

ATTENTION JURORS & FUTURE JURORS

You Can Legally Acquit Anti-Abortion "Trespassers" Even If They're "Guilty"

Judges Hide This Power From You

Suppose you're on the jury in the trial of pro-life "rescuers" who blocked the entrances to an abortion facility.

The judge will probably tell you it makes no difference whether you agree with their actions. He'll say you can vote only on whether they're "guilty" or "not guilty" of trespassing.

He's Not Telling the Truth

Most judges and prosecutors don't want you to know it, but common law says you can vote to acquit "guilty" people if you believe that what they did was right - for example, trying to save unborn babies from legalized murder (abortion). This right of yours is called "jury nullification."

For centuries, common law has given jurors this power. Remember the Peter Zenger case (1735) from your American History courses? He was acquitted this way. So was William Penn, in 1670.

During the 1850s, Northern juries routinely acquitted those who were "guilty" of breaking the Fugitive Slave Act by helping runaway slaves.

In 1941, U.S. Supreme Court Justice Harlan F. Stone said, "This law itself is on trial quite as much as the case which is to be decided." Other famous jurists have also upheld your right of jury nullification.

Philadelphia Jury Acquits "Guilty" Pro-Lifers

The courts have done a good job of hiding the truth about your right to "vote your conscience." In fact, many lawyers have never heard of jury nullification.

But this right is still yours to use today.

On February 4, 1987, a jury in Philadelphia voted unanimously to acquit five courageous men and women who had blocked an abortion site called the Northwest Women's Center.

Afterwards, a juror revealed that the jury had used its common-law right to "nullify" the trespassing law (in this case) because "we knew they were there to save the babies." There was nothing that Judge Angelo Guarino could do.

It Only Takes One "Not Guilty" Vote

To formally acquit a defendant takes "not guilty" votes from all 12 jurors. But it only takes *one* "not guilty" vote to "hang" the jury - in other words, to prevent a conviction. *You* can make the difference.

All it takes is a little courage and stubbornness.

Don't Believe What They Say

Many judges and prosecutors will do almost anything to keep you from using your right of jury nullification.

They may tell you this right doesn't exist, or that it's illegal in our state. They may ask you to take a "Juror's Oath" to do anything the judge orders you to do.

Before you even *get* on the jury, they may ask you whether you know about your right to "nullify." (They want to keep you off the jury.)

Don't believe a word they say. In the words of Federal Appeals Judge Leventhal, "It is unjust to withhold information on the jury power of 'nullification' ..." (*United States vs. Dougherty*, 1972).

Here's How to Do It

It's easy. The most important rule is,

don't let the judge and prosecutor know that you know about this right.

It is unjust and illegal for them to deny you this right. So, if you have to, it's perfectly all right for you to make a "mental reservation."

Give them the same answer you would have given if you were hiding fugitive slaves in 1850 and the "slave catchers" asked if you had runaways in your attic. Or if you were hiding Jews from the Nazis in Germany.

The second rule is, *educate the other jurors* about jury nullification and, if possible, persuade them to vote "not guilty."

The third rule is *stick to your guns*. Don't let other jurors make you change your position. Have courage and call upon God, the Father of Life, to strengthen you. He will! And remember, we're praying for you.

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ATTENTION LAWYERS

For a summary of the doctrine of jury nullification, see Schefflin and Van Dyke, *Jury Nullification: the Contours of a Controversy*, in *Law and Contemporary Problems*, Duke University School of Law, Vol. 43, No. 4, autumn, 1980, pp. 52-84.

NOTICE

"The facts in this message are not to be construed as legal advice."