

# TRUTH SERUM

## *The Antidote to Misinformation about Our Civil Justice System*

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### **Trial by Jury: “Inherent and Invaluable”**

Today, Americans’ fundamental right to trial by jury is under attack. Corporate special interests are trying to limit our access to our court system. This is being done two ways—they are either forcing us to sign restrictive contracts and binding arbitration agreements that prevent us from taking them to court when we wronged or they are restricting access to court and significantly limiting what juries can do through so-called “tort reforms.”

***“Representative government and trial by jury are the heart and lungs of liberty. Without them we have no other fortification against being ridden like horses, fleeced like sheep, worked like cattle, and fed and clothed like swine and hounds.”***

John Adams, 1774

***“I consider [trial by jury] as the only anchor yet imagined by man, by which a government can be held to the principles of its constitution.”***

Thomas Jefferson

***“The right to trial by jury in civil cases at common law is fundamental to our history and jurisprudence. A right so fundamental and sacred to the citizens . . . should be jealously guarded.”***

William H. Rehnquist, Former Chief Justice, United States Supreme Court  
Nominated to the Court by Richard Nixon; nominated Chief Justice by Ronald Reagan

### **A Tradition of Nearly 800 Years**

Trial by jury was first guaranteed in 1215 in the Magna Carta—the “great charter” of liberties between King John and the people of England, which protected their civil rights as citizens. It states, “No free man shall be taken, outlawed, banished, or in any way destroyed, nor will We proceed against or prosecute him, except by the lawful judgment of his peers and by the law of the land” (Chapter 39).

- “The trial by jury ever has been, and I trust ever will be, looked upon as the glory of English law,” Sir William Blackstone, *Commentaries on the Laws of England*—a jurist and professor whose interpretation of English common law was so important to our U. S. Constitution and Bill of Rights that his sculpture is on the wall of the House Chamber in the U.S. Capitol.

### **Promoted As a Cause of Liberty**

In the mid-1700s, the British began to use the courts to repress calls for independence by people in the American colonies. One of the first privileges the colonists lost was right to trial by jury in many places—although it had been guaranteed to British subjects since the Magna Carta. As a result, the right to trial by jury is mentioned in many of the great documents of the Revolutionary Era—including the Declaration of Independence.

- “Trial by jury [is] the inherent and invaluable right of every British subject in these colonies,” Resolution of the Stamp Act Congress, October 19, 1765
- Colonists are entitled to “the great and estimable privilege of being tried by their peers in the vicinage,” Declarations and Resolves, First Continental Congress, 1774

- The denial of “the accustomed and inestimable privilege of trial by jury, in cases of both life and property,” was listed as grounds for the Revolutionary War in the Declaration of Causes and Necessity of Taking Up Arms, 1775
- Great Britain “depriving us, in many cases, the benefits of trial by jury” was listed among the charges against King George III in the Declaration of Independence (1776)—a right for which our founding fathers pledged “[their] lives, [their] fortunes] and [their] Sacred Honor.”

### **Protected in Our Earliest State Constitutions**

- “The ancient trial by jury is preferable to any other and ought to be held sacred,” George Mason, 1776 Constitution of Virginia, on which the U.S. Constitution is based.
- “[I]n all controversies at law, respecting property, the ancient mode of trial by jury is one of the best securities of the rights of the people, and ought to remain sacred and inviolable,” Constitution of North Carolina (1776)
- Similar language appears in the constitutions for Pennsylvania (1776), Vermont (1777), Massachusetts (1780) and New Hampshire (1784)

### **Preserved in Our Bill of Rights**

The U. S. Constitution, drafted in 1787, included a provision which guaranteed the right to a jury trial in criminal cases, but excluded that same right for civil cases because the law varied too much from one state to another. This failure nearly defeated the Constitution and its ratification by the states.

- “Trial by jury is the best appendage of freedom. Guard with jealous attention the public liberty. Suspect everyone who approaches that jewel. I hope we shall never be induced by such arguments, to part with that excellent mode of trial,” Patrick Henry, 1788, Virginia Constitutional Convention
- “I consider [trial by jury] as the only anchor yet imagined by man, by which a government can be held to the principles of its constitution,” Thomas Jefferson.

In 1791, the United States Congress issued the Bill of Rights, the first ten amendments to the Constitution, which secured the rights and privileges of Americans—including the right to a trial by jury in civil court.

**“In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any court of the United States, according to the rules of the common law.”**

**7<sup>th</sup> Amendment**

***Today, the United States is one of only two countries in the world that guarantee their citizens the right to a civil jury trial***

**Tell billion-dollar corporations and their special interest frontgroups that you are NOT going to give up your Constitutional rights.**