



**UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF TENNESSEE**  
Joel W. Solomon United States Courthouse  
900 Georgia Avenue  
Chattanooga, Tennessee 37402

## **JURIES – THE ULTIMATE DECISION MAKERS**

The United States is rare among the countries of the world in having a jury system. A system in which ordinary people, randomly selected from a cross-section of the community, are brought in from their homes and everyday pursuits, always at considerable inconvenience and sometimes even at a sacrifice, to participate in government decision-making. In criminal cases, juries decide whether individuals should be charged with a crime and whether those accused of crimes should be found guilty. In civil cases, juries decide whether someone is liable at law to someone else and, if so, what amount of money must be paid. In many other countries, all these decisions are made by government officials. In our country, no person can be deprived of life, liberty, or property by the government without the consent of citizens acting as jurors.

The Framers of the United States Constitution wanted citizen control of and brakes on government, even in the unelected judiciary. The Framers sought to achieve this by requiring juries in the judiciary in four separate places in the text of the Constitution. Article III, Section 2 requires that the trial of all crimes, except impeachment trials, must be by jury. The Fifth Amendment forbids trials of capital or felony crimes without a previous indictment by a grand jury. The Sixth Amendment requires that criminal trials be speedy, public, and before a jury. The Seventh Amendment preserves the right to a jury trial in civil cases with a certain minimum amount in question. In all these ways, “We the People” (as stated in the preamble) serve in the judiciary through the jury system.

### **The Jury as a Check on Government.**

The Framers felt so strongly about the need for citizens to act as a brake and control through the jury that they further provided that juries would get the last word regarding facts tried before them. The Framers did not want government officials, even judges, second-guessing or overturning the decisions of juries. Even the judge presiding over a case would not be able to overturn the jury’s decision. The Framers also did not want higher courts to overturn jury decisions on appeal. Nor did they want the President, the President’s agents, or Congress to be able to second-guess the jury. The jury thus is the master of the facts.

### **Double Jeopardy Bars Retrials in Criminal Cases.**

In criminal cases, the Framers made the jury a check on the government in part through the Fifth Amendment to the Constitution. The relevant part of this amendment reads, “nor shall any

person be subject for the same offence to be twice put in jeopardy of life or limb.” Once a person has been charged with a crime and faces trial, that person can never be tried again for the same offense. The ultimate fact in a criminal case is whether the accused is guilty or not guilty. Once a jury has made a determination of that ultimate fact in a criminal case, whether guilty or not guilty, the determination is final and cannot be second-guessed.

### **Jury Decisions Cannot Be Re-examined in Civil Cases.**

In civil cases, the Framers did this through the Seventh Amendment. It reads in part, “no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.” In plain language, this means a civil trial jury, once it has rendered its decision, gets the last and final word except in strictly limited circumstances. The jury cannot be second-guessed or overruled by the presiding judge, a higher court on appeal, or any other government body. Even in cases where we think a jury made the wrong decision, it has the final word.

### **Conclusion.**

The American jury system is a tribute to the confidence the Framers had in the wisdom, judgment, and civic commitment of the ordinary citizen. Instead of allowing government officials to make important decisions such as whether someone should be charged with a crime, found guilty of a crime, or found liable in a civil matter, the Framers reserved those decisions for ordinary American citizens acting together as a jury. In a further tribute to the Framers’ trust and confidence in us, they made those decisions the final word. In our system of government, “We the People,” through juries, are the ultimate decision makers in our courts of law.

Curtis L. Collier  
United States District Judge  
Chair, Eastern District of Tennessee Civics and Outreach Committee

Carrie Brown Stefaniak  
Law Clerk to the Honorable Curtis L. Collier  
Past President, Chattanooga Chapter of the Federal Bar Association

Karen L. Sheng  
Law Clerk to the Honorable Curtis L. Collier