# Racial Diversity in the American Jury System

African Americans and Hispanics are overrepresented as defendants and underrepresented on juries. There are 2 million people in jail and prison in this country, and half of them are African American males, who make up only 6 percent of the population (Mcnulty). On the other hand, whites constitute 81 percent of the superior court officials and managers, minorities, 19 percent. Whites make up 78 percent of court reporters, a highly visible position, and 68 percent of courtroom clerks. Moreover, most racial and ethnic minorities are found in the lower-level office and clerical positions and are 53 percent of the total in the superior courts (Executive Summary). This gave the impression especially among ethnic minorities that the American justice system only works well for the white people.

When the authors of the Bill of Rights wrote into the Sixth Amendment: "the right to a speedy and public trial, by an impartial jury of the state and district," that means a group of individuals comprised of a cross section of the community willing and able to judge the evidence without affording special consideration to either the prosecutor or the defendant (Richey). But they did not specify the nature of an impartial jury. The states and districts were left to grapple with that definition as they set standards and procedures for selecting juries (Racial and Ethnic Bias).

In some jurisdictions in the US, prosecutors long followed a secret policy of excluding as many African-Americans as possible from a jury whenever the defendant was black. They did so because they believed that African-American jurors would be more likely than other jurors to acquit black defendants regardless of the evidence presented at trial (Richey). As an example, on October 3, 2005, a U.S. District Court Judge in Boston says the jury selection process will prevent two black men from getting a fair trial in their death penalty cases. The judge has ordered changes in jury procedures; federal prosecutors have appealed (Bebinger). The action of the Judge showed that are some defects in the current jury selection system and reforms should be adapted in order to provide fairness in all trials regardless of race or even economic status of the accused as well as the accuser.Racially and ethnically mixed juries would build in a system of “checks and balances.” Having large proportion of ethnic minorities on juries will greatly affects the way the criminal justice system operates (Mcnulty).

Most ethnic minorities cannot receive justice if the jury does not contain any minority-group members. There is a belief in most ethnic groups that most trial juries contain no or only few minorities (Executive Summary). Racially diverse juries, can achieve several goals: they can lead to greater public acceptance of verdicts; they can lead to a greater public awareness of the presumption of the defendant's innocence; they can check overt or inadvertent racism on the part of the police, district attorneys, prosecutors, or jurors themselves; they can alter the often subjective assumptions that guide peremptory challenges; they can influence judges' decisions; they can alter the nature of jury deliberations; and they can ensure fairer treatment of defendants (Fukurai).

Mandating racial diversity in the jury would help ensure fair trials by discouraging race-based prosecutions, said Fukurai, an associate professor of sociology at UCSC, who found strong historical precedent in England and the United States for requiring diversity among jurors. Racially diverse juries will ensure that investigations are done in a discriminatory manner and that evidence is gathered, presented, and argued without racial discrimination. With minorities on the jury, prosecutors can’t rely on racially stereotyped arguments and nuances. The jury is a very important form of checks and balances in the criminal justice system (Fukurai).

However, there some reasons making it difficult to provide diverse racial proportion in the jury such as: economics and the inability of lower-income minorities to take the time from work to serve; the lack of enforcement of jury summonses; the exclusion from juries of people with accents; and the use of the Department of Motor Vehicles list and voter lists compared to other kinds of lists for the juror pool. Factors such as where certain racial or ethnic groups are concentrated in a given county may also affect jury representation. If particular minority groups are concentrated in an area more than a specified number of miles from the court, they may never serve on a jury. For example, in Los Angeles, jurors are called only from within a 20-mile radius of the city limits (Executive Summary). The lack of minority representation on grand juries is also due to some unique set of circumstances. Unlike trial juries, no rules require that a grand jury be representative of the population or racially and ethically balanced. Some legal experts commented on grand juries found that they are unrepresentative and, as described by a superior court judge, that grand jury members are disproportionately upper-income persons (Executive Summary).

Moreover, plenty of ethnic minorities appearing in court do not understand what is going on because they do not comprehend the justice system, because the court interpreters are either not competent or not available. Additionally, onlylawyers can speak and understand the languages of the ethnic minority. Peremptory challenges, eliminating individuals from serving on juries, are used solely because of the race or ethnic background of prospective jurors.Judges handling family law cases involving minorities often lack an understanding of the traditions and cultural practices of minority families (Racial and Ethnic fairness),

The effectiveness or fairness of a group of jury will depend on the race of the defendant himself. Man is born naturally bias. No matter how the sixth amendments declare:"the right to a speedy and public trial, by an impartial jury of the state and district," majority of man, either white or colored will always be bias. Therefore it is important that reforms should be made to the jury selection process in order to ensure there is a right proportion of ethnic representation in the jury. The defendant, regardless of race or economic status should be given fair trial. The defendant should be entitled to a jury composed in part of persons of his race without undermining fair justice for the accuser. Bias in judgment could be either way, so proper legislative measures should be passed to ensure that justice will be done fairly.

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