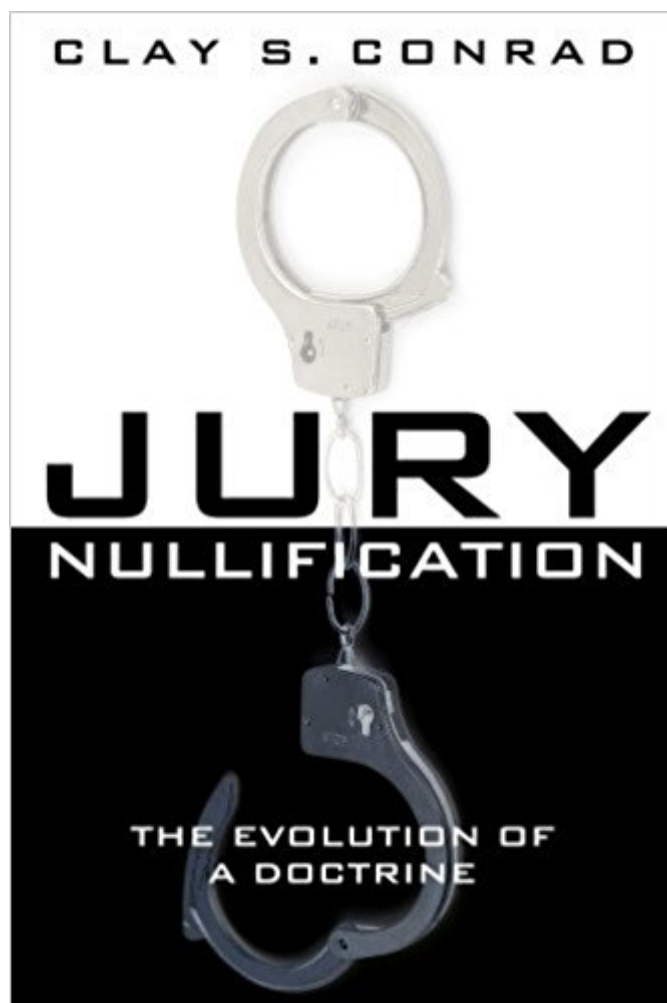


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# Jury Nullification: The Evolution Of A Doctrine



## Synopsis

Juries have been delivering independent verdicts in the interest of justice for over 800 years, serving as the final check on government's power to pass unjust, immoral, or oppressive laws that leave citizens at the mercy of sometimes jaded or corrupt courts and legislatures. This was what the Founding Fathers feared, and this is the reason why they guaranteed trial by jury three times in the Constitution – more than any other right. In *Jury Nullification*, author Clay Conrad examines the history, the law, and the practical and political implications of jury independence, examining in depth the role of nullification in capital punishment law, the dark side of jury nullification in Southern lynching and civil rights cases, and the purpose and legal effect of the juror's oath. This book should be of interest to historians, trial lawyers, criminologists, political scientists, and anyone interested in knowing how our criminal justice system works – and how to make it better.

## Book Information

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## Customer Reviews

"Conrad provides...a comprehensive overview of jury nullification in historical, substantive, policy, and practical terms." -- The Federal Lawyer, Vol. 47, No. 4, 2000 --This text refers to an out of print or unavailable edition of this title.

Clay S. Conrad is a trial lawyer in Houston, Texas, with the law firm of Looney & Conrad, P.C.

Kenneth Ellman Reviews *Jury Nullification* by Clay S. Conrad , A Reminder That Fear is the Enemy

of Justice, November 30, 2014. From: ke@kennethellman.com, Box 18, Newton, New Jersey 07860

