

THE PEOPLE'S PARDON OR JURY NULLIFICATION

You are welcome to "File>Make a Copy" to make your own adjustments.

This workshop is designed for 60-minutes. It's intended so anyone can lead this workshop.

Learn how ordinary jurors can use their lawful power of jury nullification—what some call the people's pardon—to act with conscience in the courtroom. This workshop explores its legal basis, history in struggles for justice, and how informed jurors can resist authoritarian abuse while upholding community values.

Because when systems fail to deliver justice, the people must.

This workshop could also be called "Juror Know Your Rights."



THE PEOPLE'S PARDON OR JURY NULLIFICATION

**Because when systems
fail to deliver justice,
the people must.**

*How to legally use conscience in the courtroom
to defend communities from unjust laws*



Hello!



Welcome everyone! Please share your name and one time you stood up for someone else.



To: **Everyone** ▾ More ▾

Type message here...

A QUICK NOTE

If you are *currently* on a jury, this presentation isn't for you.

Courts have ruled that speaking with active jurors about jury nullification — or about any outside information related to the law — can be grounds for removal and in some places illegal.

We would not want to interfere with any active court proceedings.





01

LET'S DO A SCENARIO

Based on a true story



SANDWICH GUY

It's Washington, D.C.
The city has been occupied by over 1,500
National Guard.

...and someone approaches federal agents
shouting "You f***ing fascists!...Why are you
here? I don't want you in my city!" and then
throws a subway sandwich...

YOU'VE BEEN PUT ON HIS GRAND JURY

Not all crimes need **grand juries** — but for those that do, grand juries are the first step meant to protect people from frivolous cases being brought against them.

If the jury finds there is enough evidence to move forward to a **criminal trial**, it's called an indictment.

Practice using your independent judgment to decide what justice looks like.



THE PROSECUTOR STARTS:



You are in this grand jury to review evidence presented by us to decide whether there's enough reason to formally charge someone with a serious crime.

We all may have views about the federal law enforcement presence in DC. That's not what this case is about.**

You'll see there's no defense here, because you don't determine guilt or innocence—only whether a case should go to trial.

****REAL QUOTE**

@kingapoll

FBI gets sub to the chest on a street.



THE PROSECUTOR CONTINUES:



You saw the video. He attacked an officer. He ran. He later admitted to it.

You can't go around throwing stuff at people when you're mad. You can't do it to your neighbor and you can't do it to law-enforcement.**

This is an aggravated assault — not merely a misdemeanor — but a felony for assaulting, resisting, and impeding an officer under Title 18, United States Code.

****REAL QUOTE**

**“INDICT,” SAYS THE PROSECUTOR.
BUT YOU DON’T FEEL GOOD ABOUT IT.
How might you vote against indictment
anyway?**

Put in the chat some reasons you
might oppose. Try making the case.



To: Everyone More

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YOU HAVE MANY POSSIBLE REASONS:



Was the law that was broken just and justly applied in this case?



Is the law that was broken Constitutional?



Do other factors exist that would make strict enforcement of the law unjust?



Was anyone harmed?



Would the punishment fit the crime?



You just aren't persuaded. Period.




YOU VOTE TO NOT INDICT

But many grand juries don't need unanimous decisions. They only need a majority of jurors to vote yes.

The prosecutor makes jurors stay late. They pressure everyone to indict. They threaten jurors. (These are legally dubious strategies.)

So what happens?



 **MSNBC**

THAT'S **JURY NULLIFICATION** !

A jury believes prosecutors may have proved the *technical* elements of the case —
but, nonetheless, the jury renders a moral objection by
way of deciding not guilty/not indicting

SO...

Prosecutors presented evidence to a grand jury seeking felony charges



Grand jury said "no" to indictment



In a rare move, prosecutors filed a *lesser* misdemeanor charge which didn't require a grand jury



The case goes before a criminal jury!



YOU'VE BEEN PUT ON HIS CRIMINAL JURY

A **criminal jury** determines guilt or innocence. It's the traditional courtroom that you might see on TV.

Except for a few states, a criminal jury always needs unanimous agreement by jurors to convict. One person can “hang” the jury — resulting in no conviction.



