

MANNING AND ZIMMERMAN SCHOLARSHIP ENTRY

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Democracy in the Courtroom: The Importance of the 7th Amendment

The 7th Amendment to the Constitution of the United States is vital in preserving the role that democratic principles play in the American justice system. The judiciary stands as the least directly representative branch of government Americans vote for their president, and for Representatives and Senators to represent them in Congress, but they have no say in selecting their federal judges. That decision is the sole responsibility of the president, who nominates judges, and the Senate, which confirms judges. Juries represent the one channel through which ordinary people can have their voices heard in the federal court system, while also protecting the rights of the accused.

The Framers of the Constitution recognized the value of the jury trial, enshrining its importance in Article III Section 2. The 7th Amendment's first clause known as the Preservation Clause grants the right to a jury in civil cases, thus serving as a natural extension of Article III, which merely provided for jury trials in criminal cases. The Preservation Clause allows for democracy to play a part in *all* trials, not just criminal ones. As Alexander Hamilton stated in Federalist #83, "I cannot readily discern the inseparable connection between the existence of liberty, and the trial by jury in civil cases." It makes sense that individuals involved in private disputes should be no less entitled to a jury than individuals facing criminal charges from the government. Ostensibly, the 7th Amendment's primary purpose is to bridge the gap between the differences in protections under criminal and civil law, yet its meaning stretches far deeper than that.

The second part of the 7th Amendment, referred to as the Reexamination Clause, holds that "no fact tried by a jury, shall be otherwise reexamined in any Court of the United States, than according to the rules of the common law." In plain English, this means that the *facts* of any trial are purely a jury's prerogative, and that appellate courts cannot reexamine these facts. Appellate courts may only make decisions regarding matters of law and procedure. What is so vital about the Reexamination Clause is that, by ensuring that unelected federal judges cannot overturn the word of the people, the very *essence* of the jury is protected. Without the 7th Amendment, jury decisions would be rendered nearly meaningless; any case sent to a higher court could see the complete reversal of a jury's fact-based conclusion. Instead, by preserving the parts of a jury verdict based on *facts*, the 7th Amendment serves as a necessary check on the federal government's power.

The 7th Amendment essentially acts to protect the voice of the people in the courtroom. As such, it is a vital part of the Bill of Rights, and effectively buttresses criminal justice amendments such as the 4th, 5th, 6th, and 8th Amendments to expand protections in the arena of tort law. The 7th Amendment is integral to preserving our democratic principles in the judicial branch of government.

Sources used:

<http://constitutioncenter.org/interactiveconstitution/amendments/amendmentvii>

<http://www.annenbergclassroom.org/page/articleiiisection2>

<http://www.constitution.org/fed/federa83.htm>