

STATE OF MICHIGAN LAW DAY 2005 ESSAY CONTEST
"THE AMERICAN JURY: WE THE PEOPLE IN ACTION"
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Should a criminal defendant be entitled to use peremptory challenges to remove potential jurors without stating any reasons?

I believe that a criminal defendant should not be entitled to use his or her peremptory challenges to remove jurors without giving any explanation. It is unfair to the jurors who are only trying to do their civic duty to be suddenly, and without any stated reason, banished from the courtroom. The jurors are not given a chance to protest their eviction, but one can guess some of the outrageous reasons the defendant dismissed them. Race, gender, image, religion, and age are some of the immoral reasons to eliminate possible jurors.

The first African American Supreme Court Justice Thurgood Marshall once said, "Ending racial discrimination in jury selection can be accomplished only by eliminating peremptory challenges entirely." I believe that Justice Marshall is completely accurate with this statement. The dismissal of jurors for unfair reasons may not even be a totally conscious thought. However, the action is still terribly wrong.

If a criminal defendant removed the jurors for a prejudiced reason, this act would be infringing on three of our country's core democratic values and fundamental beliefs: justice, equality, and diversity. Our core values are the cornerstones of our American society. To ignore these sacred beliefs would be to declare that our country is no longer free and equal for people of every race, gender, and religion.

In the case Batson v. Kentucky, 476 US. 79 (1986), an African American man was convicted of second-degree burglary and receipt of stolen goods. The prosecutor for the trial dismissed the African Americans on the jury by way of voir dire elimination rights, and resulted in an all Caucasian jury. Batson was found guilty for both of the crimes of which he was accused.

The case was taken to, the Supreme Court, and the Court decided that what the prosecutor did was wrong. Because by removing the four African Americans, he violated Mr. Batson's Sixth and Fourteenth Amendment rights to an impartial jury and the guarantee for protection of the law. Justice Powell decided the case by saying that discrimination for race in jury selection "...undermines public confidence in the fairness of our system of justice."

I wholeheartedly agree with Justice Powell's opinion. After all, shouldn't citizens be able to know without a doubt that they can be judged and treated fairly in our system of law? I believe society should all be able to present our arguments and criminals to the custody of our court system, and know that the guilty will be snared. Shouldn't we as valued American citizens be able to rely on our court systems and prosecutors, justices and jurors to identify the felons among us?