THE PROSECUTOR STARTS:



This is not a case about someone with strong opinions. It's about an individual who crossed the line.**

You'll hear the aggrieved officer smelling the onions and the mustard. You just cannot have people going around attacking federal officials.

****REAL QUOTE**

THE DEFENSE REBUTS:

A footlong from Subway could not and certainly did not inflict any bodily harm. Throwing a sandwich is not a forcible offense.

This whole case is vindictive and selective prosecution. They are targeting him because of his speech — not because of actual harm.**



****REAL QUOTE**

ONCE AGAIN, YOU FACE THE QUESTION: How might you vote against conviction anyway?

Sharpen how you might articulate a
“not guilty” verdict given options you
heard last time.



To: Everyone More ▼

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Jury acquits D.C. 'sandwich guy' charged with chucking a sub at a federal agent

Sean Dunn faced a single misdemeanor after federal grand jurors refused to indict him on the felony charge sought by prosecutors.



THAT'S **JURY NULLIFICATION** !

Yes, we chose a high-profile case.

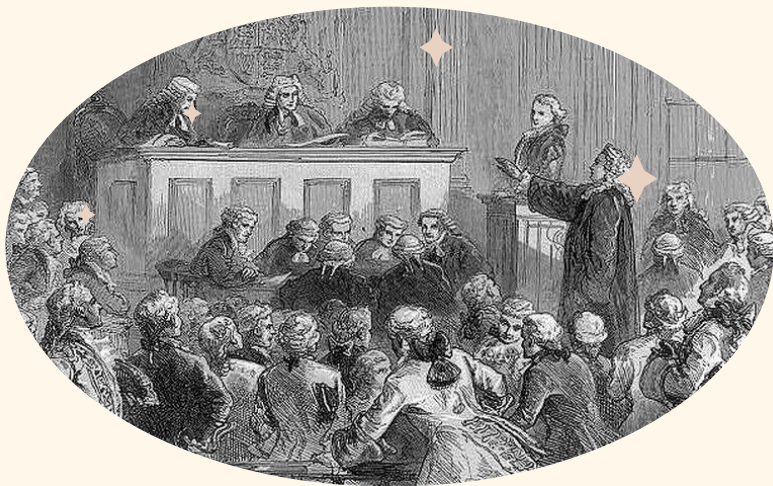
Rarely does the same case have a failed grand jury *and* a failed criminal jury.

And... there is a long history of jury nullification in the US.



02

JURY NULLIFICATION: HOW IT HAS WORKED



Early American juries often nullified British customs and trade laws.

Example: In 1735, a New York jury acquitted John Peter Zenger, a printer charged with seditious libel for criticizing the colonial governor.

Even though Zenger clearly printed the material, the jury refused to convict — establishing early press freedom principles and showing jurors could defy unjust laws.



Northern juries frequently undermined the Fugitive Slave Acts.

Example: In 1851, a jury in Syracuse, New York acquitted one of William “Jerry” Henry’s rescuers, who had forcibly freed him from federal marshals.

Across the North, dozens of similar cases saw jury refusals to convict — making enforcement of the Act nearly impossible in several states.



During Prohibition, juries often refused to convict bootleggers.

Estimates suggest as many as 60% of Prohibition-era juries acquitted in alcohol-related trials.

This widespread nullification helped make Prohibition unenforceable and led to its repeal in 1933.



Juries sometimes sided with striking workers.

Example: In 1907, a jury acquitted union leader Bill Haywood of conspiracy to murder Idaho Governor Steunenberg, despite heavy state pressure and national attention.



During the Civil Rights Movement, jury nullification cut both ways.

White juries nullified to acquit white defendants guilty of murdering or attacking Black people (e.g., the 1955 Emmett Till murder trial with an all-white jury).

But activist juries nullified against segregation laws and protest arrests. For example, in Albany, Georgia (1962) and Jackson, Mississippi (1963), jurors refused to convict civil rights demonstrators for “disturbing the peace.”



