

# PLAN **B**

## The stealth undermining of trial by jury



### Pattern of jury acquittals for direct action trials

The state's escalating programme of repression has an Achilles Heel. Trial by jury:

**April 21:** [jury acquits 6 of Shell 7](#)

**Jan 22:** [jury acquits Colston 4](#), Bristol jury, slave trader Edward Colston

**Nov 22:** [jury acquits members of Palestine Action](#) for targeting arms manufacturer

**Jan 23:** [jury acquitted IB campaigners](#) of M4 roadblock

**Feb 23:** [jury acquits Burning Pink campaigners](#) for unsolicited redecoration of Tory and Labour HQs

**June 23:** [Jury acquits Brook House 3](#), who were blocking deportations to Jamaica, after they persuaded a jury there was duty to resist a violent and racist government.

A jury acquittal means a minimum of 80% of a random sample of members of the public have sided with those taking direct action. This presents a very different perspective on where the public is from the one suggested by certain sections of the media - one that is terrifying to the state and the vested corporate interests it protects.

### [The principle of jury nullification](#)

The principle that juries can acquit a defendant on their conscience (also known as “jury nullification”) has a long history. It was first established in 1670 when the Recorder of London tried to compel a jury to convict two Quaker preachers, William Penn and William Mead, for holding an unlawful assembly. Chief Justice Vaughan, of the Court of Common Pleas, held the Recorder’s approach to be unlawful. He ruled that juries have the right to “give their verdict according to their convictions”. That ruling is celebrated with a marble plaque in the Old Bailey.

Because of that principle, the penalty of hanging for stealing sheep was abolished in this country because juries refused to convict people who were clearly guilty of that offence. In the US, after the passing of the [Fugitive Slaves Act 1850](#), many US juries in the northern states declined to convict those who had helped the enslaved to gain their freedom. In 1985, a British jury acquitted [Clive Ponting](#) for breach of the Official Secrets Act after he leaked a document which exposed the Government’s dishonesty over the sinking of the Argentine ship, *the General Belgrano*, with the loss of 368 lives, despite the judge’s direction that he had no defence in law.

It is [taught in our schools](#).

### The state’s response - erode jury trial by stealth

It would be politically impossible for the Government to abolish trial by jury. The principle, which dates back to the Magna Carta, is venerated even in conservative heartlands.

So the response of the Government and the courts has been to preserve the appearance of jury trials in the context of nonviolent direct action cases, but to render it all but meaningless by the following measures:

1. Banning those engaged in campaigns of political resistance from explaining their motivations and beliefs to the jury
2. Disallowing or ignoring relevant evidence and witnesses (including expert testimony as to the Government’s failure to act on the scientific advice)
3. Telling the jury that motives, even if articulated, are irrelevant and must be ignored
4. [Sending people to prison just for using the terms “climate change” and “fuel poverty”](#) in court
5. Banning references to a jury’s right to acquit a defendant as a matter of conscience
6. [Arresting](#) and [referring for prosecution](#) those who remind jurors of their right to make decisions on their conscience.

7. Directing the jury that defences such as necessity, proportionality or reasonable excuse are not available.

### Public response

Starting with the 68 year-old retired social worker, Trudi Warner, a number of members of the public, including an Olympic gold medalist, a priest, health workers and a retired police officer, have taken to holding up signs setting out the principle of jury nullification. Some of them have been arrested and subject to house searches. [All have been referred to the Attorney General for contempt of court](#) and the Attorney General has now indicated an intention to prosecute.

Those holding signs have sometimes written [public letters to judges](#), explaining their motives.