

# EDITORIAL

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## Trial by Jury

Whenever a jury returns an innocent verdict in spite of considerable evidence having been presented at the trial to show the accused was guilty, people wonder why. And they wonder what purpose is served by efforts on the part of the prosecution to bring a criminal to justice if a jury will find him not guilty despite what they themselves perceive as clear demonstration to the contrary. And they wonder if the jury was pressured, paid off, or persuaded beyond those arguments presented in the courtroom.

In reaching their verdict, jurists must strike a balance between what appears to be innocence and efforts on the part of the prosecution to build a case for guilt. The jury must assume the accused is innocent until proven guilty. We have laws against entrapment, just as we have laws against committing other crimes. The jury must determine whether the accused is guilty as charged or, perhaps, a fall-guy.

For prosecutors, incentives are many to catch criminals. Public pressure to solve crimes is always high. When a man's job is bringing criminals before the bar of justice, he is expected to produce results. Sometimes he is over-zealous.

When a judge sends a jury to their deliberations, he instructs them to find the defendant not guilty if there is reasonable doubt in their minds that he committed the crime of which he is accused. The judge might also remind them that entrapment is illegal. At times, people who have heard or read some facts, but have not heard or read all of them, reach a decision about a case and are shocked when the jury's conclusion differs from their own. If they believed the accused guilty, but the jury found him innocent, they are outraged

that a criminal should escape punishment. If they decided the defendant was innocent, but the jury found for guilt, they are up-in-arms that any man must pay for a crime he did not commit.

Either way, we seek justice. That is why entrapment by government prosecutors is abhorrent (as well as illegal). Governments that practice deception to ensnare their citizenry are totalitarian rather than democratic. Americans object to such tactics as questioning school children about political opinions their parents express at home. Americans do not condone wire-tapping, or search and seizure without a warrant, or the bugging of homes, offices, or hotel rooms. Americans are not expected to spy upon their neighbors and report to the authorities. In countries where those things are commonplace, distrust breeds suspicion, brother is turned against brother, and no one feels secure.

In many countries people view their government as their adversary. Americans view theirs as their tool. We do not deceive ourselves that our government is an efficient tool, nor are we so stupid as to think it ever has been or will be responsive to everything we desire of it. Clumsy and inefficient and faulty though it may be, our government remains an implement we control rather than an entity that totally controls us.

As long as judges continue to instruct juries concerning the law, and as long as juries are composed of men and women who must find defendants guilty beyond any reasonable doubt before punishments can be meted out, justice will continue to be served.