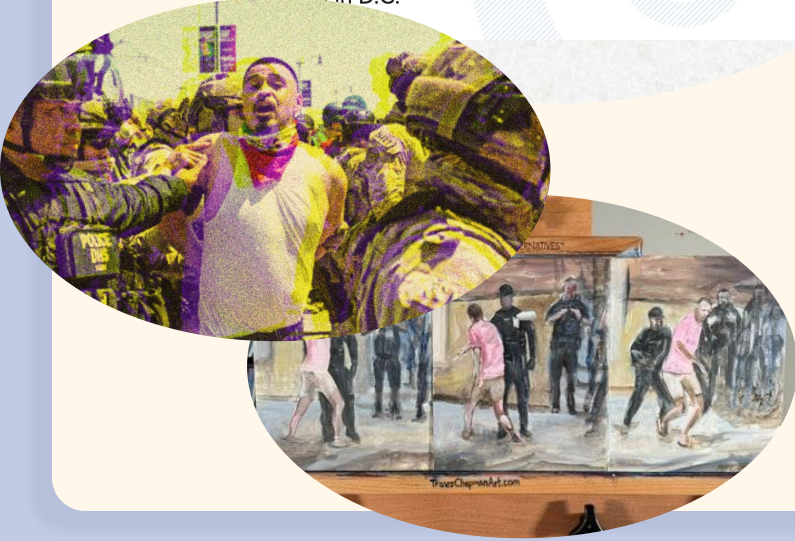
Anti-Vietnam war activists sometimes benefited from sympathetic juries.

In 1972, a Boston jury acquitted Dr. Benjamin Spock and co-defendants accused of counseling draft evasion, though others in the same trial were convicted.

Such mixed or acquittal verdicts reflected community divisions and moral resistance to the war.

DC grand juries hand prosecutors unprecedented wave of defeats in Trump surge cases

Grand jurors have rejected felony charges sought by federal prosecutors at least eight times since President Donald Trump's federal surge began in D.C.



And many examples in the Trump era.

An LA protester was charged for assaulting a border patrol agent. A federal jury acquitted him in under an hour.


Sean Charles Dunn (aka “sandwich guy”) found not guilty after a grand jury refused to indict on a felony charge.

Many jury cases tried by the Trump Department of Justice have been rejected.

How else could it be used in these times?



Write some times and places where you could imagine this being useful.



To: **Everyone** ▾ More ▾

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**IS THIS
LEGAL?**

YES. IT IS LEGAL.

Jurors *cannot* legally be punished for their verdicts — no matter their reason. It is your right to return a verdict. A judge cannot direct a jury to deliver a guilty verdict.

BUT, that doesn't mean prosecutors or judges won't discourage it. They might imply or lie — even in the instructions to the jury. They may claim there is no such thing or that doing jury nullification violates the juror's oath. It does not.



Don't trust us? Trust Supreme Court Justice Sonia Sotomayor.



CIVIL 5000 PROJECT





03

SO HOW TO DO JURY NULLIFICATION?

THE STEPS

**Respond to
summons**

1

**Get
picked
on a jury**

2

**Deliberate
with
conscience**

3

**Don't get
removed**

4

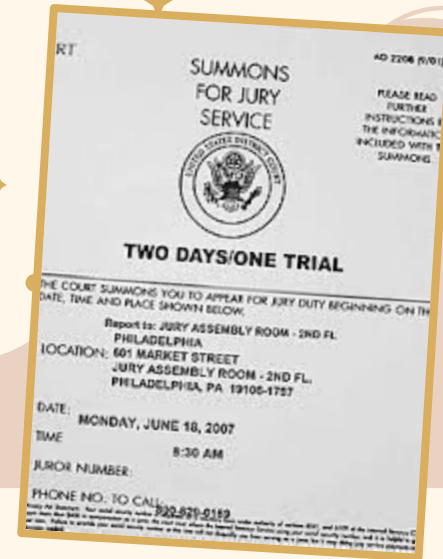
1

RESPOND TO SUMMONS

YOU HAVE TO BE AN ADULT US CITIZEN AND IN THE SYSTEM.

- Keep your address up to date so they can reach you.
- Respond immediately and honestly to summons about juror qualifications.

Different locations offer minimal jury pay.



2

GET PICKED ON A JURY

“Jury selection” — what lawyers call *voir dire* — is when the judge and attorneys question potential jurors to see if they can be fair and impartial.

Each side can ask the court to remove certain jurors “for cause” (if they seem biased) or use a limited number of peremptory strikes (no reason required).





