Local and Regional

Commentary

Jury service should be a civic good, not a dreadful imposition.

Panel need not be 12 angry men

By Catherine E. Wilson

I had jury duty a few weeks ago. I can anticipate many people’s response: “I feel so bad for you.”

Most of us dread jury duty, postponing our summons until we are completely free of it, while others try “every trick in the book” to avoid being chosen as a juror. I recall a nain last year at the federal courthouse in Philadelphia who raised his hand at every single question the lawyers posed. So blatant was his attempt to skirt jury duty that even the judge started chuckling.

When our group was asked, “Have any of you ever worked in a bank?” the man raised his hand once again. Questioned further about his involvement in banking, the man responded that he had worked sweeping floors in a bank during his high school years—more than 30 years ago.

On July 4, I was juror No. 36. As I entered the jury selection room in Room 101 at 3301 Filbert St., I was greeted by an extremely friendly staff, a free breakfast, and a sign that read “One day or one trial.” Amid ubiquitous iPods, the complaining among potential jurors seemed endless. “I can’t believe I’m here,” said one person, while another young man—sloshing in his seat—placed his juror badge on his forearm in defiance.

As my group headed from the Criminal Justice Center to take part in the jury selection process for a civil trial in City Hall, you would have thought we were part of a funeral procession—except there were no cars with blinking lights. There was nothing but complete silence. But under the surface, it was obvious that many were seething with anger.

One woman next to me said that she planned to sue the city for making her sit in the courtroom for that long. “I’ll have to go to the doctor, since my back is all messed up,” she exclaimed. “And, when I do go,” she continued, “I’ll make sure that the doctor makes me out completely.” Another woman stormed out of the courtroom in the midst of the plaintiff-defense deliberations, yelling, “This is ridiculous!”

Our clerk had done everything in his power to make us comfortable, even providing fresh water for everyone in the courtroom. He related to our group that in his three years working for the court system in Philadelphia, he had never seen anything like this woman’s display of outrage.

Was this a unique experience? After participating in jury duty for the fifth time in more than 10 years, it has become much like a repeat occurrence of the same scene. Do we, as American citizens, take to heart the way in which Alexander Hamilton envisioned trial by jury as a “valuable safeguard to liberty”? Do we, along with philosopher and historian Alexis de Tocqueville, consider the jury—especially in civil cases—as a “gratuitous public school, ever open, in which every juror learns his rights”? No, we don’t.

Why is going to jury duty such a trial? And what can Philadelphia do to provide a more encouraging portrait not only of the duty but also of the privilege of serving as a juror?

Resources and lesson plans abound for middle school and high school teachers. What we need is ongoing citizen education. Perhaps a good place to start is changing the outdated video presented at the Criminal Justice Center when jurors are filling out their forms. Instead of having a video where the judges literally “take you through” every question on the juror questionnaire, why not produce an inspiring 10-minute video on how trial by jury in the United States is unparalleled in any nation in the world?

Given the success of the We the People multimedia show at the National Constitution Center, maybe the City of Philadelphia could partner with the Constitution Center in producing something that highlights how jury duty is a key component of democratic life.

As I relaxed at a restaurant with a friend after jury duty, the waiter handed us a wine list. Returning to the table, he asked, “What is your verdict?” I laughed, thinking, how ironic. What is our verdict? Do we consider jury duty to be a trial, or in Tocqueville’s words, as “one form of the sovereignty of the people”?

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