

JURY APPRECIATION DAY – SEPTEMBER 5, 2025

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The rule of law in our country, that is, the principle that we agree we all are equally accountable under laws adopted by the people, rather than seeking to enforce our will on others arbitrarily, unequally, and by force and oppression, finds its foundations in the U.S. Constitution.

One of the foundational principles in our Constitution that supports the rule of law is the right to trial by jury. Colorado recognizes the significance of trial by jury and expresses its appreciation to those individuals who serve on juries in our state. The Colorado Legislature, by statute, has established the 5th day of September each year as Jury Appreciation Day to recognize and honor “the importance of jury service to the community, the importance of jury trials to the state, and the great contribution jury trials make to the cause of freedom.” C.R.S. §24-11-116.

Trial by jury was so important to the founders of our country because of the injustices the colonists experienced at the hands of an arbitrary, tyrannical monarch from across the sea who tried to impose his will absolutely on the colonies.

In 1774 John Adams said: “Representative government and trial by jury are the heart and lungs of liberty. Without them we have no other fortification against being ridden like horses, fleeced like sheep, worked like cattle and fed and clothed like swine and hounds.”

On July 4, 1776, in the Declaration of Independence, the founders stated that the history of the then King of Great Britain, George III, was a “history of repeated injuries and usurpations, all having in direct object the establishment of an absolute tyranny over these States.” They then laid out a list of grievances against the King, among them the following:

“He has made judges dependent on his will alone . . .

“He has combined with others . . . depriving us in many cases of the benefits of trial by jury . . .

“transporting us beyond seas to be tried for pretended offenses . . .

“abolishing the free system of English Laws in [the Colonies], establishing therein an arbitrary government . . . so as to render it at once an example and fit instrument for introducing . . . absolute rule into these Colonies.”

In signing the Declaration of Independence, the right to trial by jury was one of the rights for which the founders pledged “our Lives, our Fortunes and our Sacred Honor.”

On September 17, 1787, the Constitution approved and adopted by the delegates to the Constitutional Convention stated in Article III: “The Trial of all Crimes, except in Cases of Impeachment; shall be by jury.”

In July 1788, Thomas Jefferson wrote that he considered trial by jury to be “the only anchor, ever yet imagined by man, by which a government can be held to the principles of its constitution.”

In June 1789, James Madison, a principal drafter of the Constitution, addressed the House of Representatives and proposed several amendments to the Constitution intended to prevent abuse of power by the government, including the right to trial by jury in both criminal and civil cases. Three months later, the U.S. Congress transmitted to the states a set of amendments, ten of which were ratified by the states effective December 15, 1791. These ten amendments are known as the Bill of Rights.

The 6th Amendment guarantees that, “In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury.”

The 7th Amendment provides that “the right of trial by jury shall be preserved” in civil suits at common law.

In 1939 Supreme Court Justice Hugo Black wrote: “It is essential that the right of trial by jury be scrupulously safeguarded as the bulwark of civil liberty.”

More recently, Supreme Court Justice Neil Gorsuch in 2019 wrote a majority opinion for the Supreme Court in which he recounted: “Together with the right to vote, those who wrote our Constitution considered the right to trial by jury ‘the heart and lungs, the mainspring and the center wheel’ of our liberties, without which ‘the body must die; the watch must run down; the government must become arbitrary.’” *United States v. Haymond*.

In February 2025, addressing an issue regarding restitution in a criminal case, Justice Gorsuch wrote: “Consistent with the Sixth Amendment’s promise of a trial by jury, this Court has held that ‘only a jury may find facts that increase the prescribed range of penalties to which a criminal defendant is exposed’. . . . The right to trial by jury should mean no less today than it did at the Nation’s founding.” *Rimlawi v. United States*.

In establishing Jury Appreciation Day in Colorado, the Colorado Legislature acknowledged that the jury system is a cornerstone of our form of government and is important to democracy because of the unbiased, impartial viewpoints that can be derived

from our citizens who are selected from a wide cross-section of society. Senate Bill 2023-282, Legislative Declaration.

The Legislature acknowledged that our country's founders included the right to be tried by a jury of our peers in the Bill of Rights as a safeguard against tyranny, and it expressed appreciation for the important sacrifices that jurors make in fulfilling this civic duty and thus participating directly and meaningfully in our system of government. Senate Bill 2023-282, Legislative Declaration.

Of all the jury trials in the world, well over half are held in the United States alone. Trial by jury remains a fundamental right of our constitutional system and a beacon of strength against unfettered governmental power, and due to the participation of the people who serve on juries, it enhances public confidence in the legal system.

Therefore, let's all take a moment to honor and appreciate this fundamental right and the people who, when called upon, step up to ensure the continued vitality of the rule of law in our society by taking time out of their busy lives to serve as jurors.