

STATE OF MICHIGAN LAW DAY 2005 ESSAY CONTEST
"THE AMERICAN JURY: WE THE PEOPLE IN ACTION"

Kendra Lee Cook ~ Third Place ~ Seventh Grade
Paw Paw Middle School, Paw Paw, Michigan
Teacher – Lynette Margaret Brown

Should a criminal defendant be entitled to remove jurors of other races from the jury pool until a jury composed entirely of his own race is obtained?

I strongly believe that a criminal defendant should not be entitled to remove potential jurors of other races from the jury pool until a jury composed entirely of his own race is obtained. The core democratic value that would support my position would be justice. Justice clearly states that all people should be treated fairly in both the benefits and the obligations of society. No individual or group should be favored over another person or group. This relates to my position because no one race of people should be able to pick potential jurors. Another core democratic value that would support my position would be equality. Equality states that everyone has the right to political, legal, social and economic equality. Everyone has the right to the same treatment regardless of race, sex, religion, heritage, or economic status. If you were white and only wanted white people on the jury, that would be racism and a violation to the Sixth Amendment. The Sixth Amendment states that you have the right to enjoy a speedy and public trial by an impartial jury.

In the Supreme Court case, Batson v. Kentucky, 476 U.S. 79 (1986), Batson was an African-American who was on trial, charged with second-degree burglary and receipt of stolen goods. The prosecutor used his peremptory challenges to remove the four African Americans out of the jury pool. Peremptory challenges occur when an attorney can eliminate potential jurors from the jury pool for no particular reason. That is what happened in Batson v. Kentucky. The Sixth and Fourteenth Amendments state that in serious criminal cases you are guaranteed a trial by jury, and due process of the law. Batson was convicted by an all white jury of both charges against him. Even though the case was decided, people wondered whether the prosecutor's use of peremptory challenge violated the Sixth and Fourteenth Amendments. The appeals court examined this case and found that it did, in fact, violate Batson's right to receive a fair trial.

A jury council traditionally is made up of twelve members. A series of Supreme Court cases have held that the requirement of an impartial jury, which means that jurors must be chosen from a representative cross section of the community, with no persons excluded on the basis of race or sex, is necessary.

Therefore, I do believe that a criminal defendant should not be able to pick and chose their jurors. Jurors should be chosen from a diverse jury pool. Only by doing this can we guarantee all Americans true Equality before the law.