**You aren't
Chosen**

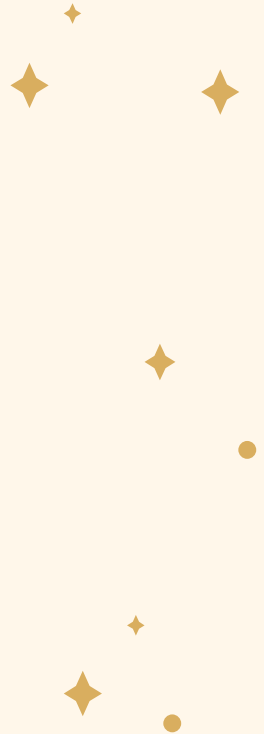
WHY YOU MIGHT NOT GET SELECTED

- **Admitting bias:** Saying you wouldn't convict under a law you disagree with can be seen as "bias" against that law
- **Failure to follow instructions:** Judges instruct jurors to apply the law as given — you must agree to those instructions
- **Challenge for cause:** Either side can ask to remove a juror "for cause" if they show unwillingness to apply the law impartially.
- **Peremptory strike:** Even without cause, both sides can use a limited "peremptory challenge" to exclude someone. This can be for any reason. (It definitely will be if you talk about nullification.)

In short: you can legally nullify once on a jury, but if you say that's your plan, you'll likely be removed before the trial begins.

TIPS FOR BEING SELECTED

- Dress in neutral clothes and monitor your body language.
- Consider how you could answer questions both truthfully and neutrally. *For example, you might be asked how you feel about police officers or, say, your brother's wrongful arrest. "No, I am gonna listen to the evidence based on what is presented, not my brother's case."*
- Keep your answers brief and provide the minimum of information.
- Do **not** mention jury nullification or any jury education you've received. Do not seem eager.
- Emphasize that you cannot commit to a particular outcome before you've seen the case.



3

DELIBERATE WITH CONSCIENCE

As a juror, you are asked to make a legal determination. You can **only** use the information presented at trial — but you can bring your conscience with you.

- You decide what testimony you believe, how confident you are in your conclusions, and whether that confidence is enough for conviction.
- Jurors are never obligated to vote a particular way and do not have to justify or explain their verdict.
- A juror cannot be punished for their decisions in the jury room.

You **always** have the option of finding the defendant “Not Guilty.” Even if you believe the law was broken. Even if the judge says you must convict.



As a juror, you may vote “Not guilty” for any reason you believe is just.



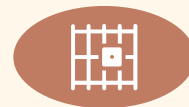
Was the law that was broken just and justly applied?

Do not check your conscience or your common sense at the courthouse door! Apply them to deliver just verdicts.



Is the law that was broken Constitutional?

The Constitution is the highest law of the land. When lower and higher law conflict lower law must give way.



Do other factors make enforcement of the law unjust?

Excessive penalties are unjust, expensive, and ruin lives. Jurors can temper law with mercy when circumstances call for it.



Was anyone harmed?

Consider whether you would be doing justice to harm someone who has not harmed anyone.



Would the punishment fit the crime?

Mandatory sentences can result in unfair punishment.



You just aren't persuaded. Period.

There is no partial credit for the prosecution! Each charge must be proved beyond a reasonable doubt every time.

4

DON'T GET REMOVED

During the trial:

- If you openly say you plan to ignore the law or instructions, the judge can dismiss you “for cause” ✦
- If you discuss your intentions with other jurors before deliberation, it can be seen as misconduct and grounds for removal — in certain places even jury tampering.

During deliberation:

- Judges rarely remove jurors mid-deliberation, but it has happened when a juror admits refusing to follow the law. Discussing jury nullification may be grounds for dismissal. ●

If you simply vote “not guilty” and don’t explain your reasoning, your verdict stands — no one can force you to convict or overturn your decision.



**THEN
WHAT?**

AFTER THE CASE IS OVER



Do not say you did jury nullification

Never discuss your experience as a juror *before* the case concludes. But even afterwards, you could give ammunition to a future prosecution. If in doubt, get a lawyer to advise.