I have found during many years of exposure and participation in litigation and law that most people most of the time have a fear of Courthouses, Courts, Juries, Judges and unfortunately many other things. They frequently are at a loss as to this legal environment and are not sure when in the midst of legal proceedings, what they should or must or can do. They feel in a sense naked. Many people have not previously confronted the power of a Judge or Legal Process to compel an answer during a Voir Dire and if their answer is not found agreeable to be subjected to rigorous examination, all in public and on a Record. Yes there are exceptions to this fear of being in a legal environment but it is unusual to find those who look forward to a Courtroom or a trial as a comforting place. Yet the Jury, frequently composed of persons not previously exposed to legal confrontation, must enter this environment and become utterly essential to the opportunity for the truth finding function of the Court. They must perform this critical function upon a Jury Summons which normally does not care about their other obligations in life and wants them to now decide the fate of their fellow community members whether in Criminal or Civil proceedings. They must subject themselves to Voir Dire, frequently of both the Judge and of the parties. They must put aside their other activities of life and become part of the human embodiment of the Law, for better or for worse. Jurors must confront the hope of the parties that come before them that somehow these fellow men and women, can enter into a place where their prejudices and misconceptions do not control. A place where they can look upon the Case before them and make a Judgment as a Juror sworn to impartially and without fear, determine the truth of the cause. Jurors must perform this function in what we hope is a secretive, uncorruptible and protective place, so that they have no fear of anything except the failure to diligently perform their duty. This Jury Nullification book by Conrad enters into the reality that a Juror can in that special protected place of Juror Deliberations vote their Conscience upon the facts and Trial of the matter before them. That Conscience, perhaps the Conscience of the community sitting as Juror can also be described as expression of our Justice so we can live with what we know is right. It is a difficult balance for some between the Truth Finding function and the Conscience of the Juror to live with his vote, as he implements our Justice in that Case before him. Now after taking our neighbors and making them Jurors we also expect them to have the courage and understanding to learn about Jury Nullification as described in this wonderful book. We expect our Juror/Neighbor to consider having a different opinion from a Judge or the other authority in the case. Jurors as discussed in this book by Conrad, can keep their own counsel and make their own decision, certainly on the facts and perhaps as this book addresses on the Law too. That is a sword that swings both ways, but it is a reality of Jury Deliberations. There is only one reason we have Juries.

It is perhaps for the same reason we choose Constitutional Democracy. What are the alternatives? Certainly not better, probably worse. Once we accept that we are all just men hoping and trying to maintain Law with each other, we realize that there are no great or supermen amongst us to whom we can delegate our decisions. We must participate in the Law just as we must participate in elections and other safeguards of our way of life. The decision makers are ourselves. Our Law, our Jury System, is created by a combination of our Constitution and our Democracy. That is what keeps us free. This work by Conrad on Jury Nullification is a careful, detailed, well annotated creation of 310 pages that has been available since around 1998. Conrad explains the subject addressing all arguments and concerns in an academic yet easy to understand manner. Here in this book you have a combination of history, political science, law and human behavior with all the ramifications of such in a Courtroom. If books such as this were made part of Social Studies and Political Science classes in High School and College, then our Law and Community would greatly benefit for the truth is that we govern ourselves and while sometimes such power is scary we should not be afraid to see our face in the mirror. There is a fine line between Law and Justice. Perhaps this book may help to bring them closer together which should be the goal of all Judges, Jurors and the rest of us. Buy this book and learn. Kenneth Ellman Reviews Jury Nullification by Clay S. Conrad , A Reminder That Fear is the Enemy of Justice, November 30, 2014. Contact: ke@kennethellman.com, Box 18, Newton, New Jersey 07860.

This book was vital in my fuller understanding and education on a subject of which I had only fragmented knowledge. It helped me flesh-out my minimalist campaign platform (Libertarian for Wayne County Prosecutor, in Wayne County, Michigan --> Afton4waynecountyprosecutor.com ), one plank being that as prosecutor I will promote Jury Nullification, by never opposing a defense attorney from implementing jury instructions to a jury in a criminal case that remind them of a defendant's 800+ year-old right to have a jury judge their case entirely---facts and law both---and to otherwise take the role of judge as implied in the phrase "judgment by a jury of one's peers." ; i.e., to judge not just the facts but also the law, in accordance with a juror's conscience, even if that leads a juror to nullify or ignore the law, as a means to ameliorate a harsh penalty under the law or unjust application of the law. While it is not addressed in the US Constitution, I believe Jury Nullification could be a de facto aspect of Federalism, in that it provides one more check-and-balance on government expediency and over-reach, and is a vital impediment to tyranny that occurs at the most local level. This book has everything an attorney needs to be convinced he is doing a just and moral thing, and compatible with the evolution of Western Civilization and classical liberalism, when he

finds ways to promote Jury Nullification, and to breakdown the predation of the State.

Absolutely fascinating read, this book is really eye opening. And if you do not care to serve on a jury, take this book with you to jury duty. When the judge asks if you have any questions about selection raise your hand, hold up this book. Ask for clarification (as on page 256 of the book) if the judge feels that taking a jurors oath will preclude you from your right to practice jury nullification in the event that you do not concur with the validity of the law. You will be out of there so fast your head will spin.

This is THE definitive book on Jury Nullification. It is the inherent right of the people to judge the facts of the case AND the law, and it's a right the people need to regain. Clay Conrad has obviously researched the subject well.

Wish i knew about this Years ago!!A must read for EVERYBODY who cares about you life in this country

Anyone going to jury duty needs to have this in their hand.

Accounts in history that you did not get in school. Very interesting material. They should really start using these books in school.

This book with help lawyers and pro se litigants navigate the jury box with confidence. It will give them the edge when presenting their case.

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