

A Jury of Your Peers?

Are accused criminals in the United States entitled to a “jury of their peers?” Sort of. The Sixth Amendment to the U.S. Constitution begins, “In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed...” There is no mention of a “jury of your peers” in the Constitution or any of its amendments. However, an 1879 U.S. Supreme Court decision said that a jury should be chosen from a group “composed of the peers or equals {of the accused}; that is, of his neighbors, fellows, associates, persons having the same legal status as he holds.”

To meet the Sixth Amendment requirement of impartiality, most courts start by randomly selecting a large pool from the citizens who live in the court’s jurisdiction. The jurors for a given trial are then chosen from the jury pool in a process known as voir dire. Each prospective juror answers a set of questions posed by the judge and the lawyers for both the prosecution and the defense. Depending on their answers, prospective jurors are excluded or seated on the jury.

In one case that made it all the way to the Supreme Court, a defense lawyer in Michigan challenged the process of selecting the jury pool in the trial of his accused client. Here are the facts:

- About 7.28% of the citizens in the court’s jurisdiction were black.
- The jury pool had between 60 and 100 members, only 3 of whom were black.

Is it plausible that a jury pool with so few black citizens could be chosen just by chance?

For now assume that the court carried out a proper random-selection process to obtain a jury pool with 100 members.

1. Let X = the number of black citizens in the jury pool. What distribution does the random variable X have? Justify your answer.
2. Find the mean and standard deviation of X . Interpret these values in context.
3. If a jury has 3 or fewer blacks, should we be suspicious that the court did not carry out their random selection process correctly? Compute $P(X \leq 3)$ and use this result to support your answer.

What if the jury pool had 60 members? Assume once again that the court carried out a proper random-selection process. Let Y = the number of black citizens in the jury pool.

4. Without doing any calculations, decide if $P(Y \leq 3)$ is greater than, equal to, or less than $P(X \leq 3)$. Justify your answer.
5. Using logic of Question 4, explain why you do not have to consider jury pools with 61, 62, ..., 99 members to render a verdict about whether or not the jury-selection process was carried out properly. What is your verdict?