of Independence, they charged that the King “was depriving us in many cases, of the benefit of Trial by Jury.” After many patriots lost their lives in the Revolution, the Founders enshrined the right to trial by jury in both the original Constitution and the Bill of Rights.



While the Founders often proclaimed the equality of citizens before the law, throughout much of our history, juries consisted almost exclusively of white men. That reality began changing in the twentieth century. However, it was not until the second half of the century that juries began to reflect a cross-section of the community.

In fact, the precise contours of the right to trial by jury are still being determined. For example, in four separate cases in the 1970s, the Supreme Court wrestled with how many jurors are required in criminal trials and whether the Constitution required unanimity for guilty verdicts.



Article III, Section 6  
The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury, and such Trial shall be held in the State where the said Crimes shall have been committed; but in all Cases of Impeachment the Trial shall be in the City of New York.



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# History of the Jury Trial

shall extend to all Cases, on such  
their Authority— to all Cases affecting Ambassadors, other public  
Controversies to which the United States shall be a Party— to Controversies between two or  
between Citizens of different States,— between Citizens of the same State claiming Lands un-  
der the Warranty and foreign States, Citizens or Subjects.  
Ambassadors, other public Ministers and Consuls, and those in which a State shall be  
Party. All the other Cases before mentioned, shall have appellate Jurisdiction, &  
Regulations as the Congress shall make.  
Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the  
State where the Crime shall have been committed, or in such Place or Places as the Congress may  
by Law direct. Treason shall consist only in levying War against them, or in adhering to their  
Enemies, to give them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in  
open Court. The Congress shall have Power to declare the Punishment of Treason, but no Attainder of Treason shall  
affect the Life of the Person attainted.

*Article IV*

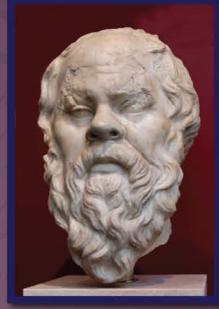


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The Death of Socrates by Jacques-Louis David: 1787, Oil on Canvas  
51" x 77" 1/4" - Metropolitan Museum of Art



Portrait of Socrates - 1st century A.D.,  
National Archaeological Museum of Naples  
From the Piazza Venezia in Rome.



Ancient Greek jury selection device, Agora Museum, Athens, Greece

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Fig. 301.—Judicial Duel.—Combat of a Knight with a Dog.—Fac-simile of a Miniature in the Romance of "Maistre," of the Thirteenth Century (Library of the Arsenal of Paris).

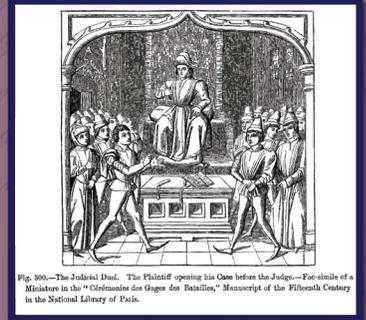


Fig. 300.—The Judicial Duel. The Plaintiff opening his Case before the Judge.—Fac-simile of a Miniature in the "Croniques des Gages des Batailles," Manuscript of the Fifteenth Century in the National Library of Paris.

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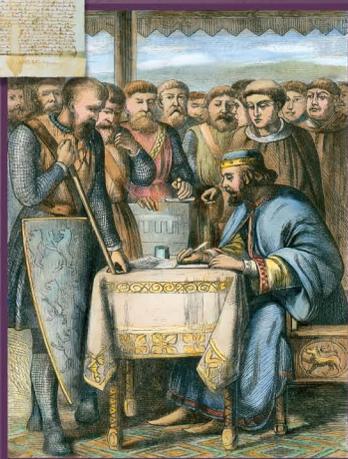
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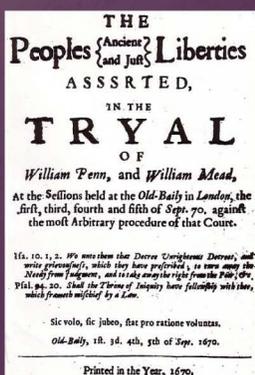
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King John of England signing Magna Carta on June 15, 1215, at Runnymede; coloured wood engraving, 19th century. The Grainger Collection, New York

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Title page of unofficial account of William Penn and William Mead trial.



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Signing the Declaration of Independence, 1776  
John Trumbull, 1817-18



All-female jury in 1904 Los Angeles

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**Amendment 6**  
*In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusations; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.*



**Article III, Section 2**  
*The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.*