You have added a little more justice

A person can *almost* never be retried on a charge where they're **acquitted**. If the jury cannot reach a decision (they are “hung”), it's a mistrial and the government may retry the case.



04

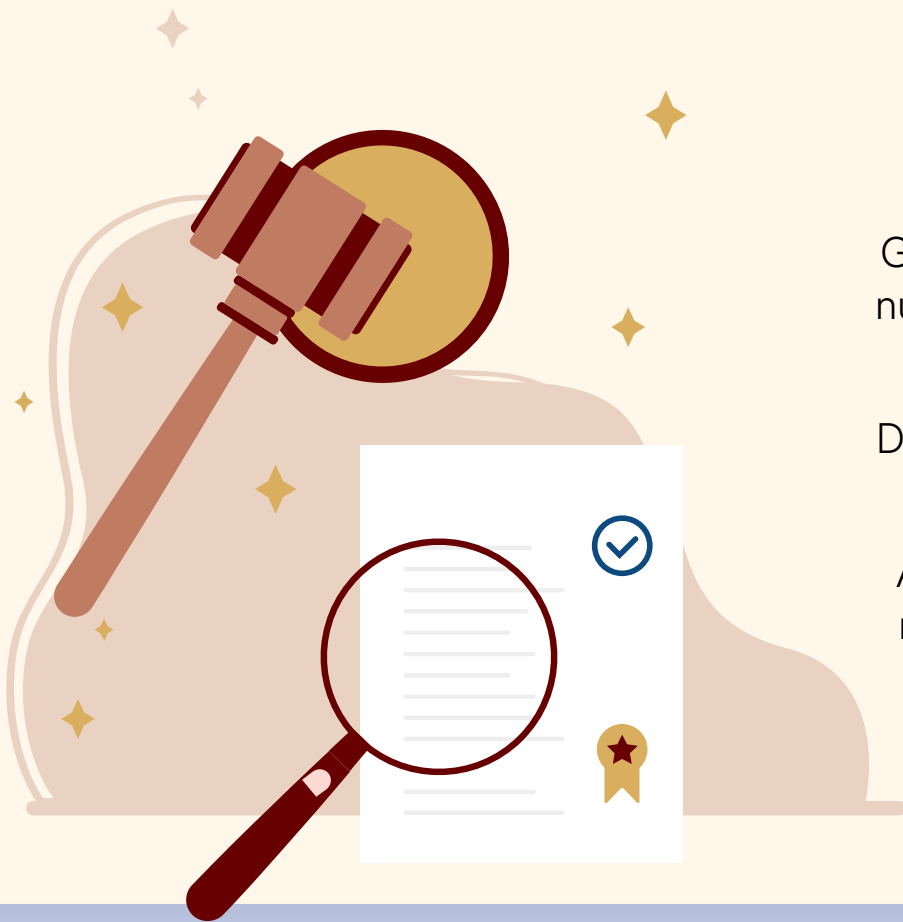
**WANT TO SPREAD THE
GOOD WORD?**

PASS OUT FLYERS

Go to a courthouse and pass out flyers about nullification. Best time: early Monday morning — before people are placed on juries.

Don't target any particular case — that could be understood as jury tampering.

Attempts to hand out jury-nullification flyers near courthouses have led to arrests ([U.S. v. Hecklen](#)). Though the case (and others like it) was dismissed as the courts found it legal.



A NOTE

Jury nullification is different in **civil trials**. The judge has more leeway, so if the jury says *not liable* against the judge's sense of the evidence, the judge can issue a judgment notwithstanding the verdict or order a new trial.

Some details of juries are different from place to place, such as how much folks get paid, jury size, and whether verdicts must be unanimous or not.





05

Q&A

What questions do you have?

THANKS!

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and find handouts at:
freedomtrainers.net

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- Watch a video of this workshop
- Find additional handouts



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MORE RESOURCES

About Jury Nullification

- Fully Informed Jury Association (fija.org) provides many detailed answers to questions not covered in this briefing
- The Juror Project is an excellent source of information
- ACLU: It's Perfectly Constitutional to Talk About Jury Nullification
- Watch this video on Jury Nullification
- More detailed article about surviving jury selection

About Noncooperation

- Freedom Trainers provides mass trainings and resources about noncooperation against Trump's authoritarianism

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