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CTLA 7th Amendment Scholarship Essay

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In Defense of the 7th Amendment

In the age of globalization, as the world becomes increasingly interconnected and many practices grow obsolete, the 7th Amendment remains as relevant as ever. Detractors want to limit the role of jury trials in the American justice system, but the right to a trial by one's peers is more important than ever in the era of Guantanamo Bay, NSA surveillance, and the ever increasing power of corporations. Attempts to circumvent the 7th Amendment, through the use of military tribunals in lieu of trials and going straight to arbitration in civil cases, directly conflict with one of America's founding principles. In the 21st Century the 7th Amendment serves to protect the American public from both the arbitrary use of government power and the influence of corporations, as well as guaranteeing fair and equal judgment before the law. This amendment is key to preserving America's rule of law, and keeping the country true to its founding principles.

Punishment is often the best way to keep people honest, and jury verdicts are no exception. High punitive damages are a big incentive for businesses to be honest and deal fairly with their customers. A jury trial gives the possibility for a large verdict that forces a business to change its policy regarding the incident, rather than a small settlement that can be written off. Jury trials deter unethical practices, as they may be severely punished in court. It makes business sense for a company to invest a small amount in prevention, rather than run the risk of a mistake that may cause deaths, leading to large verdicts. Jury trials thus serve as a sort of watchdog, alerting consumers to and punishing producers for dangerous errors. Efforts to curb jury trials

through arbitration fly in the face of the American peoples' right to a trial by jury. While arbitration may expedite the process, it is flawed and in no way makes up for a full trial by jury. Arbitrators are beholden to those who choose them to arbitrate, and are incentivized to give good rulings in favor of those who select them. Whether or not an arbitrator purposefully acts this way is irrelevant, as he or she cannot be a truly fair intermediary. Jury trials remain as the only truly fair option available in the American justice system.

Another reason jury trial is effective is its specificity to the area: a trial by one's peers entails that the jurors will be local and informed regarding regional nuances. Rather than a ruling based on a law passed by legislators removed from the area, jurors are in tune with sentiments in the area and have the understanding that someone removed from the area would not have. By the same reasoning, juries are also superior to tribunals and arbitrators because they are less biased and localized. Members of a military tribunal are drawn from the military, thus at least unconsciously biased, and arbitrators are incentivized to give in favor of those who pay for and choose the arbitrator. Juries are the least biased and most fair way to conduct a trial.

An unbiased jury is especially important in the 21st Century. As the government grows and corporations gain influence in politics through such rulings as *Citizens United*, an unbiased court system is the bastion of justice in America. A jury is relatively insulated from popular opinion, and cannot be swayed by money. Lawmakers, elected judges, and arbitrators are all subject to being influenced by money, whether or not they want it to be that way. Juries on the other hand have no stake in the issue at present and do not face repercussions if they decide one way or another.

The 7th Amendment is one of the many defenses ingrained in the fabric of our country, but like so many other rights, it comes under attack from those who benefit from its lack of

enforcement. Limiting the role of jury trials, while it would give more power to governments and limit corporate expenses, would be a major loss to the American people. The 7th Amendment must be defended and cannot be compromised, for without it the public is at the mercy of moneyed interests and government abuse. The 7th Amendment in the 21st Century stands as a safeguard against the growing power of multinationals, which without large verdicts may deem it in their interest to churn out subpar and dangerous products. This amendment is as relevant now as it was in the 18th Century, and will continue to protect everyday Americans' rights from the abuses of powerful organizations and guarantee them fair and equal justice.

Bibliography

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