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Twelve Warm Bodies: One Man's Written Protest Against America's Outdated Jury Duty System

Larry Zafran

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Readers may be surprised to learn that this protest begins with the following statement: “If you are called for jury duty, and are reasonably able to serve, it is important that you support your fellow Americans by serving to the best of your ability and with complete honesty, even if serving is inconvenient or unpleasant.”

Having said that, the premise of the protest is as follows: America’s jury duty system, much like American society in general, has degraded to the point where it is essentially defunct. The system (i.e., summoning random citizens to appear in court) is essentially the same as it has always been, yet over the course of just the last 50 years, American society and the average American citizen have completely changed. By any reasonable standard, America has become a completely new country, and its citizens have devolved into a less advanced species.

The majority of people summoned for jury duty are not qualified to serve—at least not by any reasonable standard. Being the proverbial “warm body” (albeit one who is a non-felon American citizen and at least 18 years old) is not sufficient. At minimum, a juror must be able to completely understand everything that transpires in a case, and be intellectually capable of doing more than simple keyword matching.

Compliance with juror summonses is low. Some are wastefully sent to people who have moved or are deceased, but the concern is that many people toss their summonses in the garbage while likely thinking, “I never got it. I never signed for it. It wasn’t sent with delivery confirmation. They can’t prove anything. Let’s see them waste their limited budget to come after me.”

Even though the overwhelming majority of court cases are not handled by a jury, we can’t have a system in which criminals are set free because they were entitled to a trial by a jury of their “peers,” but no such people were available. We also can’t have a system in which people who have been falsely accused of wrongdoing are left with no other option than to plead their case to a judge.

If someone mentions the phrase “jury duty” at a social gathering, many people chime in with “horror stories” (perhaps secondhand) about bad experiences, and share excuses and tactics they’ve used (or have heard were used) to get out of attending or serving on a given case. Some people are uncomfortable deciding whether to sentence a potentially innocent person to a long, harsh prison term (if not death), or awarding a large sum of money in a civil case. Others have anxiety about the logistics or financial ramifications of serving, and are concerned about losing their job, being punished by their employer, or falling behind on work. For the self-employed or unemployed, the concern may be lost wages or opportunities.

The book includes sections addressing the minimum age and education level required of jurors, volunteering for service, references to religion in courthouses, jury nullification, plea bargaining with alleged criminals without juror approval, grand jury duty, mandatory jury service, the juror handbook, juror safety, the penalty for perjury, jury duty scams, a list of things the government can do to improve juror turnout, and a list of reasons why people are giving up on America’s justice system.

Jury duty was, is, and hopefully always will be integral to America's system of justice. Having said that, our current system has become horribly outdated, and a great deal of change is needed. Hopefully, this book will serve as a model of how someone can express his/her viewpoints on a matter in a non-violent, non-destructive, and non-disruptive manner. The power to change laws, policies, and the collective consciousness of The People is best accomplished through the written or spoken word, and as a last resort, through non-violent, non-destructive, and non-disruptive demonstrations or acts of civil (as in “civilized”) disobedience and resistance.

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