|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| |  | | --- | |  |  |  |  |  |  | | --- | --- | --- | --- | | Kenneth Wagner  attended Virginia Commonwealth University and received a PhD in Public Policy & Public Administration. He has taught at half a dozen community colleges and universities and currently is Assistant Professor at Radford University. When he is not teaching he is usually reading or of course watching movies with his wife.   |  | | --- | | **Read other reviews:**  [Internet Movie Database](http://www.us.imdb.com/title/tt0351977/)  [All Movie Guide](http://www.allmovie.com/cg/avg.dll?p=avg&sql=1:288384)  [Readers' comments](http://docs.google.com/user_feedback.htm) |       Time and time again, from the case of Shaftsbury in England to the Zenger case in colonial America, juries have sympathized with citizens that were the subject of intolerable government abuses of power and prosecution | |  | | --- | | **A Jury Walks Tall**  by Kenneth Wagner  The film *Walking Tall*, starring former professional wrestler Dwayne "The Rock" Johnson and former *Jackass* star Johnny Knoxville may seem like a strange film to find discussed in a legal journal. However, this film aptly displays the hope that the jury trial system holds out for citizens today.  The practice of trial by jury is indeed an old one. Article 39 of the Magna Carta, one of the foundational documents in the legal system of English speaking nations around the world, reads as follows:  *No free man shall be arrested, or imprisoned, or deprived of his property, or outlawed, or exiled, or in any way destroyed, nor shall we go against him or send against him, unless by legal judgment of his peers, or by the law of the land.*  This practice of limiting the government's ability to take action against its citizens unless a panel of such citizen's passes off on the action has been a feature of our nation's legal system its inception. Indeed, references to the right of citizens to a jury trial can be found in the Constitution in Article III, Section 2 and in two of the 10 Amendments of the Bill of Rights (the Sixth and Seventh).  This historical precedent does not, however, make the use of juries uncontroversial. Many legal scholars have critiqued the practice of placing justice in the hands of untrained laymen often seem highly susceptible to emotional and irrational appeals. The Common Law tradition of keeping juries 'virginal' or untainted by improper evidence and arguments is the basis of much of the rules of our legal procedure. This idea of empowering an uninformed group of non-experts in such weighty matters was perhaps best skewered by Mark Twain when he said: "We have a criminal jury system which is superior to any in the world; and its efficiency is only marred by the difficulty of finding twelve men every day who don't know anything and can't read. "  I cannot help but disagree. The historical veneration of the jury system is not without a solid basis. Time and time again, from the case of Shaftsbury in England to the Zenger case in colonial America, juries have sympathized with citizens that were the subject of intolerable government abuses of power and prosecution. This history and remaining potential is born out by the film *Walking Tall*.  The Rock stars as Chris Vaughan, who arrives home from military service to rural Kitsap County, Washington. He finds that the idyllic small town he grew up in has changed in his absence, notably due to the influence of the addition of a casino (which itself demonstrates the legal concept of 'negative secondary effects' often purported to such establishments). The wealthy, immoral casino owner has the law enforcement establishment on his payroll, and when Vaughan clashes with the casino the sheriff, prosecutor, judge and public offender all conspire to railroad the popular hero.  In "real life" as in "reel life" this kind of corrupt conspiracy has been exposed in history all too often. What is a defendant to do when all the usual 'courtroom actors' are determined to inflict injustice on him? That is where the jury comes in, both in legal theory and in the film. The hero represents himself (demonstrating the importance of the right (upheld in the landmark case Faretta v. California 422 U.S. 806 (1975)) and addresses his plea directly to the jury. This works: the promise of the right to jury trial is demonstrated when the jury, despite the contrivances of the courtroom work-group, acquits Vaughan. It is from here that Vaughan becomes the new sheriff of the town and ultimately cleans up the town. We need not buy the subsequent explosions and machine gunning of the sheriff's office to recognize the important lesson that Vaughan's acquittal by a jury of his peers teaches.  Posted October 21, 2005 |   **Would you like to comment on this article? Please submit your comments** [**here.**](http://docs.google.com/submit-comments.htm) |  |  | | --- | | [Top of page](#gjdgxs) |  |  | | --- | | [Home](http://docs.google.com/index.html) | [Silver Screen](http://docs.google.com/silver_screen.htm) | [Small Screen](http://docs.google.com/smallscreen/small_screen.htm) | [News & Views](http://docs.google.com/newsnviews.htm) | | |